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# SUBCHAPTER C—AIR PROGRAMS (CONTINUED)

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS (CONTINUED)

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52.2827 Significant deterioration of air quality.

### Subpart EEE—Approval and Promulgation of Plans

52.2850 Approval and promulgation of implementation plans.

### Subpart FFF—Commonwealth of the Northern Mariana Islands

52.2900 Negative declaration.
52.2920 Identification of plan.
52.2921 Original identification of plan.
APPENDIXES A–C TO PART 52 [RESERVED]
APPENDIX D TO PART 52—DETERMINATION OF SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES BY CONTINUOUS MONITORS
APPENDIX E TO PART 52—PERFORMANCE SPECIFICATIONS AND SPECIFICATION TEST PROCEDURES FOR MONITORING SYSTEMS FOR EFFLUENT STREAM GAS VOLUMETRIC FLOW RATE
APPENDIX F TO PART 52—CLEAN AIR ACT SECTION 126 PETITIONS FROM EIGHT NORTHEASTERN STATES: NAMED SOURCE CATEGORIES AND GEOGRAPHIC COVERAGE

## Subpart U—Maine

### § 52.1019 [Reserved]

### § 52.1020 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for Maine 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 September 1, 2008, 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 September 1, 2008, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 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 September 1, 2008.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, New England Regional Office, One Congress Street, Suite 1100, Boston, MA 02114–2023; Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Ave., NW.,

Washington, DC 20460; and the National Archives and Records Administration (NARA). 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*.

EPA-APPROVED MAINE REGULATIONS

| State citation | Title/Subject | State effective date | EPA Approval Date EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| Chapter 1 | Regulations for the Processing of Applications. | 05/20/1985 | 03/23/1993, 58 FR 15422. | Portions of Chapter 1. EPA did not approve the following sections of Chapter One: Section 1(A) through 1(Q), and 1(U) through 1(EE); Section 2; Section 4 (C) and (D); last sentence of Section 5(B); last sentence of Section 6(B); Section 6(D); Section 7(B)(1), (B)(2), and (B)(4) through (B)(11); Section 8(A), and 8(E) through 8(L); Sections 9, 10 and 11; Section 13; and Sections 15 and 16. |
| Chapter 100 | Definitions | 12/01/2005 | 11/21/2007, 72 FR 65462. | |
| Chapter 101 | Visible Emissions | 10/10/1979 | 02/17/1982, 47 FR 6829. | |
| Chapter 102 | Open Burning | 03/17/2005 | 02/21/2008, 73 FR 9459. | |
| Chapter 103 | Fuel Burning Equipment Particular Emission Standard. | 01/24/1983 | 02/26/1985, 50 FR 7770. | |
| Chapter 104 | Incinerator Particulate Emission Standard. | 01/31/1972 | 05/31/1972, 37 FR 10842. | |
| Chapter 105 | General Process Source Particulate Emission Standard. | 01/31/1972 | 05/31/1972, 37 FR 10842. | |
| Chapter 106 | Low Sulfur Fuel Regulations | 02/08/1978 | 01/08/1982, 47 FR 947. | |
| Chapter 107 | Sulfur Dioxide Emission Standards for Sulfate Pulp Mills. | 01/31/1972 | 05/31/1972, 37 FR 10842. | |
| Chapter 109 | Emergency Episode Regulation | 08/14/1991 | 01/12/1995, 60 FR 2885. | |
| Chapter 110 | Ambient Air Quality Standards | 07/24/1996 | 03/22/2004, 69 FR 13227. | |
| Chapter 111 | Petroleum Liquid Storage Vapor Control. | 09/27/1989 | 02/03/1992, 57 FR 3946. | |
| Chapter 112 | Gasoline Bulk Terminals | 07/19/1995 | 10/15/1996, 61 FR 53636. | |
| Chapter 113 | Growth Offset Regulation | 06/22/1994 | 02/14/1996, 61 FR 5690. | |
| Chapter 114 | Classification of Air Quality Control Regions. | 04/27/1994 | 08/30/1995, 60 FR 45056. | Revision to Remove Presque Isle as nonattainment for $PM_{10}$. |
| Chapter 115 | Emission License Regulation | 06/22/1994 | 02/14/1996, 61 FR 5690. | |
| Chapter 116 | Prohibited Dispersion Techniques | 10/25/1989 | 03/23/1993, 58 FR 15422. | |
| Chapter 117 | Source Surveillance | 08/09/1988 | 03/21/1989, 54 FR 11524. | |
| Chapter 118 | Gasoline Dispensing Facilities | 07/19/1995 | 10/15/1996, 61 FR 53636. | |
| Chapter 119 | Motor Vehicle Fuel Volatility Limit | 06/01/2000 | 03/06/2002, 67 FR 10099. | Controls fuel volatility in the state. 7.8 psi RVP fuel required in 7 southern counties. |
| Chapter 120 | Gasoline Tank Trucks | 06/22/1994 | 06/29/1995, 60 FR 33730. | |

EPA-APPROVED MAINE REGULATIONS—Continued

| State citation | Title/Subject | State effective date | EPA Approval Date EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| Chapter 123 | Paper Coater Regulation | 09/27/1989 | 02/03/1992, 57 FR 3946. | The operating permits for S.D. Warren of Westbrook, Eastern Fine Paper of Brewer, and Pioneer Plastics of Auburn incorporated by reference at 40 CFR § 52.1020 (c)(11), (c)(11), and (c)(18), respectively, are withdrawn. |
| Chapter 126 | Capture Efficiency Test Procedures | 05/22/1991 | 03/22/1993, 58 FR 15281. | |
| Chapter 126 Appendix A. | Capture Efficiency Test Procedures | 05/22/1991 | 03/22/1993, 58 FR 15281. | Appendix. |
| Chapter 127 and Appendix A. | New Motor Vehicle Emission Standards. | 12/31/2000 | 04/28/2005, 70 FR 21959. | Including Appendix A. Low emission vehicle program, with no ZEV requirements. Program achieves 90% of full LEV benefits. Chapter 127 Basis Statement included in the non-regulatory material. |
| Chapter 129 | Surface Coating Facilities | 01/06/1993 | 06/17/1994, 59 FR 31154. | |
| Chapter 129 Appendix A. | Surface Coating Facilities | 01/06/1993 | 06/17/1994, 59 FR 31154. | Appendix. |
| Chapter 130 | Solvent Cleaners | 06/17/2004 | 05/26/2005, 70 FR 30367. | |
| Chapter 131 | Cutback and Emulsified Asphalt | 01/06/1993 | 06/17/1994, 59 FR 31154. | |
| Chapter 132 | Graphic Arts: Rotogravure and Flexography. | 01/06/1993 | 06/17/1994, 59 FR 31154. | |
| Chapter 132 Appendix A. | Graphic Arts: Rotogravure and Flexography. | 01/06/1993 | 06/17/1994, 59 FR 31154. | Appendix. |
| Chapter 133 | Gasoline Bulk Plants | 06/22/1994 | 06/29/1995, 60 FR 33730. | |
| Chapter 134 | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 02/08/1995 | 04/18/2000, 65 FR 20749. | Regulations fully approved for the following counties: York, Sagadahoc, Cumberland, Androscoggin, Kennebec, Knox, Lincoln, Hancock, Waldo, Aroostock, Franklin, Oxford, and Piscataquis. Regulation granted a limited approval for Washington, Somerset, and Penobscot Counties. |
| Chapter 137 | Emission Statements | 07/06/2004 | 11/21/2007, 72 FR 65462. | Revised to incorporate changes required by EPA's consolidated emissions reporting rule. The entire rule is approved with the exception of HAP and greenhouse gas reporting requirements which were not included in the State's SIP revision request. |
| Chapter 138 | Reasonably Available Control Technology for Facilities that Emit Nitrogen Oxides. | 08/03/1994 | 09/09/2002, 67 FR 57148. | Affects sources in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Lincoln, and Knox counties. |
| Chapter 139 | Transportation Conformity | 09/19/2007 | 02/08/2008, 73 FR 7465. | |
| Chapter 141 | Conformity of General Federal Actions. | 04/19/2007 | 02/20/2008, 73 FR 9203. | |
| Chapter 145 | $NO_X$ Control Program | 06/21/2001 | 03/10/2005, 70 FR 11879. | |

EPA-APPROVED MAINE REGULATIONS—Continued

| State citation | Title/Subject | State effective date | EPA Approval Date EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| Chapter 148 ..... | Emissions from Smaller-Scale Electric Generating Resources. | 07/15/2004 | 05/26/2005, 70 FR 30373. | |
| Chapter 151 ..... | Architectural and Industrial Maintenance (AIM) Coatings. | 10/06/2005 | 03/17/2006, 71 FR 13767. | |
| Chapter 152 ..... | Control of Emissions of Volatile Organic Compounds from Consumer Products. | 08/19/2004 | 10/24/2005, 70 FR 61382. | |
| Chapter 153 ..... | Mobile Equipment Repair and Refinishing. | 02/05/2004 | 05/26/2005, 70 FR 30367. | |
| Chapter 155 ..... | Portable Fuel Container Spillage Control. | 07/14/2004 | 02/07/2005, 70 FR 6352. | With the exception of the word "or" in Subsection 7C which Maine did not submit as part of the SIP revision. |
| Vehicle I/M ..... | Vehicle Inspection and Maintenance | 07/09/1998 | 01/10/2001, 66 FR 1871. | "Maine Motor Vehicle Inspection Manual," revised in 1998, pages 1–12 through 1–14, and page 2–14, D.1.g. |
| Vehicle I/M ..... | Vehicle Inspection and Maintenance | 07/09/1998 | 01/10/2001, 66 FR 1871. | Maine Motor Vehicle Inspection and Maintenance authorizing legislation effective July 9, 1998 and entitled L.D. 2223, "An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act." |

[1] In order to determing the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

(d) *EPA-approved State Source specific requirements.*

EPA-APPROVED MAINE SOURCE SPECIFIC REQUIREMENTS

| Name of source | Permit number | State effective date | EPA approval date [2] | Explanations |
|---|---|---|---|---|
| Central Maine Power, W.F. Wyman Station, Cousins Island, Yarmouth, Maine. | Department Finding of Fact and Order Air Emission License. | 01/01/1977 | 01/08/1982, 47 FR 947 | |
| Lincoln Pulp and Paper Company, Kraft Pulp Mill, (Lincoln, Maine). | Air Emission License Renewal; and New License for No. 6 Boiler. | 03/09/1983 | 05/01/1985, 50 FR 18483 | |
| JJ Nissen Baking Company, Cumberland County, Portland Maine. | Air Emission License A–440–74–C–A. | 02/27/1997 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by Maine Department of Environmental Protection (ME DEP) on February 25, 1997. |
| Prime Tanning Company, York County, Berwick, Maine. | Air Emission License Amendment #5 A–376–72–E–A. | 03/23/1997 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on July 23, 1997. |
| Prime Tanning Company, York County, Berwick, Maine. | Air Emission License Amendment #6 A–376–72–F–M. | 10/28/1997 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on October 27, 1997. |
| Portsmouth Naval Shipyard, York County, Kittery, Maine. | Air Emission License Amendment #4 A–452–71–F–M. | 07/25/1997 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on July 25, 1997. |
| Dexter Shoe Company, Penobscot County, Dexter, Maine. | Air Emission License A–175–72–H–A/R. | 12/05/1996 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on December 5, 1996. |
| Dexter Shoe Company, Penobscot County, Dexter, Maine. | Air Emission License Amendment #1 A–175–71–I–M. | 10/22/1997 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on October 20, 1997. |
| Pioneer Plastics Corporation, Androscoggin County, Auburn, Maine. | Air Emission License Amendment #3 A–448–71–P–A. | 06/16/1997 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on June 16, 1997. |

EPA-APPROVED MAINE SOURCE SPECIFIC REQUIREMENTS—Continued

| Name of source | Permit number | State effective date | EPA approval date [2] | Explanations |
|---|---|---|---|---|
| Georgia Pacific Corporation, Washington County, Woodland, Maine. | Air Emission License Minor Revision/ Amendment #10 A–215–71–T–M. | 01/05/1996 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on January 4, 1996. |
| Champion International Corporation, Hancock County, Bucksport, Maine. | Air Emission License Amendment #5 A–22–71–K–A. | 01/19/1996 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on January 18, 1996. |
| International Paper Company, Franklin County, Jay, Maine. | Air Emission License Amendment #8 A–203–71–R–A. | 10/04/1995 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on October 4, 1995. |
| International Paper Company, Franklin County, Jay, Maine. | Air Emission License Amendment #9 A–203–71–S–M. | 12/13/1995 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on December 13, 1995. |
| James River Corporation, Penobscot County, Old Town, Maine. | Air Emission License Minor Revision/ Amendment #6 A–180–71–R–M. | 12/11/1995 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on December 8, 1995. |
| Lincoln Pulp and Paper Company, Penobscot County, Lincoln, Maine. | Air Emission License Amendment #8 A–177–71–J–M. | 12/19/1995 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on December 18, 1995. |
| S.D. Warren Paper Company, Cumberland County, Westbrook, Maine. | Air Emission License Minor Revision/ Amendment #14 A–29–71–Z–M. | 12/19/1995 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on December 18, 1995. |
| S.D. Warren Paper Company, Somerset County, Skowhegan, Maine. | Air Emission License Amendment #14 A–19–71–W–M. | 10/04/1995 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on October 4, 1995. |
| S.D. Warren Paper Company, Somerset County, Skowhegan, Maine. | Air Emission License Amendment #15 A–19–71–Y–M. | 01/10/1996 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on January 9, 1996. |
| Boise Cascade Corporation, Oxford County, Rumford, Maine. | Air Emission License Amendment #11 A–214–71–X–A. | 12/21/1995 | 04/18/2000, 65 FR 20749 | VOC RACT Determination issued by ME DEP on December 20, 1995. |
| Bath Iron Works Corporation, Sagadahoc County, Bath, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #10 A–333–71–M–M. | 04/11/2001 | 05/20/2002, 67 FR 35439 | VOC RACT determination for Bath Iron Works. |
| United Technologies Pratt & Whitney, York County, North Berwick, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #6 A–453–71–N–M. | 04/26/2001 | 05/20/2002, 67 FR 35439 | VOC RACT determination for Pratt & Whitney. |
| United Technologies Pratt & Whitney, York County, North Berwick, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #7 A–453–71–O–M. | 07/02/2001 | 05/20/2002, 67 FR 35439 | VOC RACT determination for Pratt & Whitney. |
| Moosehead Manufacturing Company, Piscataquis County, Dover-Foxcroft, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #2 A–338–71–F–M. | 05/10/2001 | 05/20/2002, 67 FR 35439 | VOC RACT determination for Moosehead Manufacturing's Dover-Foxcroft plant. |
| Moosehead Manufacturing Company, Piscataquis County, Monson, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #2 A–339–71–F–M. | 05/10/2001 | 05/20/2002, 67 FR 35439 | VOC RACT determination for Moosehead Manufacturing's Monson plant. |
| Central Maine Power Company, W.F. Wyman Station, Cumberland County, Yarmouth, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #1 A–388–71–C–A. | 05/18/1995 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. Air emission license A–388–71–C–A, Amendment #1, condition (q) for FPL Energy's (formerly Central Maine Power) W.F. Wyman Station. |
| Central Maine Power Company, W.F. Wyman Station, Cumberland County, Yarmouth, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #1 A–388–71–D–M. | 02/16/1996 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. Air emission license A–388–71–D–M, amendment #1, conditions 19 and 23 for FPL Energy's (formerly Central Maine Power) W.F. Wyman Station. |
| Tree Free Fiber Company, LLC, Kennebec County, Augusta, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #1 A–195–71–G–M. | 06/12/1996 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. Air emission license A–195–71–G–M, Amendment #1, for Tree Free Fiber Company, LLC, (formerly Statler Industries Inc.). |

EPA-APPROVED MAINE SOURCE SPECIFIC REQUIREMENTS—Continued

| Name of source | Permit number | State effective date | EPA approval date [2] | Explanations |
|---|---|---|---|---|
| Tree Free Fiber Company, LLC, Kennebec County, Augusta, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #1 A–195–71–D–A/R. | 06/16/1995 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. Air emission license A–195–71–D–A/R, section (II)(D), paragraphs (II)(F)(1) and (3), and conditions 12(A), 12(C), (13), (14) and (15) for Tree Free Fiber Company, LLC, (formerly Statler Industries Inc.). |
| Pioneer Plastics Corporation, Androscoggin County, Auburn, Maine. | Departmental Finding of Fact and Order Air Emission License A–448–72–K–A/R. | 08/23/1995 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. Air emission license A–448–72–K–A/R, paragraphs (II)(D)(2), (II)(D)(3) and conditions (13)(f) and 14(k) for Pioneer Plastics Corporation. |
| Pioneer Plastics Corporation, Androscoggin County, Auburn, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #2 A–448–71–O–M. | 03/10/1997 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. Air emission license A–448–71–O–M, Amendment #2, condition (14)(k), for Pioneer Plastics Corporation. |
| Scott Paper Company, Kennebec County, Winslow, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #2 A–188–72–E–A. | 11/15/1995 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. Air emission license A–188–72–E–A, Amendment #2, conditions 8, paragraph 1, and 9, paragraphs 1, 2 and 4, for Scott Paper Company. |
| The Chinet Company, Kennebec County, Waterville, Maine. | Departmental Finding of Fact and Order Air Emission License A–416–72–B–A. | 01/18/1996 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. Air emission license A–416–72–B–A, conditions (l) 1, 2, 3a, 3b, 3c, 3e, and (m) for The Chinet Company. |
| FMC Corporation-Food Ingredients Division, Knox County, Rockland, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #5 A–366–72–H–A. | 02/07/1996 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. Air emission license A–366–72–H–A, Amendment #5, conditions 3, 4, 5, 7, 9, 11, 12, 15, 16, and 18 for FMC Corporation-Food Ingredients Division. |
| Dragon Products Company, Inc., Knox County, Thomaston, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #5 A–326–72–N–A. | 06/05/1996 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. |
| Dragon Products Company, Inc., Knox County, Thomaston, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #7 A–326–71–P–M. | 03/05/1997 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. |
| S.D. Warren Paper Company, Cumberland County, Westbrook, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #13 A–29–71–Y–A. | 06/12/1996 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. Air emission license A–29–71–Y–A, Amendment #13, conditions (k)2, (k)3, (q)8 and (p) for S.D. Warren Company. |
| Mid-Maine Waste Action Corporation, Androscoggin County, Auburn, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #2 A–378–72–E–A. | 10/16/1996 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. |
| Portsmouth Naval Shipyard, York County, Kittery, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #2 A–452–71–D–A. | 10/21/1996 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. Air emission license A–452–71–D–A, Amendment #2, conditions 3, 4, 5, 7, 9, 11, 16, 17, 18, 19, and 20 for Portsmouth Naval Shipyard. |
| Portsmouth Naval Shipyard, York County, Kittery, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #4 A–452–71–F–M. | 07/25/1997 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. Air emission license A–452–71–F–M, Amendment #4, condition 4 for Portsmouth Naval Shipyard. |

EPA-APPROVED MAINE SOURCE SPECIFIC REQUIREMENTS—Continued

| Name of source | Permit number | State effective date | EPA approval date [2] | Explanations |
|---|---|---|---|---|
| Maine Energy Recovery Company, York County, Biddeford, Maine. | Departmental Finding of Fact and Order Air Emission License Amendment #4 A–46–71–L–A. | 11/12/1996 | 09/09/2002, 67 FR 57148 | Case-specific $NO_X$ RACT. |

[2] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

(e) *Nonregulatory.*

MAINE NON REGULATORY

| Name of non regulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date [3] | Explanations |
|---|---|---|---|---|
| Impact of Projected Growth for Next 10 Years on Air Quality for Maine Standard Metropolitan Statistical Areas. | Maine's Standard Metropolitan Statistical Areas. | 06/26/1974 | 04/29/1975, 40 FR 18726 | |
| Incinerator Emission Standard—Regulation Implementation Plan Change, Findings of Fact and Order. | Maine | 05/21/1975 | 04/10/1978, 43 FR 14964 | Revision to incinerator particulate emission standard which would exempt wood waste cone burners from the plan until 1980. |
| Incinerator Emission Standard—Regulation and Implementation Plan Change, Findings of Fact and Order. | Maine | 09/24/1975 | 04/10/1978, 43 FR 14964 | Revision to incinerator particulate emission standard which would exempt municipal waste cone burners from the plan until 1980. |
| Air Quality Surveillance | Maine | 03/10/1978 | 03/23/1979, 44 FR 17674 | Revision to Chapter 5 of the SIP. |
| New Sources and Modifications. | Maine | 03/10/1978 | 03/23/1979, 44 FR 17674 | Revision to Chapter 6 of the SIP. |
| Review of New Sources and Modifications. | Maine | 12/19/1979 | 01/30/1980, 45 FR 6784 | Revision to Chapter 6 of the SIP. |
| Revisions to State Air Implementation Plan as Required by the Federal Clean Air Act. | Maine | 03/28/1979 | 02/19/1980, 45 FR 10766 | Includes Control Strategies for Particulates, Carbon Monoxide, and ozone. |
| Plan for Public Involvement in Federally Funded Air Pollution Control Activities. | Maine | 05/28/1980 | 09/09/1980, 45 FR 59314 | A plan to provide for public involvement in federally funded air pollution control activities. |
| Air Quality Surveillance | Maine | 07/01/1980 | 01/22/1981, 46 FR 6941 | Revision to Chapter 5 of the SIP. |
| Attain and Maintain the NAAQS for Lead. | Maine | 11/05/1980 | 08/27/1981, 46 FR 43151 | Control Strategy for Lead. Revision to Chapter 2.5. |
| Establishment of Air Quality Control Sub-Region. | Metropolitan Portland Air Quality Control Region. | 10/30/1975 | 01/08/1982, 47 FR 947 | Department Findings of Fact and Order—Sulfur Dioxide Control Strategy. |
| Sulfur Dioxide Control Strategy—Low Sulfur Fuel Regulation. | Portland-Peninsula Air Quality Control Region. | 10/30/1975 | 01/08/1982, 47 FR 947 | Department Findings of Fact and Order—Implementation Plan Revision. |
| Letter from the Maine DEP documenting the December 1990 survey conducted to satisfy the 5 percent demonstration requirement in order to justify the 3500 gallon capacity cut-off in Chapter 112. | Maine | 06/03/1991 | 02/03/1992, 57 FR 3046 | |
| Withdrawal of Air Emission Licenses for: Pioneer Plastics; Eastern Fine Paper; and S.D. Warren, Westbrook. | Maine | 10/03/1990 | 02/03/1992, 57 FR 3046 | Department of Environmental Protection Letter dated December 5, 1989, withdrawing three source-specific licenses as of October 3, 1990. |
| Portions of Chapter 1 entitled "Regulations for the Processing of Applications". | Maine | 02/08/1984 | 03/23/1993, 58 FR 15422 | |

MAINE NON REGULATORY—Continued

| Name of non regulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date [3] | Explanations |
|---|---|---|---|---|
| Review of New Sources and Modifications. | Maine | 11/06/1989 | 03/23/1993, 58 FR 15422 | Revision to Chapter 6 of the SIP. |
| Letter from the Maine DEP regarding implementation of BACT. | Maine | 05/01/1989 | 03/23/1993, 58 FR 15422 | |
| Review of New Sources and Modifications. | Maine | 11/02/1990 | 03/18/1994, 59 FR 12853 | Revision to Chapter 6 of the SIP. |
| Joint Memorandum of Understanding (MOU) Among: City of Presque Isle; ME DOT and ME DEP. | City of Presque Isle, Maine | 03/11/1991 | 01/12/1995, 60 FR 2885 | Part B of the MOU which the Maine Department of Environmental Protection (ME DEP) entered into with the City of Presque Isle, and the Maine Department of Transportation (ME DOT). |
| Maine State Implementation Plan to Attain the NAAQS for Particulate Matter (PM10) Presque Isle Maine. | City of Presque Isle, Maine | 08/14/1991 | 01/12/1995, 60 FR 2885 | An attainment plan and demonstration which outlines Maine's control strategy for attainment of the PM10 NAAQS and implement RACM and RACT requirements for Presque Isle. |
| Memorandum of Understanding among: City of Presque Isle; ME DOT and ME DEP. | City of Presque Isle, Maine | 05/25/1994 | 08/30/1995, 60 FR 45056 | Revisions to Part B of the MOU which the ME DEP entered into (and effective) on May 25, 1994, with the City of Presque Isle, and the ME DOT. |
| Maintenance Demonstration and Contingency Plan for Presque Isle. | City of Presque Isle, Maine | 04/27/1994 | 08/30/1995, 60 FR 45056 | A maintenance demonstration and contingency plan which outline Main's control strategy maintenance of the PM10 NAAQS and contingency measures and provision for Presque Isle. |
| Letter from the Maine DEP dated July 7, 1994, submitting Small Business Technical Assistance Program. | Maine | 07/07/1994 | 09/12/1995, 60 FR 47285 | Letter from the Maine Department of Environmental Protection submitting a revision to the Maine SIP. |
| Revisions to the SIP for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program. | Maine Statewide | 05/12/1994 | 09/12/1995, 60 FR 47285 | Revisions to the SIP for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program Dated July 12, 1994 and effective on May 11, 1994. |
| Corrected page number 124 of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program SIP. | Maine | 08/16/1994 | 09/12/1995, 60 FR 47285 | Letter from ME DEP dated August 16, 1994 submitting a corrected page to the July 12, 1994 SIP revision. |
| Negative Declaration for Synthetic Organic Chemical Manufacturing Industry Distillation and Reactors Control Technique Guideline Categories. | Maine Statewide | 11/15/1994 | 04/18/2000, 65 FR 20749 | Letter from ME DEP dated November 15, 1994 stating a negative declaration for the Synthetic Organic Chemical Manufacturing Industry Distillation and Reactors Control Technique Guideline Categories. |
| Letter from the Maine Department of Environmental Protection regarding Control of Motor Vehicle Pollution (Inspection and Maintenance Program). | Greater Portland Metropolitan Statistical Area. | 11/19/1998 | 01/10/2001, 66 FR 1875 | Letter from the Maine Department of Environmental Protection dated November 19, 1998 submitting a revision to the Maine SIP. |
| State of Maine Implementation Plan for Inspection/Maintenance dated November 11, 1998. | Greater Portland Metropolitan Statistical Area. | 11/11/1998 | 01/10/2001, 66 FR 1875 | Maine Motor Vehicle Inspection and Maintenance Program. |

MAINE NON REGULATORY—Continued

| Name of non regulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date [3] | Explanations |
|---|---|---|---|---|
| Letter from the Maine DEP submitting additional technical support and an enforcement plan for Chapter 119 as an amendment to the SIP. | Southern Maine | 05/29/2001 | 03/06/2002, 67 FR 10099 | Letter from the Maine Department of Environmental Protection dated May 29, 2001 submitting additional technical support and an enforcement plan for Chapter 119 as an amendment to the State Implementation Plan. |
| Application for a Waiver of Federally-Preempted Gasoline Standards. | Southern Maine | 05/25/2001 | 03/06/2002, 67 FR 10099 | Additional technical support. |
| Letter from the Maine DEP dated July 1, 1997, submitting case-specific $NO_X$ RACT determinations. | Maine | 07/01/1997 | 09/09/2002, 67 FR 57148 | Letter from the Maine Department of Environmental Protection submitting a revision to the Maine SIP. |
| Letter from the Maine DEP dated October 9, 1997, submitting case-specific $NO_X$ RACT determinations. | Maine | 10/09/1997 | 09/09/2002, 67 FR 57148 | Letter from the Maine Department of Environmental Protection submitting a revision to the Maine SIP. |
| Letter from the Maine DEP dated August 14, 1998, submitting case-specific $NO_X$ RACT determinations. | Maine | 08/14/1998 | 09/09/2002, 67 FR 57148 | Letter from the Maine Department of Environmental Protection submitting a revision to the Maine SIP. |
| Chapter 127 Basis Statement | Maine | 12/31/2000 | 04/28/2005, 70 FR 21959. | |
| Correspondence from Maine DEP indicating which portions of Chapter 137 should not be incorporated into the State's SIP. | Maine | 06/06/2006 | 11/21/2007, 72 FR 65462 | Correspondence from David W. Wright of the Maine DEP indicating which portions of Chapter 137 Emission Statements should not be incorporated into the State's SIP. |
| State of Maine MAPA 1 form for Chapter 139 Transportation Conformity. | Maine nonattainment areas, and attainment areas with a maintenance plan. | 09/10/2007 | 02/08/2008, 73 FR 7465 | Certification that the Attorney General approved the Rule as to form and legality. |
| Amendment to Chapter 141 Conformity of General Federal Actions. | Maine nonattainment areas, and attainment areas with a maintenance plan. | 04/19/2007 | 02/20/2008, 73 FR 9203 | Maine Department of Environmental Protection amended its incorporation-by-reference within Chapter 141.2 to reflect EPA's revision to the Federal General Conformity Rule for fine particulate matter promulgated on July 17, 2006 (71 FR 40420–40427); specifically 40 CFR 51.852 Definitions and 40 CFR 51.853 Applicability. |
| State of Maine MAPA 1 form for Chapter 102 Open Burning Regulation. | Maine | 01/03/2003 | 02/21/2008, 73 FR 9459 | Certification that the Attorney General approved the Rule as to form and legality. |

[3] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

[73 FR 56973, Oct. 1, 2008]

## § 52.1021 Classification of regions.

The Maine plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Metropolitan Portland Intrastate | I | II | III | III | III |
| Androscoggin Valley Interstate | IA | IA | III | III | III |

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Down East Intrastate | IA | IA | III | III | III |
| Aroostook Intrastate | III | III | III | III | III |
| Northwest Maine Intrastate | III | III | III | III | III |

[37 FR 10870, May 31, 1972, as amended at 45 FR 10774, Feb. 19, 1980]

### § 52.1022 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Maine's plan, as identified in § 52.1020, for the attainment and maintenance of the national standards under section 110 of the Clean Air Act.

(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 will have the potential to emit 75,000 tpy $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 ($CO_2e$) 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 $CO_2e$.

(iii) the term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 06–096 1. of Chapter 100 of Maine's Bureau of Air Quality Control regulations) and a significant net emissions increase (as defined in 06–096, paragraphs 89 and 144 A of Chapter 100 of Maine's Bureau of Air Quality Control regulations) occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in 06–096, paragraphs 143 and 144 D of Chapter 100 of Maine's Bureau of Air Quality Control regulations.

[75 FR 82555, Dec. 30, 2010]

### § 52.1023 Control strategy: Ozone.

(a) *Determination.* EPA is determining that, as of July 21, 1995, the Lewiston-Auburn ozone nonattainment area has

attained the ozone standard and that 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 do not apply to the area for so long as the area does not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in the Lewiston-Auburn ozone nonattainment area, these determinations shall no longer apply.

(b) *Determination.* EPA is determining that, as of July 21, 1995, the Knox and Lincoln Counties ozone nonattainment area has attained the ozone standard and that 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 do not apply to the area for so long as the area does not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in the Knox and Lincoln Counties ozone nonattainment area, these determinations shall no longer apply.

(c) *Approval.* EPA is approving an exemption request submitted by the Maine Department of Environmental Protection on September 7, 1995, for the Northern Maine area from the $NO_X$ requirements contained in Section 182(f) of the Clean Air Act. This approval exempts Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties from the requirements to implement controls beyond those approved in § 52.1020(c)(41) for major sources of nitrogen oxides ($NO_X$), nonattainment area new source review (NSR) for new sources and modifications that are major for $NO_X$, and the applicable $NO_X$-related requirements of the general and transportation conformity provisions.

(d) *Approval.* EPA is approving an exemption request from the $NO_X$ requirements contained in Section 182(f) of the Clean Air Act for northern Maine. The exemption request was submitted by the Maine Department of Environmental Protection on March 24, 2005, and supplemented on April 19 and June 28, 2005. This approval exempts major sources of nitrogen oxides in Aroostook, Franklin, Oxford, Penobscot, Piscataquis, Somerset, Washington, and portions of Hancock and Waldo Counties from the requirements to implement controls meeting reasonably available control technology under the Clean Air Act, and nonattainment area new source review (NSR) for new sources and modifications. In Waldo County, this area includes only the following towns: Belfast, Belmont, Brooks, Burnham, Frankfort, Freedom, Jackson, Knox, Liberty, Lincolnville, Monroe, Montville, Morrill, Northport, Palermo, Prospect, Searsmont, Searsport, Stockton Springs, Swanville, Thorndike, Troy, Unity, Waldo, and Winterport. In Hancock County, this area includes only the following towns and townships: Amherst, Aurora, Bucksport, Castine, Dedham, Eastbrook, Ellsworth, Franklin, Great Pond, Mariaville, Orland, Osborn, Otis, Penobscot, Verona, Waltham, Oqiton Township (T4 ND), T3 ND, T39 MD, T40 MD, T41 MD, T32 MD, T34 MD, T35 MD, T28 MD, T22 MD, T16 MD, T8 SD, T9 SD, T10 SD, and T7 SD.

(e) *Approval.* EPA is approving a revision to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 9 and 13, 2005. The revision is for purposes of satisfying the rate of progress requirements of section 182(b)(1) of the Clean Air Act for the Portland Maine one-hour ozone nonattainment area.

(f) *Approval.* EPA is approving a revision to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 9, 13, and 14, 2005. The revision is for purposes of satisfying the 5 percent increment of progress requirement of 40 CFR 51.905(a)(1)(ii)(B) for the Portland Maine eight-hour ozone nonattainment area. The revision establishes motor vehicle emissions budgets for 2007 of 20.115 tons per summer day (tpsd) of volatile organic compound (VOC) and 39.893 tpsd of nitrogen oxide ($NO_X$) to be used in transportation conformity in the Portland Maine 8-hour ozone nonattainment area.

(g) Approval. EPA is approving a redesignation request for the Portland, Maine 8-hour ozone nonattainment area. Maine submitted this request on August 3, 2006. The request contains the required Clean Air Act Section

175A maintenance plan. The plan establishes motor vehicle emissions budgets for 2016 of 16.659 tons per summer day (tpsd) of volatile organic compound and 32.837 tpsd of nitrogen oxide ($NO_X$) to be used in transportation conformity determinations in the Portland area.

(h) Approval. EPA is approving a redesignation request for the Hancock, Knox, Lincoln and Waldo Counties, Maine 8-hour ozone nonattainment area. Maine submitted this request on August 3, 2006. The request contains the required Clean Air Act Section 175A maintenance plan. The plan establishes motor vehicle emissions budgets for 2016 of 3.763 tons per summer day (tpsd) of volatile organic compound and 6.245 tpsd of nitrogen oxide ($NO_X$) to be used in transportation conformity determinations in the Hancock, Knox, Lincoln and Waldo Counties area.

(i) Approval: EPA is approving the 110(a)(1) 8-hour ozone maintenance plans in the four areas of the state required to have a 110(a)(1) maintenance plan for the 8-hour ozone National Ambient Air Quality Standard. These areas are as follows: portions of York and Cumberland Counties; portions of Androscoggin County and all of Kennebec County; portions of Knox and Lincoln Counties; and portions of Hancock and Waldo Counties. These maintenance plans were submitted to EPA on August 3, 2006.

[60 FR 29766, June 6, 1995, as amended at 60 FR 66755, Dec. 26, 1995; 71 FR 5794, Feb. 3, 2006; 71 FR 14816, Mar. 24, 2006; 71 FR 71490, Dec. 11, 2006; 73 FR 5101, Jan. 29, 2008]

## § 52.1024 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained.

ATTAINMENT DATES ESTABLISHED BY CLEAN AIR ACT OF 1990

| Air quality control region and nonattainment area | Pollutant | | | | | |
|---|---|---|---|---|---|---|
| | $SO_2$ | | PM–10 | $NO_2$ | CO | $O_3$ |
| | Primary | Secondary | | | | |
| AQCR 107: | | | | | | |
| Androscoggin County | (a) | (b) | (a) | (a) | (a) | (g) |
| Kennebec County | (a) | (b) | (a) | (a) | (a) | (g) |
| Knox County | (a) | (b) | (a) | (a) | (a) | (g) |
| Lincoln County | (a) | (b) | (a) | (a) | (a) | (g) |
| Waldo County | (a) | (b) | (a) | (a) | (a) | (d) |
| Oxford Cnty. (Part) See 40 CFR 81.320 | (a) | (b) | (a) | (a) | (a) | (e) |
| Franklin Cnty. (Part) See 40 CFR 81.320 | (a) | (b) | (a) | (a) | (a) | (e) |
| Somerset Cnty. (Part) See 40 CFR 81.320 | (a) | (b) | (a) | (a) | (a) | (e) |
| AQCR 108: | | | | | | |
| Aroostook Cnty. (Part) See 40 CFR 81.320 | (a) | (b) | (c) | (a) | (a) | (a) |
| Remainder of AQCR | (a) | (b) | (a) | (a) | (a) | (a) |
| AQCR 109: | | | | | | |
| Hancock County | (a) | (b) | (a) | (a) | (a) | (d) |
| Millinocket | (e) | (e) | (a) | (a) | (a) | (a) |
| Remainder of AQCR | (a) | (b) | (a) | (a) | (a) | (a) |
| AQCR 110: | | | | | | |
| York County | (a) | (b) | (a) | (a) | (a) | (g) |
| Cumberland County | (a) | (b) | (a) | (a) | (a) | (g) |
| Sagadahoc County | (a) | (b) | (a) | (a) | (a) | (g) |
| Oxford Cnty. (Part) See 40 CFR 81.320 | (a) | (b) | (a) | (a) | (a) | (e) |
| AQCR 111 | (a) | (b) | (a) | (a) | (a) | (a) |

[a] Air quality levels presently below primary standards or area is unclassifiable.
[b] Air quality levels presently below secondary standards or area is unclassifiable.
[c] 12/31/94.
[d] 11/15/94 (one-year extension granted).
[e] 11/15/95.
[g] 11/15/96.

[60 FR 33352, June 28, 1995]

### § 52.1025 Control strategy: Particulate matter.

(a) The revisions to the control strategy resulting from the modification to the emission limitations applicable to the sources listed below or resulting from the change in the compliance date for such sources with the applicable emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State unless otherwise noted. (See § 52.1023 for compliance schedule approvals and disapprovals pertaining to one or more of the sources below.)

| Source | Location | Regulation involved | Date of adoption |
|---|---|---|---|
| All sources subject to Regulation 100.3.1(b) with a maximum heat input from three million up to but not including ten million Btu per hour. | Maine ..... | 100.3.1(b) | 3/29/73 |

(b) The revision to the incinerator particulate emission standard submitted on August 26, 1976 is disapproved because of provisions therein which would interfere with the attainment and maintenance of national ambient air quality standards.

(c) The revision to the incinerator particulate emission standard submitted on November 18, 1976 is disapproved because of provisions therein which would interfere with the attainment and maintenance of national ambient air quality standards.

(d) The revision to the open burning regulation submitted on December 7, 1976 is disapproved because of provisions therein which would interfere with the attainment and maintenance of national ambient air quality standards.

[38 FR 22474, Aug. 21, 1973, as amended at 43 FR 14964, Apr. 10, 1978; 43 FR 15424, Apr. 13, 1978; 47 FR 6830, Feb. 17, 1982]

### § 52.1026 Review of new sources and modifications.

The program to review operation and construction of new and modified major stationary sources in non-attainment areas is approved as meeting the requirements of part D as amended by the CAAA of 1990.

[45 FR 10775, Feb. 19, 1980, as amended at 61 FR 5694, Feb. 14, 1996]

### § 52.1027 Rules and regulations.

(a) *Part D—Conditional Approval.*

(b) *Non-Part D—No Action.* EPA is neither approving nor disapproving the following elements of the revisions identified in § 52.1020(C)(10):

(1) Intergovernmental consultation.

(2) Interstate pollution notification requirements.

(3) Public notification requirements.

(4) Conflict of Interest requirements.

(5) Permit fees.

[45 FR 10775, Feb. 19, 1980, as amended at 45 FR 59314, Sept. 9, 1980]

### § 52.1028 [Reserved]

### § 52.1029 Significant deterioration of air quality.

The program to review operation and construction of new and modified major stationary sources in attainment areas is approved as meeting the requirements of Part C.

[45 FR 6786, Jan. 30, 1980]

### § 52.1030 Control strategy: Sulfur oxides.

(a) The revision to Regulation 100.6 (Chapter 106) ''Low Sulfur Fuel Regulation'' for the Metropolitan Portland Air Quality Control Region, submitted by the Governor of Maine on August 25, 1977, is approved with the exception of paragraph 100.6.5(b) which allows the Commissioner of the Department of Environmental Protection to grant variances to Regulation 100.6.

[47 FR 948, Jan. 8, 1982]

### § 52.1031 EPA-approved Maine regulations.

The following table identifies the State regulations which have been submitted to and approved by EPA as revisions to the Maine 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 § 52.1020. To the extent

that this table conflicts with §§52.1020, 52.1020 governs.

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS

| State citation | Title/Subject | Date adopted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1020 | |
|---|---|---|---|---|---|---|
| Chapter: | | | | | | |
| 1 | Regulations for the Processing of Applications.. | 02/08/84 | 03/23/93 | 58 FR 15430 | (c)(26) | Portions of chapter 1. |
| 100 | | 5/7/79 | 1/3/80 | 45 FR 6784 | (c)(10) | PSD Plan Only. |
| 100 | Definitions Regulations. | 12/24/79 | 2/19/80 | 45 FR 10766 | (c)(11) | |
| | | 2/6/80 | | | | |
| 100 | Definitions. | 10/3/89 | 3/23/93 | 58 FR 15430 | (c)(26) | All except for the definition of VOC in chapter 100(76). Note that this definition is approved in another paragraph below. In addition, Maine withdrew the definition of fuel burning equipment in chapter 100(29) from its SIP submittal. This definition is approved in another paragraph below. |
| | | | | | (c)(27) | Approval of definition of VOC in chapter 100(76) only. |
| 100 | Definitions Regulations. | 11/26/91 | 6/21/93 | 58 FR 33768 | (c)(31) | Revised ''volatile organic compound (VOC)'' and ''federally enforceable.'' Added ''particulate matter emissions'' and ''$PM_{10}$ emissions.'' |
| 100 | Definitions | 7/10/90 | 3/18/94 | 59 FR 12855 | (c)(29) | Changes to the following definitions: Actual emissions, baseline concentration and fuel burning equipment in Chapter 100(1), (9), and (29). |
| 100 | Definitions | 1/6/93 | 6/17/94 | 59 FR 31157 | (c)(33) | Revised to add definitions associated with VOC RACT rules. |
| 100 | Definitions | 11/10/93 | 1/10/95 | 60 FR 2526 | (c)(34) | Revised to add definitions associated with emission statement rules. |
| 100 | Definitions | 6/22/94 | 6/29/95 | 60 FR 33734 | 36 | Gasoline marketing definitions added |
| 100 | Definitions Regulation | 6/22/94 | 2/14/96 | 61 FR 5694 | (c)(37) | Addition of 1990 Part D NSR and other CAAA requirements. |
| 100 | Definitions | 7/19/95 | 10/15/96 | 61 FR 53639 | (c)(42) | Definition of ''VOC'' revised. |
| 100 | Definitions | 12/1/2005 | 11/21/07 | 72 FR 65462 | (c)(62) | Revised to add definitions associated with SIP submittals made between 7/19/95 and 12/1/05. |
| 101 | Visible Emissions | 10/10/79 | 2/17/82 | 47 FR 6829 | (c)(17) | |
| 102 | Open Burning | 1/31/72 | 5/31/72 | 37 FR 10842 | (b) | |
| 102 | Open Burning | 3/17/05 | 2/21/08 | 73 FR 9459 | (c)(61). | |
| 103 | Fuel Burning Equipment Particulate Emission Standard. | 1/31/72 | 5/31/72 | 37 FR 10842 | (b) | |
| | | 1/24/83 | 2/26/85 | 50 FR 7770 | (c)(19) | |
| 104 | Incinerator Particulate Emission Standard. | 1/31/72 | 5/31/72 | 37 FR 10842 | (b) | |
| 105 | General Process Source Particulate Emission Standard. | 1/31/72 | 5/31/72 | 37 FR 10842 | (b) | |
| 106 | Low Sulfur Fuel | 1/31/72 | 5/31/72 | 37 FR 10842 | (b) | |
| | | 2/08/78 | 1/8/82 | 47 FR 947 | (c)(15) | Revised limits for Portland Peninsula only. |
| 107 | Sulfur Dioxide Emission Standards for Sulfite Pulp Mills. | 1/31/72 | 5/31/72 | 37 FR 10842 | (b) | |

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS—Continued

| State citation | Title/Subject | Date adopted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1020 | |
|---|---|---|---|---|---|---|
| 109 ..... | Emergency Episode Regulation. | 1/31/72 | 5/31/72 | 37 FR 10842 ..... | (b) ..... | |
| 109 ..... | Emergency Episode Regulation. | 8/14/91 | 1/12/95 | 60 FR 2887 ..... | (c)(28) ..... | Revisions which incorporate the PM10 alert, warning, and emergency levels. |
| 110 ..... | Ambient Air Quality Standards. | 5/7/79 | 1/30/80 | 45 FR 6784 ..... | (c)(10) ..... | |
| 110 ..... | Ambient Air Quality Standards. | 10/25/89 | 3/23/93 | 58 FR 15430 ..... | (c)(26) ..... | All of chapter 110 except for chapter 110(2) which is approved in another paragraph, below. Note that Maine did not submit its Chromium standard in chapter 110(12) for approval. |
| | ..... | ..... | ..... | ..... | (c)(27) ..... | Chapter 110(2) only. |
| 110 ..... | Ambient Air Quality Standards. | 7/10/90 | 3/18/94 | 59 FR 12855 ..... | (c)(29) ..... | Addition of $NO_2$ increments for class I and II areas in Chapter 110(10). Note that class III increment in Chapter 110(10)(C)(3) is not part of submittal. |
| 110 ..... | Ambient Air Quality Standards. | 7/24/96 | 3/22/04 | 69 FR 13231 ..... | (c)(52) ..... | Adopts PSD increments based on PM10, in place of increments based on TSP. |
| 111 ..... | Petroleum Liquid Storage Vapor Control. | 5/7/79 | 2/19/80 | 45 FR 10766 ..... | (c)(11) ..... | |
| | | 9/27/89 | 2/3/92 | 57 FR 3948 ..... | (c)(30). | |
| 112 ..... | Petroleum Liquids Transfer Recovery. | | 2/19/80 | 45 FR 10766 ..... | (c)(11). | |
| | | 5/7/79 | 3/5/82 | 47 FR 9462 ..... | (c)(16) ..... | Irving Oil, Searsport exempted. |
| | | 7/22/86 | 2/2/87 | 52 FR 3117 ..... | (c)(22) ..... | Bulk Gasoline Terminal Test methods. |
| | | 5/22/91 | 2/3/92 | 57 FR 3948 ..... | (c)(30) ..... | The exemption for Irving Oil Corporation in Searsport, Maine incorporated by reference at 40 CFR 52.1020(c)(16) is removed. |
| 112 ..... | Petroleum liquids transfer recover. | 6/22/94 | 6/29/95 | 60 FR 33734 ..... | 36 ..... | Deleted exemption for tank trucks less than 3500 gallons. |
| 112 ..... | Gasoline Bulk Terminals. | 7/19/95 | 10/15/96 | 61 FR 53639 ..... | (c)(42) ..... | Emission limit lowered from 80 mg/l to 35 mg/l. |
| 113 ..... | Growth Offset Regulation. | 5/7/79 | 2/19/80 | 45 FR 10766 ..... | (c)(11) ..... | Part of New Source Review program. |
| | | 12/18/85 | 12/23/86 | 51 FR 45886 ..... | (c)(21) ..... | Deletes Thomaston. |
| 113 ..... | Growth Offset Regulation. | 10/25/89 | 3/23/93 | 58 FR 15430 ..... | (c)(26) ..... | |
| 113 ..... | Growth Offset Regulation. | 7/10/90 | 3/18/94 | 59 FR 12855 ..... | (c)(29) ..... | Change to Chapter 113(II)(A) to include $NO_2$. |
| 113 ..... | Growth Offset Regulation. | 6/22/94 | 2/14/96 | 61 FR 5694 ..... | (c)(37) ..... | Addition of 1990 Part D NSR requirements. |
| 114 ..... | Classification of Air Quality Control Regions. | 5/7/79 | 1/30/80 | 45 FR 6874 ..... | (c)(10). | |
| 114 ..... | Designation of Air Quality Control Regions. | 10/25/89 | 3/23/93 | 58 FR 15430 ..... | (c)(26) ..... | All except for chapter 114(11) and (111) which are approved in another paragraph below. |
| | ..... | ..... | ..... | ..... | (c)(27) ..... | Chapter 114(11)and (111) only. |
| 114 ..... | Classification of Air Quality Control Regions. | 4/27/94 | Aug. 30, 1995 | 60 FR 45060 ..... | (c)(40) ..... | Revision to remove Presque Isle as nonattainment for $PM_{10}$. |
| 115 ..... | Emission License Regulation.. | 5/7/79 | 1/30/80 | 45 FR 6784 ..... | (c)(10) ..... | PSD |
| | ..... | 12/24/79 | 2/19/80 | 45 FR 10766 ..... | (c)(11) ..... | New Source Review. |

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS—Continued

| State citation | Title/Subject | Date adopted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1020 | |
|---|---|---|---|---|---|---|
| | ..... | 10/25/89 | 3/23/93 | 58 FR 15430 ..... | (c)(26) ..... | Note Maine did not submit references to nonregulated pollutants for approval. Also note that this chapter was formerly chapter 108. |
| 115 ..... | Emission License Regulation. | 7/10/90 | 3/18/94 | 59 FR 12855 ..... | (c)(29) ..... | Changes to Chapter 115(I)(B), (VII)(A), VII)(B)(3), and (VII)(D)(3) to remove Chapter 108 and to incorporate $NO_2$ increments requirements. |
| 115 ..... | Emission License Regulation. | 6/22/94 | 2/14/96 | 61 FR 5694 ..... | (c)(37) ..... | Addition of 1990 Part D NSR and other CAAA requirements. |
| 116 ..... | Prohibited Dispersion Techniques.. | 10/25/89 | 3/23/93 | 58 FR 15430 ..... | (c)(26). | |
| 117 ..... | Source Surveillance | 8/9/88 | 3/21/89 | 54 FR 11525 ..... | 24. | |
| 118 ..... | Gasoline Dispensing Facilities. | 6/22/94 | 6/29/95 | 60 FR 33734 ..... | 36 ..... | |
| | ..... | 7/19/95 | 10/15/96 | 61 FR 53639 ..... | (c)(43) ..... | Stage II vapor recovery requirements added. |
| 119 ..... | Motor Vehicle Fuel Volatility Limit. | 6/1/00 | 3/6/02 | 67 FR 10100 ..... | (c)(49) ..... | Controls fuel volatility in the State. 7.8 psi RVP fuel required in 7 southern counties. |
| 120 ..... | Gasoline Tank Trucks. | 6/22/94 | 6/29/95 | 60 FR 33734 ..... | 35 ..... | |
| 123 ..... | Paper Coater Regulation. | 9/27/89 | 2/3/92 | 57 FR 3949 ..... | (c)(30) ..... | The operating permits for S.D. Warren of Westbrook, Eastern Fine Paper of Brewer, and Pioneer Plastics of Auburn incorporated by reference at 40 CFR §52.1020 (c)(11), (c)(11), and (c)(18), respectively, are withdrawn. |
| 126 ..... | Capture Efficiency Test Procedures. | 5/22/91 | 3/22/93 | 58 FR 15282 ..... | (c)(32). | |
| 127 ..... | New Motor Vehicle Emission Standards. | 12/31/00 | 4/28/05 | 70 FR 21962 ..... | (c)(58) ..... | Low emission vehicle program, with no ZEV requirements. Program achieves 90% of full LEV benefits. |
| 129 ..... | Surface coating Facilities. | 1/6/93 | 6/17/94 | 59 FR 31157 ..... | (c)(33) ..... | Includes surface coating of: Cans, fabric, vinyl, metal furniture, flatwood paneling, and miscellaneous metal parts and products. |
| 130 ..... | Solvent Degreasers .. | 1/6/93 | 6/17/94 | 59 FR 31157 ..... | (c)(33). | |
| 130 ..... | Solvent Cleaners ..... | 6/17/04 | 5/26/05 | 70 FR 30369 ..... | (c)(54). | |
| 131 ..... | Cutback and Emulsified Asphalt. | 1/6/93 | 6/17/94 | 59 FR 31157 ..... | (c)(33). | |
| 132 ..... | Graphic Arts: Rotogravure and Flexography. | 1/6/93 | 6/17/94 | 59 FR 31157 ..... | (c)(33). | |
| 133 ..... | Gasoline Bulk Plants | 6/22/94 | 6/29/95 | 60 FR 33734 ..... | 36 ..... | |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 2/8/95 | 4/18/00 | 65 FR 20753 ..... | (c)(45) ..... | Regulation fully approved for the following counties: York, Sagadahoc, Cumberland, Androscoggin, Kennebec, Knox, Lincoln, Hancock, Waldo, Aroostook, Franklin, Oxford, and Piscataquis. Regulation granted a limited approval for Washington, Somerset, and Penobscot Counties. |

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS—Continued

| State citation | Title/Subject | Date adopted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1020 | |
|---|---|---|---|---|---|---|
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 2/25/97 | 4/18/00 | 65 FR 20753 ..... | (c)(45) ..... | VOC RACT determination for JJ Nissen Baking Company. |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 7/23/97 10/27/97 | 4/18/00 | 65 FR 20753 ..... | (c)(45) ..... | VOC RACT determination for Prime Tanning. |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 7/25/97 | 4/18/00 | 65 FR 20753 ..... | (c)(45) ..... | VOC RACT determination for Portsmouth Naval Shipyard. |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 12/5/96 10/20/97 | 4/18/00 | 65 FR 20753 ..... | (c)(45) ..... | VOC RACT determination for Dexter Shoe. |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 6/16/97 | 4/18/00 | 65 FR 20753 ..... | (c)(45) ..... | VOC RACT determination for Pioneer Plastics. |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 1/4/96 | 4/18/00 | 65 FR 20753 ..... | (c)(45) ..... | VOC RACT determination for Georgia Pacific. |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 1/18/96 | 4/18/00 | 65 FR 20753 ..... | (c)(45) ..... | VOC RACT determination for Champion International. |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 10/4/95 12/13/95 | 4/18/00 | 65 FR 20753 ..... | (c)(45) ..... | VOC RACT determination for International Paper. |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 12/8/95 | 4/18/00 | 65 FR 20753 ..... | (c)(45) ..... | VOC RACT determination for James River. |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 12/18/95 | 4/18/00 | 65 FR 20754 ..... | (c)(45) ..... | VOC RACT determination for Lincoln Pulp and Paper. |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 12/18/95 | 4/18/00 | 65 FR 20754 ..... | (c)(45) ..... | VOC RACT determination for SD Warren Paper Company's Westbrook, Maine facility. |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 10/4/95 1/9/96 | 4/18/00 | 65 FR 20754 ..... | (c)(45) ..... | VOC RACT determination for SD Warren Paper Company's Skowhegan, Maine facility. |
| 134 ..... | Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds. | 12/20/95 | 4/18/00 | 65 FR 20754 ..... | (c)(45) ..... | VOC RACT determination for Boise Cascade. |
| 134 ..... | Reasonably available control technology for facilities that emit volatile organic compounds. | 4/11/01 | 5/20/02 | 67 FR 35441 | (c)(51) ..... | VOC RACT determination for Bath Iron Works. |

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS—Continued

| State citation | Title/Subject | Date adopted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1020 | |
|---|---|---|---|---|---|---|
| 134 ..... | Reasonably available control technology for facilities that emit volatile organic compounds. | 4/26/01 7/2/01 | 5/20/02 | 67 FR 35441 ..... | (c)(51) | VOC RACT determination for Pratt & Whitney. |
| 134 ..... | Reasonably available control technology for facilities that emit volatile organic compounds. | 5/10/01 | 5/20/02 | 67 FR 35441 ..... | (c)(51) | VOC RACT determination for Moosehead Manufacturing's Dover-Foxcroft plant. |
| | Reasonably available control technology for facilities that emit volatile organic compounds. | 5/10/01 | 5/20/02 | 67 FR 35441 ..... | (c)(51) | VOC RACT determination for Moosehead Manufacturing's Monson plant. |
| 137 ..... | Emission Statements | 12/17/04 | 11/21/07 | 72 FR 65462 ..... | (c)(62) ..... | Revised to incorporate changes required by EPA's consolidated emissions reporting rule. The entire rule is approved with the exception of HAP and greenhouse gas reporting requirements which were not included in the state's SIP revision request. |
| 138 ..... | Reasonably Available Control Technology For Facilities That Emit Nitrogen Oxides. | 8/3/94 | December 26, 1995 | 60 FR 66755 ..... | (c)(41) ..... | Affects sources only in Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties (excepted portions of rule include Sections 1.A.1. and 3.B.). |
| 138 ..... | $NO_X$ RACT ..... | 8/3/94 | 9/9/02 | 67 FR 57154 ..... | (c)(46) ..... | Affects sources in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Lincoln, and Knox counties. |
| 138 ..... | $NO_X$ RACT ..... | 5/18/95 & 2/16/96 | 9/9/02 | 67 FR 57154 ..... | (c)(47) ..... | Case-specific $NO_X$ RACT for FPL Energy's (formerly Central Maine Power) W.F. Wyman Station. |
| 138 ..... | $NO_X$ RACT ..... | 6/16/95 & 6/12/96 | 9/9/02 | 67 FR 57154 ..... | (c)(47) ..... | Case-specific $NO_X$ RACT for Tree Free Fiber Company, LLC. (formerly Statler Tissue). |
| 138 ..... | $NO_X$ RACT ..... | 8/23/95 & 3/10/97 | 9/9/02 | 67 FR 57154 ..... | (c)(47) ..... | Case-specific $NO_X$ RACT for Pioneer Plastics Corporation. |
| 138 ..... | $NO_X$ RACT ..... | 11/15/95 | 9/9/02 | 67 FR 57154 ..... | (c)(47) ..... | Case-specific $NO_X$ RACT for Scott Paper Company. |
| 138 ..... | $NO_X$ RACT ..... | 1/18/96 | 9/9/02 | 67 FR 57154 ..... | (c)(47) ..... | Case-specific $NO_X$ RACT for Chinet Company. |
| 138 ..... | $NO_X$ RACT ..... | 2/7/96 | 9/9/02 | 67 FR 57154 ..... | (c)(47) ..... | Case-specific $NO_X$ RACT for FMC Corporation—Food from Ingredients Division. |
| 138 ..... | $NO_X$ RACT ..... | 6/5/96 & 3/5/97 | 9/9/02 | 67 FR 57154 ..... | (c)(47) ..... | Case-specific $NO_X$ FR RACT for Dragon Products Company, Inc. |
| 138 ..... | $NO_X$ RACT ..... | 6/12/96 | 9/9/02 | 67 FR 57154 ..... | (c)(47) ..... | Case-specific $NO_X$ RACT for S.D. Warren Company. |
| 138 ..... | $NO_X$ RACT ..... | 10/16/96 | 9/9/02 | 67 FR 57154 ..... | (c)(47) ..... | Case-specific $NO_X$ RACT for Mid-Maine Waste Action Corporation. |
| 138 ..... | $NO_X$ RACT ..... | 10/21/96 & 7/25/97 | 9/9/92 | 67 FR 57154 ..... | (c)(47) ..... | Case-specific $NO_X$ RACT for Portsmouth Naval Shipyard. |
| 138 ..... | $NO_X$ RACT ..... | 11/12/96 | 9/9/02 | 67 FR 57154 ..... | (c)(47) ..... | Case-specific $NO_X$ RACT for Maine Energy Recovery Company. |

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS—Continued

| State citation | Title/Subject | Date adopted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1020 | |
|---|---|---|---|---|---|---|
| 139 ..... | Transportation Conformity. | 9/19/07 | 2/08/08 | 73 FR 7465 ..... | (c) 64. | |
| 141 ..... | Conformity of General Federal Actions. | 9/11/96 | 9/23/97 | 62 FR 49611 ..... | (c)(44) ..... | "Chapter 141: Conformity of General Federal Actions". |
| 141 ..... | Conformity of General Federal Actions. | 4/19/07 | 2/20/08 | 73 FR 9203 ..... | (c)(63) ..... | Amendment to incorporate new fine particulate matter provisions. |
| 145 ..... | $NO_X$ Control Program | 6/21/01 | 4/10/05 | 70 FR 11882 ..... | (c)(56).. | |
| 148 ..... | Emissions from Smaller-Scale Electric Generating Resources. | 7/15/04 | 5/26/05 | 70 FR 30376 ..... | (c)(55). | |
| 151 ..... | Architectural and Industrial Maintenance (AIM) Coatings. | 10/06/05 | 3/17/06 | 71 FR 13767 ..... | (c)(59). | |
| 152 ..... | Control of Emissions of Volatile Organic Compounds from Consumer Products. | 8/19/04 | 10/24/05 | 70 FR 61384 ..... | (c)(57). | |
| 153 ..... | Mobile Equipment Repair and Refinishing. | 2/5/04 | 5/26/05 | 70 FR 30369(c)(54). | | |
| 155 ..... | Portable Fuel Container Spillage Control. | 6/3/04 | 2/7/05 | 70 FR 6354 ..... | (c)(53) ..... | All of Chapter 155 is approved with the exception of the word "or" in Subsection 7C which Maine did not submit as part of the SIP revision. |
| "Vehicle I/M". | Vehicle Inspection and Maintenance. | 7/9/98 | 1/10/01 | 66 FR 1875 ..... | (c)(48) ..... | Maine Motor Vehicle Inspection Manual," revised in 1998, pages 1–12 through 1–14, and page 2–14, D.1.g. Also, Authorizing legislation effective July 9, 1998 and entitled L.D. 2223, "An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act." |

NOTE. 1. The regulations are effective statewide unless stated otherwise in comments section.

(Secs. 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

[50 FR 3336, Jan. 24, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1031, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## § 52.1033 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 meeting all of the requirements of 40 CFR 51.302 or 51.306 for the protection of visibility in mandatory class I Federal areas.

(b) [Reserved]

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated into the applicable plan for the State of Maine.

[52 FR 45138, Nov. 24, 1987, as amended at 58 FR 15431, Mar. 23, 1993]

## § 52.1034 Stack height review.

The State of Maine 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 in EPA's stack height regulations as revised on July 8, 1985. Such declarations were submitted to EPA on December 17, 1985; May 30, 1986; October 2, 20, and 24, 1986; August 6, 1987; September 8 and 30, 1988.

[54 FR 8190, Feb. 27, 1989]

### § 52.1035 Requirements for state implementation plan revisions relating to new motor vehicles.

Maine must comply with the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

### § 52.1036 Emission inventories.

(a) The Governor's designee for the State of Maine submitted 1990 base year emission inventories for the Knox and Lincoln Counties area, the Lewiston and Auburn area, the Portland area, and the Hancock and Waldo Counties area on July 25, 1995 as a revision to the State Implementation Plan (SIP). An amendment to the 1990 base year emission inventory for the Portland area was submitted on June 9, 2005. 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.

(b) The inventory is for the ozone precursors which are volatile organic compounds, nitrogen oxides, and carbon monoxide. The inventory covers point, area, non-road mobile, on-road mobile, and biogenic sources.

(c) The Knox and Lincoln Counties nonattainment area is classified as moderate. The Lewiston and Auburn nonattainment area is classified as moderate and consists of Androscoggin and Kennebec Counties. The Portland nonattainment area is classified as moderate and consists of Cumberland, Sagadahoc and York Counties. The Hancock and Waldo Counties nonattainment area is classified as attainment.

(d) The Governor's designee for the State of Maine submitted 1993 periodic year emission inventories for the Hancock and Waldo Counties area on May 13, 1996 as a revision to the State Implementation Plan (SIP). The 1993 periodic year emission inventory requirement of section 182(3)(A) of the Clean Air Act, as amended in 1990, has been satisfied for the Hancock and Waldo counties area.

(e) On June 24, 1997, the Maine Department of Environmental Protection submitted a revision to establish explicit year 2006 motor vehicle emissions budgets [6.44 tons per summer day of VOC, and 8.85 tons per summer day of $NO_X$] for the Hancock and Waldo counties ozone maintenance area to be used in determining transportation conformity.

(f) The Governor's designee for the State of Maine submitted a 2002 base year emission inventory for Cumberland, Sagadahoc, and York counties, to represent emissions for the Portland 8-hour ozone nonattainment area on June 9, 2005, as a revision to the State Implementation Plan (SIP). The 2002 base year emission inventory requirement of 40 CFR 51.915 has been satisfied for this area.

[62 FR 9086, Feb. 28, 1997, as amended at 62 FR 41277, Aug. 1, 1997; 71 FR 14816, Mar. 24, 2006]

### § 52.1037 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Maine'' and all revisions submitted by Maine that were federally approved prior to September 1, 2008.

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory changes to the plan submitted on March 17, 1972, by the Environmental Improvement Commission for the State of Maine.

(2) Regulation 10.8.4(g) establishing compliance schedules for sources in Maine submitted on July 28, 1972, by the Environmental Improvement Commission for the State of Maine.

(3) A revision removing fuel burning sources with a maximum heat input from three million up to 10 million BTU/hr from the particulate matter control strategy submitted on March 29, 1973, by the Governor.

(4) Changes in the Open Burning Regulation 100.2 submitted on September 4, 1973, by the State of Maine Department of Environmental Protection.

(5) An AQMA proposal submitted on June 26, 1974, by the Governor.

(6) Revision to incinerator particulate emission standard, submitted on August 26, 1976 by the Commissioner of the Maine Department of Environmental Protection, which would exempt woodwaste cone burners from the plan until 1980.

(7) Revision to incinerator particulate emission standard, submitted on November 18, 1976 by the Commissioner of the Maine Department of Environmental Protection, which would exempt municipal waste cone burners from the plan.

(8) Revision to open burning regulation submitted on December 7, 1976 by the Commissioner of the Maine Department of Environmental Protection.

(9) Revisions to Chapter 5—*State Implementation Plan Air Quality Surveillance,* and Chapter 6—*Revision of New Sources and Modifications,* submitted by the Governor on March 10, 1978.

(10) Plans to meet various requirements of the Clean Air Act, including Part C, were submitted on May 1, 1979, October 26, 1979 and December 20, 1979. Included in the revisions is a plan for review of construction and operation of new and modified major stationary sources of pollution in attainment areas.

(11) Attainment plans to meet the requirements of Part D and the Clean Air Act, as amended in 1977, were submitted on May 1, 1979; October 26, 1979; December 20, 1979; July 9, 1980; July 31, 1980; December 18, 1980; March 17, 1981. Included are plans to attain: The secondary TSP standard for Augusta, Thomaston, Bangor and Brewer; the primary and secondary $SO_2$ standard for Millinocket; the carbon monoxide standard for Lewiston and Bangor and the ozone standard for AQCRS 107 and 110. 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.

(12) A plan to provide for public involvement in federally funded air pollution control activities was submitted on May 28, 1980.

(13) Revisions to Chapter 5—State Implementation Plan—Air Quality Surveillance, intended to meet requirements of 40 CFR part 58, were submitted by the Commissioner of the Maine Department of Environmental Protection on July 1, 1980.

(14) Revisions to attain and maintain the NAAQS for lead were submitted on August 7, and November 5, 1980.

(15) A revision to Regulation 100.6 (Chapter 106) ''Low Sulfur Fuel Regulation'' for the Metropolitan Portland Air Quality Control Region, submitted by the Governor of Maine on August 25, 1977.

(16) Department Regulation Chapter 112, Petroleum Liquid Transfer Vapor Recovery, is amended to exempt the town of Searsport, Maine from this regulation. This amendment was submitted by Henry E. Warren, Commissioner of the Department of Environmental Protection on October 23, 1981, in order to meet Part D requirements for ozone.

(17) Regulatory revisions to the plan containing changes to Chapter 101 ''Visible Emissions Regulation'' submitted August 7, 1980.

(18) On May 12, 1982 and February 11, 1983 the Maine Department of Environmental Protection submitted an emission limit contained in an air emissions license which requires Pioneer Plastics, Auburn, Maine to reduce its volatile organic compound emissions by at least 85%.

(19) On January 11, 1983 and March 29, 1984 and December 4, 1984 the Maine Department of Environmental Protection submitted revisions to Chapter 103 ''Fuel Burning Equipment Particulate Emission Standard.''

(20) A plan to attain the primary TSP standard in Lincoln, consisting of particulate emission limitations contained in an air emission license issued to the Lincoln Pulp and Paper Company, Inc., submitted by the Commissioner of the Maine Department of Environmental Protection on December 18, 1984.

(21) A revision to approve the deletion of Thomaston from the list of applicable municipalities in Maine regulation 29 M.R.S.A. Chapter 113, submitted by the Commissioner on February 20, 1986.

(22) Revision to federally-approved regulation Chapter 112, Petroleum Liquids Transfer Vapor Recovery [originally approved on February 19, 1980, see paragraph (c)(11), of this section, was submitted on August 4, 1986, by the Department of Environmental Protection.

(i) Incorporation by reference.

(A) Regulation Chapter 112(6), Emission Testing, is amended by incorporating test methods and procedures as stated in 40 CFR part 60, subpart XX, §60.503 to determine compliance with emission standards for volatile organic compound emissions from bulk gasoline terminals. This revision to Regulation Chapter 112(6) became effective on July 22, 1986 in the State of Maine.

(ii) Additional material. The nonregulatory portions of the state submittals.

(23) [Reserved]

(24) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 22, 1988.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated August 19, 1988 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 117 of the Maine Department of Environmental Protection Air Regulations entitled, ''Source Surveillance,'' effective in the State of Maine on August 9, 1988.

(ii) Additional material.

(A) Nonregulatory portions of the state submittal.

(25) Revisions to the Maine State Implementation Plan (SIP) for ozone submitted on February 14, 1989 and May 3, 1989 by the Maine Department of Environmental Protection (DEP) for its state gasoline volatility control program, including any waivers under the program that Maine may grant. The control period will begin May 1, 1990.

(i) Incorporation by reference. Maine Department Regulation chapter 119, Rules and Regulations of the State of Maine, entitled ''Motor Vehicle Fuel Volatility Limit,'' adopted August 10, 1988, amended Septemter 27, 1989 and effective October 25, 1989.

(26) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on October 27, 1989.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated October 27, 1989 submitting revisions to the Maine State Implementation Plan.

(B) Chapter 100 of the Maine Department of Environmental Protection's Air Regulations entitled ''Definitions Regulations,'' except for the definition of volatile organic compounds in Chapter 100(76) which is being incorporated by reference in 40 CFR 52.1020(c)(27). This regulation was effective in the State of Maine on October 3, 1989. Note, the definition of fuel burning equipment in Chapter 100(29) is not part of Maine's submittal.

(C) Chapter 110 except for Chapter 110(2) which is being incorporated by reference in 40 CFR 52.1020(c)(27), Chapter 113, Chapter 114 except for Chapter 114(II) and (III) which are being incorporated by reference in 40 CFR 52.1020(c)(27), Chapter 115, and Chapter 116 of the Maine Department of Environmental Protection's Air Regulations entitled, ''Ambient Air Quality Standards,'' ''Growth Offset Regulation,'' ''Classification of Air Quality Control Regions,'' ''Emission License Regulations,'' and ''Prohibited Dispersion Techniques,'' respectively. These regulations were effective in the State of Maine on October 25, 1989. Chapter 108, originally approved on January 30, 1980 and February 19, 1980 in paragraphs (c)(10) and (c)(11) of this section, is being withdrawn and replaced with Chapter 115.

(D) Portions of Chapter 1 entitled ''Regulations for the Processing of Applications,'' effective in the State of Maine on February 8, 1984.

(ii) Additional materials.

(A) A State Implementation Plan narrative contained in Chapter 6 entitled ''Review of New Sources and Modifications.''

(B) Letter dated May 1, 1989 from the Maine Department of Environmental Protection regarding implementation of BACT.

(C) Nonregulatory portions of the state submittal.

(27) Revisions to the State Implementation Plan submitted by the Maine

Department of Environmental Protection on October 31, 1989.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated October 31, 1989 submitting revisions to the Maine State Implementation Plan.

(B) The definition of volatile organic compounds in Chapter 100(76) of the Maine Department of Environmental Protection's ''Definitions Regulations'' effective in the State of Maine on October 3, 1989.

(C) Chapter 110(2) and Chapter 114 (II) and (III) of the Maine Department of Environmental Protection's ''Ambient Air Quality Standards'' and ''Classification of Air Quality Control Regions'' Regulations effective in the State of Maine on October 25, 1989. Note that Millinocket remains designated as a nonattainment area for $SO_2$ until redesignated at 40 CFR 51.320.

(ii) Additional materials.

(A) A State Implementation Plan narrative contained in Chapter 6 entitled ''Review of New Sources and Modifications.''

(B) Nonregulatory portions of the state submittal.

(28) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 14 and October 22, 1991.

(i) Incorporation by reference.

(A) Letters from the Maine Department of Environmental Protection dated August 14 and October 22, 1991 submitting revisions to the Maine State Implementation Plan.

(B) Revisions to Chapter 109 of the Maine Department of Environmental Protection Regulations, ''Emergency Episode Regulations,'' effective in the State of Maine on September 16, 1991.

(C) Part B of the Memorandum of Understanding which the Maine Department of Environmental Protection (DEP) entered into (and effective) on March 11, 1991, with the City of Presque Isle, and the Maine Department of Transportation.

(ii) Additional materials.

(A) An attainment plan and demonstration which outlines Maine's control strategy for attainment of the PM10 NAAQS and implements and meets RACM and RACT requirements for Presque Isle.

(B) Nonregulatory portions of the submittal.

(29) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 16, 1990, September 5, 1990, and November 2, 1990.

(i) Incorporation by reference.

(A) Letters from the Maine Department of Environmental Protection dated July 16, 1990, September 5, 1990, and November 2, 1990, submitting revisions to the Maine State Implementation Plan.

(B) The definitions of actual emissions, baseline concentration, and fuel burning equipment in Chapter 100(1), 100(9), and 100(29) of Maine's ''Definitions Regulation,'' Chapter 110(10) (except for Chapter 110(10)(C)(3)) of Maine's ''Ambient Air Quality Standards Regulation,'' Chapter 113(II)(A) of Maine's ''Growth Offset Regulation,'' and Chapter 115(I)(B), (VII)(A), (VII)(B)(3), and (VII)(D)(3) of Maine's ''Emission License Regulations,'' effective in the State of Maine on July 10, 1990. Note that the revised state statute which contains the underlying authority to implement the $NO_2$ increments became effective on July 14, 1990.

(ii) Additional materials.

(A) A state implementation plan narrative contained in Chapter 6 entitled ''Review of New Sources and Modifications.''

(B) Nonregulatory portions of the state submittal.

(30) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on September 29, 1989, December 5, 1989 and June 3, 1991.

(i) Incorporation by reference.

(A) Letters from the Maine Department of Environmental Protection dated September 29, 1989, and June 3, 1991 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 111 ''Petroleum Liquid Storage Vapor Control'' and Chapter 123 ''Paper Coater Regulation,'' effective in the state of Maine on October 3, 1989.

(C) Chapter 112 ''Petroleum Liquid Transfer Vapor Recovery,'' effective in the State of Maine on June 9, 1991.

(ii) Additional materials.

(A) Letter from the Maine Department of Environmental Protection dated June 3, 1991 documenting the December 1990 survey conducted to satisfy the 5 percent demonstration requirement in order to justify the 3500 gallon capacity cut-off in chapter 112.

(B) Letter from the Maine Department of Environmental Protection dated December 5, 1989 requesting the withdrawal of operating permits for S.D. Warren of Westbrook, Eastern Fine Paper of Brewer, and Pioneer Plastics of Auburn incorporated by reference at 40 CFR 52.1020 (c)(11) and (c)(18).

(C) Nonregulatory portions of the submittal.

(31) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on April 20, 1992.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated April 8, 1992 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 100(54)(b) ''particulate matter emissions,'' Chapter 100(57)(b) ''$PM_{10}$ emissions,'' and revisions to Chapter 100(28) ''federally enforceable'' and to Chapter 100(76) ''volatile organic compound (VOC)'' effective in the State of Maine on January 18, 1992.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(32) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 5, 1991.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated June 3, 1991 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 126 of the Maine Department of Environmental Protection Regulations, ''Capture Efficiency Test Procedures'' effective in the State of Maine on June 9, 1991.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(33) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on January 8, 1993.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated January 8, 1993, submitting a revision to the Maine State Implementation Plan.

(B) Revised Chapter 100 of the Maine Department of Environmental Protection Regulations, ''Definitions'' effective in the State of Maine on February 10, 1993.

(C) Chapter 129 of the Maine Department of Environmental Protection Regulations, ''Surface Coating Facilities'' effective in the State of Maine on February 10, 1993.

(D) Chapter 130 of the Maine Department of Environmental Protection Regulations, ''Solvent Degreasers'' effective in the State of Maine on February 10, 1993.

(E) Chapter 131 of the Maine Department of Environmental Protection Regulations, ''Cutback and Emulsified Asphalt'' effective in the State of Maine on February 10, 1993.

(F) Chapter 132 of the Maine Department of Environmental Protection Regulations, ''Graphic Arts—Rotogravure and Flexography'' effective in the State of Maine on February 10, 1993.

(G) Appendix A ''Volatile Organic Compounds Test Methods and Compliance Procedures'' incorporated into Chapters 129 and 132 of the Maine Department of Environmental Protection Regulations, effective in the State of Maine on February 10, 1993.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(34) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on January 3, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated January 3, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Revised Chapter 100 of the Maine Department of Environmental Protection Regulations, ''Definitions'' effective in the State of Maine on December 12, 1993.

(ii) Additional Information.

(A) Nonregulatory portions of the submittal.

(35) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 3, 1991, November 25, 1991, and July 6, 1994.

(i) Incorporation by reference.

(A) Letters from the Maine Department of Environmental Protection dated June 3, 1991, November 25, 1991, and July 6, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 120 of the Maine Department of Environmental Protection Regulations, ''Gasoline Tank Truck Tightness Self-Certification,'' effective in the State of Maine on July 11, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(36) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 6, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated July 6, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 100 of the Maine Department of Environmental Protection Regulations, ''Definitions,'' effective in the State of Maine on July 11, 1994, with the exception of the definitions of the following terms: ''curtailment,'' ''federally enforceable,'' ''major modification,'' '' major source,'' ''non-attainment pollutant,'' ''shutdown,'' ''significant emissions,'' and ''significant emissions increase.''

(C) Chapter 112 of the Maine Department of Environmental Protection Regulations, ''Petroleum Liquids Transfer Vapor Recovery,'' effective in the State of Maine on July 11, 1994.

(D) Chapter 118 of the Maine Department of Environmental Protection Regulations, ''Gasoline Dispensing Facilities Vapor Control,'' effective in the State of Maine on July 11, 1994.

(E) Chapter 133 of the Maine Department of Environmental Protection Regulations, ''Petroleum Liquids Transfer Vapor Recovery at Bulk Gasoline Plants,'' effective in the State of Maine on July 11, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(37) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 12, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated July 5, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Maine's Chapter 100 entitled, ''Definition Regulations.'' This regulation was effective in the State of Maine on July 11, 1994.

(C) Maine's Chapter 113 entitled, ''Growth Offset Regulation.'' This regulation was effective in the State of Maine on July 11, 1994.

(D) Maine's Chapter 115 entitled, ''Emission License Regulation,'' except for Section 115(VII)(E) of this Chapter and all references to this Section. This regulation was effective in the State of Maine on July 11, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(38) Revisions to the State Implementation Plan establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program were submitted by the Maine Department of Environmental Protection on July 7, and August 16, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated July 7, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Revisions to the State Implementation Plan for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program dated July 12, 1994 and effective on May 11, 1994.

(C) Letter from the Maine Department of Environmental Protection

dated August 16, 1994 submitting a corrected page to the July 12, 1994 SIP revision.

(39) [Reserved]

(40) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 1, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated June 1, 1994 submitting revisions to the Maine State Implementation Plan.

(B) Revisions to Chapter 114 of the Maine Department of Environmental Protection Regulations, ''Classification of Air Quality Control Regions,'' adopted by the Board of Environmental Protection on April 27, 1994 and accepted by the Secretary of State with an effective date of May 9, 1994.

(C) Revisions to Part B of the Memorandum of Understanding which the Maine Department of Environmental Protection (DEP) entered into (and effective) on May 25, 1994, with the City of Presque Isle, and the Maine Department of Transportation.

(ii) Additional materials.

(A) A maintenance demonstration and contingency plan which outline Maine's control strategy for maintenance of the $PM_{10}$ NAAQS and contingency measures and provision for Presque Isle.

(B) Nonregulatory portions of the submittal.

(41) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 5, 1994 related to $NO_X$ controls in Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties.

(i) Incorporation by reference.

(A) A Letter from the Maine Department of Environmental Protection dated August 5, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 138 of the Maine DEP's regulations, ''Reasonably Available Control Technology for Facilities that Emit Nitrogen Oxides'' for sources only in Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties (excepted portions include Sections 1.A.1. and 3.B.). This rule was effective August 3, 1994.

(42) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 24, 1995.

(i) Incorporation by reference.

(A) Two letters from the Maine Department of Environmental Protection dated July 24, 1995 submitting revisions to the Maine State Implementation Plan.

(B) Chapter 100 of the Maine Department of Environmental Protection Regulations, ''Definitions Regulation,'' definition of ''volatile organic compounds (VOC)'' effective in the State of Maine on July 25, 1995.

(C) Chapter 112 of the Maine Department of Environmental Protection Regulations, ''Bulk Terminal Petroleum Liquid Transfer Requirements,'' effective in the State of Maine on July 25, 1995.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(43) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 24, 1995.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated July 24, 1995 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 118 of the Maine Department of Environmental Protection Regulations, ''Gasoline Dispensing Facilities Vapor Control,'' effective in the State of Maine on July 25, 1995.

(ii) Additional materials.

(A) Letter from the Maine Department of Environmental Protection dated May 6, 1996.

(B) Nonregulatory portions of the submittal.

(44) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on October 11, 1996.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated October 11, 1996 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 141 of the Maine Department of Environmental Protection Air Regulation entitled, ''Conformity of General Federal Actions,'' effective in the State of Maine on September 28, 1996.

(45) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on April 28, 1995, January 10, 1996, July 1, 1997, October 9, 1997, November 14, 1997, and December 10, 1997.

(i) Incorporation by reference.

(A) Chapter 134 of the Maine Department of Environmental Protection regulations entitled ''Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds,'' effective in the State of Maine on February 15, 1995, is granted a full approval for the following counties: York, Sagadahoc, Cumberland, Androscoggin, Kennebec, Knox, Lincoln, Hancock, Waldo, Aroostook, Franklin, Oxford, and Piscataquis. This rule is granted a limited approval for Washington, Somerset, and Penobscot Counties.

(B) License Amendment #5 issued by the Maine Department of Environmental Protection to Prime Tanning Company on July 23, 1997.

(C) License Amendment #6 issued by the Maine Department of Environmental Protection to Prime Tanning Company on October 27, 1997.

(D) License issued by the Maine Department of Environmental Protection to JJ Nissen Baking Company on February 25, 1997.

(E) License Amendment #4 issued by the Maine Department of Environmental Protection to Portsmouth Naval Shipyard on July 25, 1997.

(F) License issued by the Maine Department of Environmental Protection to Dexter Shoe Company on December 5, 1996.

(G) License Amendment #1 issued by the Maine Department of Environmental Protection to Dexter Shoe Company on October 20, 1997.

(H) License Amendment #3 issued by the Maine Department of Environmental Protection to Pioneer Plastics Corporation on June 16, 1997.

(I) License Amendment #10 issued by the Maine Department of Environmental Protection to Georgia Pacific Corporation on January 4, 1996.

(J) License Amendment #5 issued by the Maine Department of Environmental Protection to Champion International Corporation on January 18, 1996.

(K) License Amendment #8 issued by the Maine Department of Environmental Protection to International Paper Company on October 4, 1995.

(L) License Amendment #9 issued by the Maine Department of Environmental Protection to International Paper Company on December 13, 1995.

(M) License Amendment #6 issued by the Maine Department of Environmental Protection to James River Corporation on December 8, 1995.

(N) License Amendment #8 issued by the Maine Department of Environmental Protection to Lincoln Pulp and Paper Co. on December 18, 1995.

(O) License Amendment #14 issued by the Maine Department of Environmental Protection to S.D. Warren Paper Company's Westbrook, Maine facility on December 18, 1995.

(P) License Amendment #14 issued by the Maine Department of Environmental Protection to S.D. Warren Paper Company's Skowhegan, Maine facility on October 4, 1995.

(Q) License Amendment #15 issued by the Maine Department of Environmental Protection to S.D. Warren Paper Company's Skowhegan, Maine facility on January 9, 1996.

(R) License Amendment #11 issued by the Maine Department of Environmental Protection to Boise Cascade Corporation on December 20, 1995.

(ii) Additional materials.

(A) Letter from the Maine Department of Environmental Protection dated November 15, 1994 stating a negative declaration for the Synthetic Organic Chemical Manufacturing Industry Distillation and Reactors Control Technique Guideline categories.

(B) Nonregulatory portions of the submittal.

(46) Revision to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 5, 1994.

(i) Incorporation by reference.

(A) Chapter 138 of the Maine Department of Environmental Protection

Regulations, ''Reasonably Available Control Technology For Facilities That Emit Nitrogen Oxides.'' Affects sources in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Lincoln, and Knox counties. This rule was adopted and effective in the State of Maine on August 3, 1994.

(ii) Additional materials.

(A) Letter from the Maine Department of Environmental Protection dated August 5, 1994 submitting a revision to the Maine State Implementation Plan.

(47) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 1, 1997, October 9, 1997, and August 14, 1998.

(i) Incorporation by reference.

(A) Air emission license A–388–71–C–A, Amendment #1, condition (q); and A–388–71–D–M, amendment #1, conditions 19 and 23 for FPL Energy's (formerly Central Maine Power) W.F. Wyman Station issued by Maine Department of Environmental Protection on May 18, 1995, and February 16, 1996, respectively.

(B) Air emission licenses A–195–71–G–M, Amendment #1, and A–195–71–D–A/R, section (II)(D), paragraphs (II)(F)(1) and (3), and conditions 12(A), 12(C), (13), (14) and (15) for Tree Free Fiber Company, LLC, (formerly Statler Industries Inc.) issued by Maine Department of Environmental Protection on June 12, 1996, and, June 16, 1995, respectively.

(C) Air emission licenses A–448–72–K–A/R, paragraphs (II)(D)(2), (II)(D)(3) and conditions (13)(f) and 14(k); and A–448–71–O–M, Amendment #2, condition (14)(k), for Pioneer Plastics Corporation issued by Maine Department of Environmental Protection on August 23, 1995, and March 10, 1997, respectively.

(D) Air emission license A–188–72–E–A, Amendment #2, conditions 8, paragraph 1, and 9, paragraphs 1, 2 and 4, for Scott Paper Company issued by Maine Department of Environmental Protection on November 15, 1995.

(E) Air emission license A–416–72–B–A, conditions (l) 1, 2, 3a, 3b, 3c, 3e, and (m) for The Chinet Company issued by Maine Department of Environmental Protection on January 18, 1996.

(F) Air emission license A–366–72–H–A, Amendment #5, conditions 3, 4, 5, 7, 9, 11, 12, 15, 16, and 18 for FMC Corporation—Food Ingredients Division issued by Maine Department of Environmental Protection on February 7, 1996.

(G) Air emission licenses A–326–72–N–A, Amendment #5, and A–326–71–P–M, Amendment #7, for Dragon Products Company, Inc., issued by Maine Department of Environmental Protection on June 5, 1996, and March 5, 1997, respectively.

(H) Air emission license A–29–71–Y–A, Amendment #13, conditions (k)2, (k)3, (q)8 and (p) for S.D. Warren Company issued by Maine Department of Environmental Protection on June 12, 1996.

(I) Air emission license A–378–72–E–A, Amendment #2, for Mid-Maine Waste Action Corporation issued by Maine Department of Environmental Protection on October 16, 1996.

(J) Air emission licenses A–452–71–D–A, Amendment #2, conditions 3, 4, 5, 7, 9, 11, 16, 17, 18, 19, and 20; and A–452–71–F–M, Amendment #4, condition 4 for Portsmouth Naval Shipyard issued by Maine Department of Environmental Protection on October 21, 1996, and July 25, 1997, respectively.

(K) Air emission license A–46–71–L–A, Amendment #4, for Maine Energy Recovery Company issued by Maine Department of Environmental Protection on November 12, 1996.

(ii) Additional materials.

(A) Letters from the Maine Department of Environmental Protection dated July 1, 1997, October 9, 1997, and August 14, 1998, submitting case-specific $NO_X$ RACT determinations.

(48) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on November 19, 1998.

(i) Incorporation by reference.

(A) ''Maine Motor Vehicle Inspection Manual,'' as revised in 1998, pages 1–12 through 1–14, and page 2–14, D.1.g.

(B) Authorizing legislation effective July 9, 1998 and entitled H.P. 1594—L.D. 2223, ''An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act.''

(ii) Additional material.

(A) Document entitled ''State of Maine Implementation Plan for Inspection/Maintenance'' dated November 11, 1998.

(B) Letter from the Maine Department of Environmental Protection dated November 19, 1998 submitting a revision to the Maine State Implementation Plan.

(49) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 7, 2000 and May 29, 2001.

(i) Incorporation by reference.

Maine Chapter 119, entitled ''Motor Vehicle Fuel Volatility Limit'' as amended and effective on June 1, 2000.

(ii) Additional materials.

(A) Letter from the Maine Department of Environmental Protection dated June 7, 2000 submitting Chapter 119 as a revision to the Maine State Implementation Plan.

(B) Letter from the Maine Department of Environmental Protection dated May 29, 2001 submitting additional technical support and an enforcement plan for Chapter 119 as an amendment to the State Implementation Plan.

(50) [Reserved]

(51) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on October 11, 2001.

(i) Incorporation by reference.

(A) License Amendment #10 issued by the Maine Department of Environmental Protection to Bath Iron Works Corporation on April 11, 2001.

(B) License Amendment #6 issued by the Maine Department of Environmental Protection to Pratt & Whitney on April 26, 2001.

(C) License Amendment #7 issued by the Maine Department of Environmental Protection to Pratt & Whitney on July 2, 2001.

(D) License Amendment #2 issued by the Maine Department of Environmental Protection to Moosehead Manufacturing Co.'s Dover-Foxcroft plant on May 10, 2001.

(E) License Amendment #2 issued by the Maine Department of Environmental Protection to Moosehead Manufacturing Co.'sMonson plant on May 10, 2001.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(52) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 23, 1996.

(i) Incorporation by reference.

(A) Chapter 110 of the Maine Department of Environmental Protection regulations, ''Ambient Air Quality Standards,'' adopted by the Board of Environmental Protection on July 24, 1996, and effective August 6, 1996.

(B) [Reserved]

(53) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on December 29, 2003, October 22, 2004, and December 9, 2004.

(i) Incorporation by reference.

(A) Chapter 155 of the Maine Department of Environmental Protection Regulations, ''Portable Fuel Container Spillage Control,'' effective in the State of Maine on July 14, 2004, with the exception of the word ''or'' in Subsection 7C which Maine did not submit as part of the SIP revision.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(54) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on March 8, 2004, and June 28, 2004.

(i) Incorporation by reference.

(A) Chapter 153 of the Maine Department of Environmental Protection Regulations, ''Mobile Equipment Repair and Refinishing,'' effective in the State of Maine on February 25, 2004.

(B) Chapter 130 of the Maine Department of Environmental Protection Regulations, ''Solvent Cleaners,'' effective in the State of Maine on June 28, 2004.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(55) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 29, 2004.

(i) Incorporation by reference.

(A) Chapter 148 of the Maine Department of Environmental Protection Regulations, ''Emissions from Smaller-Scale Electric Generating Resources''

effective in the State of Maine on August 9, 2004.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(56) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on February 12, 2004.

(i) Incorporation by reference.

(A) Chapter 145 of the Maine Department of Environmental Protection Regulations, ''$NO_X$ Control Program,'' effective in the State of Maine on July 22, 2001.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(57) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 27, 2004, and September 8, 2004.

(i) Incorporation by reference.

(A) Chapter 152 of the Maine Department of Environmental Protection Regulations, ''Control of Emissions of Volatile Organic Compounds from Consumer Products,'' effective in the State of Maine on September 1, 2004.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(58) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on February 25, 2004 and December 9, 2004 submitting Maine's Low Emission Vehicle Program.

(i) Incorporation by reference.

(A) Chapter 127 of the Maine Department of Environmental Protection rules entitled ''New Motor Vehicle Emission Standards'' with an effective date of December 31, 2000, including the Basis Statements and Appendix A.

(59) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on December 3, 2004, January 5, 2005, October 31, 2005, and November 9, 2005.

(i) Incorporation by reference.

(A) Chapter 151 of the Maine Department of Environmental Protection Regulations, ''Architectural and Industrial Maintenance (AIM) Coatings,'' effective in the State of Maine on November 1, 2005.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(60) [Reserved]

(61) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on April 27, 2005.

(i) Incorporation by reference.

(A) Chapter 102 of Maine Department of Environmental Protection Rules, entitled ''Open Burning,'' effective in the State of Maine on April 25, 2005.

(B) State of Maine MAPA 1 form which provides certification that the Attorney General approved the rule as to form and legality, dated April 12, 2005.

(62) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 14, 2004, and February 8, 2006.

(i) Incorporation by reference.

(A) Chapter 100 of the Maine Department of Environmental Protection Regulations, ''Definitions,'' effective in the State of Maine December 24, 2005.

(B) Chapter 137 of the Maine Department of Environmental Protection Regulations, ''Emission Statements,'' effective in the State of Maine on July 6, 2004, with the exception of the following sections which the state did not include in its SIP revision request: section 137.1.C; section 137.1.E; section 137.1.F; section 137.2.A through F; section 137.2.H; section 137.3.B; section 137.3.C; section 137.4.D(4), from the sentence beginning with ''Greenhouse gases'' to the end of this section; the note within section 137.D(5); section 137(E), and; Appendix A.

(ii) Additional materials.

(A) Nonregulatory portions of these submittals.

(B) Correspondence from David W. Wright of the Maine DEP dated June 6, 2006, indicating which portions of Chapter 137 should not be incorporated into the State's SIP.

(63) Revision to Chapter 141 ''Conformity of General Federal Actions,'' submitted by the Maine Department of Environmental Protection on June 29, 2007 and effective in the State of Maine on May 21, 2007.

(i) Incorporation by reference.

(A) Chapter 141 ''Conformity of General Federal Actions'' 1. Definition. Effective in the State of Maine on May 21, 2007.

(ii) Additional Materials.

(A) Chapter 141 ''Conformity of General Federal Actions,'' 2. Conformity to State and Federal Implementation Plans. The Maine Department of Environmental Protection amended its incorporation-by-reference within Chapter 141.2 to reflect EPA's revision to the Federal General Conformity Rule for fine particulate matter promulgated on July 17, 2006 (71 FR 40420–40427); specifically 40 CFR 51.852 Definitions and 40 CFR 51.853 Applicability.

(64) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on October 3, 2007.

(i) Incorporation by reference.

(A) Maine Administrative Procedure Act (MAPA) 1 Form which provides certification that the Attorney General approved Chapter 139 ''Transportation Conformity,'' as to form and legality, dated September 10, 2007.

(B) Chapter 139 of the Maine Department of Environmental Protection Regulations, ''Transportation Conformity,'' effective in the State of Maine on September 19, 2007.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

[37 FR 10870, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1037, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart V—Maryland

### § 52.1070 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Maryland 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. Material 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 on or after December 1, 2008 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, 2008.

(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 IN THE MARYLAND SIP

| Code of Maryland Administrative Regulations (COMAR) citation | Title/subject | State effective date | EPA approval date | Additional explanation/citation at 40 CFR 52.1100 |
|---|---|---|---|---|
| **26.11.01** General Administrative Provisions | | | | |
| 26.11.01.01 | Definitions | 9/20/10 | 2/22/11, 76 FR 9650 | Revision to paragraph .01B(17). |
| 26.11.01.02 | Relationship of Provisions in this Subtitle. | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*1*). |
| 26.11.01.03 | Delineation of Areas | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*1*). |
| 26.11.01.04 | Testing and Monitoring | 6/19/06 | 1/3/07, 72 FR 18 | Paragraph .04C(2) is added. The SIP effective date is 3/6/07. |
| 26.11.01.05 | Records and Information | 6/30/97, 12/10/01 | 5/28/02, 67 FR 36810 | (c)(172). |
| 26.11.01.05–1 | Emission Statements | 12/7/92 | 10/12/94, 59 FR 51517 | (c)(109). |
| 26.11.01.06 | Circumvention | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*1*). |
| 26.11.01.07 | Malfunctions and Other Temporary Increases in Emissions. | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*1*). |
| 26.11.01.08 | Determination of Ground Level Concentrations—Acceptable Techniques. | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*5*). |
| 26.11.01.09 | Vapor Pressure of Gasoline | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*5*) |
| 26.11.01.10 | Continuous Emission Monitoring (CEM) Requirements. | 7/22/91 | 2/28/96, 61 FR 7418 | (c)(106); TM90–01 was approved as ''additional material'', but not IBR'd. |
| **26.11.02 Permits, Approvals, and Registration** | | | | |
| 26.11.02.01 | Definitions | 5/8/95 | 2/27/03, 68 FR 9012 | (c)(182); Exceptions: 26.11.02.01B(1), (1–1), (4)–(6), (10), (15), (16), (22), (29)–(33), (37), (39), (42), (46), (49), (50), (54). |
| 26.11.02.02 | General Provisions | 5/8/95 | 2/27/03, 68 FR 9012 | (c)(182); Exception: .02D. |
| 26.11.02.03 | Federally Enforceable Permits to Construct and State Permits to Operate. | 5/8/95 | 2/27/03, 68 FR 9012 | (c)(182). |
| 26.11.02.04 | Duration of Permits | 5/8/95 | 2/27/03, 68 FR 9012 | (c)(182); Exception: .04C(2). |
| 26.11.02.05 | Violation of Permits and Approvals. | 5/8/95 | 2/27/03, 68 FR 9012 | (c)(182). |
| 26.11.02.06 | Denial of Applications for State Permits and Approvals. | 5/8/95, 6/16/97 | 2/27/03, 68 FR 9012 | (c)(182). |
| 26.11.02.07 | Procedures for Denying, Revoking, or Reopening and Revising a Permit or Approval. | 5/8/95 | 2/27/03, 68 FR 9012 | (c)(182). |
| 26.11.02.08 | Late Applications and Delays in Acting on Applications. | 5/8/95 | 2/27/03, 68 FR 9012 | (c)(182). |
| 26.11.02.09 | Sources Subject to Permits to Construct and Approvals. | 5/8/95, 5/4/98 | 2/27/03, 68 FR 9012 | (c)(182). |
| 26.11.02.10 | Sources Exempt from Permits to Construct and Approvals. | 5/8/95, 6/16/97, 9/22/97, 3/22/99 | 2/27/03, 68 FR 9012 | (c)(182). |
| 26.11.02.11 | Procedures for Obtaining Permits to Construct Certain Significant Sources. | 5/8/95, 6/16/97 | 2/27/03, 68 FR 9012 | (c)(182); Exception: .11C. |
| 26.11.02.12 | Procedures for Obtaining Approvals of PSD Sources and NSR Sources, Permits to Construct, Permits to Construct MACT Determinations on a Case-by-Case Basis in Accordance with 40 CFR Part 63, Subpart B, and Certain 100-Ton Sources. | 5/8/95 | 2/27/03, 68 FR 9012 | (c)(182). |
| 26.11.02.13 | Sources Subject to State Permits to Operate. | 5/8/95 | 2/27/03, 68 FR 9012 | (c)(182). |

EPA-APPROVED REGULATIONS IN THE MARYLAND SIP—Continued

| Code of Maryland Administrative Regulations (COMAR) citation | Title/subject | State effective date | EPA approval date | Additional explanation/citation at 40 CFR 52.1100 |
|---|---|---|---|---|
| 26.11.02.14 | Procedures for Obtaining State Permits to Operate and Permits to Construct Certain Sources and Permits to Construct Control Equipment on Existing Sources. | 5/8/95, 6/16/97 | 2/27/03, 68 FR 9012 | (c)(182). |
| **26.11.04 Ambient Air Quality Standards** | | | | |
| 26.11.04.02 | State-Adopted National Ambient Air Quality Standards. | 5/8/95 | 8/20/01, 66 FR 43485 | (c)(165). |
| 26.11.04.03 | Definitions, Reference Conditions, and Methods of Measurement. | 2/28/05 | 6/14/06, 71 FR 34257 | |
| 26.11.04.04 | Particulate Matter | 2/28/05 | 6/14/06, 71 FR 34257 | Addition of ambient air quality standard for $PM_{2.5}$. |
| 26.11.04.05 | Sulfur Oxides | 2/28/05 | 6/14/06, 71 FR 34257 | |
| 26.11.04.06 | Carbon Monoxide | 1/5/88; recodified, 8/1/88 | 4/7/93, 58 FR 18010 | (c)(92). |
| 26.11.04.07 | Ozone | 2/28/05 | 6/14/06, 71 FR 34257 | Addition of an 8-hour ambient air quality standard for ozone. |
| 26.11.04.08 | Nitrogen Dioxide | 2/28/05 | 6/14/06, 71 FR 34257 | |
| 26.11.04.09 | Lead | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*3*). |
| **26.11.05 Air Quality Episode System** | | | | |
| 26.11.05.01 | Definitions | 6/18/90 | 4/14/94, 59 FR 17698 | (c)(100). |
| 26.11.05.02 | General Requirements | 6/18/90 | 4/14/94, 59 FR 17698 | (c)(100). |
| 26.11.05.03 | Air Pollution Episode Criteria | 6/18/90 | 4/14/94, 59 FR 17698 | (c)(100). |
| 26.11.05.04 | Standby Emissions Reduction Plan. | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*4*). |
| 26.11.05.05 | Control Requirements and Standby Orders. | 6/18/90 | 4/14/94, 59 FR 17698 | (c)(100). |
| 26.11.05.06 | Tables | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*4*). |
| **26.11.06 General Emissions Standards, Prohibitions, and Restrictions** | | | | |
| 26.11.06.01 | Definitions | 5/8/91 | 11/29/94, 59 FR 60908 | (c)(102)(i)(B)(*14*). |
| 26.11.06.02 [*Except:* .02A(1)(e), (1)(g), (1)(h), (1)(i)]. | Visible Emissions | 11/24/03 | 8/1/07, 72 FR 41891 | Revised paragraph 26.11.06.02A(2). |
| 26.11.06.03 | Particulate Matter | 11/11/02 | 8/6/03, 68 FR 46487 | (c)(181). |
| 26.11.06.04 | Carbon Monoxide in Areas III and IV. | 1/5/88; recodified, 8/1/88 | 4/7/93, 58 FR 18010 | (c)(92). |
| 26.11.06.05 | Sulfur Compounds from Other than Fuel Burning Equipment. | 11/11/02 | 8/6/03, 68 FR 46487 | (c)(181). |
| 26.11.06.06 | Volatile Organic Compounds | 9/22/97 | 5/7/01, 66 FR 22924 | (c)(156) Note: On 2/27/03 (68 FR 9012), EPA approved a revised rule citation with a State effective date of 5/8/95 [(c)(182)(i)(C)]. |
| 26.11.06.10 | Refuse Burning Prohibited in Certain Installations. | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*5*). |
| 26.11.06.14 | Control of PSD sources | 10/10/01 | 5/28/02, 67 FR 36810 | (c)(171). |
| 26.11.06.15 | Nitrogen Oxides from Nitric Acid Plants. | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*5*). |
| 26.11.06.16 | Tables | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*5*). |
| **26.11.07 Open Fires** | | | | |
| 26.11.07.01 | Definitions | 5/22/95 | 6/11/02, 67 FR 39856 | (c)(173). |
| 26.11.07.02 | General | 5/22/95 | 2/25/97, 62 FR 8380 | (c)(120). |
| 26.11.07.03 | Control Officer May Authorize Certain Open Fires. | 8/11/97 | 6/11/02, 67 FR 39856 | (c)(173). |

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|---|---|---|---|---|
| 26.11.07.04 | Public Officers May Authorize Certain Fires. | 5/22/95 | 2/25/97, 62 FR 8380 | (c)(120). |
| 26.11.07.05 | Open Fires Allowed Without Authorization of Control Officer or Public Officer. | 5/22/95 | 2/25/97, 62 FR 8380 | (c)(120) .05A(3) & (4), and .05B(3) are State-enforceable only. |
| 26.11.07.06 | Safety Determinations at Federal Facilities. | 8/11/97 | 6/11/02, 67 FR 39856 | (c)(173). |
| **10.18.08/26.11.08 Control of Incinerators** | | | | |
| 10.18.08/ 26.11.08.01. | Definitions | 9/12/05 | 9/15/08, 73 FR 53130 | Definition of ''crematory'' is added. |
| 10.18.08.02 | Applicability | 7/18/80 | 8/5/81, 46 FR 39818 | (c)(45). |
| 10.18.08.03 | Prohibition of Certain Incinerators in Areas III and IV. | 6/8/81 | 5/11/82, 47 FR 20126 | (c)(58). |
| 10.18.08/ 26.11.08.04. | Visible Emissions | 11/24/03 | 8/1/07, 72 FR 41891 | Revised paragraph 26.11.08.04C. |
| 10.18.08/ 26.11.08.05. | Particulate Matter | 9/12/05 | 9/15/08, 73 FR 53130 | Sections .05A(3) and .05B(2)(a) are revised. |
| 10.18.08.06 | Prohibition of Unapproved Hazardous Waste Incinerators. | 3/25/84 | 7/2/85, 50 FR 27245 | (c)(82). |
| **26.11.09 Control of Fuel Burning Equipment and Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations** | | | | |
| 26.11.09.01 | Definitions | 9/20/10 | 2/22/11, 76 FR 9650 | Revision removes definition of ''fuel-burning equipment''. |
| 26.11.09.02 | Applicability | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*7*). |
| 26.11.09.03 | General Conditions for Fuel Burning Equipment. | 6/21/04 | 7/6/05, 70 FR 38774 | Revised paragraphs 26.11.09.03C(1) and .03C(2). |
| 26.11.09.04 | Prohibition of Certain New Fuel Burning Equipment. | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*7*). |
| 26.11.09.05 | Visible Emissions | 11/24/03 | 8/1/07, 72 FR 41891 | Revised paragraph 26.11.09.05A(3). |
| 26.11.09.06 | Control of Particulate Matter | 6/21/04 | 7/6/05, 70 FR 38774 | Addition of paragraph 26.11.09.06C. |
| 26.11.09.07 | Control of Sulfur Oxides from Fuel Burning Equipment. | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*7*). |
| 26.11.09.08 | Control of $NO_X$ Emissions for Major Stationary Sources. | 11/24/03 | 9/20/04, 69 FR 56170 | (c)(191). |
| 26.11.09.09 | Tables and Diagrams | 11/11/02 | 5/1/03, 68 FR 23206 | (c)(183); Revised Table 1. |
| **26.11.10 Control of Iron and Steel Production Installations** | | | | |
| 26.11.10.01 | Definitions | 12/25/00 | 11/7/01, 66 FR 56222 | (c)(163). |
| 26.11.10.02 | Applicability | 11/2/98 | 9/7/01, 66 FR 46727 | (c)(153). |
| 26.11.10.03 | Visible Emissions | 11/24/03 | 8/1/07, 72 FR 41891 | Revised paragraph 26.11.10.03A(2). |
| 26.11.10.04 | Control of Particulate Matter | 11/2/98 | 9/7/01, 66 FR 46727 | (c)(153). |
| 26.11.10.05 | Sulfur Content Limitations for Coke Oven Gas. | 11/2/98 | 9/7/01, 66 FR 46727 | (c)(153). |
| 26.11.10.05–1 | Control of Carbon Monoxide Emissions from Basic Oxygen Furnaces. | 9/12/05 | 2/9/10, 75 FR 6307 | |
| 26.11.10.06[1] | Control of Volatile Organic Compounds from Iron and Steel Production Installations. | 12/25/00 | 11/7/01, 66 FR 56222 | (c)(163). |
| 26.11.10.07 | Testing and Observation Procedures. | 12/25/00 | 11/7/01, 66 FR 56222 | (c)(163). |
| **26.11.11 Control of Petroleum Products Installations, Including Asphalt Paving, Asphalt Concrete Plants, and Use of Waste Oils** | | | | |
| 26.11.11.01 | Applicability | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*9*). |
| 26.11.11.02 | Asphalt Paving | 4/26/93 | 1/6/95, 60 FR 2018 | (c)(113)(i)(B)(*1*). |
| 26.11.11.03 | Asphalt Concrete Plants in Areas I, II, V, and VI. | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(9). |

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| 26.11.11.06 | Use of Waste Oils as Fuel | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*9*). |
| **26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations** | | | | |
| 26.11.12.01 | Definitions | 5/8/95 | 7/25/00, 64 FR 45743 | (c)(149). |
| 26.11.12.02 | Applicability | 5/8/95 | 7/25/00, 64 FR 45743 | (c)(149). |
| 26.11.12.03 | Prohibitions and Exemptions | 5/8/95 | 7/25/00, 64 FR 45743 | (c)(149). |
| 26.11.12.04 | Visible Emissions | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*10*). |
| 26.11.12.05 | Particulate Matter | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*10*). |
| 26.11.12.06 | Reporting Requirements | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*10*). |
| **26.11.13 Control of Gasoline and Volatile Organic Compound Storage and Handling** | | | | |
| 26.11.13.01 | Definitions | 10/18/07 | 7/18/08, 73 FR 41268 | |
| 26.11.13.02 | Applicability and Exemption | 4/26/93 | 1/6/95, 60 FR 2018 | (c)(113)(i)(B)(*3*). |
| 26.11.13.03 | Large Storage Tanks | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*12*). |
| 26.11.13.04 | Loading Operations | 8/11/97 | 12/22/98, 63 FR 70667 | (c)(132). |
| 26.11.13.05 | Gasoline Leaks from Tank Trucks | 2/15/93 | 1/6/95, 60 FR 2018 | (c)(112). |
| 26.11.13.06 | Plans for Compliance | 4/26/93 | 1/6/95, 60 FR 2018 | (c)(113)(i)(B)(*5*). |
| 26.11.13.07 | Control of Gasoline and VOC Emissions from Portable Fuel Containers. | 6/18/07 | 7/17/08, 73 FR 40970 | |
| 26.11.13.08 | Control of VOC Emissions from Marine Vessel Loading. | 10/18/07 | 7/18/08, 73 FR 41268 | New Regulation. |
| **26.11.14 Control of Emissions From Kraft Pulp Mills** | | | | |
| 26.11.14.01 | Definitions | 1/8/01, 10/15/01 | 11/7/01, 66 FR 56220 | (c)(170). |
| 26.11.14.02 | Applicability | 1/8/01 | 11/7/01, 66 FR 56220 | (c)(170). |
| 26.11.14.06 | Control of Volatile Organic Compounds. | 1/8/01, 10/15/01 | 11/7/01, 66 FR 56220 | (c)(170). |
| **26.11.17 Requirements for Major New Sources and Modifications** | | | | |
| 26.11.17.01 | Definitions | 11/24/03 | 9/20/04, 69 FR 56170 | 52.1070(c)(191). |
| 26.11.17.02 | Applicability | 4/26/93, 10/2/00 | 2/12/01, 66 FR 9766 | 52.1070(c)(148). |
| 26.11.17.03 | General Conditions | 11/24/03 | 9/20/04, 69 FR 56170 | 52.1070(c)(191). |
| 26.11.17.04 | Baseline for Determining Credit for Emission and Air Quality Offsets. | 4/26/93, 10/2/00 | 2/12/01, 66 FR 9766 | 52.1070(c)(148). |
| 26.11.17.05 | Administrative Procedures | 4/26/93, 10/2/00 | 2/12/01, 66 FR 9766 | 52.1070(c)(148). |
| **26.11.19 Volatile Organic Compounds From Specific Processes** | | | | |
| 26.11.19.01 | Definitions | 6/5/95 | 9/2/97, 62 FR 46199 | (c)(126) Note: On 5/13/1998 (63 FR 26462), EPA approved the revised definition of ''major stationary source of VOC '' with a State effective date of 5/8/1995 [(c)(128)]. |
| 26.11.19.02 | Applicability, Determining Compliance, Reporting, and General Requirements. | 5/4/98, 12/10/01 | 3/25/09, 74 FR 12556 | (c) (174), (c) (175). On 2/27/03 (68 FR 9012), EPA approved a revised rule citation with a State effective date of 5/8/95 [(c)(182)(i)(D)]. |
| 26.11.19.03 | Automotive and Light-Duty Truck Coating. | 9/22/97 | 11/5/98, 63 FR 59720 | (c)(140). |
| 26.11.19.04 | Can Coating | 8/1/88 | 11/3/92, 57 FR 49651 | (C)(90)(i)(B)(*12*). |
| 26.11.19.05 | Coil Coating | 8/1/88 | 11/3/92, 57 FR 49651 | (C)(90)(i)(B)(*12*). |
| 26.11.19.06 | Large Appliance Coating | 8/1/88 | 11/3/92, 57 FR 49651 | (C)(90)(i)(B)(*12*). |
| 26.11.19.07 | Paper, fabric, vinyl and other plastic parts coating. | 4/19/10 | 9/27/10, 75 FR 59084 | Revisions to Section .07A, .07B and the addition of new Section .07D. |

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| 26.11.19.07–1 ..... | Control of VOC Emissions from solid Resin Decorative Surface Manufacturing. | 6/15/98 | 6/17/99, 64 FR 32415 | (c)(142). |
| 26.11.19.08 ..... | Metal Furniture Coating ..... | 8/1/88 | 11/3/92, 57 FR 49651 | (C)(90)(i)(B)(*12*). |
| 26.11.19.09 ..... | Control of Volatile Organic Compounds (VOC) Emissions from cold and Vapor Degreasing. | 6/5/95 | 8/4/97, 62 FR 41853 | (c)(123). |
| 26.11.19.09–1 ..... | Control of VOC Emissions from Industrial Solvent Cleaning Operations Other Than Cold and Vapor Degreasing. | 4/19/10 | 2/22/11, 76 FR 9656 | New Regulation. |
| 26.11.19.10 ..... | Flexographic and rotogravure printing. | 4/19/10 | 9/27/10, 75 FR 59086 | Revision to section .10(B)(2). |
| 26.11.19.10–1 ..... | Flexible packaging printing ..... | 4/19/10 | 9/27/10, 75 FR 59086 | New Regulation. |
| 26.11.19.11 ..... | Control of Volatile Organic Compounds (VOC) Emissions from Sheet-Fed and Web Lithographic Printing. | 6/5/95 | 9/2/97, 62 FR 46199 | (c)(126). |
| 26.11.19.12 ..... | Dry Cleaning Installations ..... | 9/22/97 | 9/2/98, 63 FR 46662 | (c)(131). |
| 26.11.19.13 ..... | Miscellaneous Metal Coating ..... | 5/8/91 | 11/29/94, 59 FR 60908 | (c)(102)(i)(B)(*6*). |
| 26.11.19.13–1 ..... | Aerospace Coating Operations .... | 10/2/00, 10/15/01 | 11/7/01, 66 FR 56220 | (c)(169). |
| 26.11.19.13–2 ..... | Brake Shoe Coating Operations ... | 8/24/98 | 6/17/99, 64 FR 32415 | (c)(142). |
| 26.11.19.13–3 ..... | Control of VOC Emissions from Structural Steel Coating Operations. | 6/29/98 | 6/17/99, 64 FR 32415 | (c)(142). |
| 26.11.19.14 ..... | Manufacture of Synthesized Pharmaceutical Products. | 5/8/91 | 11/29/94, 59 FR 60908 | (c)(102)(i)(B)(*14*). |
| 26.11.19.15 ..... | Paint, Resin, and Adhesive Manufacturing and Adhesive Application. | 5/4/98, 3/22/99 | 10/28/99, 64 FR 57989 | (c)(145). |
| 26.11.19.16 ..... | Control of VOC Equipment Leaks | 8/19/91 | 9/7/94, 59 FR 46180 | (c)(103)(i)(B)(*9*). |
| 26.11.19.17 ..... | Control of Volatile Organic Compounds (VOC) Emissions from Yeast Manufacturing. | 9/12/05 | 3/31/06, 71 FR 16237 | |
| 26.11.19.18 ..... | Control of Volatile Organic Compounds (VOC) Emissions from Screen Printing and Digital Imaging. | 6/10/02 | 1/15/03, 68 FR 1972 | (c)(177). |
| 26.11.19.19 ..... | Control of Volatile Organic Compounds (VOC) Emissions from Expandable Polystyrene Operations. | 10/2/00 | 5/7/01, 66 FR 22924 | (c)(156). |
| 26.11.19.21 ..... | Control of Volatile Organic Compounds (VOC) Emissions from Commercial Bakery Ovens. | 7/3/95 | 10/15/97, 62 FR 53544 | (c)(125)(i)(B)(*4*). |
| 26.11.19.22 ..... | Control of Volatile Organic Compounds (VOC) Emissions from Vinegar Generators. | 8/11/97 | 9/23/99, 64 FR 41445 | (c)(137). |
| 26.11.19.23 ..... | Control of VOC Emissions from Vehicle Refinishing. | 5/22/95 | 8/4/97, 62 FR 41853 | (c)(124). |
| 26.11.19.24 ..... | Control of VOC Emissions from Leather Coating Operations. | 8/11/97 | 9/23/99, 64 FR 41445 | (c)(137). |
| 26.11.19.25 ..... | Control of Volatile Organic Compounds from Explosives and Propellant Manufacturing. | 8/11/97 | 1/26/99, 64 FR 3852 | (c)(141). |
| 26.11.19.26 ..... | Control of Volatile Organic Compound Emissions from Reinforced Plastic Manufacturing. | 8/11/97 | 8/19/99, 64 FR 45182 | (c)(139). |
| 26.11.19.27 ..... | Control of Volatile Organic Compounds from Marine Vessel Coating Operations. | 10/20/97 | 9/5/01, 66 FR 46379 | (c)(166). |
| 26.11.19.28 ..... | Control of Volatile Organic Compounds from Bread and Snack Food Drying Operations. | 10/2/00 | 5/7/01, 66 FR 22924 | (c)(157). |
| 26.11.19.29 ..... | Control of Volatile Organic Compounds from Distilled Spirits Facilities. | 10/2/00, 10/15/01 | 11/7/01, 66 FR 56220 | (c)(160). |

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| 26.11.19.30 | Control of Volatile Organic Compounds from Organic Chemical Production and Polytetrafluoroethylene Installations. | 12/10/01, 11/11/02 | 6/3/03, 68 FR 33000 | (c)(176). |
| 26.11.19.31 | Control of Volatile Organic Compounds from Medical Device Manufacturing. | 6/5/06 | 1/11/07, 72 FR 1289 | |
| 26.11.19.33 | Control of Volatile Organic Compounds (VOCs) from Flat wood Paneling Coatings. | 4/19/10 | 1/26/11, 76 FR 4534 | New Regulation. |
| **26.11.20 Mobile Sources** | | | | |
| 26.11.20.02 | Motor Vehicle Emission Control Devices. | 8/1/88 | 11/3/92, 57 FR 49651 | (c)(90)(i)(B)(*13*) [as 26.11.20.06]. |
| 26.11.20.03 | Motor Vehicle Fuel Specifications | 10/26/92 | 6/10/94, 59 FR 29957 | (c)(101)(i)(B)(*3*). |
| 26.11.20.04 | National Low Emission Vehicle Program. | 3/22/99 | 12/28/99, 64 FR 72564 | (c)(146). |
| **26.11.24 Stage II Vapor Recovery at Gasoline Dispensing Facilities** | | | | |
| 26.11.24.01 | Definitions | 1/29/07 | 1/17/08, 73 FR 3187 | Addition of ''Certified Inspector'' and ''Vapor Recovery System.'' |
| 26.11.24.01–1 | Incorporation by Reference | 4/15/02 | 5/7/03, 68 FR 24363 | (c)(178). |
| 26.11.24.02 | Applicability, Exemptions, and Effective Date. | 4/15/02 | 5/7/03, 68 FR 24363 | (c)(178). |
| 26.11.24.03 | General Requirements | 4/15/02 | 5/7/03, 68 FR 24363 | (c)(178). |
| 26.11.24.04 | Testing Requirements | 02/28/05 | 5/8/06, 71 FR 26688 | |
| 26.11.24.05 | Inspection Requirements | 2/15/93 | 6/9/94, 59 FR 29730 | (c)(107). |
| 26.11.24.05–1 | Inspections by a Certified Inspector. | 1/29/07 | 1/17/08, 73 FR 3187 | Added Section. |
| 26.11.24.06 | Training Requirements for Operation and Maintenance of Approved Systems. | 2/15/93 | 6/9/94, 59 FR 29730 | (c)(107). |
| 26.11.24.07 | Record-Keeping and Reporting Requirements. | 2/28/05 | 5/8/06, 71 FR 26688 | |
| 26.11.24.08 | Instructional Signs | 2/15/93 | 6/9/94, 59 FR 29730 | (c)(107). |
| 26.11.24.09 | Sanctions | 2/15/93 | 6/9/94, 59 FR 29730 | (c)(107). |
| **26.11.25 Control of Glass Melting Furnaces** | | | | |
| 26.11.25.01 | Definitions | 10/5/98 | 10/19/05, 70 FR 60738 | |
| 26.11.25.02 | Applicability and Exemptions | 10/5/98 | 10/19/05, 70 FR 60738 | |
| 26.11.25.03 | Visible Emissions from Glass Melting Furnaces. | 10/5/98 | 10/19/05, 70 FR 60738 | |
| 26.11.25.04 | Particulate Matter Emissions from Glass Melting Furnaces. | 10/5/98 | 10/19/05, 70 FR 60738 | |
| **26.11.26 Conformity** | | | | |
| 26.11.26.01 | Definitions | 5/15/95, 6/5/95 | 12/9/98, 63 FR 67782 | (c)(136); definitions of Applicable implementation plan, Governor, State, and State air agency. |
| 26.11.26.03 | General Conformity | 5/15/95, 6/5/95 | 12/9/98, 63 FR 67782 | (c)(136); current COMAR citation is 26.11.26.04. |
| **26.11.27 Emission Limitations for Power Plants** | | | | |
| 26.11.27.01 | Definitions | 7/16/07 | 9/4/08, 73 FR 51599 | |
| 26.11.27.02 | Applicability and Exceptions | 7/16/07 | 9/4/08, 73 FR 51599 | |
| 26.11.27.03 | General Requirements | 7/16/07 | 9/4/08, 73 FR 51599 | Exceptions: Paragraphs .03B(7)(a)(iii) and .03D; the word ''and'' at the end of paragraph .03B(7)(a)(ii). |
| 26.11.27.05 | Monitoring and Reporting Requirements. | 7/16/07 | 9/4/08, 73 FR 51599 | |

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| 26.11.27.06 | Judicial Review of Penalty Waivers. | 7/16/07 | 9/4/08, 73 FR 51599 | |
| **26.11.28 Clean Air Interstate Rule** | | | | |
| 26.11.28.01 | Definitions | 6/16/08 | 10/30/09, 74 FR 56117 | |
| 26.11.28.02 | Incorporation by Reference | 6/16/08 | 10/30/09, 74 FR 56117 | |
| 26.11.28.03 | Affected Units and General Requirements. | 6/16/08 | 10/30/09, 74 FR 56117 | |
| 26.11.28.04 | Requirements for New Affected Trading Units and $NO_X$ Set Aside Pool. | 6/16/08 | 10/30/09, 74 FR 56117 | |
| 26.11.28.05 | $NO_X$ Allowances for Renewable Energy Projects and Consumers of Electric Power. | 6/16/08 | 10/30/09, 74 FR 56117 | |
| 26.11.28.06 | $NO_X$ Allowances To Be Distributed to Consumers of Electric Power. | 6/16/08 | 10/30/09, 74 FR 56117 | |
| 26.11.28.07 | Distribution of Unused $NO_X$ Allowances in the Set Aside Pool. | 6/16/08 | 10/30/09, 74 FR 56117 | |
| 26.11.28.08 | Allocation of $NO_X$ Allowances | 6/16/08 | 10/30/09, 74 FR 56117 | Annual and Ozone Season Allocations start in 2010 instead of 2009. |
| **26.11.29 $NO_X$ Reduction and Trading Program** | | | | |
| 26.11.29.01 | Definitions | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.02 | Incorporation by Reference | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.03 | Scope and Applicability | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.04 | General Requirements for Affected Trading Sources. | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.05 | $NO_X$ Allowance Allocations | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.06 | Compliance Supplement Pool | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.07 | Allowance Banking | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.08 | Emission Monitoring | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.09 | Requirements for New Sources and Set-Aside Pool. | 11/24/03 | 3/22/04, 69 FR 13236 | (c)(184)(i)(C)(1)–(5). |
| 26.11.29.10 | Reporting | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.11 | Recordkeeping | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.12 | End-of-Season Reconciliation | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.13 | Compliance Certification | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.14 | Penalties | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| 26.11.29.15 | Requirements for Affected Non-trading Sources. | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*1*). |
| **26.11.30 Policies and Procedures Relating to Maryland's $NO_X$ Reduction and Trading Program** | | | | |
| 26.11.30.01 | Scope and Applicability | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*2*). |
| 26.11.30.02 | Definitions | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*2*). |
| 26.11.30.03 | Procedures Relating to Compliance Accounts and Overdraft Accounts. | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*2*). |
| 26.11.30.04 | Procedures Relating to General Accounts. | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*2*). |
| 26.11.30.05 | Allowance Banking | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*2*). |
| 26.11.30.06 | Allowance Transfers | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*2*). |
| 26.11.30.07 | Early Reductions | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*2*). |
| 26.11.30.08 | Opt-In Procedures | 5/1/00 | 1/10/01, 66 FR 1866 | (c)(154)(i)(B)(*2*). |
| 26.11.30.09 | Allocation of Allowances | 6/19/06 | 11/03/06, 71 FR 64647 | New column for 2008 allocations. |
| **26.11.32 Control of Emissions of Volatile Organic Compounds From Consumer Products** | | | | |
| 26.11.32.01 | Applicability and Exemptions | 06/18/07 | 12/10/07, 72 FR 69621 | |
| 26.11.32.02 | Incorporation by Reference | 06/18/07 | 12/10/07, 72 FR 69621 | |
| 26.11.32.03 | Definitions | 06/18/07 | 12/10/07, 72 FR 69621 | |
| 26.11.32.04 | Standards—General | 06/18/07 | 12/10/07, 72 FR 69621 | |
| 26.11.32.05 | Standards—Requirements for Charcoal Lighter Materials. | 08/18/03 | 12/09/03, 68 FR 68523 | (c)(185). |

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| Code of Maryland Administrative Regulations (COMAR) citation | Title/subject | State effective date | EPA approval date | Additional explanation/citation at 40 CFR 52.1100 |
|---|---|---|---|---|
| 26.11.32.06 | Standards—Requirements for Aerosol Adhesives. | 06/18/07 | 12/10/07, 72 FR 69621 | |
| 26.11.32.07 | Standards—Requirements for Floor Wax Strippers. | 08/18/03 | 12/09/03, 68 FR 68523 | (c)(185). |
| 26.11.32.08 | Requirements for Contact Adhesives, Electronic Cleaners, Footwear, or Leather Care Products, and General Purpose Cleaners. | 06/18/07 | 12/10/07, 72 FR 69621 | New Regulation. |
| 26.11.32.09 | Requirements for Adhesive Removers, Electrical Cleaners, and Graffiti Removers. | 06/18/07 | 12/10/07, 72 FR 69621 | New Regulation. |
| 26.11.32.10 | Requirements for Solid Air Fresheners and Toilet and Urinal Care Products. | 06/18/07 | 12/10/07, 72 FR 69621 | New Regulation. |
| 26.11.32.11 | Innovative Products—CARB Exemption. | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .08. |
| 26.11.32.12 | Innovative Products—Department Exemption. | 06/18/07 | 12/10/07, 72 FR 69621 | |
| 26.11.32.13 | Administrative Requirements | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .10; Amended. |
| 26.11.32.14 | Reporting Requirements | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .11; Amended. |
| 26.11.32.15 | Variances | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .12; Amended. |
| 26.11.32.16 | Test Methods | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .13; Amended. |
| 26.11.32.17 | Alternative Control Plan (ACP) | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .14; Amended. |
| 26.11.32.18 | Approval of an ACP Application | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .15; Amended. |
| 26.11.32.19 | Recordkeeping and Availability of Requested Information. | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .16. |
| 26.11.32.20 | Violations | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .17. |
| 26.11.32.21 | Surplus Reduction and Surplus Trading. | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .18; Amended. |
| 26.11.32.22 | Limited-use surplus reduction credits for early formulations of ACP Products. | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .19; Amended. |
| 26.11.32.23 | Reconciliation of Shortfalls | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .20; Amended. |
| 26.11.32.24 | Modifications to an ACP | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .21; Amended. |
| 26.11.32.25 | Cancellation of an ACP | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .22; Amended. |
| 26.11.32.26 | Transfer of an ACP | 06/18/07 | 12/10/07, 72 FR 69621 | Recodification of existing Regulation .23. |
| | **26.11.33 Architectural Coatings** | | | |
| 26.11.33.01 | Applicability and Exemptions | 3/29/04 | 5/12/05, 70 FR 24979 | |
| 26.11.33.02 | Test Methods—Incorporation by Reference. | 3/29/04 | 5/12/05, 70 FR 24979 | |
| 26.11.33.03 | Definitions | 3/29/04 | 5/12/05, 70 FR 24979 | |
| 26.11.33.04 | General Standard—VOC Content Limits. | 3/29/04 | 5/12/05, 70 FR 24979 | |
| 26.11.33.05 | VOC Content Limits | 3/29/04 | 5/12/05, 70 FR 24979 | |
| 26.11.33.06 | Most Restrictive VOC Limit | 2/28/05 | 10/19/05, 70 FR 60740 | Addition of sections B(15) through B(19). |
| 26.11.33.07 | Painting Restrictions | 3/29/04 | 5/12/05, 70 FR 24979 | |
| 26.11.33.08 | Thinning | 3/29/04 | 5/12/05, 70 FR 24979 | |
| 26.11.33.09 | Rust Preventive Coatings | 3/29/04 | 5/12/05, 70 FR 24979 | |
| 26.11.33.10 | Coatings Not Listed in Regulation .05. | 2/28/05 | 10/19/05, 70 FR 60740 | |
| 26.11.33.11 | Lacquers | 3/29/04 | 5/12/05, 70 FR 24979 | |
| 26.11.33.12 | Container Labeling Requirements | 2/28/05 | 10/19/05, 70 FR 60740 | Deleted section K. |
| 26.11.33.13 | Record Keeping Requirements | 2/28/05 | 10/19/05, 70 FR 60740 | |

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| Code of Maryland Administrative Regulations (COMAR) citation | Title/subject | State effective date | EPA approval date | Additional explanation/citation at 40 CFR 52.1100 |
|---|---|---|---|---|
| 26.11.33.14 | Compliance Provisions and Test Methods. | 3/29/04 | 5/12/05, 70 FR 24979 | |
| **11.14.08 Vehicle Emissions Inspection Program** | | | | |
| 11.14.08.01 | Title | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.02 | Definitions | 1/02/95, 10/19/98 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.03 | Applicability | 6/10/02 | 1/16/03, 68 FR 2208 | (c)(179). |
| 11.14.08.04 | Exemptions | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.05 | Schedule of the Program | 1/02/95, 12/16/96 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.06 | Certificates | 6/10/02 | 1/16/03, 68 FR 2208 | (c)(179). |
| 11.14.08.07 | Extensions | 1/02/95, 10/19/98 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.08 | Enforcement | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.09 | Inspection Standards | 6/10/02 | 1/16/03, 68 FR 2208 | (c)(179). |
| 11.14.08.10 | General Requirements for Inspection and Preparation for Inspection. | 1/02/95, 12/16/96, 10/19/98 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.11 | Idle Exhaust Emissions Test and Equipment Checks. | 10/18/98 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.11–1 | Transient Exhaust Emissions Test and Evaporative Purge Test Sequence. | 12/16/96, 10/19/98 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.12 | Evaporative Integrity Test, Gas Cap Leak Test, and On-Board Diagnostics Interrogation Procedures. | 6/10/02 | 1/16/03, 68 FR 2208 | (c)(179). |
| 11.14.08.13 | Failed Vehicle and Reinspection Procedures. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.14 | Dynamometer System Specifications. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.15 | Constant Volume Sampler, Analysis System, and Inspector Control Specifications. | 1/02/95, 10/19/98 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.16 | Evaporative Test Equipment, Gas Cap Leak Test Equipment, and On-Board Diagnostics Interrogation Equipment Specifications. | 6/10/02 | 1/16/03, 68 FR 2208 | (c)(179). |
| 11.14.08.17 | Quality Assurance and Maintenance—General Requirements. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.18 | Test Assurance Procedures | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.19 | Dynamometer Periodic Quality Assurance Checks. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.20 | Constant Volume Sampler Periodic Quality Assurance Checks. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.21 | Analysis System Periodic Quality Assurance Checks. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.22 | Evaporative Test Equipment, Gas Cap Leak Test Equipment and On-board Diagnostics Interrogation Equipment Periodic Quality Assurance Checks. | 1/02/95, 10/19/98 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.23 | Overall System Performance Quality Assurance. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.24 | Control Charts | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.25 | Gas Specifications | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.26 | Vehicle Emissions Inspection Station. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.27 | Technician's Vehicle Report | 1/02/95, 10/19/98 | 10/29/99, 64 FR 58340 | (c)(144). |

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| Code of Maryland Administrative Regulations (COMAR) citation | Title/subject | State effective date | EPA approval date | Additional explanation/citation at 40 CFR 52.1100 |
|---|---|---|---|---|
| 11.14.08.28 | Feedback Reports | 1/02/95, 10/19/98 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.29 | Certified Emissions Technician | 1/02/95, 12/16/96 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.30 | Certified Emissions Repair Facility | 1/02/95, 12/16/96 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.31 | On-Highway Emissions Test | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.32 | Fleet Inspection Station | 1/02/95, 12/16/96, 10/19/98 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.33 | Fleet Inspection Standards | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.34 | Fleet Inspection and Reinspection Methods. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.35 | Fleet Equipment and Quality Assurance Requirements. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.36 | Fleet Personnel Requirements | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.37 | Fleet Calibration Gas Specifications and Standard Reference Materials. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.38 | Fleet Recordkeeping Requirements. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.39 | Fleet Fees | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.40 | Fleet License Suspension and Revocation. | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.41 | Audits | 1/02/95 | 10/29/99, 64 FR 58340 | (c)(144). |
| 11.14.08.42 | Fleet Inspection After 1998 | 1/02/95, 2/16/96, 10/19/98 | 10/29/99, 64 FR 58340 | (c)(144). |
| **03.03.05 Motor Fuel Inspection [Contingency SIP Measure]** | | | | |
| 03.03.05.01 | Definitions | 12/18/95 | 1/30/96, 61 FR 2982 | (c)(101)(i)(B)(*4*); Approved as a contingency SIP measure as part of the CO Maintenance Plans for Baltimore and DC. [(c)(117) and (c)(118)]. |
| 03.03.05.01–1 | Standard Specifications for Gasoline. | 12/18/95 | 1/30/96, 61 FR 2982 | |
| 03.03.05.02–1 | Other Motor Vehicle Fuels | 10/26/92 | 6/10/94, 58 FR 29957 | |
| 03.03.05.05 | Labeling of Pumps | 12/18/95 | 1/30/96, 61 FR 2982 | |
| 03.03.05.08 | Samples and Test Tolerance | 10/26/92 | 6/10/94, 58 FR 29957 | |
| 03.03.05.15 | Commingled Products | 10/26/92 | 6/10/94, 58 FR 29957 | |
| **03.03.06 Emissions Control Compliance [Contingency SIP Measure]** | | | | |
| 03.03.06.01 | Definitions | 12/18/95 | 1/30/96, 61 FR 2982 | (c)(101)(i)(B)(*5*); Approved as a contingency SIP measure as part of the CO Maintenance Plans for Baltimore and DC. [(c)(117) and (c)(118)]. |
| 03.03.06.02 | Vapor Pressure Determination | 10/26/92 | 6/10/94, 58 FR 29957 | |
| 03.03.06.03 | Oxygen Content Determination | 12/18/95 | 1/30/96, 61 FR 2982 | |
| 03.03.06.04 | Registration | 10/26/92 | 6/10/94, 58 FR 29957 | |
| 03.03.06.05 | Record Keeping | 10/26/92 | 6/10/94, 58 FR 29957 | |
| 03.03.06.06 | Transfer Documentation | 12/18/95 | 1/30/96, 61 FR 2982 | |
| **TM Technical Memoranda** | | | | |
| TM91–01 [Except Methods 1004A through E]. | Test Methods and Equipment Specifications for Stationary Sources. | 11/2/98 | 9/7/01, 66 FR 46727 | (c)(153)(i)(D)(*5*) (Supplement 3 is added). |

(d) *EPA approved state source-specific requirements.*

| Name of source | Permit number/ type | State effective date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| Potomac Electric Power Company (PEPCO)—Chalk Point Units #1 and #2. | #49352, Amended Consent Order. | 1/27/78 | 4/2/79, 44 FR 19192. | 52.1100(c)(22); FRN republished 5/3/79 (44 FR 25840). |
| Potomac Electric Power Company (PEPCO)—Dickerson. | #49352, Amended Consent Order. | 7/26/78 | 12/6/79, 44 FR 70141. | 52.1100(c)(25). |
| Beall Jr./Sr. High School | Consent Order | 1/30/79 | 3/18/80, 45 FR 17144. | 52.1100(c)(26). |
| Mt. Saint Mary's College | Consent Order | 3/8/79 | 3/18/80, 45 FR 17144. | 52.1100(c)(26). |
| Potomac Electric Power Company (PEPCO)—Chalk Point. | Secretarial Order | 7/19/79 | 9/3/80, 45 FR 58340. | 52.1100(c)(34). |
| Maryland Slag Co | Consent Agreement (Order). | 10/31/80 | 9/8/81, 41 FR 44757. | 52.1100(c)(49). |
| Northeast Maryland Waste Disposal Authority. | Secretarial Order | 11/20/81 | 7/7/82, 47 FR 29531. | 52.1100(c)(65) (Wheelabrator-Frye, Inc.). |
| Northeast Maryland Waste Disposal Authority and Wheelabrator-Frye, Inc. and the Mayor and City Council of Baltimore and BEDCO Development Corp. | Secretarial Order | 2/25/83 | 8/24/83, 45 FR 55179. | 52.1100(c)(70) (Shutdown of landfill for offsets). |
| Westvaco Corp | Consent Order | 9/6/83; Rev. 1/26/84. | 12/20/84, 49 FR 49457. | 52.1100(c)(74). |
| Potomac Electric Power Company (PEPCO). | Administrative Consent Order. | 9/13/99 | 12/15/00, 65 FR 78416. | 52.1100(c)(151). |
| Thomas Manufacturing Corp | Consent Decree | 2/15/01 | 11/15/01, 66 FR 57395. | 52.1100(c)(167). |
| Constellation Power Source Generation, Inc.—Brandon Shores Units #1 & 2; Gould Street Unit #3; H.A. Wagner Units #1, 2, 3 & 4; C.P. Crane Units #1 & 3; and Riverside Unit #4. | Consent Order and $NO_X$ RACT Averaging Plan Proposal. | 4/25/01 | 2/27/02, 67 FR 8897. | 52.1100(c)(168). |
| Kaydon Ring and Seal, Inc | Consent Order | 3/5/04 | 8/31/04, 69 FR 53002. | (c)(190). |
| Perdue Farms, Inc | Consent Order | 2/1/05 | 1/11/07, 72 FR 1291. | 52.1070(d)(1). |

(e) *EPA-approved nonregulatory and quasi-regulatory material.*

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| Base Year Emissions Inventory. | Metropolitan Baltimore Ozone Nonattainment Area 1990. | 9/20/95 | 10/30/95, 60 FR 55321 | 52.1075(a) CO. |
| 1990 Base Year Emissions Inventory. | Metropolitan Washington Ozone Nonattainment Area. | 3/21/94<br>10/12/95 | 1/30/96, 61 FR 2931 | 52.1075(b) CO. |
| 1990 Base Year Emissions Inventory. | All ozone nonattainment areas. | 3/21/94 | 9/27/96, 61 FR 50715 | 52.1075(c) VOC, $NO_X$, CO. |
| 1990 Base Year Emissions Inventory. | Kent & Queen Anne's Counties. | 3/21/94 | 9/27/96, 61 FR 50715 | 52.1075(d) VOC, $NO_X$, CO. |
| 1990 Base Year Emissions Inventory. | Metropolitan Washington Ozone Nonattainment Area. | 3/21/94 | 4/23/97, 62 FR 19676 | 52.1075(e) VOC, $NO_X$, CO. |
| 1990 Base Year Emissions Inventory. | Metropolitan Washington Ozone Nonattainment Area. | 12/24/97 | 7/8/98, 63 FR 36854 | 52.1075(f) VOC, $NO_X$. |
| 1990 Base Year Emissions Inventory. | Metropolitan Baltimore Ozone Nonattainment Area. | 12/24/97 | 2/3/00, 65 FR 5245 | 52.1075(g) VOC, $NO_X$. |
| 1990 Base Year Emissions Inventory. | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County). | 12/24/97, 4/29/98, 12/21/99, 12/28/00. | 2/3/00, 65 FR 5252, 9/19/01, 66 FR 48209. | 52.1075(h) VOC, $NO_X$. |

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| 15% Rate of Progress Plan. | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County). | 7/12/95, #95–20 | 7/29/97, 62 FR 40457 | 52.1076(a). |
| Stage II Vapor Recovery Comparability Plan. | Western Maryland & Eastern Shore Counties. | 11/5/97 | 12/9/98, 63 FR 67780 | 52.1076(b). |
| 15% Rate of Progress Plan. | Metropolitan Baltimore Ozone Nonattainment Area. | 10/7/98 | 2/3/00, 65 FR 5245 | 52.1076(c). |
| 15% Rate of Progress Plan. | Metropolitan Washington Ozone Nonattainment Area. | 5/5/98 | 7/19/00, 65 FR 44686 | 52.1076(d). |
| Post-1996 Rate of Progress Plan & contingency measures. | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County). | 12/24/97, 4/24/98 | 2/3/00, 65 FR 5252 | 52.1076(f). |
| | | 8/18/98, 12/21/99 | 9/19/01, 66 FR 44809 | |
| | | 12/28/00, 3/8/04 | 4/15/04, 69 FR 19939 | 52.1076(f)(3). |
| Ozone Attainment Plan | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County). | 4/29/98, 8/18/98, 12/21/99, 12/28/00, 8/31/01. | 10/29/01, 66 FR 54578 | 52.1076(h). |
| | | 9/2/03 | 10/27/03, 68 FR 61103 | |
| Transportation Conformity Budgets. | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County). | 4/29/98, 8/18/98, 12/21/99, 12/28/00. | 10/29/01, 66 FR 54578 | 52.1076(i). |
| Post-1996 Rate of Progress Plan & contingency measures. | Metropolitan Baltimore Ozone Nonattainment Area. | 12/24/97, 4/24/98, 8/18/98, 12/21/99, 12/28/00. | 9/26/01, 66 FR 49108 | 52.1076(j). |
| Ozone Attainment Plan | Metropolitan Baltimore Ozone Nonattainment Area. | 4/29/98, 8/18/98, 12/21/99, 12/28/00, 8/31/01. | 10/30/01, 66 FR 54666 | 52.1076(k). |
| | | 9/2/03 | 10/27/03, 68 FR 61103 | 52.1076(k). |
| Mobile budgets | Metropolitan Baltimore Ozone Nonattainment Area. | 8/31/01 | 10/30/01, 66 FR 54666 | 52.1076(l). |
| | | 9/2/03 | 10/27/03, 68 FR 61103 | |
| Mobile budgets (2005) | Metropolitan Baltimore Ozone Nonattainment Area. Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County). | 9/2/03 | 10/27/03, 68 FR 61103 | 52.1076(m). |
| Mobile budgets (2005 Rate of Progress Plan). | Metropolitan Baltimore Ozone Nonattainment Area. | 11/3/03 | 2/13/04, 69 FR 7133 | 52.1076(n). |
| Extension for incorporation of the on-board diagnostics (OBD) testing program into the Maryland I/M SIP. | All ozone nonattainment areas. | 7/9/02 | 1/16/03, 68 FR 2208 | 52.1078(b). |
| Photochemical Assessment Monitoring Stations (PAMS) Program. | Metropolitan Baltimore and Metropolitan Washington Ozone Nonattainment Areas. | 3/24/94 | 9/11/95, 60 FR 47081 | 52.1080. |
| Consultation with Local Officials (CAA Sections 121 & 127). | All nonattainment & PSD areas. | 10/8/81 | 4/8/82, 47 FR 15140 | 52.1100(c)(63). |
| Lead (Pb) SIP | City of Baltimore | 10/23/80 | 2/23/82, 47 FR 7835 | 52.1100(c)(60), (61). |
| TM#90–01—''Continuous Emission Monitoring Policies and Procedures''—October 1990. | Statewide | 9/18/91 | 2/28/96, 61 FR 7418 | 52.1100(c)(106); approved into SIP as ''additional material'', but not IBR'd. |

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| Carbon Monoxide Maintenance Plan. | City of Baltimore-Regional Planning District 118. | 9/20/95 | 10/31/95, 60 FR 55321 | 52.1100(c)(117). |
| | | 7/15/04 | 04/04/05, 70 FR 16958 | Revised Carbon Monoxide Maintenance Plan Base Year Emissions Inventory using MOBILE6. |
| Carbon Monoxide Maintenance Plan. | Montgomery County Election Districts 4, 7, and 13; Prince Georges County Election Districts 2, 6, 16, 16, 17 and 18. | 10/12/95 | 1/30/96, 61 FR 2931 | 52.1100(c)(118). |
| | | 3/3/04 | 04/04/05, 70 FR 16958 | Revised Carbon Monoxide Maintenance Plan Base Year Emissions Inventory using MOBILE6. |
| Ozone Maintenance Plan. | Kent and Queen Anne's Counties. | 2/4/04 | 10/21/04, 69 FR 61766 | 52.1100(c)(187); SIP effective date is 11/22/04. |
| 1996–1999 Rate-of-Progress Plan SIP and the Transportation Control Measures (TCMs) in Appendix H. | Washington DC 1-hour ozone nonattainment area. | 12/20/97, 5/20/99 | 5/16/05, 70 FR 25688 | Only the TCMs in Appendix H of the 5/20/1999 revision. |
| | | | | 1999 motor vehicle emissions budgets of 128.5 tons per day (tpy) of VOC and 196.4 tpy of $NO_X$. |
| 1990 Base Year Inventory Revisions. | Washington DC 1-hour ozone nonattainment area. | 9/2/03, 2/24/04 | 5/16/05, 70 FR 25688 | . |
| 1999–2005 Rate-of-Progress Plan SIP Revision and the Transportation Control Measures (TCMs) in Appendix J. | Washington DC 1-hour ozone nonattainment area. | 9/2/03, 2/24/04 | 5/16/05, 70 FR 25688 | Only the TCMs in Appendix J of the 2/24/2004 revision 2002 motor vehicle emissions budgets (MVEBs) of 125.2 tons per day (tpy) for VOC and 290.3 tpy of $NO_X$, and, 2005 MVEBs of 97.4 tpy for VOC and 234.7 tpy of $NO_X$. |
| VMT Offset SIP Revision. | Washington DC 1-hour ozone nonattainment area. | 9/2/03, 2/24/04 | 5/16/05, 70 FR 25688 | |
| Contingency Measure Plan. | Washington, DC Area | 9/2/03, 2/24/04 | 5/16/05, 70 FR 25688 | |
| 1-hour Ozone Modeled Demonstration of Attainment. | Washington DC 1-hour ozone nonattainment area. | 9/2/03, 2/24/04 | 5/16/05, 70 FR 25688 | |
| Attainment Demonstration and Early Action Plan for the Washington County Ozone Early Action Compact Area. | Washington County | 12/20/04, 2/28/05 | 8/17/05, 70 FR 48283 | |
| 1-hour Ozone Attainment Plan. | Washington DC 1-hour ozone nonattainment area. | 9/2/2003, 2/24/2004 | 11/16/05, 70 FR 69440 | |
| 8–Hour Ozone Maintenance Plan for the Kent and Queen Anne's Area. | Kent and Queen Anne's Counties. | 05/2/06, 05/19/06 | 12/22/06, 71 FR 76920 | |

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures, and Contingency Measures. | Baltimore 1997 8-hour ozone moderate nonattainment area. | 6/4/07 | 6/4/10, 75 FR 31709. | |
| 2002 Base Year Inventory for VOC, $NO_X$, and CO. | Baltimore 1997 8-hour ozone moderate nonattainment area. | 6/4/07 | 6/4/10, 75 FR 31709. | |
| 2008 RFP Transportation Conformity Budgets. | Baltimore 1997 8-hour ozone moderate nonattainment area. | 6/4/07 | 6/4/10, 75 FR 31709. | |
| Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures, and Contingency Measures. | Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area. | 6/4/07 | 6/11/10, 75 FR 33172. | |
| 2002 Base Year Inventory for VOC, $NO_X$, and CO. | Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area. | 6/4/07 | 6/11/10, 75 FR 33172. | |
| 2008 RFP Transportation Conformity Budgets. | Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area. | 6/4/07 | 6/11/10, 75 FR 33172. | |

[69 FR 69306, Nov. 29, 2004]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1070, 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 76 FR 27612, May 12, 2011, § 52.1070 was amended in paragraph (c) table by revising an entry for COMAR 26.11.19.06, effective July 11, 2011. For the convenience of the user, the revised text is set forth as follows:

**§ 52.1070 Identification of plan.**

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE MARYLAND SIP

| Code of Maryland Administrative Regulations (COMAR) citation | Title/subject | State effective date | EPA approval date | Additional explanation/citation at 40 CFR 52.1100 |
|---|---|---|---|---|
| * | * * | * | * | * * |
| **26.11.19 Volatile Organic Compounds from Specific Processes** | | | | |
| * | * * | * | * | * * |
| 26.11.19.06 | Large Appliance Coating | 10/1/10 | 5/12/11 [Insert page number where the document begins] | |
| * | * * | * | * | * * |

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**§ 52.1071 Classification of regions.**

The Maryland plans were evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Cumberland-Keyser Interstate | I | I | III | III | III |
| Central Maryland Intrastate | II | II | III | III | III |
| Metropolitan Baltimore Intrastate | I | I | I | I | I |
| National Capital Interstate | I | I | III | I | I |
| Southern Maryland Intrastate | III | III | III | III | III |
| Eastern Shore Intrastate | II | III | III | III | III |

[37 FR 10870, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 45 FR 53475, Aug. 12, 1980]

### §52.1072 Conditional approval.

(a)–(d) [Reserved]

(e) Maryland's severe ozone nonattainment area SIP for the Metropolitan Washington area, which includes the 1996–1999 portion of the rate-of-progress plan submitted on December 24, 1997 and May 20, 1999 and the transportation control measures in Appendix H of the May 25, 1999 submittal, and the severe ozone attainment demonstration submitted on April 29, 1998, August 17, 1998, February 14, 2000 and section 9.1.1.2 of the March 22, 2000 submittal and the transportation control measures in Appendix J of the February 9, 2000 submittal, is conditionally approved contingent on Maryland submitting a revised SIP by April 17, 2004 that satisfies certain conditions. This conditional approval also establishes motor vehicle emissions budgets for 2005 of 101.8 tons per day of volatile organic compounds (VOC) and 161.8 tons per day of nitrogen oxides ($NO_X$) to be used in transportation conformity in the Metropolitan Washington, DC serious ozone nonattainment area until revised budgets based upon the MOBILE6 model are submitted and found adequate. Maryland must submit a revised SIP by April 17, 2004 that satisfies the following conditions.

(1) Revises the 1996–1999 portion of the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the required 9 percent rate-of-progress reductions by November 15, 1999.

(2) Revises the 1999–2005 portion of the severe area rate-of-progress plan to provide MOBILE6-based mobile source emission budgets and adopted measures sufficient to achieve emission reductions of ozone precursors of at least 3 percent per year from November 15, 1999 to the November 15, 2005 severe ozone attainment date.

(3) Revises the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the ROP reductions required for the post-1999 period.

(4) Revises the Washington area severe attainment demonstration to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented for the failure of the Washington area to attain the one-hour ozone standard for serious areas by November 15, 1999.

(5) Revises the Washington area severe attainment demonstration to reflect revised MOBILE6-based motor vehicle emissions budgets, including revisions to the attainment modeling/weight of evidence demonstration and adopted control measures, as necessary, to show that the SIP continues to demonstrate attainment by November 15, 2005.

(6) Revises the Washington area severe attainment demonstration to include a contingency plan containing those measures to be implemented if the Washington area does not attain the one-hour ozone standard by November 15, 2005.

(7) Revises the Washington area severe attainment demonstration to include a revised RACM analysis and any revisions to the attainment demonstration including adopted control measures, as necessitated by such analysis.

(8) Revises the major stationary source threshold to 25 tons per year.

(9) Revises Reasonably Available Control Technology (RACT) rules to include the lower major source applicability threshold.

(10) Revises new source review offset requirement to require an offset ratio of at least 1.3 to 1.

(11) Includes a fee requirement for major sources of volatile organic compounds (VOC) and nitrogen oxides ($NO_X$) should the area fail to attain by November 15, 2005.

(12) Includes a revision that identifies and adopts specific enforceable transportation control strategies and transportation control measures to offset any growth in emissions from growth in vehicle miles traveled or number of vehicle trips and to attain reductions in motor vehicle emissions as necessary, in combination with other emission reduction requirements in the Washington area, to comply with the rate-of-progress requirements for severe areas. Measures specified in section 108(f) of the Clean Air Act will be considered and implemented as necessary to demonstrate attainment.

[62 FR 40944, July 31, 1997, as amended at 62 FR 49616, Sept. 23, 1997; 62 FR 52666, Oct. 9, 1997; 63 FR 47179, Sept. 4, 1998; 64 FR 33200, June 22, 1999; 64 FR 58344, Oct. 29, 1999; 65 FR 5252, Feb. 3, 2000; 65 FR 44689, July 19, 2000; 66 FR 9527, Feb. 8, 2001; 68 FR 19131, Apr. 17, 2003; 74 FR 24705, May 26, 2009]

EFFECTIVE DATE NOTE: At 69 FR 19937, Apr. 15, 2004, in § 52.1072, paragraph (e) was stayed indefinitely.

### § 52.1073 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Maryland's plans for the attainment and maintenance of the national standards.

(b) With the exceptions set forth in this subpart, the Administrator approves the amendment to Regulation 10.18.01 sections .01, .07, and .11, Regulation 10.18.04 and 10.18.05 section .03D, .03F, .03H, .06I of Maryland's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that portions of the plan, as submitted January 19, 1979, satisfy the requirements of part D, title 1, of the Clean Air Act as amended in 1977.

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.

(c) Code of Maryland Air Regulations (COMAR) 26.11.13.06 is approved with the following exception:

(i) Distributors and retailers of gasoline-ethanol blends as defined by 40 CFR 80.27(d)(2) are subject to the provisions of 40 CFR 80.27(d)(1) through 40 CFR 80.27(d)(3).

(d) Letter of November 13, 1993, from the Maryland Department of the Environment transmitting a commitment to adopt either the Federal clean fuel fleet program or an alternative substitute program by May 15, 1994.

(e)–(g) [Reserved]

(h)(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 (h), 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 $CO_2e$ 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 $CO_2e$ or more; and,

(3) Beginning July 1, 2011, in addition to the provisions in paragraph (h)(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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ or more.

(4) For purposes of this paragraph (h)—

(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 ($CO_2e$) 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 (h)(4)(ii)(A) of this section for each gas to compute a tpy $CO_2e$.

(iii) The term emissions increase shall mean that a net significant emissions increase (as defined in 40 CFR part 52.21(b)(3)(i) (2000) and the EPA-approved Maryland rules at COMAR 26.11.06.14 (state effective date 10/10/2001)). For the pollutant GHGs, a net emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in 40 CFR 52.21(b)(23)(ii) (2000).

[38 FR 33716, Dec. 6, 1973, as amended at 45 FR 53475, Aug. 12, 1980; 47 FR 20128, May 11, 1982; 56 FR 23808, May 24, 1991; 58 FR 50848, Sept. 29, 1993; 61 FR 16061, Apr. 11, 1996; 63 FR 47179, Sept. 4, 1998; 70 FR 25718, 25724, May 13, 2005; 70 FR 69443, Nov. 16, 2005; 74 FR 24705, May 26, 2009; 75 FR 82556, Dec. 30, 2010]

### §52.1074 Legal authority.

(a) The requirements of §51.230(f) of this chapter are not met, since section 698(f) of the Maryland Air Quality Control Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 698(f) is disapproved.

[39 FR 34536, Sept. 26, 1974, and 47 FR 20128, May 11, 1982, as amended at 51 FR 40676, Nov. 7, 1986]

### §52.1075 Base year emissions inventory.

(a) EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventory for the Baltimore Metropolitan Statistical Area, submitted by the Secretary, Maryland Department of the Environment, on September 20, 1995. This submittal consists of the 1990 base year stationary, area, off-road mobile and on-road mobile emission inventories in the Baltimore Metropolitan Statistical Area for the pollutant, carbon monoxide (CO).

(b) EPA approves as a revision to the Maryland Implementation Plan the 1990 base year emission inventory for the Washington Metropolitan Statistical Area, submitted by Secretary, Maryland Department of the Environment, on March 21, 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).

(c) EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventories for the Maryland ozone nonattainment areas submitted by the Secretary of Maryland Department of Environment on March 21, 1994. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen ($NO_X$).

(d) EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventories for the Maryland ozone nonattainment areas: Baltimore nonattainment areas, Cecil County, and Kent and Queen

Anne's Counties submitted by the Secretary of Maryland Department of Environment on March 21, 1994. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen ($NO_X$).

(e) EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventory for the Maryland portion of the Metropolitan Washington DC ozone nonattainment area submitted by the Secretary of MDE on March 21, 1994. This submittal consists of the 1990 base year point, area, highway mobile, non-road mobile, and biogenic source emission inventories in the area for the following pollutants: Volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen ($NO_X$).

(f) EPA approves as a revision to the Maryland State Implementation Plan an amendment to the 1990 base year emission inventories for the Maryland portion of the Metropolitan Washington DC ozone nonattainment area submitted by the Secretary of Maryland of the Department Environment on December 24, 1997. This submittal consists of amendments to the 1990 base year point, area, highway mobile, and non-road mobile source emission inventories in the area for the following pollutants: Volatile organic compounds (VOC), and oxides of nitrogen ($NO_X$).

(g) EPA approves revisions to the Maryland State Implementation Plan amending the 1990 base year emission inventories for the Baltimore ozone nonattainment area, submitted by the Secretary of Maryland Department of the Environment on December 24, 1997. This submittal consists of amendments to the 1990 base year point, area, highway mobile and non-road mobile source emission inventories for volatile organic compounds and nitrogen oxides in the Baltimore ozone nonattainment area.

(h) EPA approves revisions to the Maryland State Implementation Plan amending the 1990 base year emission inventories for the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area, submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997. This submittal consists of amendments to the 1990 base year point, area, highway mobile and non-road mobile source emission inventories for volatile organic compounds and nitrogen oxides in the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area.

(i) EPA approves as a revision to the Maryland State Implementation Plan the 2002 base year emissions inventories for the Baltimore 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007. This submittal consists of the 2002 base year point, area, non-road mobile, and on-road mobile source inventories in area for the following pollutants: Volatile organic compounds (VOC), carbon monoxide (CO) and nitrogen oxides ($NO_X$).

(j) EPA approves as a revision to the Maryland State Implementation Plan the 2002 base year emissions inventories for the Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007. This submittal consists of the 2002 base year point, area, non-road mobile, and on-road mobile source inventories in area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO) and nitrogen oxides ($NO_X$).

[60 FR 55326, Oct. 31, 1995, as amended at 61 FR 2937, Jan. 30, 1996; 61 FR 50717, Sept. 27, 1996; 61 FR 64029, Dec. 3, 1996; 62 FR 19679, Apr. 23, 1997; 62 FR 34405, 34406, June 26, 1997; 63 FR 36858, July 8, 1998; 65 FR 5252, Feb. 3, 2000; 66 FR 48210, Sept. 19, 2001; 75 FR 31711, June 4, 2010; 75 FR 33174, June 11, 2010]

### § 52.1076 Control strategy plans for attainment and rate-of-progress: Ozone.

(a) EPA is approving as a revision to the Maryland State Implementation Plan the 15 Percent Rate of Progress Plan and associated contingency measures for the Cecil County ozone nonattainment area, submitted by the Secretary of the Maryland Department of the Environment on July 21, 1995.

(b) EPA approves as a revision to the Maryland State Implementation Plan, the Stage II vapor recovery comparability plan for the counties of Allegany, Caroline, Dorchester, Garrett, Kent, Queen Anne's, Somerset, St. Mary's, Talbot, Washington, Wicomico, and Worcester Counties submitted by the Maryland Department of the Environment on November 5, 1997.

(c) EPA approves as a revision to the Maryland State Implementation Plan, the 15 Percent Rate of Progress Plan for the Baltimore ozone nonattainment area, submitted by the Secretary of Maryland Department of the Environment on October 7, 1998.

(d) EPA approves the Maryland's 15 Percent Rate of Progress Plan for the Maryland portion of the Metropolitan Washington, D.C. ozone nonattainment area, submitted by the Secretary of the Maryland Department of the Environment on May 5, 1998.

(e) [Reserved]

(f)(1) EPA approves revisions to the Maryland State Implementation Plan for post 1996 rate of progress plans for milestone years 1999, 2002 and 2005 for the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area. These revisions were submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

(2) EPA approves the contingency plans for failure to meet rate of progress in the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area for milestone years 1999, 2002 and 2005. These plans were submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

(3) EPA approves revisions to the Maryland State Implementation Plan, submitted by the Secretary of the Maryland Department of the Environment on March 8, 2004, for the rate-of-progress (ROP) plan for year 2005 for the Cecil County portion of the Philadelphia-Wilmington-Trenton 1-hour ozone nonattainment area. These revisions update Cecil County's 2005 ROP plan's 1990 and 2005 motor vehicle emissions inventories and motor vehicle emissions budgets to reflect the use of the MOBILE6 emissions model, establish motor vehicle emissions budgets of 3.0 tons per day (tpd) of volatile organic compounds and 11.3 tpd of nitrogen oxides, and amend the contingency measures associated with the 2005 ROP plan for Cecil County.

(g) [Reserved]

(h) EPA approves the attainment demonstration for the Philadelphia area submitted as a revision to the State Implementation Plan by the Maryland Department of the Environment on April 29, 1998, August 18, 1998, December 21, 1999, December 28, 2000, August 31, 2001, and September 2, 2003 including its RACM analysis and determination. EPA is also approving the revised enforceable commitments made to the attainment plan for the Baltimore severe ozone nonattainment area which were submitted on December 28, 2000. The enforceable commitments are to 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; and to perform a mid-course review by December 31, 2003.

(i) EPA approves the following mobile budgets of Maryland's attainment plan for the Philadelphia area:

TRANSPORTATION CONFORMITY BUDGETS FOR THE MARYLAND PORTION OF THE PHILADELPHIA AREA

| Type of control strategy SIP | Year | VOC (TPD) | $NO_X$ (TPD) |
|---|---|---|---|
| Attainment Demonstration | 2005 | 3.0 | 11.3 |

(1) [Reserved]

(2) Similarly, EPA is approving the 2005 attainment demonstration and its current budgets because Maryland has provided an enforceable commitment

to submit new budgets as a SIP revision to the attainment plan consistent with any new measures submitted to fill any shortfall, if the new additional control measures affect on-road motor vehicle emissions.

(j)(1) EPA approves revisions to the Maryland State Implementation Plan for post 1996 rate of progress plans for milestone years 1999, 2002 and 2005 for the Baltimore severe ozone nonattainment area. These revisions were submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

(2) EPA approves the contingency plans for failure to meet rate of progress in the Baltimore severe ozone nonattainment area for milestone years 1999, 2002 and 2005. These plans were submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

(k) EPA approves the attainment demonstration for the Baltimore area submitted as a revision to the State Implementation Plan by the Maryland Department of the Environment on April 29, 1998, August 18, 1998, December 21, 1999, December 28, 2000, August 20, 2001, and September 2, 2003 including its RACM analysis and determination. EPA is also approving the revised enforceable commitments made to the attainment plan for the Baltimore severe ozone nonattainment area which were submitted on December 28, 2000. The enforceable commitments are to 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; and to perform a mid-course review by December 31, 2003.

(l) EPA approves the following mobile budgets of the Baltimore area attainment plan:

TRANSPORTATION CONFORMITY BUDGETS FOR THE BALTIMORE AREA

| Type of control strategy SIP | Year | VOC (TPD) | $NO_X$ (TPD) |
|---|---|---|---|
| Attainment Demonstration | 2005 | 55.0 | 146.9 |

(1) [Reserved]

(2) Similarly, EPA is approving the 2005 attainment demonstration and its current budgets because Maryland has provided an enforceable commitment to submit new budgets as a SIP revision to the attainment plan consistent with any new measures submitted to fill any shortfall, if the new additional control measures affect on-road motor vehicle emissions.

(m) EPA approves the State of Maryland's revised 1990 and the 2005 VOC and $NO_X$ highway mobile emissions inventories and the 2005 motor vehicle emissions budgets for the one-hour ozone attainment plans for the Baltimore severe ozone nonattainment area and the Cecil County portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area. These revisions were submitted by the Maryland Department of the Environment on September 2, 2003. Submission of these revised MOBILE6-based motor vehicle emissions inventories was a requirement of EPA's approval of the attainment demonstration under paragraphs (h) and (k) of this section.

(n) EPA approves revisions to the Maryland State Implementation Plan for Post-1996 Rate of Progress (ROP) Plans for the Baltimore severe 1-hour ozone nonattainment area. These revisions were submitted by the Secretary of the Maryland Department of the Environment on December 23, 2003 and consist of the following:

(1) Revisions to the base year 1990 emissions inventory which reflect the use of the MOBILE6 motor vehicle emissions model. These revisions establish motor vehicle emissions inventories for 1990 of 165.14 tons per day of volatile organic compounds (VOC) and 228.21 tons per day of oxides of nitrogen ($NO_X$).

(2) Revisions to the year 2005 motor vehicle emissions budgets (MVEBs) for transportation conformity purposes,

reflecting the use of the MOBILE6 motor vehicle emissions model. These revisions establish a motor vehicle emissions budget of 55 tons per day of volatile organic compounds (VOC) and 144.5 tons per day of oxides of nitrogen ($NO_X$). EPA approved new 2005 MOBILE6-based MVEBs for the Baltimore area's 1-hour ozone attainment demonstration on October 27, 2003 (68 FR 61106). Those MVEBs became effective on November 26, 2003. The approved 2005 attainment plan MVEBs budgets are 55.3 tons per day of VOC and 146.9 tons per day of $NO_X$. The MVEBs of the 2005 ROP plan are less than the MVEBs in the approved attainment demonstration. These more restrictive MVEBs, contained in the ROP plan, are the applicable MVEBs to be used in transportation conformity demonstrations for the year 2005 for the Baltimore area.

(3) Revisions to the 2005 ROP plan to reallocate some of the contingency measures established in prior SIP revisions to the control measures portion of the plan. EPA guidance allows states an additional year to adopt new contingency measures to replace those reallocated to the control measures portion of the plan. The State of Maryland's December 23, 2003 SIP revision submittal includes an enforceable commitment to replace those contingency measures reallocated to the control measures portion of the 2005 ROP plan and to submit these additional contingency measures by October 31, 2004.

(o) Based upon EPA's review of the air quality data for the 3-year period 2003 to 2005, EPA has determined that the Washington, DC 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, DC severe 1-hour ozone nonattainment area is not subject to the imposition of the section 185 penalty fees.

(p) Based upon EPA's review of the air quality data for the 3-year period 2003 to 2005, EPA has determined that that the Philadelphia-Wilmington-Trenton 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 Philadelphia-Wilmington-Trenton severe 1-hour ozone nonattainment area is not subject to the imposition of the section 185 penalty fees.

(q) EPA approves revisions to the Maryland State Implementation Plan consisting of the 2008 reasonable further progress (RFP) plan, reasonably available control measures, and contingency measures for the Baltimore 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007.

(r) EPA approves the following 2008 RFP motor vehicle emissions budgets (MVEBs) for the Baltimore 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007:

TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE BALTIMORE AREA

| Type of control strategy SIP | Year | VOC (TPD) | $NO_X$ (TPD) | Effective date of adequacy determination or SIP approval |
|---|---|---|---|---|
| Rate of Progress Plan | 2008 | 41.2 | 106.8 | April 13, 2009, (74 FR 13433), published March 27, 2009. |

(s) EPA approves revisions to the Maryland State Implementation Plan consisting of the 2008 reasonable further progress (RFP) plan, reasonably available control measures, and contingency measures for the Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007.

(t) EPA approves the following 2008 RFP motor vehicle emissions budgets (MVEBs) for the Maryland portion of the Philadelphia 1997 8-hour ozone

moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007:

TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE MARYLAND PORTION OF THE PHILADELPHIA AREA

| Type of control strategy SIP | Year | VOC (TPD) | $NO_X$ TPD) | Effective date of adequacy determination or SIP approval |
|---|---|---|---|---|
| Rate of Progress Plan ..... | 2008 | 2.3 | 7.9 | April 13, 2009, (74 FR 13433), published March 27, 2009. |

[62 FR 40458, July 29, 1997]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1076, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1077 Source surveillance.

(a) The requirements of § 51.212 of this chapter are not met since the plans do not provide specific procedures for stationary sources to be periodically tested.

[37 FR 10870, May 31, 1972, as amended at 47 FR 20128, May 11, 1982; 51 FR 40677, Nov. 7, 1986]

### § 52.1078 Extensions.

(a) [Reserved]

(b) The Administrator hereby extends by six-months the deadline by which Maryland must incorporate mandatory testing of second generation On-board Diagnostics (OBD-II) equipped motor vehicles as part of its inspection and maintenance (I/M) program. As a result of this deadline extension, Maryland must now incorporate mandatory OBD-II checks (for 1996-and-newer OBD-II equipped vehicles) as an element of the Commonwealth's I/M program in all enhanced I/M program areas by July 1, 2002.

[66 FR 632, Jan. 3, 2001, as amended at 68 FR 2210, Jan. 16, 2003; 69 FR 43522, July 21, 2004]

### § 52.1079 Requirements for state implementation plan revisions relating to new motor vehicles.

Maryland must comply with the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

### § 52.1080 Photochemical Assessment Monitoring Stations (PAMS) Program.

On March 24, 1994 Maryland's Department of the Environment 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 Maryland SIP. As with all components of the SIP, Maryland must implement the program as submitted and approved by EPA.

[60 FR 47084, Sept. 11, 1995]

### § 52.1081 Control strategy: Particulate matter.

(a) *Determination of Attainment.* EPA has determined, as of January 12, 2009, the Maryland portion of the Metropolitan Washington, DC–MD–VA nonattainment area for the 1997 $PM_{2.5}$ NAAQS has attained the 1997 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration 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 $PM_{2.5}$ NAAQS.

*(b) Determination of Attainment.* EPA has determined, as of November 20, 2009, the Martinsburg-Hagerstown, WV–MD $PM_{2.5}$ nonattainment area has attained the 1997 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspend 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 $PM_{2.5}$ NAAQS.

[74 FR 1148, Jan. 12, 2009, as amended at 74 FR 60203, Nov. 20, 2009]

### §§ 52.1082–52.1099 [Reserved]

### § 52.1100 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Maryland'' and all revisions submitted by Maryland that were federally approved prior to November 1, 2004.

(b) The plans were officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions and errata to the plan submitted on February 25, 1972, by the Maryland Bureau of Air Quality Control.

(2) Clarification of emission data submitted on March 3, 1972, by the Maryland Bureau of Air Quality Control.

(3) Final State emission limitations, Regulations 10.03.35–10.03.41 of the Maryland Air Pollution Control Regulations, submitted on April 4, 1972, by the Maryland Bureau of Air Quality Control.

(4) Miscellaneous non-regulatory corrections and additions to the plan submitted on April 28, 1972, by the Maryland Bureau of Air Quality Control.

(5) Miscellaneous non-regulatory corrections and additions to the plan submitted on May 8, 1972, by the Maryland Bureau of Air Quality Control.

(6) Revision establishing unsuitable sites for construction of power plants submitted July 27, 1972, by the Maryland Department of Natural Resources.

(7) Transportation control plan for Metropolitan Baltimore and National Capital AQCR Submitted on April 16, 1973, by the Governor.

(8) Amendments to the Maryland Transportation Control Plans submitted on May 5, 1973, by the Governor.

(9) Amendments to the Maryland Transportation Control Plans submitted on June 15, 1973, by the Governor.

(10) Amendments to the Maryland Transportation Control Plans submitted on June 22, 1973, by the Governor.

(11) Amendments to the Maryland Transportation Control Plans submitted on June 28, 1973, by the Governor.

(12) Amendments to the Maryland plan for attainment and maintenance of secondary $SO_2$ standard for Metropolitan Baltimore AQCR submitted on July 31, 1973, by the Governor.

(13) Amendment to Maryland regulations 10.03.38.04J and 10.03.39.04J covering gasoline handling vapor control submitted on April 24, 1974, by the Governor of Maryland.

(14) Request for regulations 10.03.38.06G(2) and 10.03.39.06G(2) to be withdrawn from consideration submitted on November 29, 1974, by the Governor of Maryland.

(15) Amendments to Maryland Regulations 10.03.36, 10.03.37, 10.03.39, 10.03.40 and 10.03.41; deleting subsection .04B(3), which requires the lowering of the allowable sulfur-in-fuel limitation to 0.5 percent submitted on December 11, 1974 by the Governor.

(16) Amendment to Sections .04J(1) and .04J(2) of Maryland Regulations 10.03.38 and 10.03.39 (vapor recovery, Stage I); submitted on April 24, 1974, and amended on July 1, 1975 by the Governor.

(17) Amendment to Sections .04B(1) and .04B(2) of Maryland Regulations 10.03.37, 10.03.40 and 10.03.41 (allowable sulfur content in fuel); submitted on July 1, 1975 by the Governor.

(18) Amendment to Maryland Regulation 10.03.38, deleting subsection .04B(3), which requires the lowering of the allowable sulfur-in-fuel limitation to 0.5 percent, submitted on December 11, 1974 by the Governor.

(19) Amendments to Sections .03 (Air Pollution Episode System), .06 (Test Methods) and .11 (Permits); and deletion of Section .04 (Prior Registration of Proposed Installations) of Maryland Regulation 10.03.35 (Regulations Governing Air Pollution Control in the State of Maryland); amendments to Sections .03 (Control of Particulate Emissions), .04 (Control and Prohibition of oxides of nitrogen emissions), and associated tables of Maryland Regulations 10.03.36, 10.03.37, 10.03.40, and 10.03.41 (Regulations Governing Air

Pollution Control in the Cumberland-Keyser, Central Maryland, Southern Maryland, and Eastern Shore AQCRs); amendments to Sections .03 (Control and Prohibition of Particulate Emissions), .04 (Control and Prohibition of Hydrocarbons andOxides of Nitrogen Emissions) and .06 (Control and Prohibition of Installations and Operations) and associated tables of Maryland Regulations 10.03.38 and 10.03.39 (Regulations Governing Air Pollution Control in the Metropolitan Baltimore and National Capital AQCRs); submitted on April 24, 1974 by the Governor.

(20) Amendments to Sections .01 (Definitions), .04 (Ambient Air Quality Standards (former Section .05 of Regulations)), 10.03.36 through 10.03.41 (Regulations Governing Control of Air Pollution in the State of Maryland); amendments to Sections .01 (Control and Prohibition of Open Burning), .02 (Control and Prohibition of Particulate Emissions), .03 (Control and Prohibition of Sulfur Oxides, Hydrocarbons and Oxides of Nitrogen Emissions), and .06 (Control and Prohibition of Installations and Operations) of Maryland Regulations 10.03.36, 10.03.37, 10.03.40, and 10.03.41 (Regulations Controlling Air Pollution in the Cumberland-Keyser, Central Maryland, Southern Maryland and Eastern Shore AQCRs); amendments to Section .02 (Control and Prohibition of Visible Emissions), .03 (Control and Prohibition of sulfur oxides, hydrocarbons, and oxides of nitrogen emissions), and .06 (Control and Prohibition of Installations and Operations) of Maryland Regulations 10.03.38 and 10.03.39 (Regulations Controlling Air Pollution in the Metropolitan Baltimore and National Capital AQCRs); submitted on December 11, 1974 by the Governor.

(21) Amendments to Section .11 (Permits) of Maryland Regulation 10.03.35 (Regulations Governing Control of Air Pollution in the State of Maryland); amendments to Section .04 (Control and prohibition of sulfur oxides emissions) of Maryland Regulations 10.03.36, 10.03.37, 10.03.40 and 10.03.41 (Regulations Governing Air Pollution Control in the Cumberland-Keyser, Central Maryland, Southern Maryland and Eastern Shore AQCR's); deletion of Section .03D(1) (Control of particulate matter from grain drying installations) from Maryland Regulations 10.03.36, 10.03.37, 10.03.40 and 10.03.41; deletion of Section .03D (Control of particulate matter from grain drying installations) from Maryland Regulations 10.03.38 and 10.03.39 (Regulations Governing Air Pollution Control in the Metropolitan Baltimore and National Capital AQCR's) submitted by the Governor on July 1, 1975.

(22) A Consent Order for the Chalk Point power plant issued by the Circuit Court for Montgomery County on February 27, 1978.

(23) Amendments to Sections .01 (Definitions), .03 (Air Pollution Episode System), .06 (Test Methods) and .12 (Emission Test Methods); and deletion of Section .08 (Penalties and Plans for Compliance) of Regulation 10.03.35 (Regulations Governing Air Pollution Control in the State of Maryland); amendments to Table 1 (Emission Standards for New Fuel Burning Equipment) of Maryland Regulations 10.03.36 through 10.03.41; amendments to Section .04 (Control and Prohibition of Gas and Vapor Emissions) and .06 (Control and Prohibition of Installations and Operations; and deletion of Section. .03E (Process Weight Requirements) and .07 (Transition from Previous Regulations) of Maryland Regulation 10.03.38 (Regulation Governing Air Pollution Control in the Metropolitan Baltimore AQCR); amendments to Section .01 (Control of Open Fires) and .04 (Control of Gas and Vapor Emissions; and deletion of Sections .03E (Process Weight Requirements) and .07 (Transition from Previous Regulations) of Maryland Regulation 10.03.39 (Regulation Governing Air Pollution Control in the Maryland Portion of the National Capital Interstate AQCR) submitted on February 10, 1977 by the Governor.

(24) Amendments to Maryland Regulation 10.03.35 through 10.03.41 inclusive which supplement the English System measurement with equivalent metric units submitted on February 10, 1977 by the Governor.

(25) Consent Order dated July 28, 1978 between the Potomac Electric Power Company and the Department of Health and Mental Hygiene of the State of Maryland in the Circuit Court

for Montgomery County (No. 49352—Equity) submitted on August 8, 1978 by Acting Governor Blair Lee.

(26) Consent Orders for Beall Jr./Sr. High School and Mount St. Mary's College issued by the Secretary of the Maryland Department of Health and Mental Hygiene on January 30, 1979 and March 8, 1979 respectively.

(27) Amendments to Sections .01, .07, and .11 of Maryland Regulation 10.18.01 as submitted on January 19, 1979 by the Governor.

(28) Amendments to Sections .03D, .03F, .03H, .06I of Maryland Regulation 10.18.04 and 10.18.05 as submitted on January 19, 1979 by the Governor.

(29) Variances from Maryland regulations 10.18.04.02(A), 10.18.04.03(B)(3), and 10.18.04.04(B)(1) relating to visible emissions, particulate matter from solid fuel burning equipment and prohibition of usage of fuel with sulfur content in excess of one percent by weight, respectively. The variance request was submitted on October 24, 1979 by the Governor of Maryland.

(30) Consent orders submitted by the Governor on July 16, 1975, November 18, 1977, and by the Administrator, Air Quality Programs on June 15, 1979 granting the Westvaco Corporation an exception to Regulation COMAR 10.18.02.04B.

(31)–(32) [Reserved]

(33) A consent order amending regulation 10.18.07, 10.18.07.02B, 10.18.07.03B(2)a, for the Firestone Plastics Co., Inc., Perryville, Maryland, submitted on December 1, 1978, by the Maryland Environmental Health Administration.

(34) Amendment to Maryland regulations 10.18.05.03(B)(2), 10.18.05.02(A), and 10.18.05.03(B)(1)(a) relating to relaxation of particulate emissions, visible emissions and waiving of particulate control equipment requirement for the Chalk Point Generating Station Unit #3. The amendment, a Secretarial Order, was submitted on August 13, 1979 by the State of Maryland.

(35) Variance from Maryland regulation 10.18.04.02(A) relating to visible emissions and allowing a maximum visible emission of 25% opacity. This variance expires on September 11, 1982. The variance request was submitted on September 27, 1979 by the State of Maryland.

(36) Amendments to Sections .01 (Definitions), .04 (Ambient Air Quality Standards), and .11 (Permits) of Maryland Regulation 10.18.01 (Regulations Governing Control of Air Pollution in the State of Maryland); and amendments to Section .02 (Control and Prohibition of Visible Emissions) of Maryland Regulations 10.18.04 and 10.18.05 (Regulations Governing Air Pollution Control in the Metropolitan Baltimore and National Capital AQCRS's) submitted by the Governor on September 26, 1979.

(37) Amendments to Section .04J(3)a and .04J(3)b (Organic Compounds) of Maryland Regulations 10.18.04 and 10.18.05; submitted on February 10, 1977 by the Governor.

(38) Deletion of Section .06G(2) (Control and Prohibition of Photochemically Reactive Organic Compounds from sources existing on or before February 12, 1974) of Maryland Regulations 10.18.04 and 10.18.05; submitted on December 10, 1979 by the Governor.

(39) Deletion of Sections .06G(1) and .06G(3) (Control and Prohibition of Photochemically Reactive Organic Materials From Sources Built or Modified after February 12, 1974) of Maryland Regulations 10.18.04 and 10.18.05 from the Maryland State Implementation Plan (SIP).

(40) Letter of January 21, 1980 from Maryland to EPA explaining the State's interpretation of the scope of coverage of Maryland Regulation 10.18.04.04J.

(41) Amendments to Sections .06 of Maryland Regulation 10.18.04 and 10.18.05 as submitted on January 19, 1979 by the Governor.

(42) Amendment to Section .01(y) of Maryland Regulation 10.18.01 as submitted on December 10, 1979 by the Governor.

(43) Amendments to Regulations 10.18.04 and 10.18.05; Sections .04J(1)c, .04J(1)d, .04J(1)e(i), .04J(1)f, .04J(1)g, .04J(1)h, .04J(1)i(i), .04J(3)d, .04J(4)a, .04J(4)b, and .04J(5) a through j; submitted on January 19, 1979, and amended on September 26, 1979 by the State of Maryland.

(44) A revision submitted by the State of Maryland on December 20, 1979 which is intended to establish an Ambient Air Quality Monitoring Network.

(45) Recodification of the Maryland Regulations submitted by the State of Maryland on May 22, 1980.

(46) Amendments to section .04D(4) of COMAR 10.18.04 and COMAR 10.18.05 establishing a revised sulfur oxides emissions limitation for all existing solid fuel-fired, cyclone type fuel burning equipment having an actual heat input in excess of 1,000 million Btu/hour; submitted on February 20, 1980 by the Governor.

(47) October 1, 1980 letter from George P. Ferreri, Maryland Office of Environmental Programs to James E. Sydnor, EPA, certifying that the Baltimore Gas & Electric Company's C. P. Crane Generating Station is the sole facility to which COMAR 10.18.04.04D(4) and 10.18.05.04D(4) would apply.

(48) A revision submitted by the State of Maryland on 9/10/80 consisting of a variance issued to the General Refractories Company of Baltimore, Maryland exempting the Company from the ''No Visible Emissions'' requirements of COMAR 10.18.04.02A for aperiod of three (3) years commencing 9/2/80.

(49) A revision submitted by the State of Maryland on November 3, 1980 consisting of a Consent Agreement (Order) between the State of Maryland and the Maryland Slag Company decreasing the particulate matter emission limitation for the Company.

(50) A revision submitted by the State of Maryland on October 24, 1979 consisting of amendments to the following regulations:

COMAR 10.18.01 as recodified in 40 CFR 52.1070(c)(45), 10.18.02 as recodified in 40 CFR 52.1070(c)(45), 10.18.03 as recodified in 40 CFR 52.1070(c)(45), 10.18.04 as recodified in 40 CFR 52.1070(c)(45), 10.18.05 as recodified in 40 CFR 52.1070(c)(45), 10.18.06 as recodified in 40 CFR 52.1070(c)(45), 10.18.07 as recodified in 40 CFR 52.1070(c)(45).

(51) A revision submitted by the State of Maryland on May 22, 1980, consisting of changes in definitions in sections 10.18.01.01 and revoking of obsolete regulations, COMAR 10.03.38.04 B(4) and 10.03.39.04 B(4).

(52) A revision submitted by the State of Maryland on April 24, 1974, consisting of changes in COMAR 10.03.35.06 A(1) and 10.03.35.06 A(3).

(53) A revision submitted by the State of Maryland on December 10, 1979, consisting of changes in Sections .01 and .11 of COMAR 10.18.01, and in Sections .05 and .07 of COMAR 10.18.02, 10.18.03, 10.18.04, 10.18.05, 10.18.06 and 10.18.07.

(54) A revision submitted by the State of Maryland on October 17, 1980, consisting of an exception to COMAR 10.18.06.02B for the Maryland Cup Corporation.

(55) A revision submitted by the State of Maryland on August 7, 1981 consisting of an exception to COMAR 10.18.09.07A(2)(c) for the Reading-Whitehall Paperboard Company.

(56) A Secretarial order submitted by the State of Maryland on June 23, 1981 consisting of a variance issued to the Potomac Electric Power Company at Dickerson, Maryland exempting the company from the ''no visible emissions'' requirements of COMAR 10.18.09.05A(2) until five years from the date of approval by EPA.

(57) A Secretarial order submitted by the State of Maryland on July 17, 1981 consisting of a various issued to the American Cyanamid Company, Havre de Grace, Maryland from the ''no visible emissions'' requirement of COMAR 10.18.06.02B until July 8, 1986.

(58) Amendments to COMAR 10.18.01, 10.18.06, 10.18.08, 10.18.09, 10.18.11, 10.18.12, 10.18.13, 10.18.14, 10.18.21, and Technical Memorandum TM–116 (amended November 1980) as submitted by the Governor on May 18, 1981.

(59) Addition of Maryland Regulation 10.18.06.14 (Control of PSD sources) which incorporates by reference the Federal prevention of significant deterioration (PSD) requirements set forth in 40 CFR 52.21; submitted on June 24, 1981 by the Governor.

(60) A State Implementation Plan for the control of lead (Pb) emissions submitted on October 23, 1980 by the Governor.

(61) A letter containing supplemental clarifying information with respect to the State's control strategy demonstration; submitted on July 27, 1981

by the Maryland Air Management Administration.

(62) A revised Secretarial order controlling lead emissions from the Mobay Chemical Corporation's frit manufacturing plant in Baltimore, Maryland; submitted December 16, 1981 by the Maryland Air Management Administration.

(63) A revision submitted by the State of Maryland on October 8, 1981 detailing a plan for satisfying requirements of sections 121 and 127 of the Clean Air Act Amendments of 1977.

(64) A revision submitted by the State of Maryland on November 18, 1981, consisting of a Modified Amended Consent Order for Potomac Electric Power Company's Chalk Point generating station.

(65) A Secretarial order stating the terms under which a construction permit for a new source in a nonattainment area will be issued by the Northeast Maryland Waste Disposal Authority to Wheelabrator-Frye, Inc. to construct and operate a municipal incinerator; submitted on December 22, 1981 by the Director, Maryland Air Management Administration, Department of Health and Mental Hygiene.

(66) An amendment to Code of Maryland Air Regulation (COMAR) 10.18.08.05A(1) revising the method for calculating particulate emissions from incinerators located in the Cumberland-Keyser, Central Maryland, Southern Maryland and Eastern Shore Air Quality Control Regions (AQCR's), submitted on January 11, 1982 by the Governor.

(67) Code of Maryland Air Regulations (COMAR) 10.18.10 (Control of Iron and Steel Production Installations); Technical Memorandum AMA–TM 81–04: Amendment to AMA–TM 73–116; Amendments to COMAR 10.18.01.01 (General Administrative Regulations—Definitions) and COMAR 10.18.06.02 (General Emission Standards, Prohibitions and Restriction); and a New Amended Plan for Compliance for the Bethlehem Steel Corporation's Sparrows Point, Maryland Plant; submitted on August 11, 1981 by the Governor.

(68) The revised Health-Environmental Article of the Annotated Code of Maryland, submitted on July 2, 1982 by the Director, Maryland Air Management Administration, Department of Health and Mental Hygiene.

(69) A revision submitted by the State of Maryland on November 15, 1982, consisting of an extension to the previous visible emission exception to COMAR 10.18.01.08 (Exception to Visible Emission Requirements) for the Maryland Cup Corporation. The exception is renewed until September 11, 1987.

(70) A modified Secretarial order stating the terms under which a construction permit for a new source in a nonattainment area will be issued to Wheelabrator-Frye, Inc. who will construct, own, and operate a municipal incinerator; submitted on March 17, 1983 by the Director, Maryland Air Management Administration, Department of Health and Mental Hygiene.

(71) Plan Revision, excluding the schedules for additional VOC controls and the required Vehicle Emissions Inspection Program, providing for attainment of the Ozone and Carbon Monoxide Standards, submitted by the State on July 1, 1982 for the Metropolitan Baltimore Intrastate Air Quality Control Region (AQCR) and November 5, 1982 for the Maryland portion of the National Capital Interstate AQCR. On May 4, 1983, and June 13 and 16, 1983, the State submitted amended I/M regulations. A revised schedule for the adoption of controls for VOC sources was submitted on December 23, 1983.

(72) Amendments to Code of Maryland Regulations (COMAR) 10.18.01, .02, .06, .11, .13, and .21 which apply to air quality control areas III and IV, submitted on August 22, 1983.

(73) A revision submitted by the State of Maryland on July 12, 1983, consisting of a plan for Compliance for the J.L. Clark Manufacturing Company in Havre De Grace.

(74) A Consent Order granting the Westvaco Corporation a sulfur dioxide ($SO_2$) emissions limitation which is equivalent to COMAR 10.18.09.07(A)(1)(a); submitted on September 7, 1983, as amended on February 7, 1984 by the Maryland Air Management Administration.

(75) Revision submitted by the State of Maryland on December 13, 1983 consisting of a Plan for Compliance for the

General Motors Corporation, GM Assembly Division, Baltimore City Plant.

(76) Revision submitted by the State of Maryland on December 13, 1983 consisting of a Plan for Compliance for the American Can Company, Baltimore City.

(77) Revision submitted by the State of Maryland on December 13, 1983 consisting of a Plan for Compliance for the National Can Corporation, Baltimore County.

(78) Revision submitted by the State of Maryland on April 6, 1984 consisting of a Plan for Compliance for the Crown Cork and Seal Company, Inc., Baltimore City.

(79) Revision submitted by the State of Maryland on April 6, 1984 consisting of a Plan for Compliance for the Continental Can Company, Baltimore City.

(80) A revision submitted by the State of Maryland on January 26, 1984, and May 25, 1984 consisting of amendments to change the State's stationary source stack testing procedures document and to correct a State procedural defect relating to procedures for observing visible emissions from iron and steel facilities.

(81) [Reserved]

(82) Revisions to the Code of Maryland Regulations (COMAR) were submitted by the Director of the Maryland Air Management Administration of March 14, 1984.

(i) Incorporation by reference.

(A) Amendments to COMAR 10.18.02 (Permits, Approvals and Registration) and COMAR 10.18.08 (Control of Incinerators), as published in the Maryland Register on February 3, 1984 (proposed on November 11, 1983).

(ii) Additional material.

(A) Letter from the MAMA dated November 29, 1984 clarifying that permit applications would only be accepted from incinerators subject to the hazardous waste facility regulations and that hazardous waste facility permits would be treated as air quality permits for all purposes.

(83) Revisions to the Code of Maryland Regulations (COMAR) were submitted by the Director of the Maryland Air Management Administration on March 14, 1984.

(i) Incorporation by reference.

(A) Amendments to COMAR 10.18.09 (Control of Fuel Burning Equipment and Stationary Internal Combustion Engines), as published in the Maryland Register on March 2, 1984.

(ii) Additional information.

(A) Letter from MAMA dated November 29, 1984 clarifying that a permit cannot be issued for the sources unless they undergo new source review as under COMAR 10.18.02 (Permits, Approvals and Registration).

(84) [Reserved]

(85) Revisions to the Ozone Attainment Plan were submitted by the Director, Maryland Air Management Administration, on August 1, 1984.

(i) Incorporation by reference.

(A) State Secretarial Order for the Monarch Manufacturing Company located in Belcamp, Maryland, allowing interim VOC emission standards to be used by the Company until source-specific regulations are developed by MAMA. The Company shall come into compliance with the source-specific regulations within six months after their adoption. The Secretarial Order was approved on July 23, 1984.

(86) Revisions submitted on March, 1, 1989 by the Secretary, Maryland Department of the Environment, amending the Code of Maryland Air Regulations (COMAR) 10.18.21.10 (Graphic Arts) and COMAR 10.18.21.13 (Miscellaneous Metal Coating, Interior Sheet Drum Lining).

(i) Incorporation by reference.

(A) Revisions to COMAR 10.18.21.10, pertaining to graphic arts, and COMAR 10.18.21.13, pertaining to miscellaneous metal coating, interior sheet drum lining. These revisions were adopted by the Secretary of Health and Mental Hygiene on June 10, 1987and became effective on August 10, 1987.

(ii) Additional information.

(A) Letter of June 30, 1987 from George P. Ferreri, Director, Maryland Air Management Administration, to Thomas J. Maslany, EPA Region III, forwarding revisions to COMAR 10.18.21.10 and COMAR 10.18.21.13.

(B) Letter of March 13, 1989 from George P. Ferreri, Director, Maryland Air Management Administration to Stanley L. Laskowski, Acting Regional Administrator, EPA Region III, clarifying information with respect to the

adopted and effective dates of the revisions to COMAR 10.18.21.10 and COMAR 10.18.21.13.

(87) A revision submitted by the Secretary, Maryland Department of Health and Mental Hygiene on March 30, 1987, consisting of amendments to the Good Engineering Practice (GEP) Stack Height Regulations, COMAR 10.18.01.08 (Determination of Ground Level Concentrations—Acceptable Techniques).

(i) Incorporation by reference.

(A) Letter of March 30, 1987 from the Secretary, Maryland Department of Health and Mental Hygiene.

(B) COMAR 10.18.01.08 (Determination of Ground Level Concentrations—Acceptable Techniques), which was adopted by the Maryland Department of Health and Mental Hygiene on January 23, 1987.

(ii) Additional information.

(A) None.

(88) [Reserved]

(89) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on June 30, 1987.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated June 30, 1987 submitting a revision to the Maryland State Implementation Plan pertaining to the definitions of true vapor pressure and vapor pressure.

(B) Maryland Register Volume 13, page 2048; COMAR 10.18.01.01 Definitions V–1. and X–1 (Now recodified as COMAR 26.11.01.01 Z. and CC.).

(90) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on March 21, 1991.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated March 21, 1991 submitting a revision to the Maryland State Implementation Plan.

(B) Recodified Maryland Regulations, revised effective August 1, 1988.

(*1*) COMAR 26.11.01.01A. through J., L., O. through BB., DD. (except for ''ammonium carbonates''); COMAR 26.11.01.02 through 26.11.01.09.

(*2*) COMAR 26.11.02.01 through 26.11.02.03A.(6)(o), 26.11.02.03A.(7) through 26.11.02.09, 26.11.02.10A., 10E., 26.11.02.11A., .11B.(2)–(3), 11C., 26.11.02.12 through 26.11.02.16.

(*3*) COMAR 26.11.03.01 through 26.11.03.03, 26.11.03.05 through 26.11.03.08.

(*4*) COMAR 26.11.05—(Entire Chapter).

(*5*) COMAR 26.11.06.03A.–.03C.; 26.11.06.05, 26.11.06A., .06C., .06D; 26.11.06.10, 26.11.06.11, 26.11.06.15, 26.11.06.16.

(*6*) COMAR 26.11.07.01 through 26.11.07.04, 26.11.07.05A. (1), (2), 26.11.07.05A.(5) through .05A.(7), 26.11.07.05B (1), (2), (4), (5).

(*7*) COMAR 26.11.09.01 through 26.11.09.04, 26.11.09.05B., 26.11.09.06 through 26.11.09.09.

(*8*) COMAR 26.11.10—Entire chapter except for COMAR 26.11.10.03B.(3).

(*9*) COMAR 26.11.11—Entire chapter except for COMAR 26.11.11.04A(1)–(4).

(*10*) COMAR 26.11.12—Entire Chapter.

(*11*) COMAR 26.11.13.01 (definitions of ''external floating roof,'' ''gasoline,'' ''internal floating roof,'' ''liquid-mounted seal,'' ''metallic-type shoe seal,'' ''rim-mounted secondary seal,'' ''shoe mounted secondary seal,'' ''tank truck,'' ''vapor control system,'' ''vapor mounted seal''; 26.11.13.02 (except for .02C(3)), 26.11.13.03, 26.11.13.04B., 26.11.13.05.

(*12*) COMAR 26.11.19.01A., 01B(2), (4), (5), .02A, .02B(1) (except for ''low VOC adhesives''), .02B(2), (3), .02C(1), (2), .02D., .02E (except for all references to variables ''C'' and ''D''), .02F(1), (2), (3) (except for ''and''); 26.11.19.04 through 26.11.19.10, 26.11.19.13, 26.11.19.14.

(*13*) COMAR 26.11.20—Entire Chapter except for COMAR 26.11.20.02.

(ii) Additional materials.

(A) Remainder of the March 21, 1991 State Submittal known as Maryland 91–01B.

(91) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment—Air Management Administration on August 20, 1984, regarding a bubble for American Cyanamid in Havre de Grace, Maryland.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Health and Mental Hygiene—Air Management Administration (now known as the Maryland Department of the Environment—Air Management Administration) dated August 20, 1984 submitting a revision to

the Maryland State Implementation Plan regarding a bubble for American Cyanamid.

(B) Secretarial Order (By Consent) between American Cyanamid and the Maryland State Department of Health and Mental Hygiene—Air Management Administration (now known as the Maryland Department of the Environment—Air Management Administration) except for section 2, approved on August 2, 1984.

(ii) Additional material.

(A) Letter dated September 17, 1984 from Ronald E. Lipinski, MAMA, to James Topsale, EPA Region III, providing emissions information for the sources involved in the American Cyanamid bubble.

(B) Public Hearing record for the May 23, 1984 public hearing.

(C) Technical Support Document, prepared by Maryland, for American Cyanamid, including formulas to calculate bubble emissions.

(92) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on December 15, 1987.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated December 15, 1987 submitting a revision to the Maryland State Implementation Plan.

(B) Amendments to the Code of Maryland Air Regulations (COMAR) 10.18.03, State Adopted National Ambient Air Quality Standards and Guidelines limited to the amendment of 10.18.03.04, carbon monoxide and COMAR 10.18.06, General Emission Standards, Prohibitions, and Restrictions, limited to the amendment of 10.18.06.04, carbon monoxide in areas III and IV. The amendments to COMAR 10.18.03.04 and 10.18.06.04 were adopted by the Maryland Department of the Environment on November 4, 1987, and made effective on January 5, 1988.

(93) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on December 30, 1987.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated December 15, 1987, submitting revisions to the Maryland State Implementation Plan.

(B) Amendments to regulations 10.18.01 O–1, 10.18.02.03 H(3)(i), and 10.18.06.14 under the Code of Maryland Administrative Regulations (COMAR) revising Maryland's prevention of significant deterioration program to incorporate changes to 40 CFR 52.21 made between 1980 and 1986. The amendments to COMAR 10.18.01 O–1, 10.18.02.03 H(3)(i), and 10.18.06.14 were effective on January 5, 1988 in the State of Maryland.

(ii) Additional materials.

(A) None.

(94) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on March 8, 1989.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated March 1, 1989, submitting revisions to the Maryland State Implementation Plan.

(B) Amendments to regulations 26.11.01.01, 26.11.02.10 (C)(9), and 26.11.06.14 (proposed as 10.18.01 O–1, 10.18.02.03 H(3)(i), and 10.18.06.14) under the Code of Maryland Administrative Regulations (COMAR) revising Maryland's prevention of significant deterioration program to incorporate changes to 40 CFR 52.21 made between 1986 and 1987, thereby establishing the increment for $NO_2$ and requiring sources to conduct an $NO_2$ increment consumption analysis. The amendments to COMAR 26.11.01.01, 26.11.02.10 (C)(9), and 26.11.06.14 were effective on March 21, 1989 in the State of Maryland.

(ii) Additional materials.

(A) None.

(95) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on March 28, 1991.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated March 21, 1991 submitting revisions to the Maryland State Implementation Plan.

(B) Amendments to regulations 26.11.01.01 and 26.11.06.14 under the Code of Maryland Administrative Regulations (COMAR) revising Maryland's prevention of significant deterioration program to incorporate changes to 40

CFR 52.21 made between 1987 and 1989. The amendments to COMAR 26.11.01.01, and 26.11.06.14 were effective on March 31, 1991 in the State of Maryland. The amendments to 26.11.02.10 (C)(9) were effective on May 8, 1991 in the State of Maryland.

(ii) Additional materials.

(A) None.

(96) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on April 3, 1992.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated March 27, 1992 submitting revisions to the Maryland State Implementation Plan.

(B) Amendments to regulations 26.11.01.01 and 26.11.06.14 under the Code of Maryland Administrative Regulations (COMAR) revising Maryland's prevention of significant deterioration program to incorporate changes to 40 CFR 52.21 made between 1989 and 1990. The amendments to COMAR 26.11.01.01 and 26.11.06.14 were effective on February 17, 1992 in the State of Maryland.

(ii) Additional materials.

(A) Remainder of April 3, 1992, State submittal.

(97) Revisions to the State Implementation Plan submitted on June 14, 1989, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 14, 1989, from the Maryland Department of the Environment transmitting a revision to a Maryland State Implementation Plan.

(B) Revision to COMAR 26.11.01.01E (Definition of ''Control Officer''), effective June 20, 1989.

(ii) Additional material.

(A) Remainder of the June 14, 1989 State submittal.

(98) Revisions to the Maryland State Implementation Plan submitted on April 5, 1991, and amended on January 18, 1993, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letters of April 5, 1991, and January 18, 1993, from the Maryland Department of the Environment transmitting additions and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The addition of COMAR 26.11.19.15C (proposed as COMAR 10.18.19.15C), Standards for Adhesive Application, adopted by the Secretary of Health and Hygiene on June 10, 1987, effective August 10, 1987;

(C) Amendments to COMAR 26.11.19.15C adopted by the Secretary of the Environment on March 9, 1991, effective May 8, 1991; and

(D) Amendments to COMAR 26.11.19.15C(4) adopted by the Secretary of the Environment on January 18, 1992, effective February 15, 1993.

(ii) Additional material.

(A) Remainder of April 5, 1991, and January 18, 1993, State submittals pertaining to COMAR 26.11.19.15C, Standards for Adhesive Application.

(B) Letter of April 17, 1992, from the Maryland Department of the Environment clarifying the intent of its April 5, 1991, letter transmitting revisions and additions to Maryland's State Implementation Plan.

(C) Letter of July 10, 1992, from the Maryland Department of the Environment clarifying Maryland's intent regarding COMAR 26.11.19.15C(4) and stating that Maryland was working to correct the administrative error in COMAR 26.11.19.15C(4) contained in the April 5, 1991, submittal.

(99) Revisions to the Maryland regulations for particulate matter (PM–10) submitted on March 1, 1989, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of March 1, 1989, from the Department of the Environment transmitting a revision to the Maryland State implementation plan for particulate matter (PM–10) Group III areas.

(B) COMAR 10.18.01 (General Administrative Provisions), COMAR 10.18.02 (Permits, Approvals, and Registration), COMAR 10.18.03 (State-Adopted National Ambient Air Quality Standards and Guidelines), COMAR 10.18.05 (Air Pollution Episode System), and COMAR 10.18.06 (General Emission Standards, Prohibitions, and Restrictions) as published in the Maryland Register on February 10, 1989. The regulations were adopted on January 20,

1989, and became effective on March 21, 1989.

(ii) Additional materials.

(A) Remainder of the State implementation plan revision request submitted by the Maryland Department of the Environment on March 1, 1989.

(100) Revisions to the Code of Maryland Administrative Regulations (COMAR) submitted on June 7, 1990, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 7, 1990, from the Maryland Department of the Environment transmitting revisions to the Maryland State Implementation Plan.

(B) The following revised regulations to COMAR 26.11.05 (Air Pollution Episode Plans), effective June 18, 1990: 26.11.05.01A., .01B., .01H., and .01J.; 26.11.05.02B., .02C.; 26.11.05.03A., 03B., 03D.; 26.11.05.05A., 05B., 05C., and .05D. Deletion of the definition ''coefficient of haze.''

(ii) Additional material.

(A) Remainder of the June 7, 1990, State submittal.

(101) Revisions to the State of Maryland Regulations Oxygenated Gasoline Program regulations submitted on November 13, 1992, by the Maryland Department of the Environment. Effective date October 26, 1992.

(i) Incorporation by reference.

(A) Letter of November 13, 1992, from the Maryland Department of the Environment transmitting Oxygenated Gasoline Program regulations.

(B) The following State of Maryland regulations effective October 26, 1992:

(*1*) Amendments to COMAR 26.11.13.01 (Control of Gasoline and Volatile Organic Compound Storage and Handling).

(*2*) Deletion of Regulation .06 under COMAR 26.11.13 (Control of Gasoline and Volatile Organic Compound Storage and Handling).

(*3*) New Regulation COMAR 26.11.20.03 (Mobile Sources).

(*4*) COMAR 03.03.05.01, .01–1, .02–1, .05, .08, and .15 (Motor Fuel Inspection).

(*5*) COMAR 03.03.06.01 through .06 (Emissions Control Compliance).

(ii) The remainder of the November 13, 1992, submittal.

(102) Revisions to the Maryland State Implementation Plan submitted on April 5, 1991 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 5, 1991 from the Maryland Department of the Environment transmitting addition, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of Health and Hygiene on June 10, 1987, effective August 10, 1987:

(*1*) Amendments to COMAR 26.11.06.06B (proposed as 10.18.06.06B), pertaining to control of Volatile organic compounds from installations.

(*2*) Addition of new section COMAR 26.11.06.06E, (proposed as 10.18.06.06E), exemptions.

(*3*) Amendments to COMAR 26.11.19.01B, (proposed as COMAR 10.18.21.01B), including the addition of the definitions for the terms adhesive and exempt solvent, the renumbering of all definitions.

(*4*) Amendments to COMAR 26.11.19.02B–F, (proposed as COMAR 10.18.21.02B–F), pertaining to compliance methods, methods of assessing compliance, test methods, computations, and reporting.

(*5*) Amendments to COMAR 26.11.19.10B, (proposed as COMAR 10.18.21.10B), pertaining to applicability and exemptions for graphic arts sources.

(*6*) Amendments to COMAR 26.11.19.13, (proposed as COMAR 10.18.21.13), pertaining to miscellaneous metal coating.

(*7*) Addition of new section COMAR 26.11.19.15A (proposed as 10.18.21.15A), definition of terms.

(*8*) Addition of new section COMAR 26.11.19.15B (proposed as 10.18.21.15B), standards for paint, resin and adhesive manufacturing.

(C) Amendments to COMAR 26.11.19.12 (proposed as COMAR 10.18.21.12), pertaining to dry cleaning installations, including the addition of new sections E and F, pertaining to equipment specifications, emission

standards, and compliance determinations for petroleum solvent dry cleaning installations, adopted by the Secretary of the Environment on April 21, 1989, effective June 20, 1989.

(D) Amendments to COMAR 26.11.19.12B–F, pertaining to applicability, exemptions, equipment specifications, emission standards, and compliance determinations for perchloroethylene and petroleum solvent dry cleaning installations, adopted by the Secretary of the Environment on May 17, 1990, effective July 16, 1990.

(E) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of the Environment on March 9, 1991, effective May 8, 1991:

(*1*) Amendments to COMAR 26.11.01.01, including the addition of definitions for the terms actual emissions, allowable emissions, potential to emit, premises, and reasonably available control technology (RACT); deletion of the definition for the term Ringelmann Smoke Chart; amendments to definitions for the terms New Source Impacting on a Non-Attainment Area (NSINA) and volatile organic compound (VOC); and renumbering of all definitions.

(*2*) Amendments to COMAR 26.11.02.03A(6)(k)(vii), pertaining to permits to construct or modify for motor vehicle gasoline storage tanks.

(*3*) The addition of new section COMAR 26.11.06.01, definitions for the terms installation and process line.

(*4*) Amendments to COMAR 26.11.06.06A, B and E, pertaining to applicability, control, and exemptions for sources of volatile organic compounds.

(*5*) The deletion of existing COMAR 26.11.13, pertaining to gasoline and volatile organic compound storage and handling.

(*6*) The addition of new COMAR 26.11.13.01, .02, .03, .05, and .06, pertaining to definitions, applicability, and exemptions for gasoline and volatile organic compounds storage and handling, large storage tanks, gasoline leaks from tank trucks, and Reid Vapor Pressure.

(*7*) Amendments to COMAR 26.11.19.01B, addition of the definition for the term transfer efficiency, amendments to the definition for the term coating.

(*8*) Amendments to COMAR 26.11.19.02A–F, pertaining to applicability, compliance methods, methods of assessing compliance, test methods, computations, and reporting for volatile organic compound regulations.

(*9*) Amendments to COMAR 26.11.19.07, the addition of new section B and revisions to new section C (former section B), pertaining to paper, fabric, and vinyl coating.

(*10*) Amendments to COMAR 26.11.19.10A, the deletion of definitions for the terms high velocity hot-air dryer, letterpress methods, lithographic methods, and roll printing; revisions to the definition for the term web printing; and renumbering of all definitions.

(*11*) Amendments to COMAR 26.11.19.10B and C, pertaining to graphic arts, including the deletion of existing section C and the addition of new section C.

(*12*) The addition of new COMAR 26.11.19.11A, B, and C, pertaining to sheet-fed paper and plastic parts coating, including definitions for the terms fountain, letterpress printing, lithographic printing, plastic parts coating, and sheet-fed coating.

(*13*) Amendments to COMAR 26.11.19.13B and C, pertaining to miscellaneous metal coating.

(*14*) Amendments to COMAR 26.11.19.14B, pertaining to synthesized pharmaceutical products.

(*15*) Amendments to COMAR 26.11.19.15A and B, pertaining to paint, resin, and adhesive manufacturing, including revisions to definitions for the terms adhesive application, resin thin down tank, specialty footwear manufacturing, specialty spiral tube winding, spiral tube winding, and spiral wound tube impregnating and curing, the deletion of the definition for the term honeycomb core installation, and the renumbering of all definitions.

(ii) Additional material.

(A) Remainder of April 5, 1991 State submittal pertaining to COMAR 26.11.01.01, 26.11.02.03, 26.11.06.01, 26.11.06.06A, B and E, 26.11.13.01, 26.11.13.02, 26.11.13.03, 26.11.13.05, 26.11.13.06, 26.11.19.01B, 26.11.19.02A–F, 26.11.19.07, 26.11.19.10, 26.11.19.11A–C,

26.11.19.12, 26.11.19.13, 26.11.19.14B, and 26.11.19.15A and B.

(B) Letter of April 17, 1992 from the Maryland Department of the Environment clarifying the intent of its April 5, 1991 letter transmitting additions, deletions, and revisions to Maryland's State Implementation Plan.

(C) Letter of October 18, 1993 from the Maryland Department of the Environment formally withdrawing revisions to COMAR 26.11.19.11D and E, pertaining to lithographic printing, from consideration as revisions to Maryland's State Implementation Plan.

(103) Revisions to the Maryland State Implementation Plan submitted on September 20, 1991 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of September 20, 1991 from the Maryland Department of the Environment transmitting addition, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of the Environment on July 24, 1991, effective August 19, 1991:

(*1*) Amendments to COMAR 26.11.01.01DD, the definition for the term volatile organic compound.

(*2*) Amendments to COMAR 26.11.01.04C, pertaining to emission test methods, including the addition of a: reference to 40 CFR part 60; and Methods 1000, 1002, and 1003 and Appendixes A and B, contained in ''Technical Memorandum 91–01, Test Methods and Equipment Specifications for Stationary Sources'' (January 1991).

(*3*) Amendments to COMAR 26.11.13.02(C)(2), pertaining to exemptions for large storage tanks.

(*4*) Amendments to COMAR 26.11.19.02D(2), pertaining to test methods.

(*5*) Amendments to COMAR 26.11.19.07A, including amendments to the definition for the term paper coating, and the addition of definitions for the terms sheet-fed paper coating and ultraviolet curable coating, and the renumbering of definitions.

(*6*) Addition of new COMAR 26.11.19.07D, pertaining to sheet-fed paper coating.

(*7*) Addition of new COMAR 26.11.19.11B(2), and amendments to COMAR 26.11.19.11C, pertaining to plastic coating.

(*8*) Amendments to COMAR 26.11.19.12F(3) and (4), pertaining to compliance determinations for petroleum solvent dry cleaning installations.

(*9*) Addition of new COMAR 26.11.19.16, pertaining to volatile organic compound equipment leaks.

(ii) Additional material.

(A) Remainder of the September 20, 1991 State submittal pertaining to COMAR 26.11.01.01DD, COMAR 26.11.01.04C, Appendixes A and B and Methods 1000, 1002, and 1003 contained in ''Technical Memorandum 91–01, Test Methods and Equipment Specifications for Stationary Sources'' (January 1991), COMAR 26.11.13.02(C)(2), COMAR 26.11.19.02D(2), COMAR 26.11.19.07A, COMAR 26.11.19.07D, COMAR 26.11.19.11B(2) and C, COMAR 26.11.19.12F(3) and (4), and COMAR 26.11.19.16.

(104) Revisions to the Maryland State Implementation Plan submitted on April 2, 1992 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 2, 1992 from the Maryland Department of the Environment transmitting addition, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of the Environment on January 20, 1992, effective February 17, 1992:

(*1*) Amendments to COMAR 26.1.01.01DD, the definition for the term volatile organic compound.

(*2*) Amendments to COMAR 26.11.01.04C, pertaining to emission test methods, including the addition of Methods 1006, 1007, and 1008 contained in Supplement 1 (July 1, 1991) to ''Technical Memorandum 91–01, Test Methods and Equipment Specifications

for Stationary Sources'' (January 1991), and revisions to Method 1000 and Appendixes A and B contained in Supplement 1.

(*3*) Amendments to COMAR 26.11.19.02D, pertaining to test methods for coatings and adhesives containing volatile organic compounds.

(*4*) Amendments to COMAR 26.11.19.09B, pertaining to emission standards for volatile organic compound metal cleaning.

(*5*) Amendments to COMAR 26.11.19.12F(3) and (4), pertaining to compliance determinations for petroleum solvent dry cleaning installations.

(ii) Additional material.

(A) Remainder of the April 2, 1992 State submittal pertaining to COMAR 26.11.01.01DD, COMAR 26.11.01.04C, Appendixes A and B and Methods 1002, 1006, 1007, and 1008 contained in Supplement 1 (July 1, 1991) to ''Technical Memorandum 91–01, Test Methods and Equipment Specifications for Stationary Sources'' (January 1991), COMAR 26.11.19.02D, COMAR 26.11.19.09B, and COMAR 26.11.19.12F(3) and (4).

(105) Revisions to the Maryland State Implementation Plan submitted on January 18, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of January 18, 1993 from the Maryland Department of the Environment transmitting addition, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of the Environment on January 18, 1993, effective February 15, 1993:

(*1*) Amendments to COMAR 26.11.01.04C, pertaining to emission test methods, including the addition of Methods 1009, 1011, and 1012 contained in Supplement 2 (July 1, 1992) to ''Technical Memorandum 91–01, Test Methods and Equipment Specifications for Stationary Sources'' (January 1991), and revisions to Method 1003 and Appendix B contained in Supplement 2.

(*2*) Amendments to COMAR 26.11.13.05B(2) and C(2), pertaining to compliance determinations for tank trucks.

(*3*) Amendments to COMAR 26.11.19.07A(4), the definition for the term ultraviolet curable coating.

(ii) Additional material.

(A) Remainder of the January 18, 1993 State submittal pertaining to COMAR 26.11.01.04C, Appendix B and Methods 1003, 1009, 1011, and 1012 contained in Supplement 2 (July 1, 1992) to ''Technical Memorandum 91–01, Test Methods and Equipment Specifications for Stationary Sources (January 1991), COMAR 26.11.13.05B(2) and C(2), and COMAR 26.11.19.07A(4).

(106) Revisions to the Maryland Regulations submitted on September 18, 1991 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of September 18, 1991 from the Maryland Department of the Environment transmitting the continuous emission monitoring revision.

(B) Definition amendments to Code of Maryland Administrative Regulations (COMAR) 26.11.01.01, excluding paragraph E–1, and new regulations COMAR 26.11.01.10 Continuous Emission Monitoring Requirements, concerning continuous opacity monitoring, effective July 22, 1991.

(ii) Additional materials.

(A) Remainder of September 23, 1991 State submittal.

(107) Revisions to the Maryland State Implementation Plan submitted on January 18, 1993, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of January 18, 1993, from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The addition of COMAR 26.11.24, Stage II Vapor Recovery at Gasoline Dispensing Facilities, adopted by the Secretary of the Environment on January 18, 1993, effective February 15, 1993.

(ii) Additional material.

(A) Remainder of the January 18, 1993, State submittal pertaining to COMAR 26.11.24, Stage II Vapor Recovery at Gasoline Dispensing Facilities.

(108) Revisions to the Code of Maryland Administrative Regulations (COMAR) submitted on March 30, 1987 by the Maryland Department of Health and Mental Hygiene:

(i) Incorporation by reference.

(A) Letter of March 30, 1987 from the Maryland Department of Health and Mental Hygiene transmitting revisions to the Maryland State Implementation Plan (SIP).

(B) Revised COMAR 10.18.02.03H. (Action on an Application for a Permit and for Approval of a PSD Source or NSINA) (currently COMAR 26.11.02.10C.), effective March 24, 1987.

(ii) Additional material.

(A) Remainder of the March 30, 1987 State submittal pertaining to COMAR 10.18.02.03H. (currently COMAR 26.11.02.10C.).

(109) Revisions to the State of Maryland Regulations State Implementation Plan submitted on November 13, 1992 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of November 13, 1992 from Maryland Department of the Environment transmitting a revised regulation to require major sources of volatile organic compounds and oxides of nitrogen, Statewide, to certify their emissions annually.

(B) Revisions to Title 26, COMAR 26.11.01, specifically to amend regulation .01, and to add regulation .05–1. Effective on December 7, 1992.

(ii) Additional material.

(A) Remainder of December 7, 1992 State submittal.

(110) Revisions to the Maryland State Implementation Plan submitted on April 5, 1991 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 5, 1991 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The addition of COMAR 26.11.13.04, pertaining to loading operations, adopted by the Secretary of the Environment on March 9, 1991, effective May 8, 1991.

(ii) Additional material.

(A) Remainder of April 5, 1991 State submittal pertaining to COMAR 26.11.13.04, loading operations.

(111) Revisions to the Maryland State Implementation Plan submitted on April 2, 1992 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 2, 1992 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Revisions to COMAR 26.11.13.04A(3), pertaining to test procedures for bulk gasoline terminals, adopted by the Secretary of the Environment on January 20, 1992, effective February 17, 1992.

(ii) Additional material.

(A) Remainder of April 2, 1992 State submittal pertaining to COMAR 26.11.13.04A(3), test procedures for bulk gasoline terminals.

(112) Revisions to the Maryland State Implementation Plan submitted on January 18, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of January 18, 1993 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Revisions to COMAR 26.11.13.04A(3), pertaining to test procedures for bulk gasoline terminals, adopted by the Secretary of the Environment on January 18, 1993, effective February 15, 1993.

(ii) Additional material.

(A) Remainder of January 18, 1993 State submittal pertaining to COMAR 26.11.13.04A(3), test procedures for bulk gasoline terminals.

(113) Revisions to the Maryland State Implementation Plan submitted on

June 8, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 8, 1993 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of the Environment on March 26, 1993, effective April 26, 1993:

(*1*) Amendments to COMAR 26.11.11.02B and C, pertaining to asphalt paving.

(*2*) Amendments to COMAR 26.11.13.01B(1), the definition for the term bulk gasoline plant.

(*3*) Amendments to COMAR 26.11.13.02, pertaining to applicability and exemptions.

(*4*) Amendments to COMAR 26.11.13.04, pertaining to loading operations.

(*5*) The addition of new COMAR 26.11.13.07, pertaining to plans for compliance.

(*6*) Amendments to COMAR 26.11.19.01B(4), the definition for the term major stationary source of VOC.

(*7*) Amendments to COMAR 26.11.19.02A, F, and H, pertaining to applicability, reporting and recordkeeping, and plans for compliance, respectively.

(*8*) Amendments to COMAR 26.11.19.10, pertaining to graphic arts.

(ii) Additional material.

(A) Remainder of June 8, 1993 State submittal pertaining to COMAR 26.11.11.02B and C, COMAR 26.11.13.01B(1), COMAR 26.11.13.02, COMAR 26.11.13.04, COMAR 26.11.13.07, COMAR 26.11.19.01B(4), COMAR 26.11.19.02A, F, and H, and COMAR 26.11.19.10.

(114) Revisions to the Maryland State Implementation Plan submitted on July 19, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 19, 1993 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Revisions to COMAR 26.11.13.04A, pertaining to bulk gasoline terminals, adopted by the Secretary of the Environment on June 25, 1993, effective July 19, 1993.

(ii) Additional material.

(A) Remainder of July 19, 1993 State submittal pertaining to COMAR 26.11.13.04A, bulk gasoline terminals.

(115)–(116) [Reserved]

(117) The carbon monoxide redesignation request and maintenance plan for the Baltimore Carbon Monoxide nonattainment area, submitted by the Maryland Department of the Environment on September 20, 1995, as part of the Maryland SIP. The emission inventory projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Letter of September 20, 1995 from the Maryland Department of the Environment requesting the redesignation and submitting the maintenance plan.

(B) The ten year carbon monoxide maintenance plan for the Baltimore Carbon Monoxide nonattainment area adopted on August 31, 1995.

(ii) Additional material.

(A) Remainder of September 20, 1995 State submittal.

(118) The carbon monoxide redesignation and maintenance plan for the Counties of Montgomery and Prince George, Maryland submitted by the Maryland Department of the Environment on October 12, 1995, as part of the Maryland SIP. The emission inventory projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Letter of October 12, 1995 from the Maryland Department of the Environment requesting the redesignation and submitting the maintenance plan.

(B) Maintenance Plan for the Maryland portion of the Metropolitan Washington Carbon Monoxide Nonattainment Area adopted on September 20, 1995.

(ii) Additional material.

(A) Remainder of October 12, 1995 State submittal.

(119) Revisions to the Code of Maryland Administrative Regulations for prevention of significant deterioration

submitted on July 17, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 17, 1995 from the Maryland Department of the Environment transmitting revisions to the Maryland State Implementation Plan.

(B) Amendments to regulations 26.11.01.01, 26.11.02.10 (C)(9) and 26.11.06.14 under the Code of Maryland Administrative Regulations (COMAR) revising Maryland's prevention of significant deterioration program to incorporate changes to 40 CFR 52.21 made between 1992 and 1993. The amendments were effective on May 8, 1995 in the State of Maryland.

(ii) Additional material.

(A) Remainder of July 17, 1995 State of Maryland submittal.

(120) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The following amendments to COMAR 26.11.07, pertaining to open fires, adopted by the Secretary of the Environment on May 1, 1995, effective May 22, 1995:

(*1*) the deletion of sections 26.11.07.01 A and B, definitions for the terms ''hazardous material'' and ''I.I.A. standards.''

(*2*) addition of new section 26.11.07.01B, ''Terms Defined.''

(*3*) addition of new sections 26.11.07.01B(1) and (2), definitions of the terms ''excessive lodging'' and ''forest resource management practices.''

(*4*) renumbering of old sections 26.11.07.01C & D, now new sections 26.11.07.01B(3) & (4).

(*5*) amendments to section 26.11.07.02, pertaining to general provisions.

(*6*) amendments to sections 26.11.07.03A, B, and B(1), pertaining to open fires authorized by control officers.

(*7*) addition of new section 26.11.07.03C, ''Prohibition on Open Burning.''

(*8*) amendments to section 26.11.07.04, pertaining to open fires authorized by public officers, including the addition of new sections (4)–(7).

(*9*) amendments to section 26.11.07.05, pertaining to open fires allowed without authorization.

(ii) Additional material.

(A) Remainder of July 12, 1995 Maryland State submittal pertaining to COMAR 26.11.19.07.

(121) Revisions to the Maryland State Implementation Plan submitted on July 17, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Amendments to COMAR 26.11.19.02A, pertaining to once-in, always-in applicability provisions, consisting of revisions to COMAR 26.11.19.02A(3), and the addition of new COMAR 26.11.19.02A (4) and (5), adopted by the Secretary of the Environment on April 7, 1995, and effective on May 8, 1995.

(C) Amendments to COMAR 26.11.19.01B, consisting of the addition of new COMAR 26.11.19.01B(1–1), the definition for the term ''annual,'' adopted by the Secretary of the Environment on April 7, 1995, effective on May 8, 1995.

(ii) Additional material.

(A) Remainder of July 17, 1995 Maryland State submittal pertaining to COMAR 26.11.19.02A(3)–(5) and COMAR 26.11.19.01B(1–1).

(122) Revisions to the Maryland State Implementation Plan submitted on July 17, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 17, 1995 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound

regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Addition of new COMAR 26.11.01.01B(20–I) and new COMAR 26.11.24.01B(9–I), definition of the term ''motor vehicle,'' adopted by the Secretary of the Environment on April 7, 1995, and effective on May 8, 1995.

(ii) Additional material.

(A) Remainder of July 17, 1995 Maryland State submittal pertaining to COMAR 26.11.01.01B(20–I) and COMAR 26.11.24.01B(9–I), definition of the term ''motor vehicle.''

(123) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions and deletions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Deletion of old COMAR 26.11.19.09 Volatile Organic Compound Metal Cleaning (entire regulation).

(C) Addition of new COMAR 26.11.19.09 Control of VOC Emissions from Cold and Vapor Degreasing, adopted by the Secretary of the Environment on May 12, 1995, and effective on June 5, 1995, including the following:

(*1*) Addition of new COMAR 26.11.19.09.A Definitions.

(*2*) Addition of new COMAR 26.11.19.09.B Terms Defined, including definitions for the terms ''cold degreasing,'' ''degreasing material,'' ''grease,'' ''halogenated substance,'' ''vapor degreasing,'' and ''VOC degreasing material.''

(*3*) Addition of new COMAR 26.11.19.09.C Applicability.

(*4*) Addition of new COMAR 26.11.19.09.D Requirements.

(*5*) Addition of new COMAR 26.11.19.09.E Specifications for Cold Degreasing and Requirements for Vapor Degreasing.

(*6*) Addition of new COMAR 26.11.19.09.F. Records.

(ii) Additional material.

(A) Remainder of July 12, 1995 Maryland State submittal pertaining to COMAR 26.11.19.09 Control of VOC Emissions from Cold and Vapor Degreasing.

(124) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Addition of new COMAR 26.11.19.23 Control of VOC Emissions from Vehicle Refinishing, adopted by the Secretary of the Environment on May 1, 1995, and effective on May 22, 1995, including the following:

(*1*) Addition of new COMAR 26.11.19.23A Definitions, including definitions for the terms ''base coat/clear coat system,'' ''controlled air spray system,'' ''mobile equipment,'' ''multistage coating equipment,'' ''precoat,'' ''pretreatment,'' ''primer sealer,'' ''primer surfacer,'' ''specialty coating,'' ''topcoat,'' and ''vehicle refinishing.''

(*2*) Addition of new COMAR 26.11.19.23B. Applicability and Exemptions.

(*3*) Addition of new COMAR 26.11.19.23C. Coating Standards and General Conditions.

(*4*) Addition of new COMAR 26.11.19.23D. Calculations.

(*5*) Addition of new COMAR 26.11.19.23E. Requirements for Specialty Coatings.

(*6*) Addition of new COMAR 26.11.19.23F. Coating Application Equipment Requirements.

(*7*) Addition of new COMAR 26.11.19.23G. Cleanup and Surface Preparation Requirements

(*8*) Addition of new COMAR 26.11.19.23H. Monitoring and Records.

(ii) Additional material.

(A) Remainder of July 12, 1995 Maryland State submittal pertaining to COMAR 26.11.19.23 Vehicle Refinishing.

(125) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Four letters dated July 12, 1995 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound (VOC) regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Regulations:

(*1*) Addition of new COMAR 26.11.19.17 Control of VOC Emissions from Yeast Manufacturing, adopted by the Secretary of the Environment on October 14, 1994 and effective on November 7, 1994, revisions adopted by the Secretary of the Environment on May 12, 1995, and effective on June 5, 1995, including the following:

(*i*) Addition of new COMAR 26.11.19.17.A Definitions, including definitions for the terms ''fermentation batch,'' ''first generation fermenter,'' ''stock fermenter,'' ''trade fermenter,'' and ''yeast manufacturing installation.''

(*ii*) Addition of new COMAR 26.11.19.17.B Applicability, Exemptions, and Compliance Date.

(*iii*) Addition of new COMAR 26.11.19.17.C Requirements for Yeast Manufacturing Installations.

(*iv*) Addition of new COMAR 26.11.19.17.D Determination of Compliance and Testing.

(*v*) Addition of new COMAR 26.11.19.17.E Reporting Requirements.

(*vi*) Amendment to COMAR 26.11.19.17.C(3), pertaining to limits for temperature and pH.

(*vii*) Amendment to COMAR 26.11.19.17.D(3), pertaining to stack test dates.

(*2*) Addition of new COMAR 26.11.19.18 Control of VOC Emissions from Screen Printing, adopted by the Secretary of the Environment on October 14, 1994 and effective on November 7, 1994, revisions adopted by the Secretary of the Environment on May 16, 1995 and effective on June 5, 1995, including the following:

(*i*) Addition of new COMAR 26.11.19.18.A, including definitions for the terms ''acid/etch resist ink,'' ''anoprint ink,'' ''back-up coating,'' ''clear coating,'' ''conductive ink,'' ''electroluminescent ink,'' ''exterior illuminated sign,'' ''haze removal,'' ''ink removal,'' ''maximum VOC content,'' ''plastic card manufacturing installation,'' ''plywood sign coating,'' ''screen printing,'' ''screen printing installation,'' ''screen reclamation,'' ''specialty inks.''

(*ii*) Addition of new COMAR 26.11.19.18.B Applicability.

(*iii*) Addition of new COMAR 26.11.19.18.C General Requirements for Screen Printing.

(*iv*) Addition of new COMAR 26.11.19.18.D General Requirements for Plywood Sign Coating.

(*v*) Addition of new COMAR 26.11.19.18.E General Requirements for Plastic Card Manufacturing Installations.

(*vi*) Addition of new COMAR 26.11.19.18.F Control of VOC Emissions from the Use of Specialty Inks.

(*vii*) Addition of new COMAR 26.11.19.18.G Control of VOC Emissions from Clear Coating Operations.

(*viii*) Addition of new COMAR 26.11.19.18.H Control of VOC Emissions from Ink and Haze Removal and Screen Reclamation.

(*ix*) Addition of new COMAR 26.11.19.18.I.

(*x*) Addition of new COMAR 26.11.19.18.A(17), definition for the term ''untreated sign paper.''

(*xi*) Addition of new COMAR 26.11.19.18.C(2), replacing previous § C(2).

(*xii*) Addition of new COMAR 26.11.19.18.C(3) Use of Control Devices.

(*xiii*) Addition of new COMAR 26.11.19.18.E(2)(b), replacing previous § E(2)(b).

(*xiv*) Addition of new COMAR 26.11.19.18.I Record Keeping, replacing the previous § I.

(*3*) Addition of new COMAR 26.11.19.19 Control of VOC Emissions from Expandable Polystyrene Operations, adopted by the Secretary of the Environment on June 9, 1995, and effective on July 3, 1995, including the following:

(*i*) Addition of new COMAR 26.11.19.19.A Definitions.

(*ii*) Addition of new COMAR 26.11.19.19.B Terms Defined, including definitions for the terms ''expandable polystyrene operation (EPO),'' ''blowing agent,'' ''preexpander,'' ''recycled expanded polystyrene,'' and ''reduced VOC content beads.''

(*iii*) Addition of new COMAR 26.11.19.19.C Applicability.

(*iv*) Addition of new COMAR 26.11.19.19.D General Requirements.

(*v*) Addition of new COMAR 26.11.19.19.E Testing Requirements.

(*vi*) Addition of new COMAR 26.11.19.19.F Record Keeping.

(*4*) Addition of new COMAR 26.11.19.21, Control of VOC Emissions from Commercial Bakery Ovens, adopted by the Secretary of the Environment on June 9, 1995, and effective on July 3, 1995.

(*i*) Addition of new COMAR 26.11.19.21.A Definitions.

(*ii*) Addition of new COMAR 26.11.19.21.B Terms Defined, including definitions for the terms ''commercial bakery oven,'' ''fermentation time,'' ''yeast percentage,'' and ''Yt value.''

(*iii*) Addition of new COMAR 26.11.19.21.C Applicability and Exemptions.

(*iv*) Addition of new COMAR 26.11.19.21.D General Requirements.

(*v*) Addition of new COMAR 26.11.19.21.E Use of Innovative Control Methods.

(*vi*) Addition of new COMAR 26.11.19.21.F Reporting and Testing Requirements.

(ii) Additional material.

(A) Remainder of July 12, 1995 Maryland State submittals pertaining to COMAR 26.11.19.21, .17, .18, and .19.

(126) Revisions to the Maryland State Implementation Plan submitted on July 11, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 11, 1995 from the Maryland Department of the Environment transmitting additions and deletions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Revision to COMAR 26.11.19.11 Control of VOC Emissions from Sheet-Fed and Web Lithographic Printing, adopted by the Secretary of the Environment on May 5, 1995, and effective on June 5, 1995, including the following:

(*1*) Deletion of COMAR 26.11.19.11 title, ''Other Miscellaneous Printing and Coating Processes'' and addition of new title, ''Lithographic Printing.''

(*2*) Deletion of COMAR 26.11.19.11.A(4), definition for the term ''plastic parts coating.''

(*3*) Deletion of COMAR 26.11.19.11.B(1), referencing plastic parts coating.

(*4*) Addition of new COMAR 26.11.19.11.B(1) & (3) through (6) Applicability.

(*5*) Deletion of COMAR 26.11.19.11.C Emission Standards for Plastic Coating.

(*6*) Addition of new COMAR 26.11.19.11.C Requirements for Sheet-Fed Letter or Lithographic Printing.

(*7*) Addition of new COMAR 26.11.19.11.D Requirements for Lithographic Web Printing.

(*8*) Addition of new COMAR 26.11.19.11.E Requirements for Cleaning Printing Equipment.

(*9*) Deletion of COMAR 26.11.19.10 title, ''Graphic Arts'' and addition of new title, ''Flexographic and Rotogravure Printing.''

(*10*) Deletion of COMAR 26.11.19.10.A(4), definition for the term ''web printing.''

(*11*) Addition of COMAR 26.11.19.01.B(8), definition for the term ''web printing.''

(ii) Additional Material.

(A) Remainder of July 11, 1995 Maryland State submittal pertaining to COMAR 26.11.19.11 Control of VOC Emissions from Sheet-Fed and Web Lithographic Printing.

(127) Revisions to the Maryland State Implementation Plan submitted on July 11, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 11, 1995 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Revision to COMAR 26.11.19.07 Control of VOC Emissions from Paper Coating, adopted by the Secretary of the Environment on May 5, 1995, and effective on June 5, 1995, including the following:

(*1*) Addition of COMAR 26.11.19.07.A(2–1), definition for the term ''plastic parts coating.''

(*2*) Addition of COMAR 26.11.19.07.B(1), referencing paper, fabric and vinyl coating.

(*3*) Addition of COMAR 26.11.19.07.E Emission Standards for Plastic Coating.

(ii) Additional Material.

(A) Remainder of July 11, 1995 Maryland State submittal pertaining to COMAR 26.11.19.07 Control of VOC Emissions from Paper Coating.

(128) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions and deletions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Revisions to COMAR 26.11.19.01B(4), definition of the term ''Major stationary source of VOC,'' adopted by the Secretary of the Environment on April 13, 1995, and effective on May 8, 1995.

(ii) Additional material.

(A) Remainder of the July 12, 1995 Maryland State submittal pertaining to COMAR 26.11.19.01B(4), definition of the term ''Major stationary source of VOC.''

(129) Revisions to the State of Maryland Regulations COMAR 26.11.06.05—Sulfur Compounds from Other than Fuel Burning Equipment submitted on February 6, 1998 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting amendments to Code of Maryland Administrative Regulations (COMAR) 26.11.06.05—Sulfur Compounds from Other than Fuel Burning Equipment.

(B) Revision to COMAR 26.11.06.05—Sulfur Compounds from Other than Fuel Burning Equipment, effective September 22, 1997 to replace the term ''installations'' with the term ''equipment'' throughout the regulation.

(ii) Additional materials—Remainder of February 8, 1998 submittal.

(130) Revisions to the Maryland State Implementation Plan submitted on March 31, 1998 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of March 31, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's air quality regulation COMAR 26.11.13, pertaining to the control of VOC emissions from sources that store and handle JP–4 jet fuel adopted by the Secretary of the Environment on March 28, 1997 and effective August 11, 1997.

(B) Revisions to COMAR 26.11.13.01(B)(4) the definition of ''gasoline.''

(ii) Additional Material: Remainder of March 31, 1998 Maryland State submittal pertaining to COMAR 26.11.13 control of VOCs from sources that store and handle JP–4 jet fuel.

(131) Revisions to the Maryland State Implementation Plan submitted on February 6, 1998 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan, pertaining to volatile organic compounds in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Revision to COMAR 26.11.19.12: Control of Volatile Organic Compound Emissions from Dry Cleaning Installations, adopted by the Secretary of the Environment on August 18, 1997, and effective on September 22, 1997, including the following:

(*1*) Deletion of COMAR 26.11.19.12.B(1), pertaining to perchloroethylene dry cleaner installations applicability.

(*2*) Deletion of COMAR 26.11.19.12.C, Equipment Specifications and Emission Standards—Perchloroethylene Dry Cleaning Installations.

(*3*) Deletion of COMAR 26.11.19.12.D, Determination of Compliance—Perchloroethylene Dry Cleaning Installations.

(ii) Additional Material—Remainder of February 6, 1998 State submittal pertaining to COMAR 26.11.19.12 Control of Volatile Organic Compound Emissions from Dry Cleaning Installations

(132) Revisions to the Maryland State Implementation Plan submitted on February 6, 1998 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan, pertaining to volatile organic compounds in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Revision to COMAR 26.11.13.04: Control of Gasoline and Volatile Organic Compound Storage and Handling from Loading Operations, adopted by the Secretary of the Environment on July 18, 1997, and effective on August 11, 1997, including the following:

(*1*) Deletion of COMAR 26.11.13.04.C(1)(b), pertaining to the applicability of this regulation to gasoline storage tanks with a capacity greater than 250 gallons and less than 2000 gallons.

(*2*) Deletion of COMAR 26.11.13.04.C(2), Exemptions.

(*3*) Deletion of COMAR 26.11.13.04.C(4), Effective Date of Stage I Requirement for Certain Sources.

(ii) Additional material—Remainder of February 6, 1998 State submittal pertaining to COMAR 26.11.13.04 Control of Gasoline and Volatile Organic Compound Storage and Handling from Loading Operations.

(133) Limited approval of revisions to the Maryland State Implementation Plan submitted on April 5, 1991 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 5, 1991 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Addition of COMAR 26.11.19.02G, Control of Major Sources of Volatile Organic Compounds, pertaining to major VOC source RACT requirements, adopted by the Secretary of the Environment on March 9, 1991 and effective on May 8, 1991.

(ii) Additional Material.

(A) Remainder of the April 5, 1991 Maryland State submittal pertaining to COMAR 26.11.19.02G.

(134) Limited approval of revisions to the Maryland State Implementation Plan submitted on June 8, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 8, 1993 from the Maryland Department of the Environment transmitting additions and deletions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Revisions to COMAR 26.11.06.06, Volatile Organic Compounds, pertaining to minor source VOC requirements, adopted by the Secretary of the Environment on March 26, 1993, and effective on April 26, 1993.

(*1*) Amendments to COMAR 26.11.06.06A, Applicability.

(*2*) Amendments to COMAR 26.11.06.06B, Control of VOC from Installations.

(C) Revisions to COMAR 26.11.19.02G, Control of Major Stationary Sources of Volatile Organic Compounds, pertaining to major VOC source RACT requirements, adopted by the Secretary of the Environment on March 26, 1993, and effective on April 26, 1993.

(ii) Additional Material.

(A) Remainder of the June 8, 1993 Maryland State submittal pertaining to COMAR 26.11.06.06A, COMAR 26.11.06.06B, and COMAR 26.11.19.02G.

(135) Limited approval of revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions and deletions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of

Maryland Administrative Regulations (COMAR) 26.11.

(B) Revisions to COMAR 26.11.19.02G, Control of Major Stationary Sources of Volatile Organic Compounds, pertaining to major VOC source RACT requirements, adopted by the Secretary of the Environment on April 13, 1995, and effective on May 8, 1995.

(ii) Additional Material.

(A) Remainder of the July 12, 1995 Maryland State submittal pertaining to COMAR 26.11.19.02G.

(136) Revisions to the Maryland State Implementation Plan submitted on May 15, 1995 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of May 15, 1995 from the Maryland Department of the Environment transmitting Maryland Regulation COMAR 26.11.26.03, regarding General Conformity, for approval as a SIP revision.

(B) Maryland Regulation COMAR 26.11.26.03, effective June 5, 1995.

(ii) Additional material—Remainder of the May 15, 1995 state submittal pertaining to General Conformity.

(137) Revision to the Maryland State Implementation Plan submitted on April 7, 1998 by the Maryland Department of the Environment establishing reasonably available control technology (RACT) for two additional VOC source category under COMAR 26.11.19, ''Volatile Organic Compounds from Specific Processes.''

(i) Incorporation by reference.

(A) Letter dated April 7, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's air quality regulation COMAR 26.11.19, adopted by the Secretary of the Environment on July 15, 1997 and effective August 11, 1997.

(B) New regulations COMAR 26.11.19.22 ''Control of Volatile Organic Compounds from Vinegar Generators''.

(ii) Additional Material—Remainder of Maryland Department of the Environment's April 7, 1998 submittals pertaining to Vinegar Generators.

(138) Revision to the Maryland State Implementation Plan submitted on April 7, 1998 by the Maryland Department of the Environment establishing reasonably available control technology (RACT) for an additional VOC source category under COMAR 26.11.19, ''Volatile Organic Compounds from Specific Processes.''

(i) Incorporation by reference.

(A) Letter dated April 7, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's air quality regulation COMAR 26.11.19, adopted by the Secretary of the Environment on July 15, 1997 and effective August 11, 1997.

(B) New regulation COMAR 26.11.19.24 ''Control of Volatile Organic Compounds from Leather Coating Operations''.

(ii) Additional Material—Remainder of Maryland Department of the Environment's April 7, 1998 submittals pertaining to Leather Coating Operations.

(139) Revisions to the Maryland State Implementation Plan, submitted on August 28, 1998, by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of August 28, 1998, from the Maryland Department of the Environment transmitting additions to Code of Maryland Administrative Regulations (COMAR) 26.11.19 Volatile Orgranic Compounds from Specific Processes.

(B) Addition of COMAR 26.11.19.26 Control of Volatile Organic Compounds from Reinforced Plastic Manufacturing, effective August 11, 1997.

(ii) Additional Material: Remainder of August 28, 1998, State submittal pertaining to the addition of COMAR 26.11.19.26 Control of Volatile Organic Compounds from Reinforced Plastic Manufacturing to COMAR 26.11.19 Volatile Organic Compounds from Specific Processes.

(140) Revisions to the Maryland State Implementation Plan submitted on February 6, 1998 by the Maryland department of the Environment:

(i) Incorporation by reference.

(A) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.19, pertaining to the control of VOC emissions from automotive and light-duty truck coating operations.

(B) Revised COMAR 26.11.19.03, effective September 22, 1997.

(ii) Additional Material—Remainder of the February 6, 1998 State submittal [Revision No. 98–01].

(141) Revisions to the Maryland State Implementation Plan submitted on August 28, 1998 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of August 28, 1998 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.19 pertaining to the control of VOCs from special processes. The revision adds a new regulation at COMAR 26.11.19.25 for the control of VOC compounds from explosives and propellant manufacturing adopted by the Secretary of the Environment on July 15, 1997 and effective August 11, 1997.

(B) Revisions to COMAR 26.11.19 entitled *Volatile Organic Compounds from Specific Processes:* The addition of new regulation COMAR 26.11.19.25 *Control of Volatile Organic Compounds from Explosives and Propellant Manufacturing*.

(ii) Additional Material: Remainder of August 28, 1998 Maryland State submittal pertaining to COMAR 26.11.19.25 to control VOCs from sources that manufacture explosives and propellants.

(142) Revisions to the Maryland State Implementation Plan submitted on February 10, 1999 and February 12, 1999 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Three letters dated February 10, 1998 and one letter dated February 12, 1999 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound (VOC) regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Regulations:

(*1*) Addition of new COMAR 26.11.19.07–1: Control of VOC Emissions from Solid Resin Decorative Surface Manufacturing, adopted by the Secretary of the Environment on May 20, 1998 and effective on June 15, 1998, including the following:

(*i*) Addition of new COMAR 26.11.19.07–1.A Definitions, including definitions for the terms ''particle plant operation,'' ''related operations,'' ''shaped goods plant,'' and ''solid resin decorative surface (SRDS) operation.''

(*ii*) Addition of new COMAR 26.11.19.07–1.B Applicability.

(*iii*) Addition of new COMAR 26.11.19.07–1.C General Requirements for SRDS Operations.

(*iv*) Addition of new COMAR 26.11.19.07–1.D General Requirements for Particle Plant Operations.

(*v*) Addition of new COMAR 26.11.19.07–1.E General Requirements for Shaped Goods Plants.

(*vi*) Addition of new COMAR 26.11.19.07–1.F General Requirements for Related Operations.

(*vii*) Addition of new COMAR 26.11.19.07–1.G Additional Requirements for VOC Storage Tanks.

(*viii*) Addition of new COMAR 26.11.19.07–1.H Reporting and Record-Keeping Requirements.

(*2*) Addition of new COMAR 26.11.19.13–2: Control of VOC Emissions from Brake Shoe Coating Operations, adopted by the Secretary of the Environment on August 4, 1998 and effective on August 24, 1998, including the following:

(*i*) Addition of new COMAR 26.11.19.13–2.A Definitions.

(*ii*) Addition of new COMAR 26.11.19.13–2.B Terms Defined, including definitions for the terms ''brake caliper rust preventive coating,'' and ''brake shoe coating operation.''

(*iii*) Addition of new COMAR 26.11.19.13–2.C Applicability.

(*iv*) Addition of new COMAR 26.11.19.13–2.D General Coating Requirements.

(*v*) Addition of new COMAR 26.11.19.18.E Equipment Cleanup.

(*vi*) Addition of new COMAR 26.11.19.13.B(3)(e) and (f), exempting brake shoe coating and structural steel coating operations from Miscellaneous Metal Coatings.

(*3*) Addition of new COMAR 26.11.19.13–3: Control of Volatile Organic Compounds from Structural Steel Coating Operations, adopted by the Secretary of the Environment on June 5, 1998, and effective on June 29, 1998, including the following:

(*i*) Addition of new COMAR 26.11.19.13–3.A Definitions, including definitions for the terms ''controlled

air spray system,'' ''dip coating operation,'' ''protective coating,'' and ''structural steel coating operation.''

(*ii*) Addition of new COMAR 26.11.19.13–3.B Applicability.

(*iii*) Addition of new COMAR 26.11.19.13–3.C Coating Requirements.

(*iv*) Addition of new COMAR 26.11.19.13–3.D Cleanup Requirements.

(*4*) Revision to COMAR 26.11.19.18: Control of VOC Emissions from Screen Printing and Digital Imaging, adopted by the Secretary of the Environment on August 4, 1998, and effective on August 24, 1998, including the following:

(*i*) Addition of new COMAR 26.11.19.18.A(5–1), definition for the term ''digital imaging.''

(*ii*) Deletion of existing COMAR 26.11.19.18.B–I.

(*iii*) Addition of new COMAR 26.11.18.21.B Applicability.

(*iv*) Addition of new COMAR 26.11.18.21.C General Requirements for Screen Printing.

(*v*) Addition of new COMAR 26.11.18.21.D General Requirements for Plywood Sign Coating.

(*vi*) Addition of new COMAR 26.11.18.21.E General Requirements for Plastic Card Manufacturing.

(*vii*) Addition of new COMAR 26.11.19.18.F General Requirements for Digital Imaging.

(*viii*) Addition of new COMAR 26.11.19.18.G Record Keeping.

(ii) Additional Material.

(A) Remainder of February 10, 1999 and February 12, 1999 Maryland State submittals pertaining to COMAR 26.11.19.07–1, .13–2, .13–3, and .18.

(143) Revisions to the Code of Maryland Air Regulations (COMAR) 26.11.01.01 and 26.11.09.01, and limited approval of revisions to COMAR 26.11.09.08, submitted on June 8, 1993 and July 11, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 8, 1993 from the Maryland Department of the Environment transmitting COMAR 26.11.09.08, Control of $NO_X$ Emissions from Major Stationary Sources and amendments to COMAR 26.11.09.01, Definitions.

(B) COMAR 26.11.09.08, Control of $NO_X$ Emissions from Major Stationary Sources, effective on May 10, 1993, replacing the existing COMAR 26.11.09.08.

(C) Amendment to COMAR 26.11.09.01, Definitions, effective on May 10, 1993.

(D) Letter of July 11, 1995 from the Maryland Department of the Environment transmitting amendments to COMAR 26.11.09.08, Control of $NO_X$ Emissions from Major Stationary Sources, amendments to COMAR 26.11.01.01, Definitions and COMAR 26.11.09.01, Definitions.

(E) Amendments to COMAR 26.11.09.08, Control of $NO_X$ Emissions from Major Stationary Sources, effective on June 20, 1994 and May 8, 1995.

(F) Amendment to COMAR 26.11.01.01, Definitions, effective on June 20, 1994.

(G) Amendments to COMAR 26.11.09.01, Definitions, effective on June 20, 1994 and on May 8, 1995.

(ii) Additional material.

(A) Remainder of June 8, 1993 and July 11, 1995 State submittals.

(B) Letter of October 29, 1998 from the Maryland Department of the Environment agreeing to meet certain conditions by no later than 12 months after July 22, 1999.

(144) Revisions to the Maryland State Implementation Plan submitted by the Maryland Department of the Environment on July 10, 1995, March 27, 1996, and September 25, 1998 as supplemented on May 25, 1999:

(i) Incorporation by reference.

(A) Letter of July 10, 1995, from the Maryland Department of the Environment transmitting an Enhanced Vehicle Emissions Inspection Program.

(B) Regulations for the Vehicle Emissions Inspection Program COMAR 11.14.08. adopted by the Secretary of the Environment on August 1, 1994, effective January 2, 1995:

(*1*) COMAR 11.14.08.01 through COMAR 11.14.08.02, inclusive.

(*2*) COMAR 11.14.08.03A.

(*3*) COMAR 11.14.08.03A(1).

(*4*) COMAR 11.14.08.03A(2) except the word ''federal,'' in the first line.

(*5*) COMAR 11.14.08.03B.

(*6*) COMAR 11.14.08.04.

(*7*) COMAR 11.14.08.05, section A.

(*8*) COMAR 11.14.08.05 sections B(1) through (7), inclusive.

(*9*) COMAR 11.14.08.05 sections C. through F., inclusive.

(*10*) COMAR 11.14.08.06 through COMAR 11.14.08.42, inclusive.

(C) Letter of March 27, 1996, from the Maryland Department of the Environment transmitting amendments to the Enhanced Vehicle Emissions Inspection Program.

(D) Letter of September 25, 1998, from the Maryland Department of the Environment transmitting amendments to the Enhanced Vehicle Emissions Inspection Program.

(E) The following revisions to the provisions of COMAR 11.14.08 adopted by the Secretary of the Environment on November 21, 1996, effective December 16, 1996:

(*1*) Amendments to COMAR 11.14.08.03B.

(*2*) The addition of a new COMAR 11.14.08.03C.

(*3*) Amendments to COMAR 11.14.08.05B(4).

(*4*) Amendments to COMAR 11.14.08.06D(7).

(*5*) Renumbering COMAR 11.14.08.09A to .09B, .09B to .09C, .09C to .09D and .09D to. 09E, .09E to .09F, and .09F to .09G.

(*6*) The addition of a new COMAR 11.14.08.09A, A(1) and A(3).

(*7*) Amendments to COMAR 11.14.08.09B(1), B(1)(a), B(1)(b), B(2), B(3), B(3)(a), B(3)(b) and B(4).

(*8*) Amendments to COMAR 11.14.08.09E.

(*9*) The addition of a new COMAR 11.14.08.09–1 except the phrase ''and, to the extent allowed by federal law, a vehicle owned by the federal government'' in section COMAR 11.14.08.09–1A.

(*10*) Renumbering COMAR 11.14.08.06B(3) to B(4), B(4) to B(5), B(5) to B(6), and B(6) to B(7).

(*11*) Creation of a new COMAR 11.14.08.06B(3) from the last two sentences of COMAR 11.14.08.06B(2).

(*12*) Amendments to COMAR 11.14.08.10B(3).

(*13*) Amendments to COMAR 11.14.08.10C.

(*14*) Deletion of COMAR 11.14.08.10C(1), C(1)(a) through C(1)(c), inclusive, and C(2).

(*15*) Renumbering COMAR 11.14.08.10C(2)(a) to C(1), C(2)(b) to C(2), C(2)(c) to C(3), C(2)(d) to C(4), C(2)(e) to C(5), and C(2)(f) to C(6).

(*16*) The addition of a new COMAR 11.14.08.11–1 except the phrase ''and, to the extent allowed by federal law, a vehicle owned by the federal government'' in section COMAR 11.14.08.11–1A.

(*17*) Amendments to COMAR 11.14.08.12A.

(*18*) Deletion of COMAR 11.14.08.12A(1) through .12A(6), inclusive.

(*19*) Amendments to COMAR 11.14.08.12B(1).

(*20*) Amendments to COMAR 11.14.08.29A(2).

(*21*) Amendments to COMAR 11.14.08.30D(2).

(*22*) Amendments to COMAR 11.14.08.32A.

(*23*) Amendments to COMAR 11.14.08.32B(5).

(*24*) Amendments to COMAR 11.14.08.42.

(F) The following revisions to the provisions of COMAR 11.14.08 adopted by the Secretary of the Environment on September 16, 1998, effective October 19, 1998:

(*1*) Amendments to COMAR 11.14.08.02B(40), B(40(a), and B(40)(b).

(*2*) Deletion of COMAR 11.14.08.03C.

(*3*) Addition of a new COMAR 11.14.08.03C and .03D.

(*4*) Amendments to COMAR 11.14.08.06A(2).

(*5*) Amendments to COMAR 11.14.08.06A(3)(k), (p), (q) and (r).

(*6*) Renumbering COMAR 11.14.08.06A(3)(s) and (t) to COMAR 11.14.08.06A(3)(t) and (u), respectively.

(*7*) The addition of a new COMAR 11.14.08.06A(3)(s).

(*8*) Amendment of COMAR 11.14.08.06D(7).

(*9*) Addition of a new COMAR 11.14.08.07C.

(*10*) Amendments to COMAR 11.14.08.09A.

(*11*) Deletion of COMAR 11.14.08.09A(1) through .09A(3), inclusive.

(*12*) Addition of a new COMAR 11.14.08.09A(1).

(*13*) Addition of a new COMAR 11.14.08.09A(2), A(2)(a) and A(2)(b).

(*14*) Amendments to COMAR 11.14.08.09B, B(1), B(1)(a) and B(1)(a)(i).

(*15*) Amendments to COMAR 11.14.08.09B(1)(b).

(*16*) Amendments to COMAR 11.14.08.09B(2) and B(2)(a).

(*17*) Amendments to COMAR 11.14.08.09B(3).

(*18*) Amendments to COMAR 11.14.08.09B(3)(a) and (b).

(*19*) Amendments to COMAR 11.14.08.09A(4).

(*20*) Amendments to COMAR 11.14.08.09A(4)(a).

(*21*) Renumbering of COMAR 11.14.08.09E to .09F, .09F to .09G, and .09G to .09H.

(*22*) Reservation with notes of COMAR 11.14.08.09C and .09D,

(*23*) Addition with a note of a new reserved COMAR 11.14.08.09E.

(*24*) Amendments to COMAR 11.14.08.09F and .09G.

(*25*) Amendments to COMAR 11.14.08.10B(1)(c) and B(1)(d).

(*26*) Amendments to COMAR 11.14.08.10C(6)(b).

(*27*) Renumbering of COMAR 11.14.08.11 to COMAR 11.14.08.11–1.

(*28*) Addition of a new COMAR 11.14.08.11.

(*29*) Amendments to COMAR 11.14.08.11–1, .11–1A(3), .11–1A(4), 11–1B, 11–1B(4) and 11–1B(5).

(*30*) Reservation with a note of COMAR 11.14.08.11–1C.

(*31*) Amendments to COMAR 11.14.08.11–1D(1) and 11–1D(2).

(*32*) Amendment to COMAR 11.14.08.12.

(*33*) Renumbering of COMAR 11.14.08.12B to .12C.

(*34*) Reservation with a note of COMAR 11.14.08.12A.

(*35*) Addition a new COMAR 11.14.08.12B and .12B(1).

(*36*) Addition with a note of a new reserved COMAR 11.14.08.12B(2).

(*37*) Amendments to COMAR 11.14.08.12C(1) and C(3).

(*38*) Amendments to COMAR 11.14.08.15C(7)(c).

(*39*) Amendments to COMAR 11.14.08.16.

(*40*) Renumbering COMAR 11.14.08.16C to COMAR 11.14.08.16D.

(*41*) Reservation with a note of COMAR 11.14.08.16A and .16B.

(*42*) Addition with a note of a new reserved COMAR 11.14.08.16C.

(*43*) Amendments to COMAR 11.14.08.16D.

(*44*) Renumbering COMAR 11.14.08.22C to COMAR 11.14.08.22D.

(*45*) Reservation with a note of COMAR 11.14.08.22A and .22B.

(*46*) Addition with a note of a new reserved COMAR 11.14.08.22C.

(*47*) Amendments to COMAR 11.14.08.27C(2).

(*48*) The deletion of COMAR 11.14.08.27C(3).

(*49*) Renumbering COMAR 11.14.08.27C(4) to COMAR 11.14.08.27C(3).

(*50*) Amendments to COMAR 11.14.08.28A.

(*51*) Amendments to COMAR 11.14.08.32A.

(*52*) Amendments to COMAR 11.14.08.32B(5).

(*53*) Amendments to COMAR 11.14.08.42.

(G) Letter of May 25, 1999, from the Maryland Department of the Environment transmitting amendments to the Enhanced Vehicle Emissions Inspection Program.

(ii) Additional material.

(A) Remainder of the July 10, 1995, submittal;

(B) Remainder of March 27, 1996, submittal;

(C) Remainder of September 25, 1998, submittal; and

(D) Remainder of May 25, 1999, submittal.

(145) Revisions to the Maryland State Implementation Plan submitted on April 12, 1999, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 12, 1999, from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan, pertaining to Regulation .15 under Code of Maryland Administrative Regulations (COMAR) 26.11.19 Volatile Organic Compounds from Specific Processes.

(B) Revision to COMAR 26.11.19.15: Paint, Resin, and Adhesive Manufacturing and Adhesive Application amending the definition found at COMAR 26.11.19.15 A(2) of the term ''honeycomb core installation'' to include other substrates. This revision was adopted on March 2, 1999 and effective on March 22, 1999.

(C) Revision to COMAR 26.11.19.15: Paint, Resin, and Adhesive Manufacturing and Adhesive Application clarifying the applicability of COMAR 26.11.19.15.C(4) General Emission Standard. This revision was adopted on April 9, 1998 and effective on May 4, 1998.

(ii) Additional Material—Remainder of April 12, 1999 submittal pertaining to

COMAR 26.11.19.15 Paint, Resin, and Adhesive Manufacturing and Adhesive Application.

(146) Revisions to the Maryland Regulations, through the addition of COMAR 26.11.20.04, adopting the National Low Emission Vehicle Program. This revision was submitted on March 3, 1999 by the Maryland Department of the Environment, and was amended on March 24, 1999:

(i) Incorporation by reference.

(A) Letter of March 3, 1999 from the Maryland Department of the Environment transmitting a revision to the Maryland State Implementation Plan for a National Low Emission Vehicle program.

(B) Letter of March 24, 1999 from the Maryland Department of the Environment revising Maryland's State Implementation Plan for a National Low Emission Vehicle program.

(C) Maryland regulation COMAR 26.11.20.04, entitled ''National Low Emission Vehicle Program'', effective March 22, 1999.

(ii) Additional materials—Remainder of March 3, 1999 and March 24, 1999 submittals pertaining to COMAR 26.11.20.04.

(147) Revisions to the Maryland State Implementation Plan submitted on March 11, 1999, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of March 11, 1999, from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan, pertaining to Code of Maryland Administrative Regulations (COMAR) 26.11.19. Volatile Organic Compounds from Specific Processes at 26.11.19.07 Paper, Fabric, Vinyl, and Other Plastic Parts Coating.

(B) Revision to COMAR 26.11.19.07: Paper, Fabric, Vinyl, and Other Plastic Parts Coating to add at COMAR 26.11.19.07 F. ''Emission Standards for Printing on Plastic Other than Vinyl.'' This revision was adopted on August 6, 1997, and effective on September 8, 1997.

(C) Revisions to COMAR 26.11.19.07: Paper, Fabric, Vinyl, and Other Plastic Parts Coating, adopted August 4, 1998, and effective on August 24, 1998, including the following:

(1) Revision to COMAR 26.11.19.07 B. ''Applicability'' at B (1) to delete previous text describing subject coating and printing operations and to add new text stating that the regulation applies to any coating or printing operation that it listed in and has VOC emissions equal to or greater than the applicability levels in subsection C. (2) and (3) of this regulation.

(2) Revision to COMAR 26.11.19.07 C. to change the title from ''Emission Standards for Web, Paper, Fabric, and Vinyl Coating'' to ''Emission Standards for Coating or Printing Installations.''

(3) Revision to COMAR 26.11.19.07 C. (1) to delete text which specified installations by substrates and listed the associated emission standards, and to add text to refer to the installations and emission standards found in subsections C. (2) and (3) of this regulation.

(4) Revision to COMAR 26.11.19.07 to add subsection C. (2) and (3) to list in tabular format subject installations, applicability thresholds, and VOC emission standards.

(5) Revision to COMAR 26.11.19.07 to delete subsections E. D. and F. as their requirements are found in the new simplified table at COMAR 26.11.19.07 C (2) and (3).

(ii) Additional Material—Remainder of March 11, 1999 submittal pertaining to COMAR 26.11.19.07 Paper, Fabric, Vinyl, and Other Plastic Parts Coating.

(148) Revisions to the Maryland State Implementation Plan submitted on June 8, 1993 and September 25, 2000 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter dated June 8, 1993 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.01, 26.11.02, and 26.11.06, as well as a new COMAR 26.11.17.

(B) The following provisions of COMAR 26.11.01.01 (General Administrative Provisions—Definitions), 26.11.02 (Permits, Approvals, and Registration), 26.11.06 (General Emission Standards, Prohibitions, and Restrictions), and 26.11.17 (Requirements for Major New Sources and Modifications), effective April 26, 1993:

(*1*) Revised COMAR 26.11.01.01J (definition of ''Modification'') [currently cited as COMAR 26.11.01.01B(20)].

(*2*) New COMAR 26.11.01.01M–1 definition of ''New Source Review Source'' (NSR Source) [currently cited as COMAR 26.11.01.01B(24)], replacing COMAR 26.11.01.01L (''New Source Impacting on a Non-Attainment Area—NSINA'').

(*3*) Revised COMAR 26.11.02.03A(1), .03B, .09A (introductory paragraph), 09A(5), .10C (introductory paragraph), .11A (introductory paragraph), .11A(3).

(*4*) Revised COMAR 26.11.06.06E(1).

(*5*) New COMAR 26.11.17.01A; .01B(1)(a), (b); .01B(2) through .01B(14); .01B(15)(a)[introductory paragraph only], (c), (d), (e)[except iii], (f); .01B(16) through (18); .02B through .02F; .03A; .03B(1), .03B(2), .03B(3)(a) through .03B(3)(d)[except introductory paragraph]; .03B(4); .03B(5); .03C; .03D; .05A; .05B(1); .05B(3). This rule replaces COMAR 26.11.06.11.

(C) Letter dated September 25, 2000 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.17.

(D) The following provisions of COMAR 26.11.17 (Requirements for Major New Sources and Modifications), effective October 2, 2000: .01B(1)(c); .01B(15)(a)(i), .01B(15)(a)(ii), .01B(15)(b), .01B(15)(e)(iii); .02A(1), .02A(2); .03B(3), .03B(5), .03B(6)[formerly .03B(5)], .04A(1), .04A(2), .04B, .04C(1), .04C(2); .05B(2).

(149) Revisions to the Maryland Regulations related to use of pollution control devices in COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations submitted on July 17, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 17, 1995 from the Maryland Department of the Environment to Mr. Stanley Laskowski of EPA transmitting revisions to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations related to use of control equipment to meet visible emission limitations.

(B) Revision to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations related to use of control equipment to meet visible emission limitations. Revisions were effective on May 8, 1995.

(ii) Additional materials—Remainder of July 17, 1995, submittal related to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations and the use of pollution control equipment to meet visible emission limitations.

(150) Revisions to the Maryland Regulations related to visible emissions standards for iron and steel installations submitted on March 30, 1987 and December 15, 1987 by the Maryland Department of Health and Mental Hygiene (currently known as the Maryland Department of the Environment):

(i) Incorporation by reference.

(A) Letters of March 30, 1987 and December 15, 1987 from the Maryland Department of Health and Mental Hygiene (currently known as the Maryland Department of the Environment) transmitting revisions related to visible emissions standards for iron and steel installations.

(B) Revisions to COMAR 10.18.10.03B(3) [currently COMAR 26.11.10.03B(2)], effective March 24, 1987.

(C) Revisions to COMAR 10.18.10.03B(3) [currently COMAR 26.11.10.03B(2)], effective January 5, 1988.

(ii) Additional Material. Remainder of the March 30, 1987 and December 15, 1987 submittals.

(151) Revisions to the Maryland State Implementation Plan submitted on August 28, 1998, November 16, 1999 and March 20, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of August 28, 1998 from the Maryland Department of the Environment transmitting additions to the Maryland's State Implementation Plan pertaining to the Nitrogen Oxides Budget Program.

(B) Letter of November 16, 1999 from the Maryland Department of the Environment transmitting additions to the Maryland's State Implementation Plan pertaining to the Nitrogen Oxides Budget Program.

(C) Letter of March 20, 2000 from the Maryland Department of the Environment transmitting additions to the Maryland's State Implementation Plan pertaining to the Nitrogen Oxides Budget Program.

(D) Revisions to COMAR 26.11.27, Post RACT Requirements for $NO_X$ Sources ($NO_X$ Budget Program) and COMAR 26.11.28, Polices and Procedures Relating to Maryland's $NO_X$ Budget Program, effective June 1, 1998.

(*1*) Addition of COMAR 26.11.27.01 through COMAR 26.11.27.14, except COMAR 26.11.27.04, .07 and .11.

(*2*) Addition of COMAR 26.11.28.01 through COMAR 26.11.28.13, except COMAR 26.11.28.08.

(E) Revisions to COMAR 26.11.27, Post RACT Requirements for $NO_X$ Sources ($NO_X$ Budget Program) and COMAR 26.11.28, Polices and Procedures Relating to Maryland's $NO_X$ Budget Program, effective October 18, 1999, consisting of the addition of new COMAR 26.11.27.04, .07 and .11.

(F) Revisions to COMAR 26.11.27, Post RACT Requirements for $NO_X$ Sources ( $NO_X$ Budget Program) and COMAR 26.11.28, Polices and Procedures Relating to Maryland's $NO_X$ Budget Program, consisting of the consent agreement between the Maryland Department of the Environment and the Potomac Electric Power Company, effective September 13, 1999.

(G) Revisions to COMAR 26.11.27, Post RACT Requirements for $NO_X$ Sources ( $NO_X$ Budget Program) and COMAR 26.11.28, Polices and Procedures Relating to Maryland's $NO_X$ Budget Program, consisting of the consent agreement between the Maryland Department of the Environment and the Baltimore Gas & Electric Company, effective November 19, 1999.

(ii) Additional Material—Remainder of August 28, 1998, November 16, 1999 and March 20, 2000 submittals pertaining to the Nitrogen Oxides Budget Program.

(152) Revisions to the Maryland Regulations governing visible emissions submitted on March 21, 1991 and November 5, 1997 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letters from the Maryland Department of the Environment dated March 21, 1991 and November 5, 1997 submitting revisions to the Maryland State Implementation Plan.

(B) Document entitled ''Procedures To Be Used To Evaluate An Application For An Alternative Visible Emissions Standard Under COMAR 26.11.06.02B''.

(C) Code of Maryland Administrative Regulations (COMAR) 10.18.06.02 (General Emission Standards, Prohibitions, and Restrictions—Visible Emissions), Sections 10.18.06.02A(1), .02(A)(1)(a), .02(A)(2), and .02C(1) and (2), effective December 3, 1984.

(D) Recodified COMAR 26.11.06.02 (General Emission Standards, Prohibitions, and Restrictions—Visible Emissions), Sections 26.11.06.02A(1) [General paragraph], .02A(1)(a) through (d) and (f), .02A(2), and .02C(1) through (3), effective August 1, 1988.

(E) COMAR 26.11.06.02B (Visible Emissions—Case-by-Case Exception to the Visible Emissions Standards).

(*1*) COMAR 10.18.06.02B(1)(a) through (d), .02B(2)(a), .02B(4)(a) and (b), and .02B(5)(a) and (b), effective December 3, 1984. This rule replaces COMAR 10.18.01.08. [Recodified as COMAR 26.11.06.02B, effective August 1, 1988.]

(*2*) COMAR 26.11.06.02B(2)(b) through (e) and .02 B(4)(c), effective July 3, 1995.

(F) Recodified COMAR 26.11.06.03D (Particulate Matter from Materials Handling and Construction), effective August 1, 1988.

(ii) Additional Material.

(A) Remainder of the March 21, 1991 submittal (MD91–01) as it pertains to the recodification of COMAR 26.11.06.02 and 26.11.06.03D.

(B) Remainder of the November 5, 1997 submittal (MD97–02).

(153) Revisions to the Maryland State Implementation Plan submitted on April 2, 1992 and October 10, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter dated April 2, 1992 from the Maryland Department of the Environment transmitting revisions to the testing and observation procedures for iron and steel production operations

(B) The following revised Maryland provisions, effective February 17, 1992.

(*1*) Revised COMAR 26.11.10.07.

(*2*) Technical Memorandum 91–01, Supplement 1—Appendix A, Test Method 5 and Method 8.

(C) Letter dated October 10, 2000 from the Maryland Department of the Environment transmitting revisions to regulations and technical memoranda governing control of iron and steel production operations.

(D) The following revised Maryland provisions, effective November 2, 1998.

(*1*) Revisions to COMAR 26.11.01.04C(2).

(*2*) Revisions to the following provisions of COMAR 26.11.10: Paragraphs .02A., .02B(2), .02B(3), .03A(2)(a) through (c), .03A(2)(e), .03B [introductory paragraph], .03B(5) [formerly cited as .03B(6)], .04B(2) introductory paragraph [combined with provision formerly cited as .04B(2)(a)], .04B(2)(c)(i) and .04B(2)(c)(ii) [formerly cited as .04B(2)(e)(i) and .04B(2)(e)(ii) respectively], .04B(2)(f), .04B(3) through(5), and.05.

(*3*) Removal of the following provisions: COMAR 26.11.10.01B(1) [existing provision .01B(2) is renumbered as .01B(1)], .03B(1) [existing provisions .03B(2) through(5) are renumbered as .03B(1) through (4)], .03B(7), .03B(8), .03C, .03D, .04A(2) and .04A(3) [existing provision .04A(1) is renumbered as .04A], .04B(2)(b), and .04B(2)(h) [existing provisions .04B(2)(c) through (g) and (i) are renumbered as .04B(2)(a) through (f)].

(*4*) Addition of COMAR 26.11.10.01B(2) and new .03C.

(*5*) Technical Memorandum 91–01, Supplement 3—Test Methods 1004, 1004F, 1004G, 1004H, and 1004I.

(E) Revisions to COMAR 26.11.10.03C(1) [formerly cited as .03C], and the addition of Paragraphs .03C(2) and .03C(3); effective October 2, 2000.

(ii) Additional materials—Remainder of the state submittals pertaining to the revisions listed in paragraph (c)(153) (i) of this section.

(154) Revisions to the Maryland Regulations pertaining to the Nitrogen Oxides ($NO_X$) Reduction and Trading Program submitted on April 27, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 27, 2000 from the Maryland Department of the Environment transmitting additions to the Maryland State Implementation Plan pertaining to the $NO_X$ Reduction and Trading Program.

(B) Revisions to COMAR 26.11.29, $NO_X$ Reduction and Trading Program and COMAR 26.11.30, Policies and Procedures Relating to Maryland's $NO_X$ Reduction and Trading Program, effective May 1, 2000.

(*1*) Addition of COMAR 26.11.29.01 through COMAR 26.11.29.15.

(*2*) Addition of COMAR 26.11.30.01 through COMAR 26.11.30.09.

(ii) Additional material. Remainder of April 27, 2000 submittal pertaining to the $NO_X$ Reduction and Trading Program.

(155) Revisions to the Maryland Regulations for $NO_X$ RACT regulations submitted on September 8, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of September 8, 2000 from the Maryland Department of the Environment transmitting the Maryland $NO_X$ RACT regulations.

(B) The Maryland $NO_X$ RACT regulations found at COMAR 26.11.09.08, effective October 18, 1999, as revised effective September 18, 2000. This rule replaces COMAR 26.11.09.08, effective May 10, 1993, as revised effective June 20, 1994 and May 8, 1995.

(C) Addition of COMAR 26.11.09.01B(3–1) (definition of the term ''high heat release unit''), effective September 18, 2000.

(ii) Additional materials—Remainder of September 8, 2000 submittal.

(156) Revision to the Maryland Regulations replacing the existing regulation and adopting a new regulation for control of volatile organic compounds (VOC) from expandable polystyrene operations (EPO) submitted on October 20, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of October 20, 2000 from the Maryland Department of the Environment transmitting the EPO regulations.

(B) The Maryland EPO regulations found at COMAR 26.11.19.19, effective October 2, 2000. This rule replaces COMAR 26.11.19.19, effective July 3, 1995.

(ii) Additional materials—Remainder of the October 20, 2000 submittal.

(157) Revision to the Maryland Regulations establishing VOC reasonably available control technology (RACT) standards for facilities that recycle bakery and confectionary waste submitted on October 31, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of October 31, 2000 from the Maryland Department of the Environment transmitting the VOC RACT regulations for facilities that recycle bakery and confectionary waste.

(B) The Maryland VOC RACT regulations for facilities that recycle bakery and confectionary waste found at COMAR 26.11.19.28, effective October 2, 2000.

(ii) Additional materials—Remainder of the October 31, 2000 submittal.

(158) Revision to the Maryland Regulations which adopt by reference the EPA definition of VOC found at 40 CFR 51.100(s), update the Maryland regulation references to the federal PSD regulations at 40 CFR 52.21 and include other miscellaneous revisions submitted on February 6, 1998 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting the adoption of the federal definition of VOC, federal reference updates and other miscellaneous revisions.

(B) The amendment to COMAR 26.11.01.01B(37) and COMAR 26.11.06.14 which updates the references for incorporation of the federal PSD regulations found at 40 CFR 52.21 from the 1993 to the 1996 edition of the CFR and include other miscellaneous revisions (COMAR 26.11.01.01B(6–1) and COMAR 26.11.06.06A(1)(d)), effective June 30, 1997.

(C) The amendment to COMAR 26.11.01.01B(53) which adopts by reference the EPA definition of VOC found at 40 CFR 51.100(s), 1996 edition of CFR, effective September 22, 1997.

(ii) Additional materials—Remainder of the February 6, 1998 submittal.

(159) Revision to the Maryland Regulations updating the references to the federal definition of VOC at 40 CFR 51.100(s) and the federal PSD regulations at 40 CFR 52.21, submitted on November 16, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of November 16, 2000 from the Maryland Department of the Environment transmitting the updates to the Maryland regulation references to the federal definition of VOC at 40 CFR 51.100(s) and the federal PSD regulations at 40 CFR 52.21.

(B) The amendments to COMAR 26.11.01.01B(37) and COMAR 26.11.06.14 which update the reference for incorporation of the federal PSD regulations found at 40 CFR 52.21 from the 1996 to the 1999 edition of the CFR and the amendment to COMAR 26.11.01.01B(53) which updates the federal reference for incorporation of the EPA definition of VOC found at 40 CFR 51.100(s) from the 1996 to the 1999 edition of the CFR, effective October 16, 2000.

(ii) Additional materials—Remainder of the November 16, 2000 submittal.

(160) Revisions to the Maryland Regulation, COMAR 26.11.19, *Volatile Organic Compounds from Specific Processes*, submitted on October 5, 2001 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of October 5, 2001 from the Maryland Department of the Environment transmitting Maryland Regulation, COMAR 26.11.19.29, *Control of Volatile Organic Compounds From Distilled Spirits Facilities*.

(B) Additions of COMAR 26.11.19.29, *Control of Volatile Organic Compounds From Distilled Spirits Facilities*, adopted by the State of Maryland on September 11, 2000 and effective October 2, 2000.

(C) Revisions to COMAR 26.11.19.29, *Control of Volatile Organic Compounds From Distilled Spirits Facilities*, adopted by the State of Maryland on September 25, 2001 and effective October 15, 2001.

(ii) Additional materials—Remainder of the State submittals pertaining to the revisions listed in paragraphs (c)(160)(i)(B) and (C) of this section.

(161) Revisions to the State of Maryland Regulations pertaining to the repeal of COMAR 26.11.11.04, Petroleum Refineries, submitted on January 4, 2001, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of January 4, 2001, from the Maryland Department of the Environment transmitting amendments to COMAR 26.11.11 to repeal Regulation 26.11.11.04, Petroleum Refineries.

(B) Amendments to COMAR 26.11.11, Control of Petroleum Products Installations, including Asphalt Paving and Asphalt Concrete Plants, repealing Regulation 26.11.11.04, Petroleum Refineries, effective October 5, 1998.

(ii) Additional Material. Remainder of the January 4, 2001 submittal pertaining to the repeal of COMAR 26.11.11.04, Petroleum Refineries.

(162) Revisions to the Maryland State Implementation Plan submitted on February 5, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) A letter dated February 5, 2001 from the Maryland Department of the Environment transmitting revisions to the Maryland State Implementation Plan, consisting of the addition of COMAR 26.11.19.30 *Control of Volatile Organic Compounds from Organic Chemical Production*.

(B) Addition of new COMAR 26.11.19.30 *Control of Volatile Organic Compounds from Organic Chemical Production*, adopted by the Secretary of the Environment on December 6, 2000 and effective on January 8, 2001, including the following:

(*1*) addition of new COMAR 26.11.19.30 A. Definitions.

(*2*) addition of new COMAR 26.11.19.30 B. Terms Defined.

(*3*) addition of new COMAR 26.11.19.30.C. Applicability.

(*4*) addition of new COMAR 26.11.19.30.D. General Requirements.

(*5*) addition of new COMAR 26.11.19.30.E. Demonstration of Compliance.

(ii) Additional materials—Remainder of the February 5, 2001 submittal.

(163) Revisions to the Maryland Regulations submitted on January 8, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter dated January 8, 2001 from the Maryland Department of the Environment transmitting regulations that establish reasonably available control technology (RACT) requirements for those sources at integrated steel mills that cause emissions of volatile organic compounds (VOCs).

(B) The following revisions to COMAR 26.11.10, effective December 25, 2000:

(*1*) Addition of COMAR 26.11.10.01B(1) through .0B(5) inclusive, and .01B(8.) [existing provisions .01B(1) and .01B(2) are renumbered as .01B(6) and .01B(7) respectively].

(*2*) New COMAR 26.11.10.06 (Control of Volatile Organic Compounds from Iron and Steel Production Installations).

(*3*) Revisions to COMAR 26.11.10.07 (Testing and Observation Procedures).

(C) Letter dated May 29, 2001 from the Maryland Department of the Environment, noting the correction of a typographical error made in the Maryland Register publication of the Iron and Steel VOC RACT rule.

(ii) Additional materials—Remainder of the state submittal pertaining to the regulations listed in paragraph (c)(163)(i)(B) of this section.

(164) Revisions to the Maryland State Implementation Plan submitted on February 6, 1998 and May 14, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of May 14, 2001 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.01.01 (General Administrative Definitions).

(B) The following revised provisions of COMAR 26.11.01.01, effective June 20, 1994:

(*1*) 26.11.01.01A.

(*2*) 26.11.01.01B(1) through .01B(20), except for .01B(3) and .01B(13).

(*3*) 26.11.01.01B(24) through .01B(36), except for .01B(25).

(*4*) 26.11.01.01B(38) through .01B(53).

(C) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.01.01 (General Administrative Definitions).

(D) Revised COMAR 26.11.01.01B(43) [definition of ''source''], effective June 30, 1997.

(ii) Additional Material.

(A) Remainder of May 14, 2001 submittal.

(B) Remainder of February 6, 1998 submittal related to the revised definition of ''source.''

(165) Revisions to the Maryland State Implementation Plan submitted on June 12, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 12, 2001 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.04 (Ambient Air Quality Standards).

(B) The following revised provisions of COMAR 26.11.04, effective May 8, 1995:

(*1*) Revised chapter title of COMAR 26.11.04.

(*2*) New 26.11.04.03 through .09 (formerly COMAR 26.11.03.01 through .07 [State-Adopted National Ambient Air Quality Standards and Guidelines], effective prior to May 8, 1995).

(*3*) Addition of COMAR 26.11.04.02.

(ii) Additional Material.

(A) Remainder of June 12, 2001 submittal.

(166) Revisions to the Maryland State Implementation Plan submitted on August 20, 2001 by the Maryland Department of the Environment consisting of Reasonably Available Control Technology (RACT) requirements to reduce volatile organic compound (VOC) emissions from marine vessel coating operations.

(i) Incorporation by reference.

(A) A letter dated August 20, 2001 from the Maryland Department of the Environment transmitting an addition to Maryland's State Implementation Plan, pertaining to volatile organic compound (VOC) regulations in Maryland's air quality regulations, COMAR 26.11.19.27.

(B) Addition of new COMAR 26.11.19.27—Control of Volatile Organic Compounds from Marine Vessel Coating Operations, effective on October 20, 1997.

(ii) Additional materials—Remainder of the August 20, 2001 submittal pertaining to COMAR 26.11.19.27—Control of VOC Emissions from Marine Vessel Coating Operations.

(167)(i) Incorporation by reference.

(A) Letter dated February 21, 2001 submitted by the Maryland Department of the Environment transmitting the source-specific VOC RACT determination for the Thomas Manufacturing Corporation Inc., in the form of a Consent Order.

(B) Consent Order for the Thomas Manufacturing Corporation Inc., dated February 6, 2001, with an effective date of February 15, 2001.

(ii) Additional materials—Other materials submitted by the State of Maryland in support of and pertaining to the RACT determination for the source listed in paragraph (c)(167)(i)(B) of this section.

(168) SIP revision submitted on April 25, 2001 by the State of Maryland consisting of a Consent Order dated April 16, 2001 between the Maryland Department of the Environment and Constellation Power Source Generation Inc. The Consent Order establishes a system-wide inter-facility emissions averaging plan to comply with $NO_X$ RACT requirements at five facilities owned by Constellation Power Source Generation Inc. and located in the State of Maryland.

(i) Incorporation by reference.

(A) Letter of April 25, 2001 from the Maryland Department of the Environment (MDE) transmitting a Consent Order issued by MDE to Constellation Power Source Generation, Inc. establishing an averaging plan at five electric generating plants as a means of compliance with the $NO_X$ RACT requirements.

(B) Consent Order between the Maryland Department of the Environment and Constellation Power Source Generation, Inc. dated April 16, 2001.

(C) $NO_X$ RACT Averaging Plan Proposal submitted by Constellation Power Source Generation, Inc. dated November 6, 2000.

(ii) Additional materials—Remainder of the state submittal pertaining to the revision listed in paragraph (c)(168) of this section.

(169) Revisions to the Maryland Regulation, COMAR 26.11.19, *Volatile Organic Compounds from Specific Processes*, submitted on October 5, 2001 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of October 5, 2001 from the Maryland Department of the Environment transmitting Maryland Regulation, COMAR 26.11.19.13–1, *Aerospace Coating Operations*.

(B) Addition of COMAR 26.11.19.13–1, *Aerospace Coating Operations*, adopted by the State of Maryland on September 11, 2000 and effective October 2, 2000.

(C) Revisions to COMAR 26.11.19.13–1, *Aerospace Coating Operations*, adopted by the State of Maryland on September 25, 2001 and effective October 15, 2001.

(ii) Additional materials—Remainder of the State submittals pertaining to the regulations listed in paragraphs (c)(169)(i)(B) and (C) of this section.

(170) Revisions to the Maryland Regulation, COMAR 26.11.14, *Control of Emissions from Kraft Pulp Mills,* submitted on October 5, 2001 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of October 5, 2001 from the Maryland Department of the Environment transmitting Maryland Regulations COMAR 26.11.14.01, 26.11.14.02 and 26.11.14.06, *Control of Emissions from Kraft Pulp Mills*.

(B) Additions of COMAR 26.11.14.01, COMAR 26.11.14.02 and COMAR 26.11.14.06, *Control of Emissions from Kraft Pulp Mills,* adopted by the State of Maryland on December 13, 2000 and effective January 8, 2001.

(C) Revisions to COMAR 26.11.14.01 and COMAR 26.11.14.06, *Control of Emissions from Kraft Pulp Mills,* adopted by the State of Maryland on September 25, 2001 and effective October 15, 2001.

(ii) Additional materials—Remainder of the State submittals pertaining to the revisions listed in paragraphs (c)(170)(i)(B) and (C) of this section.

(171) Revisions to the Code of Maryland Administrative Regulations (COMAR) which update the Maryland regulation references to both the Federal Prevention of Significant Deterioration (PSD) regulations found at § 52.21 and the EPA definition of ''volatile organic compound'' (VOC) found at 40 CFR 51.100(s) of the 2000 edition of the Code of Federal Regulations, submitted on December 11, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of December 11, 2001 from the Maryland Department of the Environment transmitting updated references to the Code of Federal Regulations (CFR) with regard to the Prevention of Significant Deterioration (PSD) regulations and the definition of ''volatile organic compound'' (VOC).

(B) Revisions to COMAR 26.11.01.01B(37) and COMAR 26.11.06.14 effective December 10, 2001, which updates the references for incorporation of the Federal PSD regulations found at § 52.21 from the 1999 to the 2000 edition of the CFR.

(C) The revision to COMAR 26.11.01.01B(53) effective December 10, 2001, which updates the references of the EPA definition of VOC found at 40 CFR 51.100(s) from the 1999 edition to the 2000 edition of CFR.

(ii) Additional material. Remainder of the State submittals pertaining to the revisions listed in paragraphs (c)(171)(i)(B) and (C) of this section.

(172) Revision to the Code of Maryland Administrative Regulations (COMAR) governing general records and information requirements, submitted on December 11, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of December 11, 2001 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.01.05 (Records and Information).

(B) Revised COMAR 26.11.01.05, effective June 30, 1997, replacing COMAR 26.11.01.05, effective July 18, 1980, as recodified August 1, 1988.

(C) Revision to the introductory paragraph of COMAR 26.11.01.05A., effective December 10, 2001.

(ii) Additional material. Remainder of the State submittals pertaining to the revisions listed in paragraphs (c)(172)(i)(B) and (C) of this section.

(173) Revisions to the Maryland State Implementation Plan submitted on February 6, 1998 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) A letter dated February 6, 1998 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, concerning exemption of certain intermittent visible emissions requirements at Federal facilities, establishment of specific requirements for safety determinations at Federal facilities,

and amendment to open burning distance limitations under the ''open fire'' rule.

(B) The following additions and revisions to the Code of Maryland Administrative Regulations (COMAR), effective August 11, 1997:

(*1*) COMAR 26.11.06.02A(1)—introductory text of paragraph (1)[revised], and 26.11.06.02A(1)(j) [added].

(*2*) COMAR 26.11.07.01B(5) [added], 26.11.07.03B(1)(c) [revised], and 26.11.07.06 [added].

(ii) Additional materials—Remainder of the February 6, 1998 submitted by the Maryland Department of the Environment pertaining to the amendments in paragraph (c)(173)(i) (B) of this section.

(174) Revisions to the Maryland State Implementation Plan submitted on November 20, 2001, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter dated November 20, 2001 from the Maryland Department of the Environment transmitting a revision to Maryland State Implementation Plan concerning an alternative method for a source to achieve compliance with volatile organic compound (VOC) requirements for specific processes.

(B) Revisions to Code of Maryland Administrative Regulation (COMAR) 26.11.19.02B (Applicability, Determining Compliance, Reporting and General Requirements—Method of Compliance), effective May 4, 1998, which revises paragraph .02B(2)(c), adds a new paragraph .02B(2)(d), and renumbers former paragraph .02B(2)(d) as .02B(2)(e).

(ii) Additional materials—Remainder of the State submittal pertaining to the revision listed in paragraph (c)(174)(i) of this section.

(175) Revisions to the Maryland State Implementation Plan submitted on December 6, 2001, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter dated December 6, 2001 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, concerning good operating practices, equipment cleanup procedures, and volatile organic compound (VOC) storage tank vapor control requirements for specific processes.

(B) Addition of Code of Maryland Administrative Regulation (COMAR) 26.11.19.02I—(Applicability, Determining Compliance, Reporting and General Requirements—Good Operating Practices, Cleanup, and VOC Storage), effective December 10, 2001.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revision listed in paragraph (c)(175)(i) of this section.

(176) Revisions to the Maryland State Implementation Plan submitted by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of December 6, 2001 from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan concerning VOC requirements for facilities that produce inorganic chemicals and polytetrafluoroethylene (PTFE) products.

(B) The following revisions to Code of Maryland Administrative Regulation (COMAR) 26.11.19.30 (Control of Volatile Organic Compounds from Chemical Production and Polytetrafluoroethylene Installations), effective December 10, 2001:

(*1*) Revised title for COMAR 26.11.19.30.

(*2*) Addition of paragraphs .30B(3–1), .30B(3–2), .30B(4–1), .30B(4–2), .30B(5)(b), and .30E(1) through (5) inclusive.

(*3*) Renumbering of former paragraphs .30B(5), .30C(3), and .30E(1) as paragraphs .30B(5)(a), .30C(2) and .30F respectively.

(*4*) Revisions to paragraphs .30C(1), renumbered .30C(2), .30D. (paragraph title), .30D(1), .30D(2), .30D(3), .30D(4) (introductory paragraph) and .30F.

(*5*) Removal of former paragraphs .30C(2) and .30E(2).

(C) Letter of November 6, 2002 from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan concerning VOC requirements for facilities that produce inorganic chemicals and polytetrafluoroethylene (PTFE) products.

(D) The following revisions to Code of Maryland Administrative Regulation (COMAR) 26.11.19.30 (Control of Volatile Organic Compounds from Chemical

Production and Polytetrafluoroethylene Installations), effective November 11, 2002:

(*1*) Revisions to paragraphs .30B(4–1), .30B(4–2), .30C(2), .30C(3), and .30E(1).

(*2*) Addition of paragraphs .30B(4–3), .30B(4–4), and .30E(6).

(ii) Additional materials—Remainder of the State submittal pertaining to the revision listed in paragraph (c)(176)(i) of this section.

(177) Revisions to the Code of Maryland Administrative Regulation (COMAR) 26.11.19.18 pertaining to the establishment of a VOC limit for overprint varnish used in the cosmetic industry, submitted on June 21, 2002, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 21, 2002, from the Maryland Department of the Environment transmitting amendments to Regulation .18, Control of Volatile Organic Compound Emissions from Screen Printing and Digital Imaging, under COMAR 26.11.19, Volatile Organic Compounds from Specific Processes.

(B) Additions and Revisions to COMAR 26.11.19.18, Control of Volatile Organic Compound Emissions from Screen Printing and Digital Imaging under COMAR 26.11.19, Volatile Organic Compounds from Specific Processes, effective June 10, 2002:

(*1*) Revised COMAR 26.11.19.18A(4)(a) and added COMAR 26.11.19.18A(4)(b), revising the definition of the term ''Clear coating.''

(*2*) Added COMAR 26.11.19.18A (10–1), adding a definition for the term ''Overprint varnish.''

(*3*) Added COMAR 26.11.19.18C(1)(a) (General Requirements for Screen Printing). Former COMAR 26.11.19.18C(1)(a) through (c) is renumbered as 26.11.19.18C(1)(b) through (d).

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(177)(i) of this section.

(178) Revisions to the Maryland State Implementation Plan for Stage II Vapor Recovery at Gasoline Dispensing Facilities submitted on May 23, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of May 23, 2002 from the Maryland Department of the Environment transmitting revisions to the Maryland State Implementation Plan pertaining to Stage II Vapor Recovery at Gasoline Dispensing Facilities.

(B) The following revisions and additions to COMAR 26.11.24, effective on April 15, 2002:

(*1*) Revisions to .01B(1) and (17); addition of .01B(18) and .01B(19).

(*2*) Addition of .01–1.

(*3*) Revisions to .02C(1) and (3); addition of .02D, .02E and .02F.

(*4*) Revisions to .03F; addition of .03H and .03I.

(*5*) Revisions to .04A (introductory paragraph), .04B, .04C and .04C(1); addition of .04A(1) through .04A(5) and .04C(2).

(*6*) Revisions to .07A, .07B and .07D; addition of .07E.

(ii) Additional materials—Remainder of the State submittal(s) pertaining to the revisions listed in paragraph (c)(178)(i) of this section.

(179) Revisions to the Code of Maryland Administrative Regulation (COMAR) 11.14.08 pertaining to the request for delay in the incorporation of On-board Diagnostics testing in the state's Vehicle Inspection and Maintenance Program submitted on July 9, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 9, 2002 from the Maryland Department of the Environment transmitting amendments to Regulations .03, .06, .09, .12, and .16 under COMAR 11.14.08, Vehicle Emissions Inspection Program.

(B) Additions and revisions to COMAR 11.14.08.03, .06, .09, .12, and .16, effective June 10, 2002:

(*1*) Added COMAR 11.14.08.03E.

(*2*) Revised COMAR 11.14.08.06A(3)(r), .09F, .12C(1) through (3) inclusive, and .16D.

(ii) Additional Materials—Remainder of the State submittal(s) pertaining to the revisions listed in paragraph (c)(179)(i) of this section.

(180) Revisions to the Code of Maryland Administrative Regulations (COMAR) submitted on November 18, 2002 and November 26, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of November 18, 2002 from the Maryland Department of the Environment transmitting the removal of Code of Maryland Administrative Regulation (COMAR) 10.18.03.08—the State ambient air quality standard for hydrocarbons.

(B) Removal of COMAR 10.18.03.08, effective October 14, 1985.

(C) Letter of November 26, 2002 from the Maryland Department of the Environment transmitting revisions to COMAR 10.18.09.05 regarding the removal of provisions granting visible emissions exceptions by control officers in Maryland Areas I, II, V, and VI.

(D) Removal of COMAR 10.18.09.05A(3)(b)(i) and .05A(3)(b)(ii), effective December 3, 1984.

(ii) Additional Material.

(A) Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(180)(i) of this section.

(B) Letter dated January 9, 2003 from the Maryland Air and Radiation Management Administration to the Environmental Protection Agency, Region III, clarifying the reasons for removing the provisions of COMAR 10.18.09.05B(3)(i) and (ii).

(181) Revisions to the Code of Maryland's Administrative Regulations (COMAR) for particulate matter, visible emissions and sulfur compounds submitted on November 6, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of November 6, 2002 from the Maryland Department of the Environment transmitting the revision consisting of housekeeping and clarification amendments to Regulations .02, .03, and .05 under COMAR 26.11.06 General Emission Standards, Prohibitions and Restrictions.

(B) The following amendments to COMAR 26.11.06—General Emission Standards, Prohibitions and Restrictions, effective November 11, 2002:

(*1*) Addition of COMAR 26.11.06.02A(1)(k).

(*2*) Revisions to COMAR 26.11.06.02A(1)(j), .02A(2), .02C(1), .03C (introductory paragraph), .03C(1), and .05A.

(*3*) Removal of COMAR 26.11.06.02C(3).

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(181)(i) of this section.

(182) Revisions to the Code of Maryland Administrative Regulations (COMAR) under COMAR 26.11.02, Permits, Approvals, and Registration that were adopted from 1995 thorough 1999 and related amendments under COMAR 26.11.06, General Emission Standards, Prohibitions, and Restrictions, and COMAR 26.11.19, Volatile Organic Compounds from Specific Processes on November 1, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of November 1, 2002 from the Maryland Department of the Environment (MDE) transmitting revisions to COMAR 26.11.02, 26.11.06 and 26.11.19.

(B) The following new provisions of COMAR 26.11.02 (Permits, Approvals and Registration), effective May 8, 1995, replacing COMAR 26.11.02.01 through 26.11.02.16, as amended effective through April 26, 1993:

(*1*) COMAR 26.11.02.01A; 26.11.02.01B(2), (3), (7) through (9), (11) through (14), (17) through (21), (23) through (28), (34) through (36), (38), (40), (41), (43) through (45), (47), (48), (51) through (53), and (55); and 26.11.02.01C.

(*2*) COMAR 26.11.02.02 (except .02D), .03, .04 (except .04C(2)), .05 through .10, .11 (except .11C), and .12 through 14.

(C) Revision to COMAR 26.11.06.06E(4)(g), effective May 8, 1995.

(D) Revision to COMAR 26.11.19.02G(3)(b), effective May 8, 1995.

(E) Revisions to COMAR 26.11.02.01B(13), .06B (introductory paragraph) and .06B(5), .10O(2), .10Q(7), .10U, .10V, .11A(1), .12A(1) and (2), .14A(1); addition of 26.11.02.10O(13) and (14), .10W, .11A(2)and .12A(3); removal of 26.11.02.14A(2)—existing .14A(3) is renumbered as .14A(2), effective June 16, 1997.

(F) Revision to COMAR 26.11.02.10E, effective September 22, 1997.

(G) Revision to COMAR 26.11.02.09C, effective May 4, 1998.

(H) Revisions to COMAR 26.11.02.10C, .10V and .10W; addition of COMAR 26.11.02.10X, effective March 22, 1999.

(ii) Additional Materials—Remainder of the State submittal pertaining to

the revisions listed in paragraph (c)(182)(i) of this section.

(183) Revisions to the Maryland Regulations pertaining to Control of Fuel Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel Burning Installations, submitted on November 6, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter dated November 6, 2002 from the Maryland Department of the Environment transmitting revisions to the Maryland State Implementation Plan pertaining to amendments to COMAR 26.11.09.

(B) Revisions to COMAR 26.11.09, Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations, effective November 11, 2002.

(*1*) Addition of COMAR 26.11.09.01B(3–1)—definition of ''gas''. Existing paragraph .01B(3–1) is renumbered as .01B(3–2).

(*2*) Revisions to COMAR 26.11.09.05A(3), .05B(2), and .05B(3).

(*3*) Revisions to COMAR 26.11.09.06A(1), .06A(2), and .06B(4); addition of .06A(3)(c).

(*4*) Revision to COMAR 26.11.09.08D (introductory paragraph) and .08D(1)(a).

(*5*) Revision to COMAR 26.11.09.09 by removing existing Table 1 and adding both a new Table 1 and footnotes (a), (b), and (c).

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(183)(i) of this section.

(184) Revisions to the Code of Maryland Administrative Regulations (COMAR) for the Control of VOC Emissions from Portable Fuel Containers submitted on March 8, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of March 8, 2002 from the Maryland Department of the Environment transmitting an addition to Maryland's State Implementation Plan pertaining to the control of volatile organic compounds (VOC) emissions from portable fuel containers.

(B) Addition of new regulation .07 under COMAR 26.11.13—*Control of VOC Emissions from Portable Fuel Containers*, adopted by the Secretary of the Environment on December 21, 2001, and effective on January 21, 2002.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(184)(i) of this section.

(185) Revisions to the Code of Maryland Administrative Regulations (COMAR) on the Control of VOC Emissions from Consumer Products submitted on November 19, 2003 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) A letter dated November 19, 2003 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan pertaining to the control of volatile organic compounds (VOC) emissions from consumer products.

(B) Addition of new COMAR 26.11.32—Control of Emissions of VOC from Consumer Products:

(*1*) Addition of COMAR 26.11.32.01 through COMAR 26.11.32.23 adopted by the Secretary of the Environment on July 25, 2003 and effective on August 18, 2003.

(*2*) Addition of new COMAR 26.11.32.01F—Retail Sales, adopted by the Secretary of the Environment on October 22, 2003 and effective on November 24, 2003.

(ii) Additional Material. Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(185)(i) of this section.

(186) Revisions to the Maryland State Implementation Plan submitted on April 24, 2003, July 7, 2003, and December 1, 2003 by the Maryland Department of the Environment pertaining to the Policies and Procedures Relating to Maryland's $NO_X$ Reduction and Trading Program, and the Nitrogen Oxides Reduction and Trading Program.

(i) Incorporation by reference.

(A) Letter of April 24, 2003 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to COMAR 26.11.30 Nitrogen Oxides Reduction and Trading Program, effective April 28, 2003.

(*1*) Revisions to COMAR 26.11.30.09A.

(*2*) Deletion of existing COMAR 26.11.30.09B.

(*3*) Addition of new COMAR 26.11.30.09B, allocations for control periods 2003 through 2007.

(B) Letter of July 7, 2003 from the Maryland Department of the Environment transmitting an administrative correction to COMAR 26.11.30.09 amending Mirant Dickerson's Unit #3 allocation from 410 to 404 tons of $NO_X$.

(C) Letter of December 1, 2003 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to COMAR 26.11.29 $NO_X$ Reduction and Trading Program, effective November 24, 2003.

(*1*) Revisions to COMAR 26.11.29.09 (title), .09A (introductory sentence), and .09A(1).

(*2*) Addition of COMAR 26.11.29.09A(2) and .09A(3).

(*3*) Revisions to COMAR 26.11.29.09B (introductory sentence), .09B(1) and .09B(2), establishing the set aside pool at 5 percent of the total trading budget.

(*4*) Deletion of COMAR 26.11.29.09E and 09F.

(*5*) COMAR 26.11.29.09G is renumbered as 26.11.29.09E.

(ii) Additional Material.

(A) Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(186)(i) of this section.

(B) [Reserved]

(187) The Ozone Redesignation and Maintenance Plan for Kent and Queen Anne's Counties nonattainment area submitted on February 4, 2004 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) A letter dated February 9, 2004 from the Maryland Department of the Environment transmitting Maryland's State Implementation Plan pertaining to the redesignation request for the Kent and Queen Anne's Counties Ozone Nonattainment Area.

(B) SIP Revision 03–15, Redesignation Request for Kent and Queen Anne's Counties Ozone Nonattainment Area, February 4, 2004.

(ii) Additional Material—Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(187)(i) of this section.

(188)–(189) [Reserved]

(190) Revisions to the Maryland State Implementation Plan submitted on March 31, 2004 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of March 31, 2004 from the Maryland Department of the Environment transmitting a Consent Order establishing VOC RACT for Kaydon Ring and Seal, Inc.

(B) Consent Order establishing VOC RACT for Kaydon Ring and Seal, Inc. with an effective date of March 5, 2004.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(190)(i) of this section.

(191) Revision to the Maryland Regulations pertaining to changes to control of fuel-burning equipment, stationary internal combustion engines and certain fuel-burning installations and to changes to requirements for major new sources and modifications submitted on December 1, 2003 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of December 1, 2003 from the Maryland Department of the Environment transmitting changes to control of fuel-burning equipment, stationary internal combustion engines and certain fuel-burning installations and to changes to requirements for major new sources and modifications in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR).

(B) Revisions to COMAR 26.11.09.08A(1), pertaining to control of $NO_X$ emissions for major stationary sources adopted by the Secretary of the Environment on October 21, 2003, and effective on November 24, 2003.

(*1*) Revision to COMAR 26.11.09.08A(1)(a).

(*2*) Deletion of COMAR 26.11.09.08A(1)(b).

(*3*) Renumbering of COMAR 26.11.09.08A(1)(c) to COMAR 26.11.09.08A(1)(b).

(C) Revisions to COMAR 26.11.17.01B(13) pertaining to requirements for major new sources and modifications adopted by the Secretary of the Environment on October 21, 2003, and effective on November 24, 2003.

(*1*) Revisions to COMAR 26.11.17.01B(13)(a)(i) and (13)(a)(ii).

(*2*) Deletion of COMAR 26.11.17.01B(13)(a)(iii).

(*3*) Renumbering of COMAR 26.11.17.01B(13)(a)(iv) to 01B(13)(a)(iii), and 26.11.17.01B(13)(a)(v) to 01B(13)(a)(iv).

(D) Revisions to COMAR 26.11.17.03B pertaining to requirements for major new sources and modifications adopted by the Secretary of the Environment on October 21, 2003, and effective on November 24, 2003.

(*1*) Revision to COMAR 26.11.17.03B(3)(a).

(*2*) Deletion of COMAR 26.11.17.03B(3)(b).

(*3*) Renumbering of COMAR 26.11.17.03B(3)(c) to 03B(3)(b), and 03B(3)(d) to 03B(3)(c).

(ii) Additional Material—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(191)(i) of this section.

[37 FR 10870, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1100, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### §§ 52.1101–52.1109 [Reserved]

### § 52.1110 Small business stationary source technical and environmental compliance assistance program.

On November 13, 1992, the Acting Director of the Air and Radiation Management Administration, Maryland Department of the Environment 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 (SIP) revision, as required by title V of the Clean Air Act Amendments. EPA approved the Small Business Stationary Source Technical and Environmental Compliance Assistance Program on May 16, 1994, and made it part of the Maryland SIP. As with all components of the SIP, Maryland must implement the program as submitted and approved by EPA.

[59 FR 25333, May 16, 1994]

### §§ 52.1111–52.1115 [Reserved]

### § 52.1116 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) The following provisions of 40 CFR 52.21 are hereby incorporated and made a part of the applicable State plan for the State of Maryland.

(1) Definition of federally enforceable (40 CFR 52.21(b)(17)),

(2) Exclusions from increment consumption (40 CFR 52.21(f)(1)(v), (3), (4)(i)),

(3) Redesignation of areas (40 CFR 52.21(g) (1), (2), (3), (4), (5), and (6)),

(4) Approval of alternate models (40 CFR 52.21(1)(2)),

(5) Disputed permits or redesignation (40 CFR 52.21(t), and

(6) Delegation of Authority (40 CFR 52.21(u)(1), (2)(ii), (3), and (4)).

[45 FR 52741, Aug. 7, 1980 and 47 FR 7835, Feb. 23, 1982]

### § 52.1117 Control strategy: Sulfur oxides.

(a) [Reserved]

(b) The requirements of § 51.112(a) of this chapter are not met because the State did not submit an adequate control strategy demonstration to show that the Maryland Regulation 10.03.36.04B (1) and (2) would not interfere with the attainment and maintenance of the national sulfur dioxide standards.

[40 FR 56889, Dec. 5, 1975, as amended at 41 FR 8770, Mar. 1, 1976; 41 FR 54747, Dec. 15, 1976; 51 FR 40676, Nov. 7, 1986]

### § 52.1118 Approval of bubbles in nonattainment areas lacking approved demonstrations: State assurances.

In order to secure approval of a bubble control strategy for the American Cyanamid facility in Havre de Grace, Maryland (see paragraph 52.1070(c)(87)), the Maryland Department of the Environment—Air Management Administration provided certain assurances in a letter dated September 13, 1988 from George P. Ferreri, Director, to Thomas J. Maslany, Director, Air Management

Division, EPA Region III. The State of Maryland assured EPA it would:

(a) Include the bubble emission limits for this plant in any new State Implementation Plan,

(b) Consider this plant with its approved bubble limits in reviewing sources for needed additional emission reductions, and

(c) Not be delayed in making reasonable efforts to provide the necessary schedules for completing the new ozone attainment plan.

[55 FR 20272, May 16, 1990]

## Subpart W—Massachusetts

### §52.1119 Identification of plan—conditional approval.

(a) The following plan revisions were submitted on the dates specified.

(1) On November 13, 1992, the Massachusetts Department of Environmental Protection submitted a small business stationary source technical and environmental compliance assistance program (PROGRAM). On July 22, 1993, Massachusetts submitted a letter clarifying portions of the November 13, 1992 submittal. In these submissions, the State commits to submit adequate legal authority to establish and implement a compliance advisory panel and to have a fully operational PROGRAM by November 15, 1994.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated November 13, 1992 submitting a revision to the Massachusetts State Implementation Plan.

(B) State Implementation Plan Revision for a Small Business Technical and Environmental Compliance Assistance Program dated November 13, 1992.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 22, 1993 clarifying portions of Massachusetts' November 13, 1992 SIP revision.

(2) [Reserved]

[59 FR 41708, Aug. 15, 1994, as amended at 61 FR 43976, Aug. 27, 1996; 65 FR 19326, Apr. 11, 2000]

### §52.1120 Identification of plan.

(a) Title of plan: ''Plan for Implementation, Maintenance, and Enforcement of National Primary and Secondary Ambient Air Quality Standards.''

(b) The plan was officially submitted on January 27, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Emergency episode regulations submitted on February 22, 1972, by the Bureau of Air Quality Control, Massachusetts Department of Public Health.

(2) Miscellaneous non-regulatory changes to the plan, wording changes in regulations 2.5 and 2.1 and clarification of Regulations 2.5.1 through 2.5.4 submitted on April 27, 1972, by the Division of Environmental Health, Massachusetts Department of Public Health.

(3) Miscellaneous non-regulatory additions to the plan submitted on May 5, 1972, by the Bureau of Air Quality Control, Massachusetts Department of Public Health.

(4) Miscellaneous changes affecting regulations 2.1, 2.5, 4.2, 4.5.1, 5.6.1, 6.1.2, 6.3.1, 8.1.6, 9.1, 15.1, 51.2, 52.1 and 52.2 of the regulations for all six Air Pollution Control Districts submitted on August 28, 1972 by the Governor.

(5) Letter of concurrence on AQMA identifications submitted on July 23, 1974, by the Governor.

(6) Revision to Regulation No. 5, increasing allowable sulfur content of fuels in the Boston Air Pollution Control District submitted on July 11, 1975, by the Secretary of Environmental Affairs, and on April 1, 1977 and April 20, 1978 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(7) Revision to Regulation 50—Variances, Regulations for Control of Air Pollution in the six Massachusetts Air Pollution Control Districts, submitted by letter dated November 14, 1974, by the Governor.

(8) Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Merrimack Valley Air Pollution Control District submitted on January 28, 1976 by the Secretary of Environmental Affairs and on August 22, 1977 by the Commissioner of the Department of Environmental Quality Engineering, and additional technical information

pertinent to the Haverhill Paperboard Corp., Haverhill, Mass., submitted on December 30, 1976 by the Secretary of Environmental Affairs.

(9) Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Pioneer Valley Air Pollution Control District submitted on July 22, 1976 by the Secretary of Environmental Affairs and on August 22, 1977 by the Commissioner of the Department of Environmental Quality Engineering, and additional technical information pertinent to Deerfield Specialty Papers, Inc., Monroe, Mass., submitted on December 27, 1977 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(10) Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Central Massachusetts Air Pollution Control District submitted on June 25, 1976 by the Secretary of Environmental Affairs and on August 22, 1977 by the Commissioner of the Department of Environmental Quality Engineering.

(11) Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Central Massachusetts Air Pollution Control District (revised and adopted by the Massachusetts Department of Environmental Quality Engineering on March 29, 1976, with specificprovisions for the City of Fitchburg) submitted on June 25, 1976, by the Secretary of Environmental Affairs.

(12) A revision to Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Southeastern Massachusetts Air Pollution Control District, submitted on December 30, 1976 by the Secretary of Environmental Affairs and on January 31, 1978 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(13) A revision to Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Berkshire Air Pollution Control District, submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on April 14, 1977, and additional technical information submitted on August 11, 1978, pertaining to the Schweitzer Division, Kimberly-Clark Corporation, Columbia Mill, Lee, and on August 31, 1978, pertaining to Crane and Company, Inc., Dalton.

(14) Revisions to ''Regulations for the Prevention and/or Abatement of Air Pollution Episode and Air Pollution Incident Emergencies,'' submitted on September 15, 1976 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(15) A revision to Regulation 2.5, Compliance with Emission Limitations, and to Regulation 16, Reduction of Single Passenger Commuter Vehicle Use, for the Pioneer Valley Air Pollution Control District, submitted on May 20, 1977, by the Acting Commissioner of the Executive Office of Environmental Affairs, Department of Environmental Quality Engineering.

(16) Revision to regulation 7 and regulation 9, submitted on December 9, 1977, by the Commissioner of the Massachusetts Department of Environmental Quality and Engineering.

(17) Revision to Regulations 310 CMR 7.05, Sulfur-in-Fuel, and 310 CMR 7.06, Visible Emissions, allowing burning of a coal-oil slurry at New England Power Company, Salem Harbor Station, Massachusetts, submitted on July 5, 1978 by the Commissioner, Massachusetts Department of Environmental Quality Engineering and an extension to 310 CMR 7.06, *Visible Emissions*, submitted on December 28, 1979.

(18) Revision to Regulation 7.02(11) (formerly Regulation 2.5.3)—Emission Limitation to Incinerators, submitted February 1, 1978 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(19) The addition of Regulation 7.17, for the Southeastern Massachusetts Air Pollution Control District, Coal Conversion—Brayton Point Station, New England Power Company, submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on September 7, 1978. Compliance with this revision shall be determined by methods consistent with New Source Performance Standards, proposed Test Method 19, as stated in a letter dated February 8, 1979 from Kenneth Hagg of the Massachusetts Department of Environmental Quality Engineering to Frank Ciavattieri of the Environmental Protection Agency.

(20) A revision permanently extending Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) ''Sulfur Content of Fuels and Control Thereof'' and a revision for the Metropolitan Boston APCD, and Merrimack Valley APCD submitted on December 28, 1978, by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(21) A revision permanently extending Regulation 310 CMR 7.05(1) (formerly Regulation 5.1), ''Sulfur Content of Fuels and Control Thereof'' and a revision to Regulation 310 CMR 7.05(4) ''Ash Content of Fuels'' for the Pioneer Valley Air Pollution Control District, submitted on January 3, 1979 by the Acting Com0missioner of the Massachusetts Department of Environmental Quality Engineering.

(22) A revision permanently extending Regulation 310 CMR 7.05(1) (formerly Regulation 5.1), ''Sulfur Content of Fuels and Control Thereof'' for the Southeastern Massachusetts APCD, submitted on January 31, 1979 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(23) A revision to Regulation 310 CMR 7.05(4) ''Ash Content of Fuels'' for the Metropolitan Boston Air Pollution Control District, submitted on July 20, 1978 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(24) A revision permanently extending Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) ''Sulfur Content of Fuels and Control Thereof'' for the Central Massachusetts APCD, submitted on March 2, 1979 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering, and a revision removing the seasonal restriction in Fitchburg for Fitchburg Paper Company (55 meter stacks only) and James River-Massachusetts submitted on September 28, 1979 by the Commissioner.

(25) On March 30, 1979 and on April 23, 1979 the Commissioner of the Massachusetts Department of Environmental Quality Engineering submitted the non-attainment area plan for Total Suspended Particulates (TSP) in Worcester, miscellaneous statewide regulation changes, and an extension request for the attainment of TSP secondary standards for areas designated non-attainment as of March 3, 1978.

(26) On May 3, 1979, August 7, 1979, and April 17, 1980, the Commissioner of the Massachusetts Department of Environmental Quality Engineering submitted a revision entitled ''Massachusetts Implementation Plan, Amended Regulation—All Districts, New Source Review Element,'' relating to construction and operation of major new or modified sources in non-attainment areas.

(27) Revisions to Regulation 310 CMR 7.07, Open Burning, submitted on September 28, 1979 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(28) Revision to the state ozone standard and adoption of an ambient lead standard was submitted by Thomas F. McLoughlin, Acting Commissioner of the Department of Environmental Quality Engineering on August 21, 1979.

(29) A revision varying the provisions of Regulation 310 CMR 7.04(5), Fuel Oil Viscosity, for Cambridge Electric Light Company's Kendall Station, First Street, Cambridge, and Blackstone Station, Blackstone Street, Cambridge, submitted on December 28, 1978 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(30) Attainment plans to meet the requirements of Part D for carbon monoxide and ozone and other miscellaneous provisions were submitted by the Governor of Massachusetts on December 31, 1978 and on May 16, 1979 by the Acting Commissioner of the Department of Environmental Quality Engineering. Supplemental information was submitted on September 19, November 13 and December 7, 1979; and March 20 and April 7, 1980 by DEQE.

(31) A temporary variance to the Provisions of Regulation 310 CMR 7.05, Sulfur Content of Fuels and Control Thereof, for Seaman Paper Company, Otter River. Submitted on March 20, 1980 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(32) A revision to Regulation 7.05(1) ''Sulfur Content of Fuels and Control Thereof'' for the Metropolitan Boston

APCD submitted on November 27, 1979 by the Commissioner of the Department of Environmental Quality Engineering.

(33) A revision to Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) ''Sulfur Content of Fuels and Control Thereof'' for the Pioneer Valley Air Pollution Control District submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on March 2, 1979 and May 5, 1981.

(34) A revision to Regulation 7.05(1) ''Sulfur Content of Fuels and Control Thereof'' for the Metropolitan Boston APCD submitted on April 25, 1980 by the Commissioner of the Department of Environmental Quality Engineering.

(35) On January 5, 1981, the Acting Director of the Division of Air Quality Control, Massachusetts Department of Environmental Quality Engineering submitted a revision entitled ''Appendix J Transportation Project Level Guidelines'' relating to policy guidance on the preparation of air quality analysis for transportation projects.

(36) A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58, was submitted by the Commissioner of the Department of Environmental Quality Engineering on January 28, 1980.

(37) A revision submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on September 12, 1980 adding a new regulation 310 CMR 7.19 ''Interim Sulfur-in-Fuel Limitations for Fossil Fuel Utilization Facilities Pending Conversion to an Alternate Fuel or Implementation of Permanent Energy Conservation Measures.''

(38) A variance of Regulation 310 CMR 7.05(1)(d)(2) ''Sulfur Control of Fuels and Control Thereof'' for the Metropolitan Boston Air Pollution Control District, submitted on November 25, 1980, by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(39) Revisions to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, for making a commitment to public transportation in the Boston urban region which were submitted on July 9, 1981 and on July 30, 1981.

(40) Regulations 310 CMR (14), (15), and (16), for paper, fabric, and vinyl surface coaters to meet the requirements of Part D for ozone were submitted by the Governor of Massachusetts on March 6, 1981.

(41) A revision to Regulation 7.05(1)(c) ''Sulfur Content of Fuels Control Thereof for the Merrimack Valley Air Pollution Control District'' allowing the burning of higher sulfur content fuel oil at Haverhill Paperboard Corporation, Haverhill.

(42) Regulation 310 CMR 7.18(2)(b), to allow existing surface coating lines regulated under 310 CMR 7.18 (4), (5), (6), (7), (10), (11), (12), (14), (15) and (16) to bubble emissions to meet the requirements of Part D for ozone was submitted by the Governor on March 6, 1981, and a letter clarifying state procedures was submitted on November 12, 1981. The emission limitations required by the federally-approved portion of 310 CMR 7.18 are the applicable requirements of the Massachusetts SIP for the purpose of section 113 of the Clean Air Act and shall be enforceable by EPA and by citizens in the same manner as other requirements of the SIP; except that emission limitations adopted by the state under and which comply with 310 CMR 7.18(2)(b) and the procedures set out in the letter of November 12, 1981 shall be the applicable requirements of the Massachusetts SIP in lieu of those contained elsewhere in 310 CMR 7.18 and shall be enforceable by EPA and by citizens.

(43) A revision to Regulation 7.05(1)(d) ''Sulfur Content of Fuels and Control Thereof for the Metropolitan Boston Air Pollution Control District'' allowing the burning of higher sulfur content fuel oil at Eastman Gelatine Corporation, Peabody, submitted on September 24, 1981 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(44) The Massachusetts Department of Environmental Quality Engineering submitted an updated VOC emissions inventory on September 3, 1981, and the procedures to annually update this inventory on November 4, 1981.

(45) A revision to Regulation 7.05(1)(e) ''Sulfur Content of Fuels and Control

Thereof for the Pioneer Valley Air Pollution Control District'' allowing the burning of higher sulfur content fuel oil at the Holyoke Gas and Electric Department, Holyoke.

(46) A revision submitted on December 29, 1981 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering allowing the burning of higher sulfur content fuel oil at the ATF Davidson Company, Northbridge, until December 1, 1983.

(47) Regulation 310 CMR 7.18(10) for metal coil coating was submitted on June 24, 1980 by the Commissioner of the Department of Environmental Quality Engineering, in order to meet Part D requirements for ozone.

(48) Regulations 310 CMR 7.18(11), Surface Coating of Miscellaneous Metal Parts and Products and (12), Graphic Arts—Rotogravure and Flexography with test methods; and (13) Perchloroethylene Dry Cleaning Systems without test methods, were submitted on July 21, 1981 and March 10, 1982 by the Department of Environmental Quality Engineering to meet Part D requirements for ozone attainment.

(49) A revision to Regulation 7.17 ''Conversions to Coal'' submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on January 22, 1982 specifying the conditions under which coal may be burned at the Holyoke Water Power Company, Mount Tom Plant, Holyoke, Massachusetts.

(50) [Reserved]

(51) A revision submitted on September 29, 1982 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering allowing the burning of fuel oil having a sulfur content of 0.55 pounds per million Btu heat release potential at the Northeast Petroleum Corporation, Chelsea, Massachusetts.

(52) A revision submitted on September 28, 1982 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering allowing the burning of higher sulfur content fuel oil at the Polaroid Corporation for a period of up to 30 months commencing on December 1, 1982.

(53)(i) Attainment plans for carbon monoxide and ozone submitted by the Department of Environmental Quality Engineering on September 9, November 2 and November 17, 1982; February 2, March 21, April 7, April 26 and May 16, 1983. These revisions amend Regulations 310 CMR 7.18 (3)–(7), (9)–(16); and add Regulation 310 CMR 7.18(17), 7.20 (1)–(14), and 540 CMR 4.00.

(ii) Regulation 310 CMR 7.18(3) for the surface coating of metal furniture submitted on September 9, 1982 as part of the attainment plan identified in § 52.1120(c)(53)(i), is added to the VOC surface coating bubble Regulation 310 CMR 7.18(2)(b) identified in § 52.1120(c)(42).

(iii) Regulation 310 CMR 7.18(13) for Perchloroethylene Dry Cleaning systems submitted on September 9, 1982 as part of the attainment plan identified in section 52.1120(53)(i), is amended by adding EPA test methods to the no action identified in 52.1120(48).

(54) On February 8, 1983, the Massachusetts Department of Environmental Quality Engineering submitted a source specific emission limit in the letter of approval to the Esleeck Manufacturing Company, Inc., Montague, allowing the Company to burn fuel oil having a maximum sulfur content of 1.21 pounds per million Btu heat release potential provided the fuel firing rate does not exceed 137.5 gallons per hour.

(55) A revision to exempt the Berkshire Air Pollution Control District from Regulation 310 CMR 7.02(12)(b)2 was submitted on March 25, 1983 by Kenneth A. Hagg, Director of the Division of Air Quality Control of the Department of Environmental Quality Engineering.

(56) A revision to Regulation 310 CMR 7.02(12)(a)1(e) for petroleum liquid storage in external floating roof tanks submitted on December 2, 1983.

(57) Revisions to the State's narrative, entitled *New Source Regulations* on page 117 and 118, the regulatory definitions of BACT, NSPS and NESHAPS and Regulation 310 CMR 7.02 (2)(a)(6) and 7.02 (13), submitted by Anthony D. Cortese, Commissioner, in August, 1982 and received on September 9, 1982.

(58) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental

Protection on June 7, 1991, November 13, 1992 and February 17, 1993.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated June 7, 1991, November 13, 1992 and February 17, 1993 submitting revisions to the Massachusetts State Implementation Plan.

(B) Amendments and additions to 310 CMR 7.00 submitted on June 7, 1991 and effective on April 12, 1991.

(C) Amendments and additions to 310 CMR 7.00 submitted on June 7, 1991 and effective on June 21, 1991.

(D) Addition of 310 CMR 7.24(4)(j) submitted on November 13, 1992 and February 17, 1993 and effective on February 12, 1993.

(ii) Additional materials.

(A) Nonregulatory portions of the state submittal.

(59) A revision submitted on May 3, 1983, allowing the burning of 2.2% sulfur content fuel oil at the Stanley Woolen Company, a facility in Uxbridge, Massachusetts for a period of up to 30 months, commencing on March 23, 1984.

(60) On May 27, 1982 and September 9, 1982 the Commissioner of the Massachusetts Department of Environmental Quality Engineering submitted a revised plan for new source review in nonattainment areas. The submittal included 310 CMR Appendix A, ''Emission Offsets and Nonattainment Review,'' additions to 310 CMR 7.00, ''General Definitions,'' and revisions to 310 CMR 7.02(2)(b)(4) and 7.02(2)(b)(5), ''Plan Approval and Emission Limitations.''

(61) A revision submitted on October 31, 1983, allowing the burning of 2.2% sulfur content fuel oil at the Reed and Barton Silversmiths facility in Taunton, Massachusetts for a period of up to 30 months, commencing on March 23, 1984.

(62) A revision submitted on November 16, 1983 allowing the burning of 2.2% sulfur content fuel oil at the ATF Davidson Company in Northbridge, Massachusetts.

(63) A revision submitted on February 2, 1984, allowing the burning of 1.0% sulfur content fuel oil at The Biltrite Corporation facility in Chelsea, Massachusetts for a period of up to 30 months, commencing on June 15, 1984.

(64) A revision to the Ozone Attainment Plan was submitted by S. Russell Sylva, Commissioner of the Massachusetts Department of Environmental Quality Engineering on February 14, and May 22, 1985 to control emissions from gasoline tank trucks and bulk terminal vapor recovery systems.

(i) Incorporation by reference.

(A) Amendments to Regulations 310 CMR 7.00 and 7.02(12) (c) and (d), ''Motor Vehicle Fuel Tank Trucks'', adopted December 1984.

(B) The May 22, 1985 letter from Massachusetts DEQE, and the enforcement manual submitted and adopted on May 22, 1985, including Method 27, record form, potential leak points, major tank truck leak sources, test procedure for gasoline vapor leak detection procedure by combustible gas detector, instruction manual for Sentox 2 and Notice of Violation.

(65) A temporary variance to 310 CMR 7.05(1)(d)2 of ''Sulfur Content of Fuels and Control Thereof for Metropolitan Boston Air Pollution Control District'' submitted on January 6, 1984 to allow for the use of 2.2% sulfur content fuel oil in boiler unit 7 of the Boston Edison Company Mystic Station facility in Everett for thirty months commencing on September 25, 1984.

(66) Attainment and maintenance plans for lead, submitted on July 13 and August 17, 1984 by the Department of Environmental Quality Engineering.

(67) A revision submitted on July 11, 1984 allowing the burning of 2.2% sulfur content fuel oil at the James River Corporation Hyde Park Mill facility in Boston, Massachusetts for a period of up to 30 months, commencing on September 25, 1984.

(68) A revision submitted on February 8 and October 23, 1985 allowing the burning of 2.2% sulfur content fuel oil at the Phillips Academy facility in Andover, Massachusetts for a period of up to 30 months, commencing on April 1, 1986.

(i) Incorporation by reference.

(A) Letter from Richard J. Chalpin, Acting Regional Engineer, to Phillips Academy, dated December 27, 1984 allowing the temporary use of less expensive 2.2% sulfur fuel oil (for 30 months

from the date of publication), the savings from which will be used to implement permanent energy conservation measures to reduce on-site consumption of petroleum products by at least 50,000 gallons per year (estimated 82,000 gallons per year). At the end of the temporary use period, Phillips Academy will return to the use of 1.0% sulfur fuel oil. The particulate emission rate for the facility will not exceed 0.15 lbs. per million Btu.

(B) These specific requirements of Regulation 310 CMR 7.19 were agreed to in a Statement of Agreement, signed February 19, 1985.

(C) Memorandum to Donald C. Squires from Bruce K. Maillet dated October 4, 1985; subject: Response to EPA questions regarding Phillips Academy, outlines the permanent energy conservation measures to be used.

(69) Revisions to federally approved regulations 310 CMR 7.02(2)(b) and 310 CMR 7.05(4) were submitted on December 3, 1985, January 31, 1986 and February 11, 1986 by the Department of Environmental Quality Engineering.

(i) Incorporation by reference.

(A) Regulation 310 CMR 7.02(2)(b), Department of Environmental Quality Engineering, Air Pollution Control, is corrected to include the word ''major'' before the word ''modification''.

(B) Regulation 310 CMR 7.05(4), Department of Environmental Quality Engineering, Air Pollution Control, Ash Content of Fuels.

(ii) Additional materials.

(A) The nonregulatory portions of the state submittals.

(70) A revision submitted on February 19, 1986 allowing the burning of 2.2% sulfur content fuel oil at the Boston Housing Authority, Mary Ellen McCormick and Maverick Family Development facilities in Boston, Massachusetts for a period of up to 30 months, commencing on August 12, 1986.

(i) Incorporation by reference.

(A) Letters dated August 30, 1985 and July 11, 1985 for the Mary Ellen McCormick and Maverick Family Development Facilities, respectively, from Richard J. Chalpin, Acting Regional Engineer, allowing the temporary use of less expensive 2.2% sulfur fuel oil for 30 months from August 12, 1986, the savings from which will be used to implement permanent energy conservation measures to reduce the on-site consumption of the petroleum products. At the end of the temporary use period, the Boston Housing Authority, Mary Ellen McCormick and Maverick Family Development facilities will return to the use of 0.5% sulfur fuel oil. The particulate emission rate for these facilities will not exceed 0.12 lbs per million BTU.

(B) Statements of Agreement both signed October 28, 1985 by Doris Bunte, Administrator of Boston Housing Authority.

(C) Memorandum from Bruce K. Maillet to S. Russell Sylva dated January 9, 1986, subject: Decision Memo.

(71) A revision submitted on May 12, 1986 allowing the burning of 2.2% sulfur content fuel oil at the Boston Housing Authority, Mission Hill Extension Family Development facility in Boston, Massachusetts for a period of up to 30 months, commencing on November 25, 1986.

(i) Incorporation by reference.

(A) Letter dated March 5, 1986 for the Mission Hill Extension Family Development facility, from Richard J. Chalpin, Acting Regional Engineer, allowing the temporary use of less expensive 2.2% sulfur fuel oil (for 30 months from the date of publication), the savings from which will be used to implement permanent energy conservation measures to reduce the on-site consumption of petroleum products. At the end of the temporary use period, the Boston Housing Authority, Mission Hill Extension Family Development facility will return to the use of 0.5% sulfur fuel oil. The particulate emission rate for this facility will not exceed 0.12 lbs per million Btu.

(B) Statements of Agreement signed April 4, 1986 by Doris Bunte, Administrator of Boston Housing Authority.

(C) Memorandum from Bruce K. Maillet to S. Russell Sylva dated April 18, 1986, subject: Decision Memo.

(72) Revisions involving regulations 310 CMR 7.02(2)(b) 4, 5, and 6; 7.02(12)(b)3; 7.02(12)(d); and 7.14 were submitted on November 21, 1986 and January 15, 1987, by the Department of Environmental Quality Engineering (DEQE).

(i) Incorporation by reference.

(A) Regulation 310 CMR 7.02(2)(b) 4, 5, and 6 are amended and became effective on February 6, 1987.

(B) Regulation 310 CMR 7.02(12)(b)3 is deleted and became effective on February 6, 1987.

(C) Regulation 310 CMR 7.02(12)(d) is amended and became effective on February 6, 1987.

(D) Regulations 310 CMR 7.14 (2) and (3) are added and became effective on February 6, 1987.

(E) The Commonwealth of Massachusetts Regulation Filing document dated January 15, 1987 is provided and states that these regulatory changes became effective on February 6, 1987.

(ii) Additional materials. The nonregulatory portions of the state submittals.

(73) Revisions to the State Implementation Plan submitted by the Commonwealth of Massachusetts on February 21, February 25, and June 23, 1986.

(i) Incorporation by reference.

(A) A letter from the Commonwealth of Massachusetts Department of Environmental Quality Engineering dated February 21, 1986 and amendments to 310 CMR 7.00 and 310 CMR 7.18 of the Regulations for the control of Air Pollution in the Berkshire, Central Massachusetts, Merrimack Valley, Metropolitan Boston, Pioneer Valley and Southeastern Massachusetts Air Pollution Control Districts.

(B) A letter from the Commonwealth of Massachusetts Department of Environmental Quality Engineering (DEQE), dated June 23, 1986 and the Implementation Guidance, 310 CMR 7.18(18), Polystyrene Resin Manufacturing, dated February 1986.

(C) A Regulation Filing and Publication document from the Commonwealth of Massachusetts Department of Environmental Quality Engineering, dated February 25, 1986.

(ii) Additional materials.

(A) Nonregulatory portions of the state submittals.

(74) Revisions to the State Implementation Plan were submitted by the Commissioner of the Department of Environmental Quality Engineering on November 5, 1986 and December 10, 1986.

(i) Incorporation by reference.

(A) Letter dated November 5, 1986 from the Massachusetts Department of Environmental Quality Engineering (DEQE) submitting revisions to the State Implementation Plan for EPA approval.

(B) Letter from the Massachusetts DEQE dated December 10, 1986, which states that the effective date of Regulations 310 CMR 7.00, ''Definitions'' and 310 CMR 7.18(19), ''Synthetic Organic Chemical Manufacture,'' is November 28, 1986.

(C) Massachusetts' Regulation 310 CMR 7.18(19) entitled, ''Synthetic Organic Chemical Manufacture,'' and amendments to 310 CMR 7.00, ''Definitions,'' effective in the Commonwealth of Massachusetts on November 28, 1986.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(75) [Reserved]

(76) Revisions involving regulations 310 CMR 7.18(2)(e) and 7.18(17) submitted by the Department of Environmental Quality Engineering on September 20, 1988.

(i) Incorporation by reference.

(A) Amendment to Regulation 310 CMR 7.18(2)(e)—effective July 22, 1988.

(B) Amendments to Regulation 310 CMR 7.18(17)(d)—effective July 22, 1988.

(C) A Regulation Filing and Publication document from the Commonwealth of Massachusetts Department of Environmental Quality Engineering dated July 5, 1988 which states that the effective date of the regulatory amendments to 310 CMR 7.18(2)(e) and 310 CMR 7.18(17)(d), incorporated above, is July 22, 1988.

(ii) Additional materials.

(A) Nonregulatory portions of the state submittal.

(77) Revisions to federally approved regulation 310 CMR 7.05(1) submitted on July 18, 1984, April 17, 1985, March 16, 1987, and November 25, 1987 by the Department of Environmental Quality Engineering approving sulfur-in-fuel limitations for the following sources: American Fiber and finishing Company (formerly known as Kendall Company), Colrain; Erving Paper company, Erving; and Westfield River Paper Company, Russell.

(i) Incorporation by reference.

(A) Letters dated October 14, 1987 for the American Fiber and Finishing Company, Erving Paper Company, and Westfield River Paper Company facilities from Stephen F. Joyce, Deputy Regional Environmental Engineer, Department of Environmental Quality Engineering.

(B) Statements of agreement signed November 6, 1987 by Schuyler D. Bush, Vice President of Erving Paper Company; 1987 by Francis J. Fitzpatrick, President of Westfield River Paper Company; and November 16, 1987 by Robert Young, Vice President of American Fiber and Finishing Company.

(78) Revisions to federally approved regulation 310 CMR 7.02(12) submitted on July 13, 1988, September 15, 1988, and April 12, 1989, by the Department of Environmental Quality Engineering, 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 Massachusetts may grant. In 1989, the control period will begin on June 30.

(i) Incorporation by reference.

(A) Massachusetts Regulation 310 CMR 7.02(12)(e), entitled, ''gasoline Reid Vapor Pressure (RVP),'' and amendments to 310 CMR 7.00, ''Definitions,'' effective in the Commonwealth of Massachusetts on May 11, 1988.

(B) Massachusetts Emergency Regulation Amendment to 310 CMR 7.02(12)(e) 2.b entitled ''gasoline Reid Vapor Pressure'' effective in the Commonwealth of Massachusetts on April 11, 1989, with excerpt from the Manual for Promulgating Regulations, Office of the Secretary of State.

(79) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on February 4, 1988 and July 16, 1989 which define and impose reasonably available control technology to control volatile organic compound emissions from Monsanto Chemical Company in Indian Orchard, Massachusetts.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 18, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) A final RACT Compliance Plan Conditional Approval issued to Monsanto Chemical Company by the Massachusetts Department of Environmental Protection, dated and effective June 20, 1989.

(ii) Additional materials.

(A) Nonregulatory portions of the state submittal.

(80) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 18, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 18, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) Amendments to the Conditional Plan Approval dated and effective July 12, 1989 and the Conditional Plan Approval dated and effective October 7, 1985 imposing reasonably available control technology on Spalding Sports Worldwide in Chicopee, Massachusetts.

(81) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Quality Engineering on July 18, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Quality Engineering dated July 18, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) RACT Approval Addendum for Cranston Print Works Company, Webster Division Facility in Webster, Massachusetts dated and effective June 20, 1989.

(ii) Additional materials. Nonregulatory portions of the State submittal.

(82) Revision to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection August 8, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated August 8, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) Amended Conditional Plan Approval (SM–85–168–IF) dated and effective August 1, 1989 and an Amendment to the Amended Conditional Plan Approval (SM–85–168–IF Revision) dated and effective August 8, 1989 imposing

reasonably available control technology on Duro Textile Printers, Incorporated in Fall River, Massachusetts.

(83) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 24, 1989 and October 16, 1989 regulating gasoline volatility.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated October 16, 1989 and a revision to the Massachusetts State Implementation Plan containing revised Massachusetts gasoline Reid Vapor Pressure regulation 310 CMR 7.24(5)(b)2, effective September 15, 1989.

(84) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 27, 1982, June 22, 1987, and December 27, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated August 27, 1982, submitting a revision to the Massachusetts State Implementation Plan.

(B) Amendments to 310 CMR 7.00, ''Definitions'' effective in the Commonwealth of Massachusetts on June 18, 1982 which add the definitions of the terms ''stationary source'' and ''building, structure, facility, or installation.''

(ii)Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated June 22, 1987 certifying that it did not rely on a dual definition in its attainment demonstration.

(B) Letter from the Massachusetts Department of Environmental Protection dated December 27, 1989 submitting additional assurances that it is making reasonable efforts to develop a complete and approve SIP.

(C) Nonregulatory portions of the submittal.

(85) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 28, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated November 28, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) A Plan Approval 4P89005 Correction dated and effective November 17, 1989 and the Amended Plan Approval, 4P89005 dated and effective October 19, 1989 imposing reasonably available control technology on Boston Whaler Inc., in Norwell, Massachusetts.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(86) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 28, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated November 28, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) A Plan Approval 4P89006 Correction dated and effective November 17, 1989 and the Amended Plan Approval (4P89006) dated and effective October 19, 1989 imposing reasonably available control technology on Boston Whaler Inc. in Rockland, Massachusetts.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(87) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 20, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated November 20, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) 2nd Amendment to the Final Approval/RACT Approval for the Philips Lighting Company dated November 2, 1989.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(88) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on June 13, 1990.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated June 13, 1990 submitting a revision to the Massachusetts State Implementation Plan.

(B) An Amended Plan Approval dated and effective June 1, 1990 imposing reasonably available control technology on Acushnet Company, Titleist Golf Division, Plant A in New Bedford, Massachusetts.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(89) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 9, 1990.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 9, 1990 submitting a revision to the Massachusetts State Implementation Plan.

(B) An Amended Plan Approval dated and effective June 8, 1990 imposing reasonably available control technology on General Motors Corporation in Framingham, Massachusetts.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(90) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on October 25, 1990 which define and impose RACT to control volatile organic compound emissions from Erving Paper Mills in Erving, Massachusetts.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated October 25, 1990 submitting a revision to the Massachusetts State Implementation Plan.

(B) A conditional final plan approval issued by the Massachusetts Department of Environmental Protection to Erving Paper Mills dated and effective October 16, 1990.

(91) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on April 22, 1991 which clarify the requirements of RACT to control volatile organic compound emissions from Erving Paper Mills in Erving, Massachusetts.

(i)Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated April 22, 1991 submitting a revision to the Massachusetts State Implementation Plan.

(B) A conditional final plan approval amendment issued by the Massachusetts Department of Environmental Protection to Erving Paper Mills dated and effective April 16, 1991. This amended conditional plan approval amends the October 16, 1990 conditional plan approval incorporated at paragraph (c)(90) of this section.

(92) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 17, 1989, June 7, 1991 and December 17, 1991.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated August 17, 1989 and June 7, 1991 submitting a revision to the Massachusetts State Implementation Plan.

(B) Portions of regulation 310 CMR 7.18(7) for automobile surface coating as submitted on August 17, 1989 effective in the Commonwealth of Massachusetts on September 15, 1989.

(C) Portions of regulation 310 CMR 7.18(7) for automobile surface coating as submitted on June 7, 1991 effective in the Commonwealth of Massachusetts on June 21, 1991.

(ii) Additional materials.

(A) A letter dated December 17, 1991 from the Massachusetts Department of Environmental Protection withdrawing the emission limit for the Primer-surfacer application from the June 7, 1991 submittal.

(B) Nonregulatory portions of state submittal.

(93) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 27, 1982, June 27, 1984, March 6, 1985, April 12, 1985, August 17, 1989, June 7, 1991 and December 17, 1991.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated August 27, 1982, April 12, 1985, August 17, 1989, and June 7, 1991, submitting revisions to the Massachusetts State Implementation Plan.

(B) Amendment to 310 CMR 7.18(2)(b) submitted on August 27, 1982 and effective on September 16, 1982.

(C) Addition of 310 CMR 7.00: Appendix B submitted on April 12, 1985 and effective on September 30, 1984.

(D) Amendments to portions of 310 CMR 7.00 submitted on August 17, 1989 and effective September 15, 1989.

(E) Amendments to portions of 310 CMR 7.00 submitted on June 7, 1991 and effective on April 12, 1991.

(F) Amendments to portions of 310 CMR 7.00 submitted on June 7, 1991 and effective on June 21, 1991.

(ii) Additional materials.

(A) A letter from the Massachusetts Department of Environmental Quality Engineering dated June 27, 1984 submitting 310 CMR 7.00: Appendix B.

(B) A letter from the Massachusetts Department of Environmental Quality Engineering dated March 6, 1985 submitting additional information on 310 CMR 7.00: Appendix B and referencing 310 CMR 7.18(2)(b).

(C) A letter dated December 17, 1991 from the Massachusetts Department of Environmental Protection withdrawing the emission limit for the Primer-surfacer application in 310 CMR 7.18(7)(b) from the June 7, 1991 submittal.

(D) Nonregulatory portions of state submittal.

(94) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 4, 1989, December 6, 1989 and March 23, 1990.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated August 4, 1989, December 6, 1989 and March 23, 1990 submitting a revision to the Massachusetts State Implementation Plan.

(B) Massachusetts' Air Pollution Control Regulations 310 CMR 7.30 (excluding 310 CMR 7.30(8)(a)), and 310 CMR 7.31 entitled, ''MB Massport/Logan Airport Parking Freeze'' and ''MB City of Boston/East Boston Parking Freeze'' respectively, effective in the State of Massachusetts on 11/24/89, and technical amendments to that regulation submitted by the Massachusetts Department of Environmental Protection on March 23, 1990, effective 3/30/90.

(ii) Additional materials.

(A) Appendix 5D, Baseline and Future Case CO Compliance Modeling, dated June 1986.

(B) Policy Statement Regarding the Proposed Amendment to the Logan Airport Parking Freeze, dated November 14, 1988.

(95) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection of May 15, 1991.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated May 15, 1992 submitting a revision to the Massachusetts State Implementation Plan.

(B) Final Plan Approval No. 4P89051, dated and effective May 13, 1991 imposing reasonably available control technology on Dartmouth Finishing Corporation, New Bedford, Massachusetts.

(96) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on January 30, 1991.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated January 30, 1991 submitting a revision to the Massachusetts State Implementation Plan.

(B) Massachusetts Regulation 310 CMR 7.38, entitled ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District,'' and amendment to 310 CMR 7.00, entitled ''Definitions,'' effective in the Commonwealth of Massachusetts on January 18, 1991.

(97) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on May 17, 1990, July 5, 1990, June 7, 1991, and April 21, 1992.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection, dated May 17, 1990 and June 7, 1991, submitting a revision to the Massachusetts State Implementation Plan.

(B) Definition of ''motor vehicle fuel,'' ''motor vehicle fuel dispensing facility,'' ''substantial modification,'' and ''vapor collection and control system,'' added to 310 CMR 7.00 and effective in the Commonwealth of Massachusetts on October 27, 1989.

(C) 310 CMR 7.24(6) ''Dispensing of Motor Vehicle Fuel,'' effective in the Commonwealth of Massachusetts on October 27, 1989.

(D) Amendments to 310 CMR 7.24(6)(b) ''Dispensing of Motor Vehicle Fuel'' and to the definition of ''substantial modification'' in 310 CMR 7.00, effective in the Commonwealth of Massachusetts on June 21, 1991.

(E) Amendment to the definition of ''motor vehicle fuel dispensing facility'' in 310 CMR 7.00, effective in the Commonwealth of Massachusetts on April 12, 1991.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection, dated July 5, 1990, requesting the withdrawal of amendments to subsection 310 CMR 7.24(2)(c) which require Stage I vapor recovery in Berkshire County from the SIP revision package submitted on May 17, 1990.

(B) Letter from the Massachusetts Department of Environmental Protection, dated April 21, 1992, submitting an implementation policy statement regarding its Stage II program. This policy statement addresses the installation of California Air Resources Board (CARB) certified systems, Stage II testing procedures, and defects in State II equipment.

(C) Nonregulatory portions of the submittal.

(98) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 13, 1992, January 15, 1993, and February 17, 1993.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated November 13, 1992, January 15, 1993, and February 17, 1993, submitting a revision to the Massachusetts State Implementation Plan.

(B) 310 CMR 7.24(6) ''Dispensing of Motor Vehicle Fuel,'' effective in the State of Massachusetts on February 12, 1993.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(99) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 3, 1990 and August 26, 1992 which define and impose reasonably available control technology to control volatile organic compound emissions from S. Bent & Brothers in Gardner, Massachusetts.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated August 26, 1992 submitting a revision to the Massachusetts State Implementation Plan.

(B) Final Air Quality Approval RACT issued to S. Bent by the Massachusetts Department of Environmental Protection dated and effective May 22, 1992.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated November 3, 1990 submitting a revision to the Massachusetts State Implementation Plan.

(B) Final Air Quality Approval RACT issued to S. Bent by the Massachusetts Department of Environmental Protection dated and effective October 17, 1990.

(C) Nonregulatory portions of the November 3, 1990 and August 26, 1992 state submittals.

(100) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 19, 1993.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 19, 1993 submitting a revision to the Massachusetts State Implementation Plan.

(B) Plan approval no. C–P–93–011, effective June 30, 1993, which contains emissions standards, operating conditions, and recordkeeping requirements applicable to Nichols & Stone Company in Gardner, Massachusetts.

(ii) Additional materials.

(A) Letter dated October 27, 1993 from Massachusetts Department of Environmental Protection submitting certification of a public hearing.

(101) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on December 9, 1991.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated December 9, 1991 submitting

a revision to the Massachusetts State Implementation Plan.

(B) Massachusetts Regulation 310 CMR 7.36, entitled ''Transit System Improvements'', Massachusetts Regulation 310 CMR 7.37, entitled ''High Occupancy Vehicle Facilities'', and amendments to 310 CMR 7.00, entitled ''Definitions,'' effective in the Commonwealth of Massachusetts on December 6, 1991.

(102) [Reserved]

(103) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 15, 1993 and May 11, 1994, substituting the California Low Emission Vehicle program for the Clean Fuel Fleet program.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated November 15, 1993 and May 11, 1994, submitting a revision to the Massachusetts State Implementation Plan which substitutes the California Low Emission Vehicle program for the Clean Fuel Fleet program.

(B) A regulation dated and effective January 31, 1992, entitled ''U Low Emission Vehicle Program'', 310 CMR 7.40.

(C) Additional definitions to 310 CMR 7.00 ''Definitions'' (dated and effective 1/31/92) to carry out the requirements set forth in 310 CMR 7.40.

(ii) Additional materials.

(A) Additional nonregulatory portions of the submittal.

(104) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on March 31, 1994.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated March 31, 1994 submitting a revision to the Massachusetts State Implementation Plan.

(B) Final Plan Approval No. 4P92012, dated and effective March 16, 1994 imposing reasonably available control technology on Brittany Dyeing and Finishing of New Bedford, Massachusetts.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(105) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on June 6, 1994.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated June 6, 1994 submitting a revision to the Massachusetts State Implementation Plan.

(B) 310 CMR 7.02(12) ''U Restricted Emission Status'' effective in the Commonwealth of Massachusetts on February 25, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(106) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on June 28, 1990, September 30, 1992, and July 15, 1994.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection, dated June 28, 1990, submitting a revision to the Massachusetts State Implementation Plan.

(B) Letter from the Massachusetts Department of Environmental Protection, dated September 30, 1992, submitting a revision to the Massachusetts State Implementation Plan.

(C) Letter from the Massachusetts Department of Environmental Protection, dated July 15, 1994, submitting a revision to the Massachusetts State Implementation Plan.

(D) Regulation 310 CMR 7.12 entitled ''Inspection Certification Record Keeping and Reporting'' which became effective on July 1, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of submittal.

(B) Letter from the Massachusetts Department of Environmental Protection, dated December 30, 1994, assuring EPA that the data elements noted in EPA's December 13, 1994 letter were being incorporated into the source registration forms used by Massachusetts emission statement program.

(ii) Additional materials.

(A) Nonregulatory portions of submittal.

(107) Massachusetts submitted the Oxygenated Gasoline Program on October 29, 1993. This submittal satisfies the

requirements of section 211(m) of the Clean Air Act, as amended.

(i) Incorporation by reference.

(A) Letter dated October 29, 1993 which included the oxygenated gasoline program, amendments to the Massachusetts Air Pollution Control Regulations, 310 CMR 7.00, with an effective date of March 1, 1994, requesting that the submittal be approved and adopted as part of Massachusetts' SIP.

(ii) Additional materials.

(A) The Technical Support Document for the Redesignation of the Boston Area as Attainment for Carbon Monoxide submitted on December 12, 1994.

(108) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on January 9, 1995.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated January 9, 1995 submitting a revision to the Massachusetts State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the Commonwealth of Massachusetts effective on November 18, 1994: 310 Code of Massachusetts Regulations Section 7.25 *U Best Available Controls for Consumer and Commercial Products*.

(109) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on January 9, 1995.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection, dated January 9, 1995, submitting a revision to the Massachusetts State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the Commonwealth of Massachusetts effective on December 16, 1994: 310 Code of Massachusetts Regulations Section 7.18(28) Automotive Refinishing.

(110) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on March 29, 1995.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated March 29, 1995 submitting a revision to the Massachusetts State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the Commonwealth of Massachusetts effective on January 27, 1995: 310 Code of Massachusetts Regulations Section 7.18(29), Bakeries.

(111) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 30, 1993.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 30, 1993 submitting a revision to the Massachusetts State Implementation Plan.

(B) Massachusetts Air Pollution Control Regulation 310 CMR 7.33, entitled ''City of Boston/South Boston Parking Freeze,'' and the following amendments to 310 CMR 7.00, entitled ''Definitions,'' which consist of adding or amending four definitions; motor vehicle parking space; off-peak parking spaces; remote parking spaces; and restricted use parking, effective in the Commonwealth of Massachusetts on April 9, 1993.

(112) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on February 9, 1994, and April 14, 1995, concerning emissions banking, trading, and averaging.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated February 9, 1994, and March 29, 1995, submitting revisions to the Massachusetts State Implementation Plan.

(B) Regulations 310 CMR 7.00 Appendix B(1); 310 CMR 7.00 Appendix B(2); 310 CMR 7.00 Appendix B(3), except 310 CMR 7.00 Appendix B(3)(e)5.h; and, 310 CMR 7.00 Appendix B(5); effective on January 1, 1994. Also, regulations 310 CMR 7.00 Appendix B(4); 310 CMR 7.00 Appendix B(6); 310 CMR 7.18(2)(b); 310 CMR 7.19(2)(d); 310 CMR 7.19(2)(g); and, 310 CMR 7.19(14); effective on January 27, 1995.

(ii) Additional materials.

(A) Letter and attachments from the Massachusetts Department of Environmental Protection dated February 8,

1996, submitting supplemental information concerning the demonstration of balance between credit creation and credit use.

(113) A revision to the Massachusetts SIP regarding ozone monitoring. The Commonwealth of Massachusetts will modify its SLAMS and its NAMS monitoring systems to include a PAMS network design and establish monitoring sites. The Commonwealth's SIP revision satisfies 40 CFR 58.20(f) PAMS requirements.

(i) Incorporation by reference.

(A) Massachusetts PAMS Network Plan, which incorporates PAMS into the ambient air quality monitoring network of State or Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS).

(ii) Additional material.

(A) Letter from the Massachusetts Department of Environmental Protection dated December 30, 1993 submitting a revision to the Massachusetts State Implementation Plan.

(114) The Commonwealth of Massachusetts' March 27, 1996 submittal for an enhanced motor vehicle inspection and maintenance (I/M) program, as amended on June 27, 1996 and July 29, 1996, and November 1, 1996, is conditionally approved based on certain contingencies, for an interim period to last eighteen months. If the Commonwealth fails to start its program according to schedule, or by November 15, 1997 at the latest, this conditional approval will convert to a disapproval after EPA sends a letter to the state. If the Commonwealth fails to satisfy the following conditions within 12 months of this rulemaking, this conditional approval will automatically convert to a disapproval as explained under section 110(k) of the Clean Air Act.

(i) The conditions for approvability are as follows:

(A) The time extension program as described and committed to in the March 3, 1997 letter from Massachusetts must be further defined and submitted to EPA as a SIP revision by no later than one year after the effective date of this interim approval. Another program which meets the requirements of 40 CFR 51.360 (Waivers and Compliance via Diagnostic Inspection) and provides for no more than a 1% waiver rate would also be approvable.

(B) Other major deficiencies as described in the proposal must also be corrected in 40 CFR 51.351 (Enhanced I/M Performance Standard), § 51.354 (Adequate Tools and Resources), § 51.357 (Test Procedures and Standards), § 51.359 (Quality Control), and § 51.363 (Quality Assurance). The Commonwealth, committed in a letter dated March 3, 1997 to correct these deficiencies within one year of conditional interim approval by EPA.

(ii) In addition to the above conditions for approval, the Commonwealth must correct several minor, or de minimus deficiencies related to CAA requirements for enhanced I/M. Although satisfaction of these deficiencies does not affect the conditional approval status of the Commonwealth's rulemaking granted under the authority of section 110 of the Clean Air Act, these deficiencies must be corrected in the final I/M SIP revision prior to the end of the 18-month interim period granted under the National Highway Safety Designation Act of 1995:

(A) The SIP lacks a detailed description of the program evaluation element as required under 40 CFR 51.353;

(B) The SIP lacks a detailed description of the test frequency and convenience element required under 40 CFR 51.355;

(C) The SIP lacks a detailed description of the number and types of vehicles included in the program as required under 40 CFR 51.356;

(D) The SIP lacks a detailed information concerning the enforcement process, and a commitment to a compliance rate to be maintained in practice required under 40 CFR 51.361.

(E) The SIP lacks the details of the enforcement oversight program including quality control and quality assurance procedures to be used to insure the effective overall performance of the enforcement system as required under 40 CFR 51.362;

(F) The SIP lacks a detailed description of procedures for enforcement against contractors, stations and inspectors as required under 40 CFR 51.364;

(G) The SIP lacks a detailed description of data analysis and reporting provisions as required under 40 CFR 51.366;

(H) The SIP lacks a public awareness plan as required by 40 CFR 51.368; and

(I) The SIP lacks provisions for notifying motorists of required recalls prior to inspection of the vehicle as required by 40 CFR 51.370.

(iii) EPA is also approving this SIP revision under section 110(k), for its strengthening effect on the plan.

(115) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on October 17, 1997 and July 30, 1996.

(i) Incorporation by reference.

(A) 310 CMR 7.24(8) ''Marine Volatile Organic Liquid Transfer'' effective in the Commonwealth of Massachusetts on October 5, 1997.

(B) Definition of ''volatile organic compound'' in 310 CMR 7.00 ''Definitions'' effective in the Commonwealth of Massachusetts on June 28, 1996.

(C) Definition of ''waterproofing sealer'' in 310 CMR 7.25 ''Best Available Controls for Consumer and Commercial Products'' effective in the Commonwealth of Massachusetts on June 28, 1996.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(116) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 9, 2000, September 11, 2000 and July 25, 1995.

(i) Incorporation by reference.

(A) 310 CMR 7.24(6) ''Dispensing of Motor Vehicle Fuel,'' effective in the Commonwealth of Massachusetts on September 29, 2000.

(B) 310 CMR 7.00 definitions of the following terms associated with 310 CMR 7.24(6) and effective in the Commonwealth of Massachusetts on September 29, 2000: ''commence operation''; ''emergency situation''; ''executive order''; ''Stage II system''; ''substantial modification''; ''vacuum assist system''; and ''vapor balance system.''

(C) 310 CMR 7.00 definitions of the following terms associated with 310 CMR 7.24(6) and effective in the Commonwealth of Massachusetts on June 30, 1995: ''emergency motor vehicle;'' and ''tank truck.''

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(117) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on February 17, 1993.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated February 17, 1993 submitting a revision to the Massachusetts State Implementation Plan.

(B) Regulations 310 CMR 7.00, Definitions; 310 CMR 7.03(13), Paint spray booths; 310 CMR 7.18(2), Compliance with emission limitations; 310 CMR 7.18(7), Automobile surface coating; 310 CMR 7.18(8), Solvent Metal Degreasing; 310 CMR 7.18(11), Surface coating of miscellaneous metal parts and products; 310 CMR 7.18(12), Graphic arts; 310 CMR 7.18(17), Reasonable available control technology (as it applies to the Springfield ozone nonattainment area only); 310 CMR 7.18(20), Emission control plans for implementation of reasonably available control technology; 310 CMR 7.18(21), Surface coating of plastic parts; 310 CMR 7.18(22), Leather surface coating; 310 CMR 7.18(23), Wood products surface coating; 310 CMR 7.18(24), Flat wood paneling surface coating; 310 CMR 7.18(25), Offset lithographic printing; 310 CMR 7.18(26), Textile finishing; 310 CMR 7.18(27), Coating mixing tanks; and 310 CMR 7.24(3), Distribution of motor vehicle fuel all effective on February 12, 1993.

(118) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on December 19, 1997.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated December 19, 1997 submitting a revision to the Massachusetts State Implementation Plan.

(B) Regulation 310 CMR 7.27, $NO_X$ Allowance Program, effective on June 27, 1997.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated March 9, 1998 clarifying the program implementation process.

(119) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 15, 1994, October 4, 1996, December 2, 1996, January 11, 1999, and April 16, 1999.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated July 15, 1994, October 4, 1996, December 2, 1996, January 11, 1999, and April 16, 1999 submitting revisions to the Massachusetts State Implementation Plan.

(B) Regulation, 310 CMR 7.19, ''Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen ($NO_X$)'' as adopted by the Commonwealth of Massachusetts on June 29, 1994 and effective on July 1, 1994.

(C) Emission Control Plan for Specialty Minerals, Incorporated, in Adams, issued by Massachusetts and effective on June 16, 1995.

(D) Emission Control Plan for Monsanto Company's Indian Orchard facility in Springfield, issued by Massachusetts and effective on October 28, 1996.

(E) Emission Control Plan for Turners Falls Limited Partnership/Indeck Energy Services Turners Falls, Inc., in Montague, issued by Massachusetts and effective on March 10, 1998.

(F) Emission Control Plan for Medusa Minerals Company in Lee, issued by Massachusetts and effective on April 17, 1998.

(G) Regulation 310 CMR 7.08(2), ''Municipal Waste Combustors, adopted on July 24, 1998 and effective on August 21, 1998, excluding the following sections which were not submitted as part of the SIP revision: (a); the definition of ''Material Separation Plan'' in (c); (d)1; (d)2; (d)3; (d)4; (d)5; (d)6; (d)8; (f)1; (f)2; (f)5; (f)6; (f)7; (g)1; (g)2; (g)3; (g)4; (h)2.a; (h)2.b; (h)2.d; (h)2.e; (h)2.g; (h)2.h; (h)4; (h)5.a; (h)5.c; (h)5.d; (h)9; (h)10; (h)13; (i)1.b; (i)1.g; (i)2.c; (i)2.d; (i)2.e; and (k)3.

(H) Amendments to regulation 310 CMR 7.19, ''Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen ($NO_X$)'' as adopted by the Commonwealth of Massachusetts on January 5, 1999 and effective on January 22, 1999.

(120) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 25, 1990.

(i) Incorporation by reference.

(A) 310 CMR 6.04, 7.00, and 8.02 and 8.03 (August 17, 1990).

(121) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on January 11, 1995 and March 29, 1995.

(i) Incorporation by reference.

(A) Definitions of ''combustion device,'' ''leak,'' ''leaking component,'' ''lightering or lightering operation,'' ''loading event,'' ''marine tank vessel,'' ''marine terminal,'' ''marine vessel,'' ''organic liquid,'' and ''recovery device'' in 310 CMR 7.00 ''Definitions'' effective in the Commonwealth of Massachusetts on January 27, 1995.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(122) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on May 14, 1999, February 1, 2000 and March 15, 2000.

(i) Incorporation by reference.

(A) Regulation 310 CMR 60.02 entitled ''Regulations for the Enhanced Motor Vehicle Inspection and Maintenance Program'' which became effective on October 1, 1999, and a September 17, 1999, Notice of Correction submitted by the Secretary of State indicating the effective date of the regulations.

(B) Sections 4.01, 4.02, 4.03, 4.04(1), (2), (3), (5), (15) 4.05(1), (2), (12)(d), (12)(e), (12)(o) 4.07, 4.08, and 4.09 of Regulation 540 CMR 4.00 entitled ''Periodic Annual Staggered Safety and Combined Safety and Emissions Inspection of All Motor Vehicles, Trailers, Semi-trailers and Converter Dollies' which became effective on May 28, 1999.''

(ii) Additional materials.

(A) Letters from the Massachusetts Department of Environmental Protection dated May 14, 1999, February 1, 2000, and March 15, 2000, submitting a revision to the Massachusetts State Implementation Plan.

(B) Test Procedures and Equipment Specifications submitted on February 1, 2000.

(C) Acceptance Test Protocol submitted on March 15, 2000.

(123) [Reserved]

(124) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 19, 1999.

(i) Incorporation by reference.

(A) Amendments revising regulatory language in 310 CMR 7.19(13)(b), Continuous Emission Monitoring Systems, which became effective on December 10, 1999.

(B) Amendments to 310 CMR 7.27, $NO_X$ Allowance Program, adding paragraphs 7.27(6)(m), 7.27(9)(b), 7.27(11)(o), 7.27(11)(p) and 7.27(15)(e), which became effective December 10, 1999.

(C) Regulations 310 CMR 7.28, $NO_X$ Allowance Trading Program, which became effective on December 10, 1999.

(ii) Additional materials.

(A) Letter from the Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Department of Environmental Protection dated November 19, 1999, submitting amendment to SIP.

(B) Background Document and Technical Support for Public Hearings on the Proposed Revisions to the State Implementation Plan for Ozone, July, 1999.

(C) Supplemental Background Document and Technical Support for Public Hearings on Modifications to the July 1999 Proposal to Revise the State Implementation Plan for Ozone, September, 1999.

(D) Table of Unit Allocations.

(E) Letter from the Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Department of Environmental Protection dated April 10, 2002.

(F) The SIP narrative ''Technical Support Document for Public Hearings on Revisions to the State Implementation Plan for Ozone for Massachusetts, Amendments to Statewide Projected Inventory for Nitrogen Oxides,'' dated March 2002.

(125)–(126) [Reserved]

(127) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 15, 1994 and April 14, 1995.

(i) Incorporation by reference.

(A) Massachusetts Amendments to 310 CMR 7.00 Appendix A entitled, ''Emission Offsets and Nonattainment Review,'' effective July 1, 1994.

(B) Massachusetts Amendments to 310 CMR 7.00 Appendix A entitled, ''Emission Offsets and Nonattainment Review'' paragraph (3)(g) effective July 1, 1994.

(ii) Additional materials.

(A) Letters from the Massachusetts Department of Environmental Protection dated July 15, 1994 and March 29, 1995 submitting revisions to the Massachusetts State Implementation Plan.

(128) [Reserved]

(129) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on February 17, 1993, April 16, 1999, and October 7, 1999.

(i) Incorporation by reference.

(A) 310 CMR 7.18(17) ''Reasonable Available Control Technology,'' as it applies to the eastern Massachusetts ozone nonattainment area, effective in the Commonwealth of Massachusetts on February 12, 1993.

(B) Plan Approval issued by the Massachusetts Department of Environmental Protection to the Gillette Company Andover Manufacturing Plant on June 17, 1999.

(C) Plan Approval issued by the Massachusetts Department of Environmental Protection to Norton Company on August 5, 1999 and letter from the Massachusetts Department of Environmental Protection, dated October 7, 1999, identifying the effective date of this plan approval.

(D) Plan Approval issued by the Massachusetts Department of Environmental Protection to Rex Finishing Incorporated on May 10, 1991 and letter from the Massachusetts Department of Environmental Protection, dated April 16, 1999, identifying the effective date of this plan approval.

(E) Plan Approval issued by the Massachusetts Department of Environmental Protection to Barnet Corporation on May 14, 1991.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection, dated April 16, 1999, submitting negative declarations for certain VOC source categories.

(B) Letter from the Massachusetts Department of Environmental Protection, dated July 24, 2002, discussing wood furniture manufacturing and aerospace coating requirements in Massachusetts.

(C) 310 CMR 7.02 BACT plan approvals issued by the Massachusetts Department of Environmental Protection to Solutia, Saloom Furniture, Eureka Manufacturing, Moduform, Polaroid, and Globe.

(130) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on December 8, 2000 and December 26, 2000.

(i) Incorporation by reference.

(A) Massachusetts State Regulation 310 CMR 7.30 ''Massport/Logan Airport Parking Freeze,'' effective in the Commonwealth of Massachusetts on December 22, 2000.

(B) Massachusetts State Regulation 310 CMR 7.31 ''City of Boston/East Boston Parking Freeze,'' effective in the Commonwealth of Massachusetts on December 22, 2000.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated December 8, 2000 submitting a revision to the Massachusetts State Implementation Plan.

(B) Letter from the Massachusetts Department of Environmental Protection dated December 26, 2000 submitting the final state certified copies of State regulations 310 CMR 7.30 ''Massport/Logan Airport Parking Freeze'' and 310 CMR 7.31 ''City of Boston/East Boston Parking Freeze.''

(131) [Reserved]

(132) Revisions to the State Implementation Plan regarding the Low Emission Vehicle Program submitted by the Massachusetts Department of Environmental Protection on August 9 and August 26, 2002.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated August 9, 2002, in which it submitted the Low Emission Vehicle Program adopted on December 24, 1999.

(B) Letter from the Massachusetts Department of Environmental Protection dated August 26, 2002 which clarified the August 9, 2002 submittal to exclude certain sections of the Low Emission Vehicle Program from consideration.

(C) December 24, 1999 version of 310 CMR 7.40, the ''Low Emission Vehicle Program'' except for 310 CMR 7.40(2)(a)5, 310 CMR 7.40(2)(a)6, 310 CMR 7.40(2)(c)3, 310 CMR 7.40(10), and 310 CMR 7.40(12).

(133) [Reserved]

(134) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 12, 2006.

(i) Incorporation by reference.

(A) Massachusetts Regulation 310 CMR 7.38, entitled ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District,'' effective in the Commonwealth of Massachusetts on December 30, 2005.

(B) Massachusetts Regulation Filing, dated December 13, 2005, amending 310 CMR 7.38 entitled ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District.''

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 12, 2006, submitting a revision to the Massachusetts State Implementation Plan.

(135) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on March 30, 2007.

(i) Incorporation by reference.

(A) 310 CMR 7.32 entitled ''Massachusetts Clean Air Interstate Rule (Mass CAIR),'' effective in the Commonwealth of Massachusetts on May 4, 2007.

(B) Amendments to 310 CMR 7.28 entitled ''$NO_X$ Allowance Trading Program,'' effective in the Commonwealth of Massachusetts on May 4, 2007.

(C) Massachusetts Regulation Filing, dated April 19, 2007, amending 310 CMR 7.28 entitled ''$NO_X$ Allowance Trading Program,'' and adopting 310 CMR 7.32 entitled ''Massachusetts Clean Air Interstate Rule (Mass CAIR).''

(136) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on December 13, 2006 and June 1, 2007.

(i) Incorporation by reference.

(A) Massachusetts Regulation 310 CMR 7.00 entitled ''Definitions,'' adding the definition for the term ''Boston Metropolitan Planning Organization,'' effective in the Commonwealth of Massachusetts on December 1, 2006.

(B) Massachusetts Regulation 310 CMR 7.36 entitled ''Transit System Improvements,'' effective in the Commonwealth of Massachusetts on December 1, 2006.

(C) Massachusetts Regulation Filing, dated November 16, 2006, substantiating December 1, 2006, State effective date for amended 310 CMR 7.00 entitled ''Definition,'' (addition of term ''Boston Metropolitan Planning Organization,'' which appears on the replaced page 173 of the State's Code of Massachusetts Regulations,) and 310 CMR 7.36 entitled ''Transit System Improvements.''

(ii) Additional Materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated December 13, 2006 submitting a revision to the Massachusetts State Implementation Plan.

(B) Letter from the Massachusetts Department of Environmental Protection dated June 1, 2007 submitting a revision to the Massachusetts State Implementation Plan.

(C) Letter from the Massachusetts Executive Office of Transportation dated September 4, 2007 identifying its commitment to the Green Line extension and to make every effort to accelerate the planning, design and environmental review and permitting of the project in order to work towards the 2014 completion date.

(D) Letter from the Chair of the Boston Region Metropolitan Planning Organization dated May 1, 2008 concurring in the finding that the transit system improvements projects will achieve emission benefits equivalent to or greater than the benefits from the original transit system improvements projects being replaced.

(E) Letter from EPA New England Regional Administrator dated July 5, 2008 concurring in the finding that the transit system improvements projects will achieve emission benefits equivalent to or greater than the benefits from the original transit system improvements projects being replaced.

[37 FR 10871, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1120, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### §52.1121 Classification of regions.

The Massachusetts plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Metropolitan Boston Intrastate | I | I | III | I | I |
| Merrimack Valley-Southern New Hampshire Interstate | I | I | III | III | III |
| Metropolitan Providence Interstate | I | I | III | III | III |
| Central Massachusetts Intrastate | I | II | III | III | III |
| Hartford-New Haven-Springfield Interstate | I | I | III | I | I |
| Berkshire Intrastate | II | III | III | III | III |

[37 FR 10872, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 45 FR 61303, Sept. 16, 1980]

### §52.1122 [Reserved]

### §52.1123 Approval status.

(a) With the exceptions set forth in this subpart the Administrator approves the Massachusetts plan as identified in §52.1120 for attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan identified in §52.1120 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 of 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 sourceovered by CTGs issued by the previous January.

(b) The above requirements for continued satisfaction of Part D are fulfilled by Massachusetts Regulation 310 CMR 7.18(17) and a narrative commitment to review CTG IIIs issued in the future. Both were submitted on September 9, 1982. Additionally, each individual RACT determination made under 310 CMR 7.18(17) will be submitted as a SIP revision to incorporate the limitation into the SIP, and DEQE will propose regulations for CTG III category controls if the controls are appropriate for the State.

[45 FR 61303, Sept. 16, 1980, as amended at 48 FR 51485, Nov. 9, 1983]

### § 52.1124 Review of new sources and modifications.

(a) Revisions to Regulation 310 CMR 7.02(2)(d) submitted on March 30, 1979 are disapproved because they do not satisfy the requirements of § 51.161.

[39 FR 7281, Feb. 25, 1974, as amended at 40 FR 47495, Oct. 9, 1975; 45 FR 2043, Jan. 10, 1980; 51 FR 40677, Nov. 7, 1986; 60 FR 33923, June 29, 1995]

### § 52.1125 Emission inventories.

(a) The Governor's designee for the Commonwealth of Massachusetts submitted the 1990 base year emission inventories for the Springfield nonattainment area and the Massachusetts portion of the Boston-Lawrence-Worcester ozone nonattainment area on November 13, 1992 as a revision to the State Implementation Plan (SIP). Revisions to the inventories were submitted on November 15, 1993, and November 15, 1994, and March 31, 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.

(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 Springfield nonattainment area and the Massachusetts portion of the Boston-Lawrence-Worcester nonattainment area encompass the entire geographic area of the State. Both areas are classified as serious ozone nonattainment areas.

[62 FR 37514, July 14, 1997]

### § 52.1126 Control strategy: Sulfur oxides.

(a) The revisions to the control strategy resulting from the modification to the emission limitations applicable to the sources listed below or resulting from the change in the compliance date for such sources with the applicable emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State, unless otherwise noted. (See § 52.1125 for compliance schedule approvals and disapprovals pertaining to one or more of the sources listed below.)

| Source | Location | Regulation involved | Date of adoption |
|---|---|---|---|
| Deerfield Specialty Papers, Inc. | Monroe Bridge | 5.1.2 | Oct. 17, 1972. |
| Hollingsworth & Vose Co. | East Walpole .. | 5.1.2 | June 29, 1972. |
| Pepperell Paper Co. | Pepperell ..... | 5.1.2 | Nov. 29, 1972. |
| Stevens Paper Mills, Inc. | Westfield and South Hadley. | 5.1.2 | July 27, 1972. |
| Tileston and Hollingsworth Co. | Hyde Park ..... | 5.1.1 | Nov. 21, 1972. |
| All sources in Berkshire APCD. | ..... | 5.1.2 | Do. |

(b)(1) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) for the Pioneer Valley Air Pollution Control District, which allows a relaxation of sulfur in fuel limitations under certain conditions, is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulate that sources are

required to burn residual fuel oil having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1 percent sulfur content.)

Deerfield Specialty Paper Company, Monroe Bridge; Amherst College, Amherst; Brown Company, Holyoke; Monsanto Polymer and Petrochemical Company, Building 21, Springfield; Monsanto Polymer and Petrochemical Company, Building 49, Springfield; Mount Holyoke College, South Hadley; Uniroyal Tire Inc., Chicopee; Smith College, Northampton; West Springfield Generating Station, Western Massachusetts Electric, West Springfield.

*Pioneer Valley APCD*

Belchertown State School, Belchertown
James River Graphics (formerly Scott Graphics), south Hadley (conditioned upon operation of the boilers on only one of the two stacks at any given time, and operation being so restricted in the source's operating permit granted by the Massachusetts Department of Environmental Quality Engineering.)
Massachusetts Mutual Life Insurance Company, Springfield.
Northampton State Hospital, Northampton.
Springfield Technical Community College, Springfield.
Stanley Home Products, Easthampton.
Stevens Elastomeric Industries, Easthampton.
Ware Industries, Ware.
Westfield State College, Westfield.
Westover Air Force Base (Building 1411), Chicopee.
University of Massachusetts, Amherst.
Mount Tom Generating Station, Holyoke.

(2) Massachusetts Regulation 310 CMR 7.05(1)(e)(3) for Pioneer Valley, as submitted on March 2, 1979, and May 5, 1981, which allows sources in Hampshire and Franklin Counties rated at less than 100 million Btu per hour heat input capacity to burn fuel oil having a sulfur content of not more than 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content) is approved for all such sources with the exception of:

Strathmore Paper Co., Montague.

(c) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) which allows a relaxation of sulfur in fuel limitations for the Central Massachusetts Air Pollution Control District, except in the City of Worcester, is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulate that sources are required to burn residual fuel oil having a sulfur content not in excess of 0.55 pounds per million BTU heat release potential (approximately equivalent to 1 percent sulfur content fuel oil).

American Optical Company, Southbridge, Wyman Gordon Company, Grafton, James River—Massachusetts Inc., Fitchburg, Fitchburg Paper Company, Fitchburg (only boilers which emit through the 55 meter stack).

*Central Massachusetts APCD*

Borden, Inc., Chemical Division, Leominster (conditioned upon first completing construction of new stack and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.).
Gardner State Hospital, Gardner.
Grafton State Hospital, Grafton.
Haywood-Shuster Woolen, E. Douglas.
Cranston Prints Works, Webster.
Baldwinville products, Templeton—(conditioned upon first completing construction of new stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.).

(d) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) for the Southeastern Massachusetts Air Pollution Control District, which allows a relaxation of sulfur in fuel limitations under certain conditions is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulate that sources are required to burn residual fuel oil having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1 percent sulfur content.)

New England Power Company, Brayton Point Station, Somerset; Montaup Electric Company, Somerset Station, Somerset (limited to 75% capacity while burning higher sulfur fuels.) Canal Electric Company, Sandwich; Taunton Municipal Lighting Plant, Somerset Avenue, Taunton.

*Southeastern Massachusetts APCD*

L&O Realty Trust, Taunton.
New Bedford Gas and Electric, New Bedford.
Texas Instruments, Attleboro.
Arkwright Finishing Incorporated, Fall River.

Foster Forbes Glass Company, Milford.
Owens Illinois Inc., Mansfield.
Harodite Finishing Corporation, Dighton—(conditioned upon prior removal of raincaps from stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)
Polaroid Corporation, New Bedford.

(e) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) for the Merrimack Valley Air Pollution Control District, excluding the City of Lawrence and the towns of Andover, Methuen, and North Andover, which allows a relaxation of sulfur in fuel limitations under certain conditions, is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulates that sources are required to burn residual fuel oil having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1 percent sulfur content).

Hollingsworth and Vose, West Groton; James River Paper, Pepperell; Haverhill Paperboard Corp., Haverhill. Residual oil burning facilities less than 100 million Btu's per hour heat input capacity, except in the City of Lawrence, and Towns of Andover, Methuen, and North Andover.

(f) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) for the Metropolitan Boston Air Pollution Control District, which allows a relaxation of sulfur in fuel limitations under certain conditions, is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulate that sources in Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown (the Boston Core Area) are limited to burn fuel with a sulfur content not in excess of 0.28 pounds per million Btu heat release potential (approximately 0.5% sulfur content residual oil; sources in the remaining APCD are limited to burn fuel with a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately 1% sulfur content residual oil).

*Metropolitan Boston APCD*

General Motors, Framingham.
Polaroid Corporation, Norwood.
Bird and Son, East Walpole.
Massachusetts Correctional Institute, South Walpole.
Bridgewater State College, Bridgewater.
Hanscom Field, Bedford.
Wellesley College, Wellesley.
National Tanning and Trading, Peabody.
General Tire, Reading.
General Food Corporation, Atlantic Gelatin, Woburn.
Massachusetts Correctional Institute, Bridgewater.
W. R. Grace, Acton.
Massachusetts Correctional Institute, Concord.
Danvers State Hospital, Danvers.
New England Power Company, Salem Harbor Station, Salem; Boston Edison, L Street, New Boston Station, Boston; Boston Edison, Mystic Station, Everett; Ventron Corporation, Danvers; General Electric, Lynn River Works, Lynn; U.S.M. Corporation, Beverly; Medfield State Hospital, Medfield; General Dynamics, Quincy; Hollingsworth and Vose, East Walpole; Kendal Company, Walpole; Dennison Manufacturing Company, Framingham.
Procter and Gamble Company, Quincy.
Natick Paperboard Corporation, Natick.

[38 FR 9089, Apr. 10, 1973]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1126, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## § 52.1127 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The table reflects the new information presented in the approved Massachusetts plan.

| Air quality control region | Pollutant | | | | | |
|---|---|---|---|---|---|---|
| | $SO_2$ | | $PM_{10}$ | $NO_2$ | CO | $O_3$ |
| | Primary | Secondary | | | | |
| AQCR 42: Hartford-New Haven-Springfield Interstate Area (*See* 40 CFR 81.26). | (a) | (b) | (a) | (a) | (a) | (c) |
| AQCR 117: Berkshire Intrastat Area (*See* 40 CFR 81.141). | (a) | (b) | (a) | (a) | (a) | (c) |
| AQCR 118: Central Mass Intrastate Area (*See* 4r0 CFR 81.142). | (a) | (b) | (a) | (a) | (a) | (d) |

| Air quality control region | Pollutant | | | | | |
|---|---|---|---|---|---|---|
| | $SO_2$ | | $PM_{10}$ | $NO_2$ | CO | $O_3$ |
| | Primary | Secondary | | | | |
| AQCR 119: Metropolitan Boston Intrastate Area (*See* 40 CFR 81.19). | (a) | (b) | (a) | (a) | (a) | (d) |
| AQCR 120: Metropolitan Providence Interstate Area (*See* 40 CFR 81.31). | (a) | (b) | (a) | (a) | (a) | (d) |
| AQCR 121: Merrimack Valley-Southern NH Interstate Area (*See* 40 CFR 81.81). | (a) | (b) | (a) | (a) | (a) | (d) |

a. Air quality presently below primary standards or area is unclassifiabale.
b. Air quality levels presently secondary standatrds or area is unclassifiable.
c. December 31, 2003.
d. November 15, 2007.

[45 FR 61303, Sept. 16, 1980 as amended at 46 FR 33524, June 30, 1981; 66 FR 693, Jan. 3, 2001; 67 FR 7278, Feb. 19, 2002; 67 FR 72579, Dec. 6, 2002]

### §52.1128 Transportation and land use controls.

(a) For purposes of this subpart, the definitions herein are applicable.

(b) Definitions:

(1) *Register* as applied to a motor vehicle, means the licensing of such motor vehicle for general operation on public roads or highways by the appropriate agency of the Federal Government or by the Commonwealth.

(2) *Boston Intrastate Region* means the Metropolitan Boston Intrastate Air Quality Control Region, as defined in §81.19 of this part.

(3) [Reserved]

(4) *Freeze area* means that portion of the Boston Intrastate Region enclosed within the following boundaries:

The City of Cambridge; that portion of the City of Boston from the Charles River and the Boston Inner Harbor on north and northeast of pier 4 on Northern Avenue; by the east side of pier 4 to B Street, B Street extension of B Street to B Street, B Street, Dorchester Avenue, and the Preble Street to Old Colony Avenue, then east to the water, then by the water's edge around Columbia Point on various courses generally easterly, southerly, and westerly to the center of the bridge on Morrissey Boulevard, on the east and southeast; then due west to Freeport Street, Freeport Street, Dorchester Avenue, Southeast Expressway, Southampton Street, Reading Street, Island Street, Chadwick Street, Carlow Street, Albany Street, Hunneman Street, Madison Street, Windsor Street, Cabot Street, Ruggles Street, Parker Street, Ward Street, Huntington Avenue, Brookline-Boston municipal boundary, Mountford Street to the Boston University Bridge on the southwest and west; and the Logan International Airport. Where a street or roadway forms a boundary the entire right-of-way of the street is within the freeze area as defined.

(5) *Boston proper* means that portion of the City of Boston, Massachusetts, contained within the following boundaries: The Charles River and Boston Inner Harbor on the northwest, north, and northeast, the Inner Harbor, Fort Point Channel, Fitzgerald Expressway, and the Massachusetts Avenue Expressway access branch on the east and southeast, and Massachusetts Avenue on the west. Where a street or roadway forms a boundary, the entire right-of-way of the street is within the Boston proper area as here defined.

(6) *Regional Administrator* means the Administrator of Region I of the U.S. Environmental Protection Agency.

(7) *Governor* means the Governor of the Commonwealth or the head of such executive office of the Commonwealth as the Governor shall designate as responsible for carrying out specific provisions of this subpart.

(8) *Commonwealth* means the Commonwealth of Massachusetts.

[40 FR 25161, June 12, 1975]

### §52.1129 Control strategy: Ozone.

(a) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on April 1, 1999, and supplemented on June 25, 1999 and September 9, 1999. The revisions are for the purpose of satisfying the rate of progress requirements of sections 182(b)(1) and 182(c)(2)(B) of the Clean Air Act for the Springfield, Massachusetts serious ozone nonattainment area.

(b) Approval—Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 27, 1998, October 1, 1998 and August 13, 1999. 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 Springfield (Western Massachusetts) serious ozone nonattainment area. The revision establishes an attainment date of December 31, 2003 for the Springfield, Massachusetts serious ozone nonattainment area. This revision establishes motor vehicle emissions budgets for 2003 of 23.77 tons per day of volatile organic compounds (VOC) and 49.11 tons per day of nitrogen oxides ( $NO_X$) to be used in transportation conformity in the Springfield, Massachusetts serious ozone nonattainment area.

(c) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on April 10, 2002 and amended on July 26, 2002. The revisions are for the purpose of satisfying the rate of progress requirements of sections 182(b)(1) and 182(c)(2)(B) of the Clean Air Act for the Massachusetts portion of the Boston-Lawrence-Worcester serious ozone nonattainment area.

(d) Approval—Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental protection on July 27, 1998, and September 6, 2002. The revisions are for the purpose of satisfying the one-hour ozone attainment demonstration requirements of section 182(c)92)(A) pof the Clean Air Act, for the Boston-Lawrence-Worcester, MA-NH serious ozone nonattiainment area. The revision establishes a one-hour attainment date of November 15, 20071, for the Boston-Lawrence-Worcester, MA-NH serious ozone nonattainment area. This revision establishes motor vehicle emissions budgets for 2007 of 86.7 tons per day of volatile organic compounds and 226.363 tons per day of nitrogen oxides to be used in transportation conformity in the Massachusets portion of the Boston-Lawrence-Worcester, MA-NH serious ozone nonattainment area.

[65 FR 68898, Nov. 15, 2000, as amended at 66 FR 693, Jan. 3, 2001; 67 FR 55125, Aug. 28, 2002; 67 FR 72579, Dec. 6, 2002]

**§ 52.1130 [Reserved]**

**§ 52.1131 Control strategy: Particulate matter.**

(a) Revisions to the following regulations submitted on March 30, 1979 are disapproved:

(1) Regulation 310 CMR 7.02(8), Table 2, new facilities greater than 250 million Btu/hr input burning solid fuel.

(2) Regulation 310 CMR 7.02(9), Table 5.

[45 FR 2044, Jan. 10, 1980]

**§ 52.1132 Control strategy: Carbon Monoxide.**

(a) Approval—On November 13, 1992, the Massachusetts 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 Massachusetts to satisfy Federal requirements under section 182(a)(1) of the Clean Air Act as amended in 1990, as a revision to the carbon monoxide State Implementation Plan.

(b) Approval—On December 12, 1994, the Massachusetts Department of Environmental Protection submitted a request to redesignate the Boston Area carbon monoxide nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1993 attainment year) emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide NAAQS with projected emission inventories to the year 2010 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the carbon monoxide NAAQS (which must be confirmed by the State), Massachusetts will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes an enhanced motor vehicle inspection and maintenance program and implementation of

the oxygenated fuels program. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Massachusetts Carbon Monoxide State Implementation Plan for the above mentioned area.

(c) *Approval*—On May 25, 2001, the Massachusetts Department of Environmental Protection submitted a revision to the carbon monoxide State Implementation Plan for the 1996 base year emission inventory. The inventory was submitted by the State of Massachusetts to satisfy Federal requirements under section 172(c) of the Clean Air Act as amended in 1990, as a revision to the carbon monoxide State Implementation Plan.

(d) *Approval*—On May 25, 2001, the Massachusetts Department of Environmental Protection (MADEP) submitted a request to redesignate the cities of Lowell, Springfield, Waltham, and Worcester from nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a 1996 emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide NAAQS with projected emission inventories to the year 2012 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If an area records an exceedance or violation of the carbon monoxide NAAQS (which must be confirmed by the MADEP), Massachusetts will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

(e) *Approval*—On April 14, 2010, the Massachusetts Department of Environmental Protection submitted a modification to the Lowell maintenance plan approved in paragraph (c) of this section. Massachusetts will not conduct CO monitoring in Lowell, but instead commits to continue to collect and review CO monitoring data from nearby Worcester, MA on an on-going basis. In the event the second highest CO concentration in any calendar year monitored in Worcester reaches 75 percent of the federal 1-hour or 8-hour national ambient air quality standard for CO, Massachusetts will, within 9 months of recording such concentrations, re-establish a CO monitoring site in Lowell consistent with EPA citing criteria, and resume analyzing and reporting those data. Massachusetts commits to implement its contingency program in Lowell in the event that a CO violation is monitored at the re-established Lowell monitoring site at any time during the maintenance period. If the Worcester CO monitor measures a violation of either the federal 1-hour or 8-hour NAAQS for CO, contingency measures will be implemented in Lowell as well, until a re-established CO monitor in Lowell shows that the area is in attainment of the CO standard.

[61 FR 2923, Jan. 30, 1996, as amended at 67 FR 7278, Feb. 19, 2002; 76 FR 27910, May 13, 2011]

### §52.1133 [Reserved]

### §52.1134 Regulation limiting on-street parking by commuters.

(a) *On-street parking* means parking a motor vehicle on any street, highway, or roadway, except for legal stops within designated loading zones or areas defined for loading purposes, at or before intersections, as caution, safety and emergencies require, whether or not a person remains in the vehicle.

(b) Commencing on or before June 30, 1974, the Commonwealth, the City of Boston, the City of Cambridge, and administrative bodies of any of them having jurisdiction over any streets, highways, or roadways within the City of Cambridge or Boston proper, and the principal officials and administrative bodies thereof having responsibility over parking on such streets, highways, or roadways, shall adopt all necessary administrative and enforcement

procedures and regulations to effect a prohibition of on-street parking within Boston proper between the hours of 7 a.m. and 9:30 a.m., and within the City of Cambridge between the hours of 7 a.m. and 10 a.m., except Saturdays, Sundays and legal holidays. The regulations shall state that violation of the prohibition shall be punishable by a fine of not less than $15. The City of Boston shall at a minimum eliminate 50 percent of on-street parking during the hours specified by January 1, 1976; 66⅔ percent by September 1, 1976; and 100 percent by March 1, 1977. The City of Cambridge shall at a minimum eliminate 33⅓ percent of on-street parking during the hours specified by September 30, 1974; 66⅔ percent by July 1, 1975; and 100 percent by March 1, 1977. Any other affected entity shall at a minimum eliminate 33⅓ percent of such parking during the hours of 7 a.m. to 10 a.m. by January 1, 1976; 66⅔ percent by September 1, 1976, and 100 percent by March 1, 1977.

(c) The following classes of vehicles shall be exempt from the requirements of this section, provided that on-street parking by such vehicles is in compliance with local and state regulations:

(1) Vehicles owned by residents of that portion of Boston included within Boston proper that are registered in Boston and display a resident parking sticker for that area issued by the City of Boston;

(2) Vehicles owned by residents of Cambridge that are registered in and parked within Cambridge and display an appropriate parking sticker issued by the City of Cambridge;

(3) Vehicles owned and operated by handicapped persons with HP license plates; and

(4) Vehicles registered as ''commercial vehicles'' by the Commonwealth and displaying appropriate license plates.

(d) On or before June 30, 1974, no owner or operator of a motor vehicle shall park, or permit the on-street parking of, said vehicle within Cambridge or Boston proper except in conformity with the provisions of this section and the measures implementing it.

(e) The Governor and the chief executive of any other governmental entity on which obligations are imposed by paragraph (b) of this section should, on or before April 15, 1974, submit to the Regional Administrator for his approval a detailed statement of the legal and administrative steps selected to effect the prohibition provided for in paragraphs (b) and (d) of this section, and a schedule of implementation consistent with the requirements of this section. Such schedule shall include as a minimum the following:

(1) Designation of one or more agencies responsible for the administration and enforcement of the program;

(2) The procedures by which the designated agency will enforce the prohibition provided for in paragraphs (b) and (d) of this section;

(3) The procedures by which vehicles exempt from the requirements of this section will be marked; and

(4) A map showing which streets will be subject to the ban according to the schedule of implementation.

(f) Upon a finding that substantial hardship would otherwise be experienced by employees of employment facilities located in Cambridge, the Director of Traffic and Parking of the City of Cambridge may issue special parking stickers to such employees which shall entitle vehicles to park during the hours of the ban. Such stickers shall be valid only for those streets and areas of streets clearly identified on the face of such stickers, shall be issued with preference being given to carpools and vanpools and shall be subject to immediate revocation if the vehicle is cited for a parking violation on a street or area other than those designated. A list of all persons receiving such stickers shall be sent to the Regional Administrator on or before July 1 of each year.

(g) The ban shall not apply to any street space which is subject to metered parking with a maximum allowable time limit of one hour.

[40 FR 25162, June 12, 1975]

### § 52.1135 Regulation for parking freeze.

(a) Definitions:

(1) The phrase *to commence construction* means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for

a parking facility in preparation for the fabrication, erection, or installation of the building components of the facility. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(2) The phrase *to commence modification* means to engage in a continuous program of on-site modification including site clearance, grading, dredging, or land filling in preparation for a specific modification of the parking facility.

(3) The phrase *commercial parking space* means a space used for parking a vehicle in a commercial parking facility.

(4) [Reserved]

(5) *Commercial parking facility* (also called *facility*) means any lot, garage, building or structure, or combination or portion thereof, on or in which motor vehicles are temporarily parked for a fee, excluding (i) a parking facility, the use of which is limited exclusively to residents (and guests of residents) of a residential building or group of buildings under common control, and (ii) parking on public streets.

(6) *Freeze* means to maintain at all times after October 15, 1973, the total quantity of commercial parking spaces available for use at the same amounts as were available for use prior to said date; *Provided*, That such quantity may be increased by spaces the construction of which commenced prior to October 15, 1973, or as specifically permitted by paragraphs (n), (p) and (q) of this section; provided further that such additional spaces do not result in an increase of more than 10 percent in the total commercial parking spaces available for use on October 15, 1973, in any municipality within the freeze area or at Logan International Airport (''Logan Airport''). For purposes of the last clause of the previous sentence, the 10 percent limit shall apply to each municipality and Logan Airport separately.

(b) [Reserved]

(c) There is hereby established a freeze, as defined by paragraph (a)(6) of this section, on the availability of commercial parking facilities in the freeze area effective October 15, 1973. In the event construction in any municipality, commenced prior to October 15, 1973, results in a number of spaces which exceeds the 10 percent limit prescribed by paragraph (a)(6) of this section, then the Governor shall immediately take all necessary steps to assure that the available commercial spaces within such municipality shall be reduced to comply with the freeze. In the event that such limit is exceeded at Logan Airport, then the provisions of paragraph (m) of this section shall apply.

(d) [Reserved]

(e) After August 15, 1973, no person shall commence construction of any commercial parking facility or modification of any such existing facility in the freeze area unless and until he has obtained from the Governor or from an agency approved by the Governor a permit stating that construction or modification of such facility will be in compliance with the parking freeze established by paragraph (c) of this section. This paragraph shall not apply to any proposed parking facility for which a general construction contract was finally executed by all appropriate parties on or before August 15, 1973.

(f) The Governor shall notify the Regional Administrator in writing within 10 days of approval of any agency pursuant to paragraph (e) of this section. In order for any agency to be approved by the Governor for purposes of issuing permits pursuant to paragraph (e) of this section, such agency shall demonstrate to the satisfaction of the Governor that:

(1) Requirements for permit application and issuance have been established. Such requirements shall include but not be limited to a condition that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility; and

(ii) The total motor vehicle capacity before and after the proposed construction or modification of the facility.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit will be issued if construction or modification of the facility will not comply with the requirements of paragraph (c) of this section.

(3) Agency procedures provide that no permit for the construction or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of a legislative type; the notice shall conform to the requirements of 40 CFR 51.4(b); and the agency rules or procedures may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. If notice of intent to participate is required, the fact shall be noted prominently in the required hearing notice.

(g)–(l) [Reserved]

(m) On or before January 30, 1975, the Massachusetts Port Authority (''Massport'') shall prepare and submit to the Governor for his approval a plan showing the manner in which the number of commercial parking spaces at Logan Airport which exceeds the number of such spaces permitted under the freeze shall be removed from use. The Governor shall approve such plan if he determines that (1) implementation of such plan would result in reducing the aggregate number of commercial parking spaces to the level of such spaces permitted by this section, (2) Massport has adequate legal authority to implement such plan and (3) adequate commitments have been made by Massport to assure the Governor that such plan will be fully implemented and maintained on and after May 1, 1976. In the event that the Governor does not approve such plan by April 1, 1976, then the owner or operator of each commercial parking facility located at Logan Airport shall, on or before July 1, 1976, reduce the number of commercial parking spaces available for use at each such facility by an amount which bears the same proportion to the number of spaces exceeding the limit imposed by this section as the number of spaces available at such facility bears the total number of such spaces which were available for use at Logan Airport on April 1, 1976.

(n) Where an agency approved by the Governor under paragraph (e) of this section to issue permits for new construction in the City of Cambridge demonstrates to the satisfaction of the Governor that (1) specific on-street parking spaces in use as of October 15, 1973, were being legally and regularly used as of such date for parking by commuters (as that term is defined in § 52.1161(a)(6)) who are not residents of Cambridge and that (2) effective measures have been implemented (including adequate enforcement) to prevent such spaces from being used by such commuters, then such approved agency may issue permits for construction of additional new commercial parking spaces equal to one-half of the number of spaces removed from regular use by such commuters and the total quantity of commercial parking spaces allowable in Cambridge under this section shall be raised accordingly.

(o) On or before July 31, 1976, and on or before each succeeding July 31, the Governor and the chief executive officer of any agency approved by the Governor under paragraph (e) of this section shall submit a report to the Regional Administrator setting forth:

(1) The names and addresses of all persons who received permits during the previous twelve-month period ending June 30 and number of spaces allocated to each such person;

(2) The number of commercial parking spaces available for use as of the June 30 prior to the date of the report;

(3) The number of commercial parking spaces which remain available for allocation by the Governor or such agency as of the June 30 prior to the date of the report, including those spaces made available because of retirement of existing commercial parking spaces as well as those spaces made available because of the effects of paragraphs (n), (p) and (q) of this section; and

(4) The location and capacity of any park-and-ride facility designated under paragraph (p) of this section.

(p) The Governor and any approved agency may issue a permit to construct a commercial parking facility which is

designated by the Governor as a park-and-ride facility to be operated in conjunction with mass transit service without regard to the limitations on number of spaces imposed by this section.

(q) Where an agency approved by the Governor can demonstrate to the satisfaction of the Governor that there have been physically eliminated through permanent modification or demolition any legal on-street parking spaces within a municipality then such agency may issue permits for construction within that municipality of additional new commercial parking spaces equal to the number of spaces thus eliminated and the total quantity of commercial parking spaces allowable for such municipality under this section shall be increased accordingly.

(r) The provisions of this regulation shall cease to be effective as to that portion of the freeze area lying within the City of Boston and not included within Boston proper or Logan Airport at such time as the City of Boston implements a program, approved by the Governor, which shall include effective measures to control the construction of additional commercial parking spaces within that area, including procedures for issuance of conditional use permits under applicable zoning regulations and for assuring compliance with all air quality requirements under state and Federal law.

[40 FR 25162, June 12, 1975, as amended at 40 FR 39863, Aug. 29, 1975]

### §§52.1136–52.1144 [Reserved]

### §52.1145 Regulation on organic solvent use.

(a) Definitions:

(1) *Organic solvents* include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents, except that such materials which exhibit a boiling point higher than 220 °F. at 0.5 millimeters of mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220 °F.

(2) *Solvent of high photochemical reactivity* means 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 in reference to the total volume of solvent:

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent;

(ii) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(iii) 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 percentage of total volume of solvents.

(3) *Organic materials* are chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(b) This section is applicable throughout the Boston Intrastate Region. The requirements of this section shall be in effect in accordance with §52.1147.

(c) No person shall cause, allow, suffer, or permit the discharge into the atmosphere of more than 15 pounds of organic materials in any 1 day, nor more than 3 pounds of organic materials 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 as a result of the installation of abatement controls by at least 85 percent. 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 and use operations

described in this section shall be collectively subject to compliance with this section.

(d) No person shall cause, suffer, allow, or permit the discharge into the atmosphere of more than 40 pounds of organic materials in any 1 day, nor more than 8 pounds in any 1 hour, from any article, machine, equipment, or other contrivance used under conditions other than described in paragraph (c) of this section for employing, or applying any solvent of high photochemical reactivity or material containing such photochemically reactive solvent, unless said discharge has been reduced as a result of the installation of abatement controls 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 (c) 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 and use operations described in this section shall be collectively subject to compliance with this section.

(e) Emissions of organic materials to the atmosphere from the clean-up with a solvent of high photochemical reactivity, or any article, machine, equipment, or other contrivance described in paragraph (c) or (d) of this section or in this paragraph, shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this section.

(f) No person shall cause, suffer, allow, or permit during any one day disposal of a total of more than 1.5 gallons of any solvent of high photochemical reactivity, 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.

(g) Emissions of organic materials into the atmosphere required to be controlled by paragraph (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 converted to carbon dioxide, or

(2) Adsorption, or

(3) The use of other abatement control equipment determined by the Regional Administrator to be no less effective than either of the above methods.

(h) 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 as specified by the Regional Administrator, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic solvents or any materials containing organic solvents shall supply the Regional 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.

(j) The provisions of this rule 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 spraying or other use of insecticides, pesticides, or herbicides.

(3) The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.

(4) The use of any material, in any article, machine, equipment or other contrivance described in paragraph (c), (d), or (e) of this section if:

(i) The volatile content of such material consists only of water, and organic solvents;

(ii) The organic solvents comprise not more than 30 percent by volume of said volatile content;

(iii) The volatile content is not a solvent of high photochemical reactivity as defined in paragraph (a) 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 other contrivances that are constructed or modified after November 8, 1973.

(5) The use of any material, in any article, machine, equipment or other contrivance described in paragraph (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;

(ii) The volatile content is not a solvent of high photochemical reactivity; and

(iii) [Reserved]

(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 other contrivances that are constructed or modified after November 8, 1973.

(6) [Reserved]

(7) An article, machine, equipment or other contrivance described in paragraph (c), (d) or (e) of this section used exclusively for chemical or physical analyses or determination of product quality and commercial acceptance provided that—

(i) The exemption is approved in writing by the Regional Administrator;

(ii) The operator of said article, machine, equipment or contrivance is not an integral part of the production process; and

(iii) The emissions from said article, machine, equipment or other contrivance do not exceed 800 lbs. in any calendar month.

(8) Sources subject to the provisions of Massachusetts Regulation 310 CMR 7.18 which has been federally approved.

(k) [Reserved]

(l) All determinations of emission rates shall be conducted in a manner approved in writing by the Regional Administrator.

[40 FR 25165, June 12, 1975, as amended at 47 FR 28373, June 30, 1982]

**§ 52.1146 [Reserved]**

**§ 52.1147 Federal compliance schedules.**

(a) Except as provided in paragraph (c) of this section, the owner or operator of a source subject to regulation under paragraph (c)(1) of § 52.1144 and § 52.1145 shall comply with the increments of progress contained in the following schedule:

(1) Final control plans for emission control systems or process modifications must be submitted on or before June 1, 1974, for sources subject to § 52.1144(c)(1) and on or before May 1, 1974 for sources subject to § 52.1145.

(2) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modifications on or before March 1, 1975, for sources subject to § 52.1144(c)(1) and on or before July 1, 1974, for sources subject to § 52.1145.

(3) Initiation of on-site construction or installation of emission control equipment or process modification must begin on or before May 1, 1975, for sources subject to § 52.1144(c)(1) and on or before August 15, 1974, for sources subject to § 52.1145.

(4) On-site construction or installation of emission control equipment or process modification must be completed prior to April 15, 1975, except for purposes of paragraph (c)(1) of § 52.1144, the applicable date shall be February 1, 1976.

(5) Final compliance is to be achieved prior to May 31, 1975, except for sources subject to paragraph (c)(1) of § 52.1144 of this subpart. Final compliance for sources subject to paragraph (c)(1) of § 52.1144 is to be achieved by June 1, 1976.

(i) Facilities subject to paragraph (c)(1)(iii) of § 52.1144 of this subpart which have a daily throughput of 20,000 gallons of gasoline or less are required to 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 are required to meet the provisions of this section no later than May 31, 1977.

(6) Any owner or operator of stationary sources subject to 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.

(7) Any gasoline dispensing facility subject to paragraph (c)(1) of § 52.1144 which installs a storage tank after October 15, 1973, shall comply with such paragraph by March 1, 1976. Any facility subject to such paragraph which installs a storage tank after March 1, 1976 shall comply with such paragraph at the time of installation.

(b) Except as provided in paragraph (d) of this section, the owner or operator of a source subject to paragraph (d)(1) of § 52.1144 shall comply with the increments of progress contained in the following compliance schedule:

(1) Final control plans for emission control systems or process modifications must be submitted prior to January 1, 1975.

(2) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification prior to March 1, 1975.

(3) Initiation of on-site construction or installation of emission control equipment or process modification must begin not later than May 1, 1975.

(4) On-site construction or installation of emission control equipment or process modification must be completed prior to May 1, 1977.

(5) Federal compliance is to be achieved prior to May 31, 1977.

(6) Any owner or operator of stationary 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.

(7) Any gasoline dispensing facility subject to paragraph (d)(1) of § 52.1144 which installs a gasoline dispensing system after the effective date of this regulation shall comply with the requirements of such paragraph by May 31, 1977. Any facility subject to such paragraph which installs a gasoline dispensing system after May 31, 1977, shall comply with such paragraph at the time of installation.

(c) Paragraph (a) of this section shall not apply:

(1) To a source which is presently in compliance with all requirements of paragraph (c)(1) of § 52.1144 and § 52.1145 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 Commonwealth and approved by the Administrator.

(3) To a source subject to § 52.1144(c)(1) whose owner or operator submits to the Administrator by June 1, 1974, a proposed alternative compliance 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 paragraph for the affected source.

(4) To a source subject to § 52.1145 whose owner or operator submits to the Administrator by May 1, 1974, a proposed alternative compliance schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(d) Paragraph (b) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (d)(1) of § 52.1144 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 paragraph for the affected source.

(e) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (a) or (b) of this section fails to satisfy and requirements of 40 CFR 51.15 (b) and (c).

[38 FR 30970, Nov. 8, 1973]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1147, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### §§ 52.1148–52.1158 [Reserved]

### § 52.1159 Enhanced Motor Vehicle Inspection and Maintenance.

(a) Revisions submitted by the Massachusetts Department of Environmental Protection on October 20, 2000, to the motor vehicle inspection and maintenance program are approved:

(1) Letter from the Massachusetts Department of Environmental Protection dated October 20, 2000 submitting a revision to the Massachusetts State Implementation Plan.

(2) Document entitled ''Quality Assurance and Quality Control Plan For the Massachusetts Enhanced Emissions and Safety Inspection Program,'' dated October 16, 2000.

(3) Document entitled ''Program Evaluation Plans For the Enhanced Inspection and Maintenance Program,'' dated October 2000, and supporting contracts.

[65 FR 69257, Nov. 16, 2000]

### § 52.1160 Requirements for state implementation plan revisions relating to new motor vehicles.

Massachusetts' adopted LEV program must be revised to the extent necessary for the state to comply with all aspects of the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

### § 52.1161 Incentives for reduction in single-passenger commuter vehicle use.

(a) Definitions:

(1) *Employer* means any person or entity which employs 50 or more employees at any time during a calendar year at an employment facility located in the Boston Intrastate Region.

(2) *Educational institution* means any person or entity which has 250 or more employees and students at any time during the academic year at an educational facility offering secondary level or higher training including vocational training located in the Boston Intrastate Region.

(3) *Employee* means any person who performs work for an employer thirty-five or more hours per week and for more than twenty weeks per year for compensation and who travels to and from work by any mode of travel.

(4) *Student* means any full-time day student who does not live at the educational institution and who travels to and from classes by any mode of travel.

(5) *Affected facility* means any employment facility at which 50 or more persons are employees or any educational facility at which 250 or more persons are students and employees.

(6) *Commuter* means both an *employee* and a *student*.

(7) *Single-passenger commuter vehicle* means a motor-driven vehicle with four or more wheels with capacity for a driver plus one or more passengers which is used by a commuter traveling alone to work or classes and is not customarily required to be used in the course of his employment or studies.

(8) *Base date* means the date set forth in paragraph (d) of this section as of which the base number of single-passenger commuter vehicles at a particular employment facility or educational institution must be determined.

(9) *The Secretary* means the Secretary of Transportation and Construction of the Commonwealth of Massachusetts.

(b) Commencing with the effective date of this section, each employer and educational institution (except as provided below) shall diligently and expeditiously implement and thereafter continuously maintain the following

mandatory measures which are designed to achieve a goal of reducing the number of single-passenger commuter vehicles customarily commuting daily to each affected facility as of its base date by 25 percent (or as adjusted pursuant to paragraph (g) of this section):

(1) Making available to commuters any pass program offered by the Massachusetts Bay Transportation Authority, if any commuter to the facility uses the mass transit facilities of such Authority as part of his daily commuting trip, including making all administrative arrangements for commuters to purchase the pass and thereby participate in the pass program and encouraging commuters to participate by such means as publicizing the availability of the pass program and the cost advantages thereof.

(2)–(8) [Reserved]

[40 FR 25166, June 12, 1975, as amended at 47 FR 28373, June 30, 1982; 41 FR 10223, Mar. 10, 1976]

### § 52.1162 Regulation for bicycle use.

(a) Definitions:

(1) *Bicycle* means a two-wheel nonmotor-powered vehicle.

(2) *Bike path* means a route for the exclusive use of bicycles separated by grade or other physical barrier from motor traffic.

(3) *Bike lane* means a street lane restricted to bicycles and so designated by means of painted lanes, pavement coloring or other appropriate markings. A *peak hour* bike lane means a bike lane effective only during times of heaviest auto commuter traffic.

(4) *Bike route* means a route in which bicycles share road space with motorized vehicles.

(5) *Bikeway* means bike paths, bike lanes and bike routes.

(6) *Bicycle parking facility* means any facility for the temporary storage of bicycles which allows the frame and both wheels of the bicycle to be locked so as to minimize the risk of theft and vandalism.

(7) *Parking facility* means a lot, garage, building, or portion thereof in or of which motor vehicles are temporarily parked.

(8) *Parking space* means the area allocated by a parking facility for the temporary storage of one automobile.

(9) *MBTA* means the Massachusetts Bay Transportation Authority.

(b) *Application*. This section shall be applicable in the Boston Intrastate Region.

(c) *Study*. The Commonwealth, according to the schedule set forth in paragraph (d) of this section, shall conduct a comprehensive study of, and in that study recommend, the establishment of permanent bikeways and related facilities within the area described in paragraph (b) of this section. The study shall consider or include at least the following elements:

(1) The physical design for bikeways, intersections involving bikeways, and means of bicycle link-ups with other modes of transportation;

(2) The location of bikeways, including ascertaining high accident or pollution areas and developing means of avoiding or ameliorating those situations as well as means of providing intersection safety generally;

(3) The location of bicycle parking facilities, including bus stops;

(4) The rules of the road for bicyclists, and to the extent that present rules must be modified because of bikeways, new rules of the road for motorists. Also the feasibility of mandatory adult bicycle registration to minimize theft and increase recovery of stolen bicycles;

(5) Bicycle safety education for bicyclists, motorists, children, students, street maintenance personnel and policemen, including requiring bicycle safety principles and safe street riding skills to be taught in high school automobile driver(s) education programs;

(6) Methods for publicizing bicycles or bicycles plus mass transit as alternatives to automobile transportation, including the preparation, perhaps in conjunction with bicentennial efforts, of a master Boston area transit map, indicating the kind, extent and location of bicycle facilities, public baths, showers, toilet facilities, water fountains, as well as routes and stops for MBTA, common carriers and private bus lines, such map to be distributed by the Registry of Motor Vehicles with each automobile new registration and automobile registration renewal;

(7) Requiring or providing incentives for common carriers and mass transit carriers, especially the Blue Line of the MBTA, to provide bicycle parking facilities at their respective terminals and stations and bicycle carrying facilities on their respective vehicles;

(8) The creation of roadway zones in which all vehicles, except mass transit, emergency and service vehicles, and bicycles, would be excluded;

(9) Requiring or providing incentives for office buildings and employers to install and to provide free shower and locker facilities for cyclists;

(10) A bicycle user and potential user survey, which shall at a minimum determine:

(i) For present bicycle riders, the origin, destination, frequency, travel time, distance and purpose of bicycle trips;

(ii) In high density employment areas, the present modes of transportation of employees and the potential modes of transportation, including the numbers of employees who would use a bicycle for a significant portion of their commuting transportation were suitable facilities available to them. This section of the study shall seek to ascertain the size of the working population that would move from automobiles to mass transit and bicycles or bicycles alone as a significant form of transportation. It shall also seek to ascertain what bicycle facilities or mix thereof would produce the greatest conversion from auto use;

(11) The special problems related to the design and incorporation in the bikeway facilities described in paragraph (f) of this section of feeder bikeways to bridges, on-bridge bikeways, feeder bikeways to MBTA and railroad stations, feeder bikeways to fringe parking areas, and bicycle passage through rotaries and squares;

(12) The conversion of railroad beds, power lines, flood control channels or similar corridors to bikepaths;

(13) Removing barriers to employees bringing their bicycles into their offices;

(14) Removal or alteration of drain grates with bars so placed as to catch bicycle wheels;

(15) Bicycle rentals at appropriate locations; and

(16) The feasibility of constructing bikeways along at least each of the corridors set forth in paragraph (g) of this section.

In conducting the study, opportunity shall be given for public comments and suggestions. Input shall also be solicited from state, regional and local planning staffs, state, regional and local agencies, bicycle organizations and other interested groups and be related to comprehensive transportation planning for the area designated in paragraph (b) of this section. The study shall, using as a goal a minimum of 180 miles of bikeways, examine as large a network of facilities as is practicable within the area described in paragraph (b) of this section and shall recommend physical designs for said facilities. The study shall also propose a compliance schedule for establishing any recommended permanent bicycle facilities.

(d) The Commonwealth of Massachusetts shall submit to the Regional Administrator no later than October 1, 1975, a detailed compliance schedule showing the steps that will be taken to carry out the study required by paragraph (c) of this section. The compliance schedule shall at a minimum include:

(1) Designation of the agency responsible for conducting the study;

(2) A date for initiation of the study, which date shall be no later than October 1, 1975; and

(3) A date for completion of the study, and submittal thereof to the Administrator, which date shall be no later than June 30, 1976.

(e) On or before September 1, 1976, the Administrator shall publish in the FEDERAL REGISTER his response to the study required by paragraph (c) of this section, and shall, in that response, either approve the facility location and designs and other requirements as well as the proposed compliance schedule for permanent facilities recommended in the study, or shall designate alternative and/or additional facility locations and designs and other requirements as well as modify the proposed compliance schedule for permanent facilities. The Administrator may provide, if he deems it necessary, for a

public comment period prior to the effective date of his response.

(f) *Permanent bicycle facilities.* At the conclusion of the study required by paragraph (c) of this section and the Administrator's response thereto, the Commonwealth shall, together with the municipalities and other authorities having jurisdiction over affected roadways and areas establish permanent bicycle facilities as required by the Administrator's response to the study.

(g) The potential bikeway corridors to be studied pursuant to paragraph (c)(16) are as follows:

(1) Central Square, Cambridge to Boston University;

(2) Harvard Square, Cambridge to Union Square, Allston;

(3) Union Square, Somerville to Central Square, Cambridge;

(4) Union Square, Allston to Government Center;

(5) Harvard Square, Cambridge to Government Center;

(6) Brookline Village to Government Center;

(7) Boston University to Longwood Avenue Hospital Zone;

(8) Egleston Square to Government Center;

(9) Columbus Park to Boston Common;

(10) L Street Beach to Government Center;

(11) Powder House Circle, Somerville to Harvard Square;

(12) Everett to Government Center;

(13) Porter Square, Cambridge to Columbus Park, Boston;

(14) Cleveland Circle to Government Center;

(15) Porter Square, Cambridge to Government Center;

(16) Harvard Square, Cambridge to Boston City Hospital; and

(17) Charlestown, Longfellow, Harvard, Boston University, River Street, Western Avenue, Anderson, Summer Street, and Broadway Bridges.

(h) The MBTA shall provide bicycle parking facilities at each major MBTA station adequate to meet the needs of MBTA riders within the area designated in paragraph (b) of this section. Said parking facilities shall at a minimum be located at:

(1) All stations of the Riverside portion of the Green Line;

(2) Reasonably spaced stops on other portions of the Green Line;

(3) All stations of the Red, Orange, and Blue Lines; and shall have spaces for at least six bicycles per station, except for facilities at terminal stations which shall have spaces for at least 24 bicycles.

(i) The Commonwealth shall provide for advertisement of bikeways and bicycle parking facilities in use within the area designated in paragraph (b) of this section to potential users by means of media advertisement, the distribution and posting of bikeway maps and bike safety information, as well as for a program of bicycle safety education including the motor vehicle operators license examination and public service advertisement.

[40 FR 25168, June 12, 1975]

### § 52.1163 Additional control measures for East Boston.

(a) On or before December 31, 1975, the Governor, the Mayor of the City of Boston, the Chairman of the Massachusetts Bay Transportation Authority, the Chairman of the Massachusetts Turnpike Authority and the Chairman of the Massachusetts Port Authority (''Massport'') shall each submit to the Regional Administrator a study or studies of various alternative strategies to minimize the number of vehicle trips to and from Logan International Airport (''Logan Airport'') and to reduce the amount of carbon monoxide in the vicinity of the Callahan and Sumner Tunnels to a level consistent with the national primary ambient air quality standards. These studies may be combined into one or more joint studies. These studies shall contain recommendations for control measures to be implemented prior to May 31, 1977. Measures to be studied shall include but need not be limited to, the following:

(1) Incentives and programs for reductions in the use of single-passenger vehicles through the Callahan and Sumner Tunnels;

(2) Alterations in traffic patterns in the tunnel area;

(3) Use of exclusive lanes for buses, carpools, taxis and limousines during peak travel hours;

(4) Reduction of parking spaces at Logan Airport and increased parking charges at remaining spaces;

(5) Construction of satellite terminal facilities for Logan Airport;

(6) Use of alternate modes of transportation for trips to and from Logan Airport, and establishment of facilities at Logan Airport to accommodate such modes;

(7) Improved transit service between the Blue Line subway stop and airline terminals at Logan Airport; and

(8) Any other measures which would be likely to contribute to achieving the required reductions.

(b) Massport shall monitor the number of vehicles entering and leaving Logan Airport so as to provide the Secretary of Transportation for the Commonwealth (the ''Secretary'') with reports on a semi-annual basis, beginning on January 30, 1976, showing total vehicle trips per day for the six-month period ending on the previous December 31 or June 30, presented and tabulated in a manner prescribed by the Secretary.

(c) Massport shall, on or before June 30, 1976, prepare and submit to the Secretary draft legislation which, if enacted into law, would alleviate local licensing problems of bus and limousine companies in order to facilitate increased and improved bus and limousine service for travelers using Logan Airport.

(d) Massport shall negotiate with the Massachusetts Bay Transportation Authority to increase the convenience of the mass transit services currently available to travelers to Logan Airport.

(e) Massport shall, on or before June 30, 1976, establish and maintain a program (which shall include the enclosure of this information in tickets or folders mailed by airlines using Logan Airport) to publicize the advantages in costs and convenience of the use of mass transit or other available transportation services by travelers using the airport, and making known to such persons the schedules, routes, connections, and other information necessary for them to conveniently use mass transit and such other services.

(f) Massport shall, on or before October 15, 1975, establish a carpool program at Logan Airport, which shall include the elements specified in paragraphs (b)(7) (A) through (C) of §52.1161. For the purpose of applying the requirements of §52.1161 to the present paragraph:

(1) The definitions in §52.1161 shall apply;

(2) Each employer with any employment facility at Logan Airport shall cooperate with Massport in the development and implementation of the program;

(3) Any such employer (including Massport) may fulfill its obligations under paragraph (b)(7) of §52.1161 by fully cooperating with and participating in the Logan Airport carpool program (including bearing its proportional share of the program's cost); and

(g) Massport shall, on or before October 15, 1975, implement a program of systematic dissemination to employers and employees at Logan Airport of information regarding the Massachusetts Bay Transportation Authority pass program, bus and train schedules and rates, park-and-ride facilities, and other transportation programs and services available to employees at Logan Airport.

(h) Massport shall, on or before January 1, 1976, implement and maintain a program to allow all employees at Logan Airport, regardless of the size of the particular employment facility at which they work, to participate in any available pass program made available by the Massachusetts Bay Transportation Authority, including the use of Massport as a central clearinghouse for the purpose of aggregating employees and for fiscal management of such pass program.

[40 FR 25169, June 12, 1975]

### §52.1164 Localized high concentrations—carbon monoxide.

(a) Not later than October 1, 1975, the Commonwealth shall have developed and have begun to implement a program to identify urban and suburban core areas and roadway/intersection

complexes within the Boston Intrastate Region which violate the national ambient air quality standards for carbon monoxide. Once such localized areas have been identified, the Commonwealth, in cooperation with the affected local municipalities, shall develop and implement appropriate control strategies to insure that such air quality standards will be achieved at such areas. Plans shall be developed to include provisions for the entire municipality in order to insure that the implemented strategies will not create carbon monoxide violations elsewhere in the vicinity after the measures have been applied.

(b) To accomplish the requirements of paragraph (a) of this section, the Commonwealth shall do the following:

(1) Identify areas of potentially high carbon monoxide concentrations by reviewing all available traffic data, physical site data and air quality and meteorological data for all major intersections and roadway complexes within the Region. The Regional Administrator will provide general guidance on area designations to assist in the initial identification process.

(2) Areas identified under paragraph (b)(1) of this section shall be studied in further detail, including meteorological modeling, traffic flow monitoring, air quality monitoring and other measures necessary to accurately quantify the extent and actual levels of carbon monoxide in the area. A report containing the results of these analyses and identifying such areas shall be submitted to the Regional Administrator no later than March 1, 1976.

(3) If, after the completion of actions required by paragraph (b)(2) of this section, an area shows or is predicted to have violations of the carbon monoxide standard, the Commonwealth, in cooperation with the affected municipality, shall submit a plan to the Regional Administrator containing measures to regulate traffic and parking so as to reduce carbon monoxide emissions to achieve air quality standards in the area. Such plan shall include: the name of the agency responsible for implementing the plan, all technical data and analyses supporting the conclusions of the plan, all control strategies adopted as part of the plan, and other such information relating to the proposed program as may be required by the Regional Administrator. The Regional Administrator shall provide general guidance on applicable control strategies and reporting formats to assist in plan development and submittal. Such a plan shall be submitted for each municipality which contains one or more identified areas no later than October 1, 1975 for Waltham and October 1, 1976, for other areas.

(4) All measures called for in the plan submitted under paragraph (b)(3) of this section shall be subject to the approval of the Regional Administrator and shall be implemented by May 31, 1977.

(c) The Commonwealth shall annually review the effectiveness of the control strategies developed pursuant to this section and modify them as necessary to insure that such carbon monoxide standards will be attained and maintained. The results of this review and any changes in the measures which the Commonwealth recommends as a result thereof shall be reported to the Regional Administrator annually as required under § 52.1160.

(d) Prior to submitting any plan to the Regional Administrator under paragraph (b)(3), the Commonwealth shall give prominent public notice of the general recommendations of such plan, shall make such plan available to the public for at least 30 days and permit any affected public agency or member of the public to comment in writing on such plan. The Commonwealth shall give the Regional Administrator timely notice of any public hearing to be held on such plan and shall make all comments received available to the Regional Administrator for inspection and copying.

[40 FR 25170, June 12, 1975]

### § 52.1165 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) Regulation 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 Massachusetts.

[43 FR 26410, June 19, 1978, as amended at 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

### § 52.1166 [Reserved]

### § 52.1167 EPA-approved Massachusetts State regulations.

The following table identifies the State regulations which have been submitted to and approved by EPA as revisions to the Massachusetts 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 § 52.1120. To the extent that this table conflicts with § 52.1120, § 52.1120 governs.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| 310 CMR 6.04 | Standards | 7/25/90 | 10/04/02 | 67 FR 62187 | 120 | Adopt PM10 as the criteria pollutant for particulates. |
| 310 CMR 7.00 | Definitions | 2/14/85 | 9/25/85 | 50 FR 38804 | 64 | Motor vehicle fuel. |
| | | 2/21/86; 2/25/86; 6/23/86 | 8/31/87 | 52 FR 32792 | 73 | Two new definitions and one amended definition. |
| | Statutory authority; legend; preamble; definitions. | 11/5/86; 12/10/86 | 11/19/87 | 52 FR 44395 | 74 | Approving the addition of definitions for synthetic organic chemical manufacturing facility, component, in gas service, light liquid, in light liquid service, leak, leaking component, monitor, repair, unit turnaround, in VOC service, quarterly, and pressure relief valve. |
| 310 CMR 7.00 | Definitions | 7/18/88 | 5/4/89 | 54 FR 19184 | 78 | Includes bulk plant and terminal, gasoline market. |
| 310 CMR 7.00 | Definitions | 1/30/91 | 10/8/92 | 57 FR 46312 | 96 | Definitions of no-build alternative, project area, project roadway, and tunnel ventilation system. |
| 310 CMR 7.00 | Definitions | 05/17/90, 06/07/91 | 12/14/92 | 57 FR 58996 | 97 | Added ''motor vehicle fuel,'' ''motor vehicle fuel dispensing facility,'' ''substantial modification,'' and ''vapor collection and control system.'' |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| 310 CMR 7.00 ..... | Definitions ..... | 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Approving the following amended or additional definitions: Application area, asphalt, automobile, bottom filling, bulk terminal, coating line(s), commissioner, condensate, continuous compliance, crude oil, department, end sealing compound, exterior base coat, extreme environmental conditions, flashoff area, freeboard height, freeboard ratio, halogenated organic compound, interior base coat, interior body spray, knife coating, lease custody transfer, light duty truck, manufacturing plant, miscellaneous metal parts and products, overvarnish, paper surface coating, penetrating prime coat, petroleum liquids, prime coat, publication rotogravure printing, quench area, refrigerated chiller, Reid vapor pressure, roll printing, roll coating, single coat, solids, specialty printing, splash filling, standard conditions, submerged filling, three piece can side seam spray, topcoat, transfer efficiency, two piece can exterior end coating, vinyl surface coating, volatile organic compound, waxy, heavy pour crude oil. The definitions of ''coating application system'' and ''bulk plants and terminals'' have been deleted. |
| 310 CMR 7.00 ..... | Definitions ..... | 8/27/82, 6/22/87, 12/27/89 | 2/23/93 | 58 FR 10970 | 84 | Approving the definitions of ''stationary source'' and ''building, structure, facility, or installation.'' |
| 310 CMR 7.00 ..... | Definitions ..... | 6/7/91 | 6/30/93 | 58 FR 34911 | 58 | Definitions: Bulk plants, vapor balance systems. |
| 310 CMR 7.00 ..... | Definitions ..... | 12/9/91 | 10/4/94 | 59 FR 50498 | 101 | Definitions of baseline roadway conditions, high occupancy vehicle, high occupancy vehicle lane, peak hour, performance standard, and roadway threshold standard. |
| 310 CMR 7.00 ..... | Definitions ..... | 11/15/93 05/11/94 | 2/1/95 | 60 FR 6030 | 103 | Approving additional definitions for. |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| 310 CMR 7.00 ..... | Definitions ..... | 7/30/93 | 10/15/96 | 61 FR 53632 | 111 | Adding or amending the following definitions: motor vehicle parking space; off-peak parking spaces; remote parking spaces; and restricted use parking. |
| 310 CMR 7.00 ..... | Definitions ..... | 2/17/93 | 9/3/1999 | 64 FR 48303 | c(117) | |
| 310 CMR 7.00 ..... | Definitions ..... | 7/30/96 | 4/11/00 | 65 FR 19326 | 115 | Definition of ''volatile organic compound'' revised. |
| 310 CMR 7.00 ..... | Definitions ..... | 1/11/95<br>3/29/95 | 4/11/00 | 65 FR 19326 | 121 | Definitions associated with marine vessel rule. |
| 310 CMR 7.00 ..... | Definitions ..... | 07/25/95<br>08/09/00<br>9/11/00 | 12/18/00 | 65 FR 78976 | 116 | Definitions associated with State II vapor recovery rule. |
| 310 CMR 7.00 Appendix A. | Emission Offsets and Nonattainment Review. | 7/15/94 and 4/14/95 | 10/27/00 | 65 FR 64363 | (c)(127) | Approving 1990 CAAA revisions and general NSR permit requirements |
| 310 CMR 7.00 Appendix B (except 310 CMR 7.00 Appendix B(3)(e)5.h). | Emissions Banking, Trading, and Averaging. | 2/9/94<br>3/29/95 | 8/8/96 | 61 FR 41338 | 112 | Replaces earlier emissions averaging rules with emissions banking, trading, and averaging. |
| 310 CMR 7.00 and 7.02(12)(c). | | 2/14 and 5/22/85 | 9/25/85 | 50 FR 38806 | 64 | Motor vehicle fuel tank trucks. |
| 310 CMR 7.00 ..... | Definitions ..... | 7/25/90 | 10/04/02 | 67 FR 62187 | 120 | Add a definition of PM10. |
| 310 CMR 7.00 ..... | Definitions ..... | 12/13/06 | 07/31/08 | 73 FR 44654 | 136 | Addition of the term, ''Boston Metropolitan Planning Organization.'' |
| | | 12/13/06 | 07/31/08 | 73 FR 44654 | 136 | Massachusetts Regulation Filing, dated November 16, 2006, substantiating December 1, 2006, State effective date for amended 310 CMR 7.00 entitled ''Definition,'' (addition of term ''Boston Metropolitan Planning Organization,'' which appears on the replaced page 173 of the State's Code of Massachusetts Regulations.). |
| 310 CMR 7.02 ..... | Plans and approval and emission limitations. | 4/27/72 | 10/28/72 | 37 FR 23085 | 2 | |
| | | 8/28/72 | 10/28/72 | 37 FR 23085 | 4 | |
| | | 5/27/82<br>9/9/82 | 1/10/84 | 49 FR 1187 | 60 | 7.02(2)(b)(4) and 7.02(2)(5) for new source review. |
| | | 12/3/85<br>1/31/86<br>2/11/86 | 11/25/86 | 51 FR 42564 | 69 | Adds the word ''major'' before the word ''modification'' at 7.02(2)(b). |
| 310 CMR 7.02 ..... | Plans and approval and emission limitation. | ..... | ..... | | ..... | |
| | | 11/21/86<br>1/15/87 | 3/10/89 | 54 FR 10148 | 72 | 7.02(2)(b) 4, 5 and 6-new source review. |
| 310 CMR 7.02(11) | Emission limitations for incinerators. | 2/1/78 | 3/15/79 | 44 FR 15704 | 18 | Adds an emission limitation for sewage sludge incinerators. |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| 310 CMR 7.02(12) | U Organic Material ... | 8/17/89 | 1/11/93 | 58 FR 3495 | 93 | 310 CMR 7.02(12) has been recodified and relocated in 310 CMR 7.24, "U Organic Material Storage and Distribution." All subsections and references in 310 CMR 7.02(12) have been recodified accordingly. |
| 310CMR 7.02(12) | U Restricted Emission Status. | 6/6/94 | 4/5/95 | 60 FR 17229 | 105 | This rule limits a source's potential to emit, therefore avoiding RACT, title V operating permits |
| 310 CMR 7.02(12)(a)(b). | Organic material, bulk plants and terminals handling organic material. | 12/31/78<br>5/16/79 | 9/16/80 | 45 FR 61293 | 30 | |
| 310 CMR 7.02(12)(a)1e. | Gasoline liquid storage in external floating roof tanks. | 12/2/83 | 3/8/84 | 49 FR 8611 | 56 | Approved for secondary seals or equivalent weather roofs. |
| 310 CMR 7.02(12)(b)2. | Stage I vapor recovery. | 5/20/77 | 5/25/78 | 43 FR 22356 | 15 | Provisions for Pioneer APCD Stage I vapor recovery. |
| | | 12/31/78<br>5/16/79 | 9/16/80 | 45 FR 61293 | 30 | |
| | | 3/25/83 | 7/7/83 | 48 FR 31200 | 55 | Exempt Berkshire APCD. |
| 310 CMR 7.02(12)(b)3. | Stage I vapor recovery. | 11/21/86<br>1/15/87 | 3/10/89 | 54 FR 10148 | 72 | 7.02(12)(b)3 is deleted. |
| 310 CMR 7.02(12)(c) and (d). | Gasoline Tank Trucks. | 2/14/85<br>5/22/85 | 9/25/85 | 50 FR 38804 | 64 | Tank trucks. |
| 310 CMR 7.02(12)(d). | Test Methods applicable to 310 CMR 7.02(12). | 11/21/86<br>1/15/87 | 3/10/89 | 54 FR 10148 | 72 | Requires EPA approved test methods or EPA approved alternatives. |
| 310 CMR 7.02(12)(e). | Gasoline Volatility .... | 7/18/88<br>9/15/88<br>4/12/89 | 5/4/89 | 54 FR 19184 | 78 | Approves a limitation on volatility of gasoline from June 30 for Sept. 15, 1989, and May 1 to Sept. 15 in subsequent years. |
| 310 CMR 7.03(13) | Paint spray booths ... | 2/17/93 | 9/3/1999 | 64 FR 48303 | c(117) | Adds the following coating operations: plastic parts surface coating, leather surface coating, wood product surface coating, and flat wood paneling surface coating. |
| 310 CMR 7.04(5) .. | Fuel oil viscosity ..... | 12/28/78 | 6/17/80 | 45 FR 40987 | 29 | For Cambridge Electric Light Company's Kendal Station, and Blackstone Station. |
| | | 12/28/78 | 10/18/80 | 45 FR 48131 | 29 | Correction notice. |
| 310 CMR 7.05 ..... | Sulfur-in-fuel ..... | 8/28/72 | 10/28/72 | 37 FR 23058 | 4 | |
| | | 7/5/78 | 2/7/79 | 44 FR 7712 | 17 | Approves the burning of coal/oil slurry at New England Power Company, Salem Harbor Station, MA. |
| 310 CMR 7.05(1)(a). | Sulfur content of fuels and control thereof for Berkshire APCD. | 4/14/77 | 3/24/78 | 43 FR 12324 | 13 | Approves the burning of 1% for all but: Crane and Company Inc., and Schweitzer Division, Kimberly Clark Corporation, Columbia Mill. |
| | | 4/14/77<br>8/11/78<br>8/31/78 | 3/7/79 | 44 FR 12422 | 13 | Approves the burning of 2.2% at Crane & Co., Inc., and Schweitzer Division, Kimberly-Clark Corp., Columbia Mill. |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| | | 11/8/82 | 4/28/83 | 48 FR 19172 | 54 | Approves burning of 2.2% at Esleek Manufacturing Company, Inc., provided the fuel firing rate does not exceed 137.5 gallons per hour. |
| 310 CMR 7.05(1)(b). | Sulfur content of fuels and control thereof for Central APCD. | 6/25/76 | 2/15/77 | 42 FR 9176 | 10 | Approves the burning of 2.2% until 7/1/78 for 100 mBtu sources listed in 52.1126. |
| | | 3/29/76<br>5/25/76 | 5/19/77 | 42 FR 25730 | 11 | Approves burning of 2.2% at James River Associates, Inc. and part of Fitchburg Paper Company, April through October. November through March, they are limited to burning 1% sulfur-in-fuel oil. |
| | | 6/25/76<br>8/22/77 | 6/21/78 | 43 FR 26573 | 10 | Extends expiration date to 6/21/78. |
| | | 3/2/79 | 7/16/79 | 44 FR 41180 | 24 | Permanent extension for certain sources to burn 2.2% under specified conditions. |
| | Sulfur content of fuels and control thereof for central APCD. | 9/28/79 | 6/17/80 | 45 FR 40987 | 24 | Approves the burning of 2.2% at Fitchburg Paper (55 Meter stacks only) for James River, Massachusetts, Inc., year round. |
| | | 3/20/80 | 9/10/80 | 45 FR 59578 | 31 | Approves the temporary burning of 2.2% at Seaman Paper Co., Templeton. |
| | | 3/2/79<br>5/5/81 | 9/17/81 | 46 FR 46133 | 33 | Approves the burning of 2.2% at Millers Falls Paper Co. |
| 310 CMR 7.05(1)(c). | Sulfur content of fuels and control thereof for Merrimack Valley. | 6/4/76 | 12/30/76 | 41 FR 56804 | 8 | Approves the burning of 2.2% except at those sources listed in 52.1126. |
| | | 1/28/76<br>12/30/76 | 7/12/77 | 42 FR 35830 | 8 | Approves burning of 1.4% at Haverhill Paperboard Corp., Haverhill, MA. |
| | | 1/28/76<br>8/22/77<br>12/30/76 | 6/21/78 | 43 FR 26573 | 8 | Extends expiration date to 7/1/79. |
| | | 12/28/78 | 5/21/79 | 44 FR 29453 | 20 | Permanent extension to burn 2.2%. |
| 310 CMR 7.05(1)(d). | Sulfur content of fuels and control thereof for Metropolitan Boston APCD. | 7/11/75<br>9/16/75 | 12/5/75 | 40 FR 56889 | 6 | Approves burning of 1% for large electric generating facilities in certain cities and towns and 2.2% for smaller facilities. Effective 7/1/75 to 7/1/77. |
| | | 7/11/75<br>4/1/77 | 8/22/77 | 42 FR 42218 | 6 | Extends expiration date from 7/1/77 to 7/1/78 except for Eastman Gelatin Corp., which must burn 1%. |
| | | 4/20/78 | 11/30/78 | 43 FR 56040 | 6 | Extends expiration date from 7/1/78 to 7/1/79. |
| | Sulfur content of fuels and control thereof for Metropolitan Boston APCD. | 12/28/78 | 5/21/79 | 44 FR 29453 | 20 | Permanent extension to burn 2.2%. |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| | | 4/25/80 | 1/27/81 | 46 FR 8476 | 34 | Approves the burning of 2.2% at Natick Paperboard Corp. |
| | | 11/25/80 | 8/11/81 | 46 FR 40688 | 38 | Approves the increase to 2.2% at Boston Edison Mystic Generating Station for 30 months from 8/11/81 (expires 2/11/84). |
| | | 7/14/81 | 12/16/81 | 46 FR 61123 | 41 | Approves burning of 2.2% at Haverhill Paper Corp. |
| | | 11/27/79 | 12/15/80 | 45 FR 82251 | 32 | Allows the burning of 2.2% at Proctor and Gamble. |
| | | 9/24/81 | 12/15/81 | 46 FR 61118 | 43 | Approves burning of 2.2% at Eastman Gelatin Corp. |
| | | 12/7/83 | 9/25/84 | 49 FR 37592 | 65 | Approves burning of 2.2% at Boston Edison Mystic Generating Station until 3/25/87. |
| 310 CMR 7.05(1)(e). | Sulfur content of fuels and control thereof for Pioneer Valley APCDs. | 7/22/77 | 2/1/77 | 42 FR 5957 | 9 | Approves 2.2% except for sources listed in 52.1125. |
| | | 7/22/76<br>8/22/77<br>12/27/77 | 6/21/78 | 43 FR 26573 | 9 | Extends expiration date to 7/1/79. |
| | | 1/3/79 | 5/21/79 | 44 FR 29453 | 21 | Permanent extension to burn 2.2% |
| | | 3/2/80 | 1/19/81 | 45 FR 4918 | 33 | Approves the burning of 2.2% at all sources in Franklin and Hampshire Counties rated at less than 100 mBtu except Esleek Manufacturing Co., and Millers Falls Paper Co. |
| | | 10/13/81 | 2/10/82 | 47 FR 6011 | 45 | Approves the burning of 2.2% at Holyoke Gas and Electric Department, Holyoke, MA. |
| | | 7/18/84<br>4/17/85<br>3/16/87<br>11/25/87 | 2/15/90 | 55 FR 5449 | 77 | Approves the burning of 2.2% and imposes fuel use limits at American Fiber and Finishing Co., Erving Paper Co., and Westfield River Paper Co. |
| 310 CMR 7.05(1)(f) | Sulfur content of fuels and control thereof for Southeastern APCD. | 12/30/76 | 9/2/77 | 42 FR 44235 | 12 | Approves burning of 2.2% for sources listed in 52.1126, all others must continue to burn 1%. |
| | | 12/30/76<br>1/31/78 | 9/8/78 | 43 FR 40010 | 12 | Extends expiration date from 5/1/78 to 7/1/79. |
| | | 1/31/79 | 5/21/79 | 44 FR 29453 | 22 | Permanent extension to burn 2.2%. |
| 310 CMR 7.05(4) .. | Ash content of fuels for Pioneer Valley for APCD. | 1/3/79 | 5/21/79 | 44 FR 29453 | 21 | |
| | Ash content of fuels for Metropolitan Boston APCD. | 7/20/79 | 5/21/79 | 44 FR 29453 | 23 | |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| | Ash content of fuels | 12/3/85<br>1/31/86<br>2/11/86 | 11/25/86 | 51 FR 42564 | 69 | Includes Berkshire Air Pollution Control District to 7.05(4)(b)(2) so facilities in that district can apply to burn fossil fuel with an ash content in excess of 9 pct bydry weight. |
| 310 CMR 7.06 ..... | Visible emissions ..... | 8/28/72 | 10/28/72 | 37 FR 23085 | 4 | |
| | | 7/5/78 | 2/7/79 | 44 FR 7712 | 17 | Approves New England Power Company, Salem Harbor Station to burn a coal oil slurry. |
| | | 12/28/79 | 8/12/80 | 45 FR 53476 | 17 | Extension of temporary revision to allow exceedance of 20% capacity limit at New England Power Company's Salem Harbor Station, Salem, MA Unit 1 so can burn 30% coal/70% oil mixture until 12/31/80. |
| 310 CMR 7.07 ..... | Open burning ..... | 12/9/77 | 9/29/78 | 43 FR 44841 | 16 | Two revisions with conditions to permit open burning of brush cane, driftwood and forest debris for 2 months of the year. |
| | Open burning ..... | 9/28/79 | 6/17/80 | 45 FR 40987 | 27 | Approves open burning (as in (c) 16) from 1/15 to 5/1 in certain areas of the State. |
| 310 CMR 7.08 ..... | Incinerators ..... | 8/28/72 | 10/28/72 | 37 FR 23085 | 4 | |
| 310 CMR 7.08(2), except sections: (a); the definition of "Material Separation Plan" in (c); (d)1; (d)2; (d)3; (d)4; (d)5; (d)6; (d)8; (f)1; (f)2; (f)5; (f)6; (f)7; (g)1; (g)2; (g)3; (g)4; (h)2.a; (h)2.b; (h)2.d; (h)2.e; (h)2.g; (h)2.h; (h)4; (h)5.a; (h)5.c; (h)5.d; (h)9; (h)10; (h)13; (i)1.b; (i)1.g; (i)2.c; (i)2.d; (i)2.e; and (k)3.. | MWC $NO_X$ requirements. | 1/11/99 | 9/2/99 | 64 FR 48098 | 119 | Only approved $NO_X$ related requirements of state plan for MWCs. The following sections were not submitted as part of the SIP: (a), the definition of "Material Separation Plan" in (c), (d)1, (d)2, (d)3, (d)4, (d)5, (d)6, (d)8, (f)1, (f)2, (f)5, (f)6, (f)7, (g)1, (g)2, (g)3, (g)4, (h)2.a, (h)2.b, (h)2.d, (h)2.e, (h)2.g, (h)2.h, (h)4, (h)5.a, (h)5.c, (h)5.d, (h)9, (h)10, (h)13, (i)1.b, (i)1.g, (i)2.c, (i)2.d, (i)2.e, and (k)3. |
| 310 CMR 7.09 ..... | Dust and odor ..... | 8/28/72 | 10/28/72 | 37 FR 23085 | 4 | |
| | | 12/9/77 | 9/29/78 | 43 FR 44841 | 16 | Adds a requirement that mechanized street sweeping equipment must be equipped and operated with a suitable dust collector or suppression system. |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| 310 CMR 7.12 ..... | Inspection Certificate Record Keeping and Reporting. | 6/28/90; 9/30/92; 7/15/94 | 3/21/96 | 61 FR 11560 | 106 | The 6/28/90 and 9/30/92 submittals deal with the permitting process. The 7/15/94 submittal develops 7.12 to comply with emission statement requirements. |
| 310 CMR 7.14(2) .. | Continuous Emissions Monitoring. | 11/21/86 1/15/85 | 3/10/89 | 54 FR 10148 | 72 | References 40 CFR part 51, Appendix P. |
| 310 CMR 7.14(3) .. | Continuous Emissions Monitoring. | 11/21/86 1/15/87 | 3/10/89 | 54 FR 10148 | 72 | Establishes compliance date for meeting the requirements of 7.14(2). |
| 310 CMR 7.15 ..... | Asbestos application | 8/28/72 | 10/28/72 | 37 FR 23085 | 4 | |
| 310 CMR 7.16 ..... | Reduction to single passenger commuter vehicle use. | 5/20/77 | 5/25/78 | 43 FR 22356 | 15 | For Pioneer Valley APCD. |
| | | 12/31/78 5/16/79 | 9/16/80 | 45 FR 61293 | | Reduction of single occupant commuter vehicles. |
| 310 CMR 7.17 ..... | Coal conversion ..... | 9/7/78 | 5/14/79 | 44 FR 27991 | 19 | Brayton Point Station, New England Power Company. |
| | | 1/22/82 | 6/9/82 | 47 FR 25007 | 49 | Mount Tom Plant, Holyoke, MA Holyoke Water Power Company. |
| 310 CMR 7.18(1) .. | U Applicability and Handling Requirements. | 8/17/89 | 1/11/93 | 58 FR 3495 | 93 | Approval of 310 CMR CMR 7.18(1), (a), (c), (d) and (e). |
| 310 CMR 7.18(2) .. | U Compliance with Emission Limitations. | 8/27/82; 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Approval of 310 CMR 7.18(2), (2)(a), (2)(b), (2)(c) and (2)(e). |
| 310 CMR 7.18(2) .. | Compliance with emission limitations. | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Adds an exemption for coatings used in small amounts, and a section on daily weighted averaging. |
| 310 CMR 7.18(2)(b). | Generic VOC bubble for surface coaters. | 3/6/81 11/12/81 | 3/29/82 | 47 FR 13143 | 42 | Includes surface coating of metal cans, large appliances, magnet wire insulation, automobiles, paper fabric and vinyl. |
| | Generic VOC bubble for surface coaters. | 6/24/80 | 7/12/82 | 47 FR 30060 | 47 | Adds metal coils. |
| | Generic VOC bubble for surface coaters. | 3/29/95 | 8/8/96 | 61 FR 41338 | 112 | Replaces earlier emissions averaging rules for surface coaters. |
| | | 7/21/81 3/10/81 | 6/2/82 | 47 FR 23927 | 48 | Adds miscellaneous metal parts and products and graphic arts-rotogravure and flexography. |
| | | 9/9/82 | 2/3/83 | 48 FR 5014 | 53 | Adds metal furniture. |
| 310 CMR 7.18 (2)(e). | Compliance with emission limitations. | ..... | 3/6/89 | 54 FR 9213 | ..... | Testing requirements for plan approvals issued under 310 CMR 7.18(17). |
| 310 CMR 7.18(3) .. | Metal furniture surface coating. | 12/31/78 5/16/79 | 9/16/80 | 45 FR 61293 | 30 | |
| | | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | Adds test methods. |
| 310 CMR 7.18(3) .. | U Metal Furniture Surface Coating. | 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Replacement of 310 CMR 7.18(3). |
| 310 CMR 7.18(4) .. | Metal can surface coating. | 12/31/78 5/16/79 | 9/16/80 | 45 FR 61293 | 30 | |
| | | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | Adds test methods. |
| 310 CMR 7.18(4) .. | U Metal Can Surface Coating. | 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Replacement of 310 CMR 7.18(4). |
| 310 CMR 7.18(5) .. | Large appliances surface coating. | 12/31/78 5/16/79 | 9/16/80 | 45 FR 61293 | 30 | |
| | | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | Adds test methods. |
| 310 CMR 7.18(5) .. | U Large Appliance Surface Coating. | 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Replacement of 310 CMR 7.18(5). |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| 310 CMR 7.18(6) .. | Magnet wire insulation surface coating. | 12/31/78 5/16/79 | 9/16/80 | 45 FR 61293 | 30 | |
| | | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | Adds test methods. |
| 310 CMR 7.18(6) .. | U Magnet Wire Insulation Surface Coating. | 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Replacement of 310 CMR 7.18(6). |
| 310 CMR 7.18(7) .. | Automobile surface coating. | 12/31/78 5/16/79 | 9/16/80 | 45 FR 61293 | 30 | |
| | | 9/9/82 | 11/9/83 | 45 FR 51480 | 53 | Adds test methods. |
| 310 CMR 7.18(7) .. | Automobile Surface Coating. | 8/17/89, 6/7/91 | 10/8/92 | 57 FR 46316 | 92 | |
| 310 CMR 7.18(7) .. | Automobile surface coating. | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Revises a limit for primer surface coating. |
| 310 CMR 7.18(8) .. | Solvent metal degreasing. | 12/31/78 5/16/79 | 9/16/80 | 45 FR 61293 | 30 | Conditional approval requiring controls for small solvent metal degreasers. |
| | | 8/13/83 | 11/9/83 | 48 FR 51480 | 53 | Approves public education program for small degreasers and removes conditional approval. |
| 310 CMR 7.18(8) .. | Solvent Metal Degreasing. | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Adds a typographical correction. |
| 310 CMR 7.18(8) .. | U Solvent Metal Degreasing. | 8/17/89 | 1/11/93 | 58 FR 3495 | 93 | Approval of 310 CMR 7.18(8), (8)(d), (8)(d)1., (8)(e), (8)(f) and (8)(g). |
| 310 CMR 7.18(8) .. | U Solvent Metal Degreasing. | 6/7/91 | 6/30/93 | 58 FR 34911 | 58 | Approval of 310 CMR 7.18 (8), (8)(a), (8)(a)1., (8)(a)2., (8)(a)3., (8)(a)4., (8)(a)5., (8)(a)6., (8)(b), (8)(b)1., (8)(b)2., (8)(b)3., (8)(b)4., (8)(b)5., (8)(b)6., (8)(b)7., (8)(b)8., (8)(b)9., (8)(b)10., (8)(b)11., (8)(b)12., (8)(b)13., (8)(c), (8)(c)1., (8)(c)2., (8)(c)3., (8)(c)4., (8)(c)5., (8)(c)6., (8)(c)7., (8)(c)8., (8)(c)9., (8)(d)2., (8)(d)3. |
| 310 CMR 7.18(9) .. | Cutback asphalt ..... | 12/31/78 5/16/79 | 9/16/80 | 45 FR 61293 | 30 | |
| | | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | Adds an exemption. |
| 310 CMR 7.18(9) .. | U Cutback Asphalt ... | 8/17/89 | 1/11/93 | 58 FR 3495 | 93 | Replacement of 310 CMR 7.18(9). |
| 310 CMR 7.18(10) | Surface coating of metal coils. | 6/24/80 | 7/12/82 | 47 FR 30060 | 47 | Approves and adds to 310 CMR 7.18(2)(b). |
| | | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | Adds test methods and removes extended compliance schedule. |
| 310 CMR 7.18(10) | U Metal Coil Coating | 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Replacement of 310 CMR 7.18(10). |
| 310 CMR 7.18(11) | Surface coating of miscellaneous metal parts and products. | 7/21/81 3/10/82 | 6/2/82 | 47 FR 23927 | 48 | Adds to 310 CMR 7.18(2)(b). |
| | | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | Adds test methods. |
| 310 CMR 7.18(11) | Surface coating of miscellaneous metal parts and products. | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Revises a reference. |
| 310 CMR 7.18(11) | U Surface Coating of Miscellaneous Metal Parts and Products. | 8/17/89 | 1/11/93 | 58 FR 3495 | 93 | Approval of 310 CMR 7.18(11), (11)(b), (11)(c), (11)(d) and (11)(e). |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| 310 CMR 7.18(11) | U Surface Coating of Miscellaneous Metal Parts and Products. | 6/7/91 | 6/30/93 | 58 FR 34911 | 58 | Approval of 310 CMR 7.18 (11), (11)(a), (11)(a)1., (11)(a)2., (11)(a)3. |
| 310 CMR 7.18(12) | Graphic arts ..... | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Amends applicability to 50 tons per year VOC. |
| 310 CMR 7.18(12) | Graphic arts-rotogravure and flexography. | 7/21/81 3/10/82 | 6/2/82 | 47 FR 23927 | 48 | Adds to 310 CMR 7.18(2)(b). |
| | | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | |
| 310 CMR 7.18(12) | U Graphic Arts ..... | 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Replacement of 310 CMR 7.18(12). |
| 310 CMR 7.18(13) | Perchloroethylene dry cleaning systems. | 7/21/81 3/10/82 | 6/2/82 | 47 FR 23927 | 48 | |
| | | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | Adds test methods. |
| 310 CMR 7.18(13) | U Dry Cleaning Systems-Percholorethylene. | 8/17/89 | 1/11/93 | 58 FR 3495 | 93 | Approval of 310 CMR 7.18(13), (13)(c), (13)(d) and (13)(e). 310 CMR 7.18(13)(a) 8. has been deleted. |
| 310 CMR 7.18(14) | Paper surface coating. | 3/6/81 | 3/8/82 | 47 FR 9836 | 40 | |
| | | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | Adds test methods. |
| 310 CMR 7.18(14) | U Paper Surface Coating. | 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Replacement of 310 CMR 7.18(14). |
| 310 CMR 7.18(15) | Fabric surface coating. | 3/6/81 | 3/8/82 | 47 FR 9836 | 40 | |
| | | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | Adds test methods. |
| 310 CMR 7.18(15) | U Fabric Surface Coating. | 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Replacement of 310 CMR 7.18(15). |
| 310 CMR 7.18(16) | Vinyl surface coating | 3/6/81 | 3/8/82 | 47 FR 9836 | 40 | |
| | | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | Adds test methods. |
| 310 CMR 7.18(16) | U Vinyl Surface Coating. | 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Replacement of 310 CMR 7.18(16). |
| 310 CMR 7.18(17) | RACT ..... | 9/9/82 | 11/9/83 | 48 FR 51480 | 53 | All 100 ton per year sources not covered by a CTG. |
| | RACT ..... | ..... | 3/6/89 | 54 FR 9213 | ..... | Enforceability of plan approvals issued under 310 CMR 7.18(17). |
| | | 6/20/89 | 11/3/89 | 54 FR 46388 | 81 | RACT for Cranston Print Works Company dated June 20, 1989. |
| | | 7/12/89 | 11/8/89 | 54 FR 46895 | 80 | RACT for Spalding Corporation Plan Approval dated October 7, 1985 and amended Plan Approval dated July 12, 1989. |
| | | 8/8/89 | 11/8/89 | 54 FR 46897 | 82 | RACT for Duro Textile Printers (SM–85–168–IF). |
| | | 6/20/89 | 2/21/90 | 55 FR 5990 | 79 | RACT Compliance Plan Conditional Approval for Monsanto Chemical Company in Indian Orchard dated 6/20/89. |
| | | 11/17/89 | 8/3/90 | 55 FR 31590 | 85 | RACT for Boston Whaler in Norwell. Amended Plan Approval 4P89005 dated October 19, 1989 and Plan Approval 4P89005 Correction dated Nov. 17, 1989. |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| | | 11/17/89 | 8/3/90 | 55 FR 31593 | 86 | RACT for Boston Whaler in Rockland. Amended Plan Approval (4P89006) dated October 19, 1989 and Plan Approval 4P89006 Correction dated November 17, 1989. |
| | Non-CTG RACT determination. | 11/2/89 | 11/27/90 | 55 FR 34915 | 87 | RACT for Philips Lighting Company in Lynn, MA, dated November 2, 1989. |
| | RACT ..... | 7/9/90 | 2/19/91 | 56 FR 6569 | 89 | RACT for General Motors Corporation in Framingham. Amended Plan Approval dated June 8, 1990. |
| | RACT ..... | 6/13/90 | 2/27/91 | 56 FR 8132 | 88 | RACT for Acushnet Company, Titleist Golf Division, Plant A in New Bedford. Amended Plan Approval dated June 1, 1990. |
| | RACT ..... | 10/16/90 | 3/20/91 | 56 FR 11677 | 90 | RACT for Erving Paper Mills. |
| | RACT ..... | 4/22/90 | 10/8/91 | 56 FR 50660 | 91 | RACT amendment for Erving. |
| 310 CMR 7.18(17) | RACT ..... | 5/13/91 | 12/14/92 | 57 FR 58993 | 95 | RACT for Dartmouth Finishing Corporation. |
| 310 CMR 7.18(17) | U Reasonable Available Control Technology. | 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Approval of 310 CMR 7.18(17), (17)(a), (17)(b), (17)(c), (17)(d), (17)(e) and (17)(f). |
| 310 CMR 7.18(17) | RACT ..... | 5/22/92 | 7/28/94 | 59 FR 38374 | (99) | RACT Approval for S. Bent & Bros. |
| 310 CMR 7.18(17) | RACT ..... | 7/19/93 1993 | 1/6/95 | 60 FR 2017 | 100 | RACT Approval for Nichols & Stone Co. |
| 310 CMR 7.18(17) | Reasonably Available Control Technology. | 3/31/94 | 3/6/95 | 60 FR 12125 | 104 | RACT for Brittany Dyeing and Finishing of New Bedford, MA. |
| 310 CMR 7.18(17) | Reasonable available control technology. | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Adds new VOC RACT requirements in the Springfield, Mass. ozone nonattainment area only. |
| 310 CMR 7.18(17) | Reasonable Available Control Technology. | 2/17/93 | 10/4/02 | 67 FR 62183 | 129 | Approves VOC RACT requirements for the eastern Massachusetts ozone nonattainment area. (These requirements were previously approved for the western Massachusetts ozone nonattainment area.) |
| 310 CMR 7.18(17) | Reasonable Available Control Technology. | 10/7/99 | 10/4/02 | 67 FR 62183 | 129 | VOC RACT plan approval for Gilette. |
| 310 CMR 7.18(17) | Reasonable Available Control Technology. | 10/7/99 | 10/4/02 | 67 FR 62183 | 129 | VOC RACT plan approval for Norton. |
| 310 CMR 7.18(17) | Reasonable Available Control Technology. | 4/16/99 | 10/4/02 | 67 FR 62183 | 129 | VOC RACT plan approval for Rex. |
| 310 CMR 7.18(17) | Reasonable Available Control Technology. | 4/16/99 | 10/4/02 | 67 FR 62183 | 129 | VOC RACT plan Available for Barnet. |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| 310 CMR 7.18(18) | Polystyrene Resin Manufacture. | 2/21/86; 2/25/86; 6/23/86 | 8/31/87 | 52 FR 32792 | 73 | Regulation pursuant to Group III CTG, "Control of VOC Emissions from the Manufacture of Polystyrene Resins". |
| 310 CMR 7.18(18) | U Polystyrene Resin Manufacturing Technology. | 8/17/89; 6/7/91 | 1/11/93 | 58 FR 3495 | 93 | Replacement of 310 CMR 7.18(18). |
| 310 CMR 7.18(19) | Synthetic organic chemical manufacture. | 11/5/86; 12/10/86 | 11/19/87 | 52 FR 44395 | 74 | |
| 310 CMR 7.18(20) | Emission Control Plans for implementa-tion of reasonably available control technology. | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Adds new VOC RACT requirements. |
| 310 CMR 7.18(21) | Surface coating of plastic parts. | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Adds VOC RACT for plastic parts surface coating. |
| 310 CMR 7.18(22) | Leather surface coating. | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Adds VOC RACT for leather surface coating. |
| 310 CMR 7.18(23) | Wood products surface coating. | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Adds VOC RACT for wood product surface coating. |
| 310 CMR 7.18(24) | Flat wood paneling surface coating. | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Adds VOC RACT for flat wood paneling surface coating. |
| 310 CMR 7.18(25) | Offset lithographic printing. | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Adds VOC RACT for offset lithographic printing. |
| 310 CMR 7.18(26) | Textile finishing | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Adds VOC RACT for textile finishing. |
| 310 CMR 7.18(27) | Coating mixing tanks | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Adds VOC RACT for coating mixing tanks. |
| 310 CMR 7.18(28) | Automotive Refinishing. | 01/09/95 | 2/14/96 | 61 FR 5699 | 109 | Reasonably Available Control Technology Requirement (RACT) for automotive refinishing. |
| 310 CMR 7.18(29) | Bakeries ..... | 03/29/95 | 7/5/00 | 65 FR 41346 | 110 | Reasonably Available Control Technology Requirement (RACT) for bakeries. |
| 310 CMR 7.19 ..... | Interim sulfur-in-fuel limitations for fossil fuel utilization facilities pending conversion to an alternate fuel or implementation of permanent energy conservation measures. | 9/12/80 | 3/19/81 | 46 FR 17551 | 37 | Energy/environment initiative. |
| | | 12/29/81 | 4/13/82 | 47 FR 15790 | 46 | ATF Davidson Company, Northbridge, MA temporary sulfur-in-fuel revision until 12/1/83. |
| | | 9/28/82 | 12/1/82 | 47 FR 54072 | 52 | Polaroid Corp., Waltham, MA temporary sulfur/in/fuel relaxation until 6/1/85. |
| | | | 6/2/83 | 48 FR 24689 | 52 | Correction notice. |
| | | 9/29/82 | 11/23/82 | 47 FR 52704 | 51 | Northeast Petroleum Corp., Chelsea, MA sulfur content increase from 0.28 to 0.55 lbs/mBtu heat release potential permanently. |
| | | 4/4/83 | 3/23/84 | 49 FR 11092 | 59 | Stanley Woolen Co., Uxbridge, to burn 2.2% until 9/23/86. |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| | | 10/31/83 | 3/23/84 | 49 FR 11091 | 61 | Reed and Barton Silversmiths, Taunton, to burn 2.2% until 9/23/86. |
| | | 11/16/83 | 7/30/84 | 49 FR 30306 | 62 | ATF Davidson Company, Northbridge, to burn 2.2% permanently. |
| | | 2/2/84 | 6/15/84 | 49 FR 24723 | 63 | American Biltrite Corporation, Chelsea, to burn 1.0% until 12/15/86. |
| | | 7/11/84 | 9/25/84 | 49 FR 37591 | 67 | James River Corporation, Hyde Park Mill, Boston to burn 2.2% until 3/25/87. |
| | | 2/8/85, 10/23/85 | 4/1/86 | 51 FR 11021 | 68 | Phillips Academy, Andover, MA to burn 2.2% until September 1, 1988. |
| | Interim sulfur-in-fuel limitations for fossil fuel utilities pending conversion to an alternative fuel or implementation of permanent energy conservation measures. | 2/19/86 | 8/12/86 | 51 FR 28814 | 70 | Mary Ellen McCormick and Malverick Family Development facilities in the Boston Housing Authority, Boston to burn 2.2% until February 12, 1989. |
| | | 5/12/86 | 11/25/86 | 51 FR 42565 | 71 | Mission Hill Extension Family Development facility, in the Boston Housing Authority, Boston, MA to burn 2.2% until May 25, 1989. |
| 310 CMR 7.19 ..... | $NO_X$ RACT ..... | 7/15/94 | 9/2/99 | 64 FR 48098 | 119 | $NO_X$ RACT regulations. |
| 310 CMR 7.19 ..... | $NO_X$ RACT ..... | 10/4/96 | 9/2/99 | 64 FR 48098 | 119 | Facility specific $NO_X$ RACT for Specialty Minerals, Incorporated. |
| 310 CMR 7.19 ..... | $NO_X$ RACT ..... | 12/2/96 | 9/2/99 | 64 FR 48098 | 119 | Facility specific $NO_X$ RACT for Monsanto Company's Indian Orchard facility. |
| 310 CMR 7.19 ..... | $NO_X$ RACT ..... | 4/16/99 | 9/2/99 | 64 FR 48098 | 119 | Facility specific $NO_X$ RACT for Turners Falls Limited Partnership/Indeck Energy Services Turners Falls, Inc., in Montague. |
| 310 CMR 7.19 ..... | $NO_X$ RACT ..... | 4/16/99 | 9/2/99 | 64 FR 48099 | 119 | Facility specific $NO_X$ RACT for Medusa Minerals Company in Lee. |
| 310 CMR 7.19 ..... | $NO_X$ RACT ..... | 4/16/99 | 9/2/99 | 64 FR 48099 | 119 | Approval of the replacement of section 310 CMR 7.19(1)(c)1, (1)(c)8, (2)(b), (3)(a), (3)(c)2, (4)(a)3.b, (7)(a)4, (9), (13)(a), (13)(a)3, (13)(a)9, and (13)(a)13. |
| 310 CMR 7.19 (2)(d). | Generic $NO_X$ bubbling and trading for RACT sources. | 3/29/95 | 8/8/96 | 61 FR 41338 | 112 | Adds credit creation option for $NO_X$ RACT sources. |
| 310 CMR 7.19 (2)(g). | Generic $NO_X$ bubbling and trading for RACT sources. | 3/29/95 | 8/8/96 | 61 FR 41338 | 112 | Adds credit use option for $NO_X$ RACT sources. |
| 310 CMR 7.19(13)(b). | Continuous Emissions Monitoring Systems. | 11/19/99 | 12/27/00 | 65 FR 81747 | 124 | revisions to regulatory language. |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| 310 CMR 7.19 (14) | Generic $NO_X$ bubbling for RACT sources. | 3/29/95 | 8/8/96 | 61 FR 41338 | 112 | Adds quantification, testing, monitoring, record keeping, reporting, and emission control plan requirements for averaging $NO_X$ RACT sources. |
| 310 CMR 7.24(5)(b)2. | Revision to gasoline volatility testing regulation. | 10/16/89 | 4/19/90 | 55 FR 14832 | 83 | |
| 310 CMR 7.24 ..... | U Organic Material Storage and Distribution. | 6/7/91, 11/13/92, 2/17/93 | 6/30/93 | 58 FR 34911 | 58 | Replacement of 310 CMR 7.24, 7.24(1), 7.24(2), 7.24(3), and 7.24(4). |
| 310 CMR 7.24(3) .. | Distribution of motor vehicle fuel. | 2/17/93 | 9/3/1999 | 64 FR 48304 | c(117) | Amends distribution of motor fuel requirements, applicability, record-keeping and testing requirements. |
| 310 CMR 7.24(6) .. | ''Dispensing of Motor Vehicle Fuel'' (Stage II). | 05/17/90, 06/07/91 | 12/14/92 | 57 FR 58996 | 97 | |
| 310 CMR 7.24(6) .. | Dispensing of motor vehicle fuel. | 2/17/93 | 9/15/93 | 58 FR 48318 | 98 | Previous version of rule approved as strengthening the Massachusetts SIP. Revised rule being approved as meeting the Clean Air Act requirements. |
| 310 CMR 7.24(6) .. | Dispensing Motor Vehicle Fuel. | 08/09/00 09/11/00 | 12/18/00 | 65 FR 78976 | 116 | Rule revised to include annual compliance testing and certification. |
| 310 CMR 7.24(8) .. | Marine Volatile Organic Liquid Transfer. | 10/17/97 | 4/11/00 | 65 FR 19326 | 115 | |
| 310 CMR 7.25 ..... | Best available controls for consumer and commercial products. | 11/18/94 | 12/19/95 | 60 FR 65242 | 108 | Includes architectural & industrial maintenance coatings. |
| 310 CMR 7.25 ..... | Best Available Controls for Consumer and Commercial Products. | 7/30/96 | 4/11/00 | 65 FR 19327 | 115 | Definition of ''waterproofing sealer'' revised. |
| 310 CMR 7.27 ..... | $NO_X$ Allowance Program. | 12/19/97 | 6/2/99 | 64 FR 29569 | (c)(118) | Approval of NOx cap and allowance trading regulations |
| | | 11/19/99 | 12/27/00 | 65 FR 81747 | 124 | adding paragraphs 7.27(6)(m), 7.27(9)(b), 7.27(11)(o), 7.27(11)(p) and 7.27(15)(e). |
| 310 CMR 7.28 ..... | $NO_X$ Allowance Trading Program. | January 7, 2000 | 12/27/00 | 65 FR 81747 | 124 | |
| 310 CMR 7.28 ..... | $NO_X$ Allowance Trading Program. | 03/30/07 | 12/3/07 | 72 FR 67854 | 135 | |
| ..... | ..... | 03/30/07 | 12/3/07 | 72 FR 67854 | 135 | Massachusetts Regulation Filing, dated April 19, 2007, sub-stantiating May 4, 2007, State effective date for amended 310 CMR 7.28 ''$NO_X$ Allowance Trading Program.'' |
| 310 CMR 7.30 ..... | Massport/Logan Airport Parking Freeze. | 12/26/00 | March 12, 2001 | 66 FR 14319 | 130 | Applies to the parking of motor vehicles on Massport property. |
| 310 CMR 7.31 ..... | City of Boston/East Boston Parking Freeze. | 12/26/00 | March 12, 2001 | 66 FR 14319 | 130 | Applies to the parking of motor vehicles within the area of East Boston. |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| 310 CMR 7.32 ..... | Massachusetts Clean Air Interstate Rule (Mass CAIR). | 03/30/07 | 12/3/07 | 72 FR 67854 | 135 | |
| ..... | ..... | 03/30/07 | 12/3/07 | 72 FR 67854 | 135 | Mass-achusetts Regulation Filing, dated April 19, 2007, sub-stantiating May 4, 2007, State effective date for adopted 310 CMR 7.32 " Massachusetts Clean Air Interstate Rule (Mass CAIR)." |
| 310 CMR 7.33 ..... | City of Boston/South Boston Parking Freeze. | 7/30/93 | 10/15/96 | 61 FR 53633 | 111 | Applies to the parking of motor vehicles within the area of South Boston, including Massport property in South Boston. |
| 310 CMR 7.36 ..... | Transit system improvements regulations. | 12/9/91 | 10/4/94 | 59 FR 50498 | 101 | Transit system improvement regulation for Boston metropolitan area. |
| 310 CMR 7.36 ..... | Transit system improvements regulation. | 12/13/06 | 07/31/08 | 73 FR 44654 | 136 | Amendments to Transit System Improvements Regulation. |
| | ..... | 12/13/06 | 07/31/08 | 73 FR 44654 | 136 | Massachusetts Regulation Filing, dated November 16, 2006, substantiating December 1, 2006, State effective date for amended 310 CMR 7.36 entitled "Transit System Improvements." |
| 310 CMR 7.37 ..... | High occupancy vehicle lanes regulation. | 12/9/91 | 10/4/94 | 59 FR 50498 | 101 | High occupancy vehicle lanes regulation for Boston metropolitan area. |
| 310 CMR 7.38 ..... | Tunnel vent certification regulation. | 1/30/91 | 10/8/92 | 57 FR 46312 | 96 | Tunnel ventilation certification regulation for Boston metropolitan area. |
| 310 CMR 7.38 ..... | Tunnel vent certification regulation. | 7/12/06 | 2/15/08 | 73 FR 8818 | 134 | Amendments to Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District. |
| | | 7/12/06 | 2/15/08 | 73 FR 8818 | 134 | Massachusetts Regulation Filing, dated December 13, 2005, substantiating December 30, 2005, State effective date for amended 310 CMR 7.38 "Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District." |
| 310 CMR 7.40 ..... | Low emission vehicle | 11/15/93<br>05/11/94 | 2/1/95 | 60 FR 6030 | 103 | Substitute for CFFP. |
| 310 CMR 7.40 ..... | Low Emission Vehicle Program. | 12/24/99 | 12/23/02 | 67 FR 78181 | 132 | "Low Emission Vehicle Program" (LEV II) except for 310 CMR 7.40(2)(a)5, 310 CMR 7.40(2)(a)6, 310 CMR 7.40(2)(c)3, 310 CMR 7.40(10), and 310 CMR 7.40(12) |

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

| State citation | Title/subject | Date submitted by State | Date approved by EPA | FEDERAL REGISTER citation | 52.1120(c) | Comments/unapproved sections |
|---|---|---|---|---|---|---|
| 310 CMR 7.50 ..... | Variances, regulations for control of air pollution in the six MA APCDs. | 9/14/74 | 10/8/76 | 41 FR 44395 | 7 | |
| | | 9/14/74 | 2/4/77 | 42 FR 6812 | 7 | Correction. |
| 310 CMR 7.51 ..... | Hearings relative to orders and approvals. | 8/28/72 | 10/28/72 | 37 FR 23085 | 4 | |
| 310 CMR 7.52 ..... | Enforcement provisions. | 8/28/72 | 10/28/72 | 37 FR 23085 | 4 | |
| 310 CMR 8 ..... | Regulations for the prevention and/or abatement of air pollution episode and air pollution incident emergencies. | 2/22/72 | 10/28/72 | 37 FR 23085 | 1 | |
| | | 12/30/76 | 9/2/77 | 42 FR 44235 | 12 | Changes significant harm and alert levels. |
| 310 CMR 8.02 ..... | Definitions ..... | 7/25/90 | 10/04/02 | 67 FR 62187 | 120 | Add a definition of PM10. |
| 310 CMR 8.03 ..... | Criteria ..... | 7/25/90 | 10/04/02 | 67 FR 62187 | 120 | Make PM10 the particulate criteria for determining emergeny episodes. |
| 310 CMR 60.02 .... | Regulations for the enhanced Motor Vehicle Inspection and Maintenance Program. | 5/14/99 | 11/15/00 | 65 FR 68900 | 122 | Replaces requirements for I/M tests with enhanced I/M test requirements. |
| 540 CMR 4.00 ..... | Periodic Annual Staggered Safety and Emissions Inspection of Motor Vehicles. | 5/13/99 | 11/15/00 | 65 FR 68900 | 122 | Revises Requirements for Inspections and Enforcement of I/M Program |

NOTES:
1. This table lists regulations adopted as of 1972. It does not depict regulatory requirements which may have been part of the Federal SIP before this date.
2. The regulations are effective statewide unless stated otherwise in comments or title section.

[49 FR 49454, Dec. 20, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1167, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1168 Certification of no sources.

The Commonwealth of Massachusetts has certified to the satisfaction of EPA that no sources are located in the Commonwealth which are covered by the following Control Techniques Guidelines:

(a) Large Petroleum Dry Cleaners.

(b) Natural Gas/Gasoline Processing Plants.

(c) Air Oxidation Processes/SOCMI.

(d) Polypropylene/Polyethylene Manufacturing.

[52 FR 32792, Aug. 31, 1987]

### § 52.1168a Part D—Disapproval of Rules and Regulations.

On December 30, 1985, the Massachusetts Department of Environmental Quality Engineering (DEQE) submitted a revision to the Massachusetts State Implementation Plan (SIP) for the automobile surface coating regulation. This revision requested an extension of the final compliance dates to implement reasonably available control technology (RACT) on topcoat and final repair applications. As a result of EPA's disapproval of this revision, the existing compliance date of December 31, 1985 specified in the automobile surface coating regulation contained in

the Massachusetts SIP will remain in effect (Massachusetts Regulation 310 CMR 7.18(7) as approved by EPA and codified at 40 CFR 52.1120(c)(30) and (53)).

[53 FR 36014, Sept. 16, 1988]

### § 52.1169 Stack height review.

The Commonwealth of Massachusetts 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 technique as defined in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on April 8, 1986. The commonwealth has further declared in a letter from Bruce K. Maillet, dated June 24, 1986, that, ''[A]s part of our new source review activities under the Massachusetts SIP and our delegated PSD authority, the Department of Environmental Quality Engineering will follow EPA's stack height regulations, as revised in the FEDERAL REGISTER on July 8, 1985 (50 FR 27892).'' Thus, the Commonwealth has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

[52 FR 49407, Dec. 31, 1987]

## Subpart X—Michigan

### § 52.1170 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Michigan 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 August 1, 2006, 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 the EPA approval dates after August 1, 2006, 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 August 1, 2006.

(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.*

EPA-APPROVED MICHIGAN REGULATIONS

| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **Annual Reporting** | | | | |
| R 336.202 | Annual reports | 11/11/86 | 3/8/94, 59 FR 10752. | |

EPA-APPROVED MICHIGAN REGULATIONS—Continued

| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **Part 1. General Provisions** | | | | |
| R 336.1101 | Definitions; A | 4/27/93 | 9/7/94, 59 FR 46182. | Only: actual emissions, air-dried coating, air quality standard, allowable emissions, and alternate opacity. |
| | | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1102 | Definitions; B | 5/27/02 | 2/24/03, 68 FR 8550. | |
| R 336.1103 | Definitions; C | 4/27/93 | 9/7/94, 59 FR 46182. | Only: coating category, calendar day, class II hardboard paneling finish, coating line, coating of automobiles and light duty trucks, coating of fabric, coating of large appliances, coating of paper, coating of vinyl, component, component in field gas service, component in gaseous volatile organic compound service, component in heavy liquid service, component in light liquid service, component in liquid volatile organic compound service, condenser, conveyorized vapor degreaser, and creditable. |
| | | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1104 | Definitions; D | 5/27/02 | 2/24/03, 68 FR 8550. | |
| R 336.1105 | Definitions; E | 5/27/02 | 2/24/03, 68 FR 8550. | |
| R 336.1106 | Definitions; F | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1107 | Definitions; G | 5/27/02 | 2/24/03, 68 FR 8550. | |
| R 336.1108 | Definitions; H | 5/27/02 | 2/24/03, 68 FR 8550. | |
| R 336.1109 | Definitions; I | 8/21/81 | 7/26/82, 47 FR 32116. | |
| R 336.1112 | Definitions; L | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1113 | Definitions; M | 5/27/02 | 2/24/03, 68 FR 8550. | |
| R 336.1114 | Definitions; N | 8/21/81 | 7/26/82, 47 FR 32116. | |
| R 336.1115 | Definitions; O | 8/21/81 | 7/26/82, 47 FR 32116. | |
| R 336.1116 | Definitions; P | 4/27/93 | 9/7/94, 59 FR 46182. | Only: packaging rotogravure printing, printed interior panel, process unit turnaround, publication rotogravure printing, and pushside Removed: pneumatic rubber tire manufacturing. |
| | | 2/22/85 | 6/11/92, 57 FR 24752. | All except pneumatic rubber tire manufacturing, which was removed 9/7/94. |
| R 336.1118 | Definitions; R | 5/27/02 | 2/24/03, 68 FR 8550. | |
| R 336.1119 | Definitions; S | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1120 | Definitions; T | 5/27/02 | 2/24/03, 68 FR 8550. | |

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| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| R 336.1121 | Definitions; U | 4/20/89 | 9/15/94, 59 FR 47254. | |
| R 336.1122 | Definitions; V | 3/13/03 | 2/9/04, 69 FR 5932. | |
| R 336.1123 | Definitions; W | 8/21/81 | 7/26/82, 47 FR 32116. | |
| R 336.1127 | Terms defined in the act | 1/18/80 | 5/6/80, 45 FR 29790. | |
| **Part 2. Air Use Approval** | | | | |
| R 336.1201 | Permits to install | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1202 | Waivers of approval | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1203 | Information required | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1204 | Authority of agents | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1206 | Processing of applications for other facilities. | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1207 | Denial of permits to install | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1208 | Permits to operate | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1220 | Construction of sources of volatile organic compounds in ozone nonattainment areas; conditions for approval. | 8/21/81 | 1/27/82, 47 FR 3764. | |
| R 336.1221 | Construction of sources of particulate matter, sulfur dioxide, or carbon monoxide in or near nonattainment areas; conditions for approval. | 7/17/80 | 1/12/82, 47 FR 1292. | |
| R 336.1240 | Required air quality models | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1241 | Air quality modeling demonstration requirements. | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1280 | Permit system exemptions; cooling and ventilation equipment. | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1281 | Permit system exemptions; cleaning, washing and drying equipment. | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1282 | Permit system exemptions; cooling and ventilation equipment. | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1283 | Permit system exemptions; testing and inspection equipment. | 7/17/80 | 8/28/81, 46 FR 43422. | |
| R 336.1284 | Permit system exemptions; containers. | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1285 | Permit system exemptions; miscellaneous. | 1/18/80 | 5/6/80, 45 FR 29790. | |
| **Part 3. Emission Limitations and Prohibitions—Particulate Matter** | | | | |
| R 336.1301 | Standards for density of emissions. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1303 | Grading visible emissions | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1310 | Open burning | 2/3/99 | 6/28/02, 67 FR 43548. | |
| R 336.1330 | Electrostatic precipitation control systems. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1331 | Emissions of particulate matter. | 3/19/02 | 6/1/06, 71 FR 31093. | All except Table 31, section C.8. |
| | | 1/18/80 | 5/22/81, 46 FR 27923. | Only Table 31 Section C.7, preheater equipment. |

EPA-APPROVED MICHIGAN REGULATIONS—Continued

| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| R 336.1349 | Coke oven compliance date | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1350 | Emissions from larry-car charging of coke ovens. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1351 | Charging hole emissions from coke ovens. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1352 | Pushing operation fugitive emissions from coke ovens. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1353 | Standpipe assembly emissions during coke cycle from coke ovens. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1354 | Standpipe assembly emissions during decarbonization from coke ovens. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1355 | Coke oven gas collector main emissions from slot-type coke ovens. | 1/18/80 | 5/55/81, 46 FR 27923. | |
| R 336.1356 | Coke oven door emissions from coke ovens; doors that are 5 meters or shorter. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1357 | Coke oven door emissions from coke oven doors; doors that are taller than 5 meters. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1358 | Roof monitor visible emissions at steel manufacturing facilities from electric arc furnaces and blast furnaces. | 4/30/98 | 6/1/06, 71 FR 31093. | |
| R 336.1359 | Visible emissions from scarfer operation stacks at steel manufacturing facilities. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1360 | Visible emissions from coke oven push stacks. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1361 | Visible emissions from blast furnace casthouse operations at steel manufacturing facilities. | 4/30/98 | 6/1/06, 71 FR 31093. | |
| R 336.1362 | Visible emissions from electric arc furnace operations at steel manufacturing facilities. | 4/30/98 | 6/1/06, 71 FR 31093. | |
| R 336.1363 | Visible emissions from argon-oxygen decarburization operations at steel manufacturing facilities. | 4/30/98 | 6/1/06, 71 FR 31093. | |
| R 336.1364 | Visible emissions from basic oxygen furnace operations. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1365 | Visible emissions from hot metal transfer operations at steel manufacturing facilities. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1366 | Visible emissions from hot metal desulphurization operations at steel manufacturing facilities. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1367 | Visible emissions from sintering operations. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.1370 | Collected air contaminants | 2/17/81 | 11/15/82, 47 FR 51398. | |
| R 336.1371 | Fugitive dust control programs other than areas listed in Table 36. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1372 | Fugitive dust control program; required activities; typical control methods. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1374 | Particulate matter contingency measures: Areas listed in Table 37. | 3/19/02 | 6/1/06, 71 FR 31093. | |

EPA-APPROVED MICHIGAN REGULATIONS—Continued

| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **Part 4. Emission Limitations and Prohibitions—Sulfur-Bearing Compounds** | | | | |
| R 336.1401 | Emissions of sulfur dioxide from power plants. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1402 | Emission of sulfur dioxide from fuel-burning sources other than power plants. | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 336.1403 | Oil- and natural gas-producing or transporting facilities and natural gas-processing facilities; emissions; operation. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1404 | Emissions of sulfuric acid mist from sulfuric acid plants. | 1/18/80 | 5/6/80, 45 FR 29790. | |
| **Part 6. Emission Limitations and Prohibitions—Existing Sources of Volatile Organic Compound Emissions** | | | | |
| R 336.1601 | Definitions | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1602 | General provisions for existing sources of volatile organic compound emissions. | 4/10/00 | 6/28/02, 67 FR 43548. | |
| R 336.1604 | Storage of organic compounds having a true vapor pressure of more than 1.5 psia, but less than 11 psia, in existing fixed roof stationary vessels of more than 40,000 gallon capacity. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1605 | Storage of organic compounds having a true vapor pressure of 11 or more psia in existing stationary vessels of more than 40,000 gallon capacity. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1606 | Loading gasoline into existing stationary vessels of more than 2,000 gallon capacity at dispensing facilities handling 250,000 gallons per year. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1607 | Loading gasoline into existing stationary vessels of more than 2,000 capacity at loading facilities. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1608 | Loading gasoline into existing delivery vessels at loading facilities handling less than 5,000,000 gallons per year. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1609 | Loading existing delivery vessels with organic compounds having a true vapor pressure of more than 1.5 psia at existing loading facilities handling 5,000,000 or more gallons of such compounds per year. | 4/20/89 | 9/15/94, 59 FR 47254. | |
| R 336.1610 | Existing coating lines; emission of volatile organic compounds from existing automobile, light-duty truck, and other product and material coating lines. | 4/27/93 | 9/7/94, 59 FR 46182. | |
| R 336.1611 | Existing cold cleaners | 6/13/97 | 7/21/99, 64 FR 39034. | |
| R 336.1612 | Existing open top vapor degreasers. | 6/13/97 | 7/21/99, 64 FR 39034. | |
| R 336.1613 | Existing conveyorized cold cleaners. | 6/13/97 | 7/21/99, 64 FR 39034. | |
| R 336.1614 | Existing conveyorized vapor degreasers. | 6/13/97 | 7/21/99, 64 FR 39034. | |

EPA-APPROVED MICHIGAN REGULATIONS—Continued

| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| R 336.1615 | Existing vacuum-producing system at petroleum refineries. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1616 | Process unit turnarounds at petroleum refineries. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1617 | Existing organic compound-water separators at petroleum refineries. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1618 | Use of cutback paving asphalt | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1619 | Perchloroethylene; emission from existing dry cleaning equipment; disposal. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1620 | Emission of volatile organic compounds from the coating of flat wood paneling from existing coating lines. | 4/27/93 | 9/7/94, 59 FR 46182. | |
| R 336.1621 | Emission of volatile organic compounds from the coating of metallic surfaces from existing coating lines. | 4/27/93 | 9/7/94, 59 FR 46182. | |
| R 336.1622 | Emission of volatile organic compound from existing component of a petroleum refinery; refinery monitoring program. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1623 | Storage of petroleum liquids having a true vapor pressure of more than 1.0 psia but less than 11.0 psia, in existing external floating roof stationary vessels of more than 40,000 gallon capacity. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1624 | Emission of volatile organic compound from an existing graphic arts line. | 11/18/93 | 9/7/94, 59 FR 46182. | |
| R 336.1625 | Emission of volatile organic compound from existing equipment utilized in the manufacturing of synthesized pharmaceutical products. | 11/30/00 | 6/1/06, 71 FR 31093. | |
| R 336.1627 | Delivery Vessels; Vapor Collection Systems. | 2/22/06 | 8/3/07, 72 FR 43169. | |
| R 336.1628 | Emission of volatile organic compounds from components of existing process equipment used in manufacturing synthetic organic chemicals and polymers. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1629 | Emission of volatile organic compounds from components of existing process equipment used in processing natural gas; monitoring program. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1630 | Emission of volatile organic compounds from existing paint manufacturing processes. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1631 | Emission of volatile organic compounds from existing process equipment utilized in manufacture of polystyrene of other organic resins. | 3/19/02 | 6/1/06, 71 FR 31093. | |

EPA-APPROVED MICHIGAN REGULATIONS—Continued

| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| R 336.1632 | Emission of volatile organic compounds form existing automobile, truck, and business machine plastic part coating lines. | 4/27/93 | 9/7/94, 59 FR 46182. | |
| R 336.1651 | Standards for degreasers | 6/13/97 | 7/21/99, 64 FR 39034. | |
| R 336.1660 | Standards for Volatile Organic Compounds Emissions from Consumer Products. | 10/3/07 | 5/22/09, 74 FR 23952. | |
| R 336.1661 | Definitions for Consumer Products. | 11/3/07 | 5/22/09, 74 FR 23952. | |
| **Part 7. Emission Limitations and Prohibitions—New Sources of Volatile Organic Compound Emissions** | | | | |
| R 336.1702 | General provisions for new sources of volatile organic compound emissions. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1705 | Loading gasoline into delivery vessels at new loading facilities handling less than 5,000,000 gallons per year. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1706 | Loading delivery vessels with organic compounds having a true vapor pressure of more than 1.5 psia at new loading facilities handling 5,000,000 or more gallons of such compounds per year. | 6/13/97 | 7/21/99, 64 FR 39034. | |
| R 336.1707 | New cold cleaners | 6/13/97 | 7/21/99, 64 FR 39034. | |
| R 336.1708 | New open top vapor degreasers. | 6/13/97 | 7/21/99, 64 FR 39034. | |
| R 336.1709 | New conveyorized cold cleaners. | 6/13/97 | 7/21/99, 64 FR 39034. | |
| R 336.1710 | New conveyorized vapor degreasers. | 6/13/97 | 7/21/99, 64 FR 39034. | |
| **Part 8. Emission Limitations and Prohibitions—Oxides of Nitrogen** | | | | |
| R 336.1801 | Emission of oxides of nitrogen from non-sip call stationary sources. | 5/28/09 | 8/18/09. 74 FR 41637. | |
| R 336.1802 | Applicability under oxides of nitrogen budget trading program. | 5/20/04 | 12/23/04, 69 FR 76848. | |
| R 336.1802a | Adoption by reference | 5/28/09 | 8/18/09, 74 FR 41637.. | |
| R 336.1803 | Definitions | 5/28/09 | 8/18/09, 74 FR 41637.. | |
| R 336.1804 | Retired unit exemption from oxides of nitrogen budget trading program. | 5/20/04 | 12/23/04, 69 FR 76848. | |
| R 336.1805 | Standard requirements of oxides of nitrogen budget trading program. | 12/4/02 | 12/23/04, 69 FR 76848. | |
| R 336.1806 | Computation of time under oxides of nitrogen budget trading program. | 12/4/02 | 12/23/04, 69 FR 76848. | |
| R 336.1807 | Authorized account representative under oxides of nitrogen budget trading program. | 12/4/02 | 12/23/04, 69 FR 76848. | |
| R 336.1808 | Permit requirements under oxides of nitrogen budget trading program. | 12/4/02 | 12/23/04, 69 FR 76848. | |
| R 336.1809 | Compliance certification under oxides of nitrogen budget trading program. | 12/4/02 | 12/23/04, 69 FR 76848. | |

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| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| R 336.1810 | Allowance allocations under oxides of nitrogen budget trading program. | 12/4/02 | 12/23/04, 69 FR 76848. | |
| R 336.1811 | New source set-aside under oxides of nitrogen budget trading program. | 5/20/04 | 12/23/04, 69 FR 76848. | |
| R 336.1812 | Allowance tracking system and transfers under oxides of nitrogen budget trading program. | 12/4/02 | 12/23/04, 69 FR 76848. | |
| R 336.1813 | Monitoring and reporting requirements under oxides of nitrogen budget trading program. | 12/4/02 | 12/23/04, 69 FR 76848. | |
| R 336.1814 | Individual opt-ins under oxides of nitrogen budget trading program. | 12/4/02 | 12/23/04, 69 FR 76848. | |
| R 336.1815 | Allowance banking under oxides of nitrogen budget trading program. | 12/4/02 | 12/23/04, 69 FR 76848. | |
| R 336.1816 | Compliance supplement pool under oxides of nitrogen budget trading program. | 12/4/02 | 12/23/04, 69 FR 76848. | |
| R 336.1817 | Emission limitations and restrictions for Portland cement kilns. | 12/4/02 | 12/23/04, 69 FR 76848. | |
| R 336.1818 | Emission limitations for stationary internal combustion engines. | 11/20/06 | 1/29/08, 73 FR 5101. | |
| R 336.1821 | CAIR $NO_X$ ozone and annual trading programs; applicability determinations. | 5/28/09 | 8/18/09, 74 FR 41637.. | |
| R 336.1822 | CAIR $NO_X$ ozone season trading program; allowance allocations. | 5/28/09 | 8/18/09, 74 FR 41637.. | |
| R 336.1823 | New EGUs, new non-EGUs, and newly affected EGUs under CAIR $NO_X$ ozone season trading program; allowance allocations. | 5/28/09 | 8/18/09, 74 FR 41637.. | |
| R 336.1824 | CAIR $NO_X$ ozone season trading program; hardship set-aside. | 6/25/07 | 8/18/09, 74 FR 41637.. | |
| R 336.1825 | CAIR $NO_X$ ozone season trading program; renewable set-aside. | 6/25/07 | 8/18/09, 74 FR 41637.. | |
| R 336.1826 | CAIR $NO_X$ ozone season trading program; opt-in provisions. | 6/25/07 | 8/18/09, 74 FR 41637.. | |
| R 336.1830 | CAIR $NO_X$ annual trading program; allowance allocations. | 5/28/09 | 8/18/09, 74 FR 41637.. | |
| R 336.1831 | New EGUs under CAIR $NO_X$ annual trading program; allowance allocations. | 5/28/09 | 8/18/09, 74 FR 41637.. | |
| R 336.1832 | CAIR $NO_X$ annual trading program; hardship set-aside. | 5/28/09 | 8/18/09, 74 FR 41637.. | |
| R 336.1833 | CAIR $NO_X$ annual trading program; compliance supplement pool. | 5/28/09 | 8/18/09, 74 FR 41637.. | |
| R 336.1834 | Opt-in provisions under the CAIR $NO_X$ annual trading program. | 6/25/07 | 8/18/09, 74 FR 41637.. | |
| **Part 9. Emission Limitations and Prohibitions—Miscellaneous** | | | | |
| R 339.1901 | Air contaminant or water vapor, when prohibited. | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 339.1906 | Diluting and concealing emissions. | 3/19/02 | 6/1/06, 71 FR 31093. | |

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| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| R 339.1910 | Air-cleaning devices | 1/18/80 | 5/6/80, 45 FR 29790. | |
| R 339.1911 | Malfunction abatement plans | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.1912 | Abnormal conditions, start-up, shutdown, and malfunction of a source, process, or process equipment, operating, notification, and reporting requirements. | 7/26/95, as corrected 6/1/07 | 10/26/07, 72 FR 60783. | |
| R 339.1915 | Enforcement discretion in instances of excess emission resulting from malfunction, start-up, or shutdown. | 5/27/02 | 2/24/03, 68 FR 8550. | |
| R 339.1916 | Affirmative defense for excess emissions during start-up or shutdown. | 5/27/02 | 2/24/03, 68 FR 8550. | |
| R 339.1930 | Emission of carbon monoxide from ferrous cupola operations. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| **Part 10. Intermittent Testing and Sampling** | | | | |
| R 336.2001 | Performance tests by owner | 3/19/02 | 6/1/06, 71 FR 31093, 6/1/06 71 FR 31093. | |
| R 336.2002 | Performance tests by commission. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.2003 | Performance test criteria | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.2004 | Appendix A; reference test methods; adoption of federal reference test methods. | 2/22/06 | 8/3/07, 72 FR 43169. | |
| R 336.2005 | Reference test methods for state-requested tests of delivery vessels. | 2/22/06 | 8/3/07, 72 FR 43169. | |
| R 336.2006 | Reference test method serving as alternate version of federal reference test method 25 by incorporating Byron analysis. | 4/27/93 | 9/7/94, 59 FR 46182. | |
| R 336.2007 | Alternate version of procedure L, referenced in R 336.2040(10). | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.2011 | Reference test method 5B | 4/29/05 | 6/1/06, 71 FR 31093. | |
| R 336.2012 | Reference test method 5C | 10/15/04 | 6/1/06, 71 FR 31093. | |
| R 336.2013 | Reference test method 5D | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.2014 | Reference test method 5E | 10/15/04 | 6/1/06, 71 FR 31093. | |
| R 336.2021 | Figures | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.2030 | Reference test method 9A | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.2031 | Reference test method 9B | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.2032 | Reference test method 9C | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.2033 | Test methods for coke oven quench towers. | 2/22/85 | 6/11/92, 57 FR 24752. | |
| R 336.2040 | Method for determination of volatile organic compound emissions from coating lines and graphic arts lines. | 3/19/02 | 6/1/06, 71 FR 31093. | All except sections (9) and (10). |
| R 336.2041 | Recording requirements for coating lines and graphic arts lines. | 4/27/93 | 9/7/94, 59 FR 46182. | |

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| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **Part 11. Continuous Emission Monitoring** | | | | |
| R 336.2101 | Continuous emission monitoring, fossil fuel-fired steam generators. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.2102 | Continuous emission monitoring, sulfuric acid-producing facilities. | 1/18/80 | 11/2/88, 53 FR 44189. | |
| R 336.2103 | Continuous emission monitoring, fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries. | 1/18/80 | 11/2/88, 53 FR 44189. | |
| R 336.2150 | Performance specifications for continuous emission monitoring systems. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.2151 | Calibration gases for continuous emission monitoring systems. | 1/18/80 | 11/2/88, 53 FR 44189. | |
| R 336.2152 | Cycling time for continuous emission monitoring systems. | 1/18/80 | 11/2/88, 53 FR 44189. | |
| R 336.2153 | Zero and drift for continuous emission monitoring systems. | 1/18/80 | 11/2/88, 53 FR 44189. | |
| R 336.2154 | Instrument span for continuous emission monitoring systems. | 1/18/80 | 11/2/88, 53 FR 44189. | |
| R 336.2155 | Monitor location for continuous emission monitoring systems. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.2159 | Alternative continuous emission monitoring systems. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.2170 | Monitoring data reporting and recordkeeping. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.2175 | Data reduction procedures for fossil fuel-fired steam generators. | 11/15/04 | 6/1/06, 71 FR 31093. | |
| R 336.2176 | Data reduction procedures for sulfuric acid plants. | 1/18/80 | 11/2/88, 53 FR 44189. | |
| R 336.2189 | Alternative data reporting or reduction procedures. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.2190 | Monitoring System Malfunctions. | 3/19/02 | 6/1/06, 71 FR 31093. | |
| R 336.2199 | Exemptions from continuous emission monitoring requirements. | 1/18/80 | 11/2/88, 53 FR 44189. | All except section (c). |
| **Part 16. Organization, Operation and Procedures** | | | | |
| R 336.2606 | Declaratory rulings requests .. | 1/18/80 | 11/2/88, 53 FR 44189. | |
| R 336.2607 | Consideration and disposition of declaratory rulings requests. | 1/18/80 | 11/2/88, 53 FR 44189. | |
| **Part 17. Hearings** | | | | |
| R 336.2701 | Procedures from Administrative Procedures Act. | 4/10/00 | 6/28/02, 67 FR 43548. | |
| R 336.2702 | Service of notices and orders; appearances. | 4/10/00 | 6/28/02, 67 FR 43548. | |
| R 336.2704 | Hearing commissioner's hearings. | 1/18/80 | 11/2/88, 53 FR 44189. | |
| R 336.2705 | Agency files and records, use in connection with hearings. | 1/18/80 | 11/2/88, 53 FR 44189. | |
| R 336.2706 | Commission hearings after hearing commissioner hearings. | 1/18/80 | 11/2/88, 53 FR 44189. | |

EPA-APPROVED MICHIGAN REGULATIONS—Continued

| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **Executive Orders** | | | | |
| 1991–31 | Commission of Natural Resources, Department of Natural Resources, Michigan Department of Natural Resources, Executive Reorganization. | 1/7/92 | 11/6/97, 62 FR 59995. | Introductory and concluding words of issuance; Title I: General, Part A Sections 1, 2, 4 & 5 and Part B; Title III: Environmental Protection, Part A Sections 1 & 2 and Part D; Title IV: Miscellaneous, Parts A & B, Part C Sections 1, 2 & 4 and Part D. |
| 1995–18 | Michigan Department of Environmental Quality, Michigan Department of Natural Resources, Executive Reorganization. | 9/30/95 | 11/6/97, 62 FR 59995. | Introductory and concluding words of issuance; Paragraphs 1, 2, 3(a) & (g), 4, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, and 18. |
| **State Statutes** | | | | |
| Act 250 of 1965, as amended | Tax Exemption Act | 1972 | 5/31/72, 37 FR 10841. | |
| Act 348 of 1965, as amended | Air Pollution Act | 1972 | 5/31/72, 37 FR 10841. | |
| Act 348 of 1965, as amended | Air Pollution Act | 1986 | 2/17/88, 53 FR 4622. | Only section 7a. |
| Act 348 of 1965, as amended | Air Pollution Act | 1990 | 3/8/94, 59 FR 10752. | Only sections 5 and 14a. |
| Act 127 of 1970 | Michigan Environmental Protection Act. | 7/27/70 | 5/31/72, 37 FR 10841. | |
| Act 283 of 1964, as amended | Weights and Measures Act | 8/28/64 | 5/5/97, 62 FR 24341. | Only chapter 290, sections 613 and 615. |
| Act 44 of 1984, as amended | Michigan Motor Fuels Quality Act. | 11/13/93 | 5/5/97, 62 FR 24341. | Only chapter 290, sections 642, 643, 645, 646, 647, and 649. |
| Act 12 of 1993 | Small Business Clean Air Assistance Act. | 4/1/93 | 6/3/94, 59 FR 28785. | |
| Act 451 of 1994, as amended | Natural Resources and Environmental Protection Act. | 3/30/95 | 2/10/98, 63 FR 6650. | Only sections 324.5524 and 324.5525. |
| House Bill 4165 | Motor Vehicle Emissions Inspection and Maintenance Program Act. | 11/13/93 | 2/21/96, 61 FR 31831. | |
| House Bill 4898 | An Act to amend section 3 of Act 44 of 1984. | 11/13/93 | 10/11/94, 59 FR 51379. | |
| House Bill 5016 | Motor Vehicle Emissions Testing Program Act. | 11/13/93 | 3/7/95, 60 FR 12459. | |
| House Bill 5508 | Amendment to Motor Fuels Quality Act, Act 44 of 1984. | 4/06/06 | 3/2/07, 72 FR 4432. | |
| Senate Bill 726 | An Act to amend sections 2, 5, 6, 7, and 8 of Act 44 of 1984. | 11/13/93 | 9/7/94, 59 FR 46182. | |
| **Local Regulations** | | | | |
| City of Grand Rapids Ordinance 72–34. | City of Grand Rapids Air Pollution Control Regulations. | 1972 | 5/31/72, 57 FR 10841. | Ordinance amends sections 9.35 and 9.36 of article 4, Chapter 151 Title IX of the Code of the City of Grand Rapids. |
| Muskegon County Air Pollution Control Rules. | Muskegon County Air Pollution Control Rules and Regulations, as amended. | 3/27/73 | 5/16/84, 49 FR 20650. | Only article 14, section J. |
| Wayne County Air Pollution Control Regulations. | Wayne County Air Pollution Control Regulations. | 3/20/69 | 5/16/80, 45 FR 29790. | |
| Wayne County variance | Minutes from 1981 board meeting. | 9/18/81 | 5/16/80, 45 FR 29790. | |

EPA-APPROVED MICHIGAN REGULATIONS—Continued

| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Wayne County Air Pollution Control Ordinance. | Wayne County Air Pollution Control Ordinance. | 11/18/85 | 5/13/93, 58 FR 28359. | Only: chapters 1, 2, 3, 5 (except for the portions of section 501 which incorporate by reference the following parts of the state rules: the quench tower limit in R 336.1331, Table 31, section C.8; the deletion of the limit in R 336.1331 for coke oven coal preheater equipment; and R 336.1355), 8 (except section 802), 9, 11, 12, 13, and appendices A and D. |
| **Part 18. Prevention of Significant Deterioration of Air Quality** | | | | |
| R 336.2801 | Definitions | December 4, 2006 | March 25, 2010, 75 FR 14352. | All sections except for (j) and (ff), [reserved in original rule]. |
| R 336.2801 | Definitions | September 11, 2008 | March 25, 2010, 75 FR 14352. | Sections (hh) and (r)(ii). |
| R 336.2801 | Definitions | September 11, 2008 | September 27, 2010, 75 FR 59081. | Section (ee). |
| R 336.2802 | Applicability | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2803 | Ambient Air Increments | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2804 | Ambient Air Ceilings | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2805 | Restrictions on Area Classifications. | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2806 | Exclusions from Increment Consumption. | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2807 | Redesignation | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2808 | Stack Heights | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2809 | Exemptions | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2810 | Control Technology Review | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2811 | Source Impact Analysis | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2812 | Air Quality Models | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2813 | Air Quality Analysis | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2814 | Source Information | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2815 | Additional Impact Analyses | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2817 | Public Participation | December 4, 2006 | March 25, 2010, 75 FR 14352. | |

EPA-APPROVED MICHIGAN REGULATIONS—Continued

| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| R 336.2818 | Source Obligation | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2818 | Source Obligation | September 11, 2008 | September 27, 2010, 75 FR 59081. | Section (3). |
| R 336.2819 | Innovative Control Technology. | December 4, 2006 | March 25, 2010, 75 FR 14352. | |
| R 336.2823 | Actuals Plantwide Applicability Limits (PALs). | December 4, 2006 | March 25, 2010, 75 FR 14352. | Only sections (1) through (14). |

(d) *EPA approved state source-specific requirements.*

EPA-APPROVED MICHIGAN SOURCE-SPECIFIC PROVISIONS

| Name of source | Order No. | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Allied Signal, Inc., Detroit Tar Plant, Wayne County. | 4–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| American Colloid Plant | Permit 341–79 | 12/18/79 | 9/15/83, 48 FR 41403. | |
| American Colloid Plant | Permit 375–79 | 11/23/79 | 9/15/83, 48 FR 41403. | |
| Asphalt Products Company, Plant 5A, Wayne County. | 5–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Clark Oil and Refining Corporation, Calhoun County. | 6–1981 | 6/24/82 | 12/13/82, 47 FR 55678. | |
| Clawson Concrete Company, Plant #1, Wayne County. | 6–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Conoco, Inc., Berrien County | 17–1981 | 9/28/81 | 2/17/82, 47 FR 6828. | |
| Consumers Power Company, B. C. Cobb Plant, Muskegon County. | 6–1979 | 12/10/79 | 5/1/81, 46 FR 24560. | |
| Consumers Power Company, J.H. Campbell Plant, Units 1 and 2, Ottawa County. | 12–1984 | 10/1/84 | 1/12/87, 52 FR 1183. | |
| Continental Fibre Drum, Inc., Midland County. | 14–1987 | 12/9/87 | 6/11/92, 57 FR 24752. | |
| Cummings-Moore Graphite Company, Wayne County. | 7–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| CWC Castings Division of Textron, Muskegon County. | 12–1979 | 2/15/80 | 5/16/84, 49 FR 20650. | |
| Delray Connecting Railroad Company, Wayne County. | 8–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Detroit Edison Company, Boulevard Heating Plant, Wayne County. | 7–1981 | 4/28/81 | 5/4/82, 47 FR 19133. | |
| Detroit Edison Company, City of St. Clair, St. Clair County. | 4–1978 | 11/14/78 | 8/25/80, 45 FR 56344. | |
| Detroit Edison Company, Monroe County. | 9–1977 | 7/7/77 | 12/21/79, 44 FR 75635 (correction: 3/20/80, 45 FR 17997). | |
| Detroit Edison Company, River Rouge Power Plant, Wayne County. | 9–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Detroit Edison Company, Sibley Quarry, Wayne County. | 10–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Detroit Water and Sewerage Department, Wastewater Treatment Plant, Wayne County. | 11–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Diamond Crystal Salt Company, St. Clair County. | 13–1982 | 9/8/82 | 3/14/83, 48 FR 9256. | |

EPA-APPROVED MICHIGAN SOURCE-SPECIFIC PROVISIONS—Continued

| Name of source | Order No. | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Dow Chemical Company, Midland County. | 12–1981 | 6/15/81 | 3/24/82, 47 FR 12625. | |
| Dow Chemical Company, West Side and South Side Power Plants, Midland County. | 19–1981 | 7/21/81 | 3/24/82, 47 FR 12625. | Only sections A(3), B, C, D, and E. |
| Dundee Cement Company, Monroe County. | 8–1979 | 10/17/79 | 8/11/80, 45 FR 53137. | |
| Dundee Cement Company, Monroe County. | 16–1980 | 11/19/80 | 12/3/81, 46 FR 58673. | |
| Eagle Ottawa Leather Company, Ottawa County. | 7–1994 | 7/13/94 | 10/23/95, 60 FR 54308. | |
| Edward C. Levy Company, Detroit Lime Company, Wayne County. | 15–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Edward C. Levy Company, Plant #1, Wayne County. | 16–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Edward C. Levy Company, Plant #3, Wayne County. | 17–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Edward C. Levy Company, Plant #4 and 5, Wayne County. | 19–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Edward C. Levy Company, Plant #6, Wayne County. | 18–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Edward C. Levy Company, Scrap Up-Grade Facility, Wayne County. | 20–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Enamalum Corporation, Oakland County. | 6–1994 | 6/27/94 | 2/21/96, 61 FR 6545. | |
| Ferrous Processing and Trading Company, Wayne County. | 12–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Ford Motor Company, Rouge Industrial Complex, Wayne County. | 13–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Ford Motor Company, Utica Trim Plant, Macomb County. | 39–1993 | 11/12/93 | 9/7/94, 59 FR 46182. | |
| Ford Motor Company, Vulcan Forge, Wayne County. | 14–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| General Motors Corporation, Warehousing and Distribution Division, Genesee County. | 18–1981 | 7/28/83 | 5/16/84, 49 FR 20649. | Original order effective 12/1/81, as altered effective 7/28/83. |
| General Motors Corporation, Buick Motor Division Complex, Flint, Genesee County. | 10–1979 | 5/5/80 | 2/10/82, 47 FR 6013. | |
| General Motors Corporation, Buick Motor Division, Genesee County. | 8–1982 | 4/2/84 | 8/22/88, 53 FR 31861. | Original order effective 7/12/82, as altered effective 4/2/82. |
| General Motors Corporation, Cadillac Motor Car Division, Wayne County. | 12–1982 | 7/22/82 | 7/5/83, 48 FR 31022. | |
| General Motors Corporation, Central Foundry Division, Saginaw Malleable Iron Plant, Saginaw County. | 8–1983 | 6/9/83 | 12/13/85, 50 FR 50907. | Supersedes paragraph 7.F of order 6–1980. |
| General Motors Corporation, Central Foundry Division, Saginaw Malleable Iron Plant, Saginaw County. | 6–1980 | 7/30/82 | 8/15/83, 48 FR 36818. | Paragraph 7.F superseded by order 8–1983. Original order effective 6/3/80, as altered effective 7/30/82. |
| General Motors Corporation, Chevrolet Flint Truck Assembly, Genesee County. | 10–1982 | 7/12/82 | 7/5/83, 48 FR 31022. | |
| General Motors Corporation, Chevrolet Motor Division, Saginaw Grey Iron Casting Plant and Nodular Iron Casting Plant, Saginaw County. | 1–1980 | 4/16/80 | 2/10/82, 47 FR 6013. | |
| General Motors Corporation, Fisher Body Division, Fleetwood, Wayne County. | 11–1982 | 7/22/82 | 7/5/83, 48 FR 31022. | |

EPA-APPROVED MICHIGAN SOURCE-SPECIFIC PROVISIONS—Continued

| Name of source | Order No. | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| General Motors Corporation, Fisher Body Division, Flint No. 1, Genesee County. | 9–1982 | 7/12/82 | 7/5/83, 48 FR 31022. | |
| General Motors Corporation, GM Assembly Division, Washtenaw County. | 5–1983 | 5/5/83 | 12/13/84, 49 FR 5345. | |
| General Motors Corporation, Hydra-Matic Division, Washtenaw County. | 3–1982 | 6/24/82 | 3/4/83, 48 FR 9256. | |
| General Motors Corporation, Oldsmobile Division, Ingham County. | 4–1983 | 5/5/83 | 12/13/84, 49 FR 5345. | |
| Hayes-Albion Corporation Foundry, Calhoun County. | 2–1980 | 2/2/82 | 48 FR 41403 .. | Original order effective 2/15/80, as altered effective 2/2/82. |
| J. H. Campbell Plant, Ottawa County. | 5–1979 | 2/6/80 | 12/24/80, 45 FR 85004 (correction: 3/16/81 46 FR 16895). | Original order effective 6/25/79, as altered effective 2/6/80. |
| Keywell Corporation, Wayne County. | 31–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Lansing Board of Water and Light. | 4–1979 | 5/23/79 | 12/17/80, 45 FR 82926. | All except sections 7 A, B, C1, D, E, F, and section 8. |
| Marathon Oil Company, Muskegon County. | 16–1981 | 7/31/81 | 2/22/82, 47 FR 7661. | |
| Marblehead Lime Company, Brennan Avenue Plant, Wayne County. | 21–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Marblehead Lime Company, River Rouge Plant, Wayne County. | 22–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| McLouth Steel Company, Trenton Plant, Wayne County. | 23–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Michigan Foundation Company, Cement Plant, Wayne County. | 24–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Michigan Foundation Company, Sibley Quarry, Wayne County. | 25–1993 | 10/12/94 | 1/17/95.60 FR 3346. | |
| Monitor Sugar Company, Bay County. | 21–1981 | 10/29/81 | 5/19/82, 47 FR 21534. | |
| Morton International, Inc., Morton Salt Division, Wayne County. | 26–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| National Steel Corporation, Great Lakes Division, Wayne County. | 27–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| National Steel Corporation, Transportation and Materials Handling Division, Wayne County. | 28–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| New Haven Foundry, Inc., Macomb County. | 12–1980 | 8/14/80 | 2/10/82, 47 FR 6013. | |
| Northern Michigan Electric Cooperative Advance Steam Plant, Charlevoix County. | 16–1979 | 1/10/80 | 46 FR 34584. | |
| Packaging Corporation of America, Manistee County. | 23–1984 | 7/8/85 | 5/4/87, 52 FR 16246. | |
| Peerless Metal Powders, Incorporated, Wayne County. | 29–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Rouge Steel Company, Wayne County. | 30–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| S. D. Warren Company, Muskegon. | 9–1979 | 10/31/99 | 1/27/81, 46 FR 8476. | |
| St. Marys Cement Company, Wayne County. | 32–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| Traverse City Board of Light and Power, Grand Traverse County. | 23–1981 | 1/4/82 | 5/19/82, 47 FR 21534. | |

EPA-APPROVED MICHIGAN SOURCE-SPECIFIC PROVISIONS—Continued

| Name of source | Order No. | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Union Camp Corporation, Monroe County. | 14–1979 | 1/3/80 | 5/14/81, 46 FR 26641. | |
| United States Gypsum Company, Wayne County. | 33–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |
| VCF Films, Inc., Livingston County. | 3–1993 | 6/21/93 | 9/7/94, 59 FR 46182. | |
| Woodbridge Corporation, Washtenaw County. | 40–1993 | 11/12/93 | 9/7/94, 59 FR 46182. | |
| Wyandotte Municipal Power Plant, Wayne County. | 34–1993 | 10/12/94 | 1/17/95, 60 FR 3346. | |

(e) *EPA approved nonregulatory and quasi-regulatory provisions.*

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Comments |
|---|---|---|---|---|
| Implementation plan for the control of suspended particulates, sulfur oxides, carbon monoxide, hydrocarbons, nitrogen oxides, and photochemical oxidants in the state of Michigan. | Statewide | 2/3/72 | 5/31/72, 37 FR 10841 | Sections include: Air quality control regions, legal authority, air quality data, emission data, control strategy, control regulations, compliance plans and schedules, prevention of air pollution emergency episodes, air quality surveillance program, control of emission sources, organization and resources, and intergovernmental cooperation. |
| Reevaluation of control strategies. | Berrien and Ingham Counties. | 3/3/72 | 10/28/72, 37 FR 23085. | |
| Reasons and justifications. | Statewide | 7/12/72 | 10/28/72, 37 FR 23085. | Concerning general requirements of control strategy for nitrogen dioxide, compliance schedules, and review of new sources and modifications. |
| Public availability of emissions data. | Statewide | 7/24/72 | 10/28/72, 37 FR 23085. | |
| Compliance schedules. | Alpena, Baraga, Charlevoix, Huron, Ionia, Marquette, Midland, Muskegon, Oakland, Otsego, and St. Clair Counties. | 5/4/73, 9/19/73, 10/23/73, and 12/13/73 | 8/5/74, 39 FR 28155. | |
| Compliance schedules. | Allegan, Eaton, Emmet, Genesee, Huron, Ingham, Macomb, Monroe, Ottawa, Saginaw, and St. Clair Counties. | 2/16/73 and 5/4/73 | 9/10/74, 39 FR 32606. | |
| Air quality maintenance area identifications for particulate matter. | Macomb, Oakland, Wayne and Monroe Counties. | 6/27/74 and 10/18/74 | 6/2/75, 40 FR 23746. | |
| Carbon monoxide control strategy. | Saginaw area | 4/25/79 | 5/6/80, 45 FR 29790. | |

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Comments |
|---|---|---|---|---|
| Ozone attainment demonstrations and transportation control plans. | Flint, Lansing and Grand Rapids urban areas. | 4/25/79, 7/25/79, 10/12/79, 10/26/79, 11/8/79, 12/26/79 | 6/2/80, 45 FR 37188. | |
| Transportation control plans. | Detroit urban area ..... | 4/25/79, 7/25/79, 10/12/79, 10/26/79, 11/8/79, 12/26/79 | 6/2/80, 45 FR 37188. | |
| Ozone control strategy for rural ozone nonattainment areas. | Marquette, Muskegon, Gratiot, Midland, Saginaw, Bay, Tuscola, Huron, Sanilac, Ottawa, Ionia, Shiawassee, Lapeer, Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Jackson, Berrien, Cass, Branch, Hillsdale, and Lenawee Counties. | 4/25/79, 7/25/79, 10/12/79, 10/26/79, 11/8/79, 12/26/79 | 6/2/80, 45 FR 37188. | |
| Carbon monoxide and ozone demonstrations of attainment and I/M program. | Detroit urban area ..... | 4/25/79, 7/25/79, 10/12/79, 10/26/79, 11/8/79, 12/26/79, 3/20/80, 5/12/80, and 5/21/80 | 6/2/80, 45 FR 37192. | |
| Ambient air quality monitoring, data reporting, and surveillance provisions. | Statewide ..... | 12/19/79 | 3/4/81, 46 FR 15138. | |
| Transportation control plan. | Niles ..... | 4/25/79, 10/26/79, 11/8/79, 12/26/79, 8/4/80, and 8/8/80 | 4/17/81, 46 FR 22373. | |
| Provisions addressing sections 110(a)(2)(K), 126(a)(2), 127, and 128 of the Clean Air Act as amended in 1977. | Statewide ..... | 4/25/79 and 10/12/79 | 6/5/81, 46 FR 30082 | Concerns permit fees, interstate pollution, public notification, and state boards. |
| Section 121, intergovernmental consultation. | Statewide ..... | 5/25/79 | 11/27/81, 46 FR 57893. | |
| Total suspended particulate studies. | Detroit area ..... | 3/7/80 and 4/21/81 | 2/18/82, 47 FR 7227. | |
| Lead plan ..... | Statewide ..... | 12/27/79 and 2/9/81 | 4/13/82, 47 FR 15792. | |
| Reduction in size of Detroit ozone area. | Wayne, Oakland, Macomb, Livingston, Monroe, St. Clair, and Washtenaw Counties. | 9/1/82 | 7/7/83, 48 FR 31199. | |
| Negative declarations | Wayne, Oakland and Macomb Counties. | 10/10/83, 5/17/85, and 6/12/85 | 11/24/86, 51 FR 42221. | Includes large petroleum dry cleaners, high-density polyethylene, polypropylene, and polystyrene resin manufacturers, and synthetic organic chemical manufacturing industry—oxidation. |
| Information relating to order 8–1982: letter dated 9/6/84 from Michigan Department of Natural Resources to EPA. | Genesee County ..... | 9/6/84 | 8/22/88, 53 FR 31861. | |

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Comments |
|---|---|---|---|---|
| Information relating to order 14–1987: letter dated 12/17/87 from Michigan Department of Natural Resources to EPA. | Midland County ..... | 12/17/87 | 10/3/89, 54 FR 40657. | |
| Appendices A and D of Wayne County Air Pollution Control Ordinance. | Wayne County ..... | 10/10/86 | 5/13/93, 58 FR 28359 | Effective 11/18/85. |
| Information supporting emissions statement program. | Statewide ..... | 11/16/92, 10/25/93, and 2/7/94 | 3/8/94, 59 FR 10752. | |
| 1990 base year emissions inventory. | Grand Rapids and Muskegon areas. | 1/5/93 | 7/26/94, 59 FR 37944. | |
| Section 182(f) $NO_X$ exemption. | Detroit-Ann Arbor area. | 11/12/93 | 8/10/94, 59 FR 40826. | |
| Negative declarations | Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, Wayne, Kent, Ottawa, and Muskegon Counties. | 3/30/94 | 9/7/94, 59 FR 46182 | Includes: Large petroleum dry cleaners, SOCMI air oxidation processes, high-density polyethylene and polypropylene resin manufacturing and pneumatic rubber tire manufacturing. |
| I/M program ..... | Grand Rapids and Muskegon areas. | 11/12/93 and 7/19/94 | 10/11/94, 59 FR 51379. | Includes: document entitled ''Motor Vehicle Emissions Inspection and Maintenance Program for Southeast Michigan, Grand Rapids MSA, and Muskegon MSA Moderate Nonattainment Areas,'' RFP, and supplemental materials. |
| 1990 base year emissions inventory and 1-hour ozone maintenance plan. | Detroit-Ann Arbor area (Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties). | 11/12/93 | 3/7/95, 60 FR 12459. | |
| Section 182(f) $NO_X$ exemptions. | Clinton, Ingham, Eaton, and Genesee Counties. | 7/1/94 and 7/8/94 | 4/27/95, 60 FR 20644. | |
| Section 182(f) $NO_X$ exemptions. | Kent, Ottawa, Muskegon, Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Genesee, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Lenawee, Midland, Montcalm, St. Joseph, Saginaw, Shiawassee, and Van Buren Counties. | 7/13/94 | 1/26/96, 61 FR 2428. | |
| 1-hour ozone maintenance plan. | Grand Rapids area .... | 3/9/95 | 6/21/96, 61 FR 31831. | |
| PM–10 maintenance plan. | Wayne County ..... | 7/24/95 | 8/5/96, 61 FR 40516. | |
| General conformity .... | Statewide ..... | 11/29/94 | 12/18/96, 61 FR 66607. | |

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Comments |
|---|---|---|---|---|
| Transportation conformity. | Statewide | 11/24/94 | 12/18/96, 61 FR 66609. | |
| 7.8 psi Reid vapor pressure gasoline-supplemental materials. | Wayne, Oakland, Macomb, Washtenaw, Livingston, St. Clair, and Monroe Counties. | 5/16/96, 1/5/96, and 5/14/96 | 5/5/97, 62 FR 24341 | Includes: letter from Michigan Governor John Engler to Regional Administrator Valdas Adamkus, dated 1/5/96, letter from Michigan Director of Environmental Quality Russell Harding to Regional Administrator Valdas Adamkus, dated 5/14/96, and state report entitled ''Evaluation of Air Quality Contingency Measures for Implementation in Southeast Michigan''. |
| Section 182(f) $NO_X$ exemption. | Muskegon County | 11/22/95 | 9/26/97, 62 FR 50512. | |
| Carbon monoxide maintenance plan. | Detroit area (portions of Wayne, Oakland, and Macomb Counties). | 3/18/99 | 6/30/99, 64 FR 35017. | |
| 1-hour ozone maintenance plan. | Muskegon County | 3/9/95 | 8/30/00, 65 FR 52651. | |
| 1-hour ozone maintenance plan. | Allegan County | 9/1/00 and 10/13/00 | 11/24/00, 65 FR 70490. | |
| 1-hour ozone maintenance plan. | Genesee, Bay Midland, and Saginaw Counties. | 5/9/00 | 11/13/00, 65 FR 67629. | |
| 1-hour ozone maintenance plan revision. | Muskegon County | 3/22/01 | 8/6/01, 66 FR 40895 | Revision to motor vehicle emission budgets. |
| 8-hour ozone maintenance plan. | Grand Rapids (Kent and Ottawa Counties), Kalamazoo-Battle Creek (Calhoun, Kalamazoo, and Van Buren Counties), Lansing-East Lansing (Clinton, Eaton, and Ingham Counties), Benzie County, Huron County, and Mason County. | 5/9/06, 5/26/06, and 8/25/06 | 5/16/2007. | |
| 8-hour ozone maintenance plan. | Flint (Genesee and Lapeer Counties), Muskegon (Muskegon County), Benton Harbor (Berrien County), and Cass County. | 6/13/06, 8/25/06, and 11/30/06 | 5/16/2007 | |
| 8-hour ozone maintenance plan. | Detroit-Ann Arbor (Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties). | 3/6/2009 | 6/29/2009. | |

[71 FR 52469, Sept. 6, 2006, as amended at 72 FR 4435, Jan. 31, 2007; 72 FR 43172, Aug. 3, 2007; 72 FR 72262, Dec. 20, 2007; 72 FR 60783, 60786, Dec. 26, 2007; 73 FR 5104, Jan. 29, 2008; 74 FR 30952, June 29, 2009; 74 FR 23954, May 22, 2009; 74 FR 41640, Aug. 18, 2009; 75 FR 14354, Mar. 25, 2010; 75 FR 59083, Sept. 27, 2010]

### § 52.1171 Classification of regions.

The Michigan plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Metropolitan Detroit-Port Huron Intrastate | I | I | III | III | III |
| Metropolitan Toledo Interstate | I | I | III | III | I |
| South Central Michigan Intrastate | II | II | III | III | III |
| South Bend-Elkhart (Indiana)-Benton Harbor (Michigan) Interstate | I | IA | III | III | III |
| Central Michigan Intrastate | II | III | III | III | III |
| Upper Michigan Intrastate | III | III | III | III | III |

[37 FR 10873, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 45 FR 29801, May 6, 1980]

### § 52.1172 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Michigan's 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 submittalof 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.

[45 FR 29801, May 6, 1980]

### § 52.1173 Control strategy: Particulates.

(a) *Part D—Disapproval*. The following specific revisions to the Michigan Plan are disapproved:

(1) Rule 336.1331, Table 31, Item C: Emission limits for Open Hearth Furnaces, Basic Oxygen Furnaces, Electric Arc Furnaces, Sintering Plants, Blast Furnaces, Heating and Reheating Furnaces.

(2) Rules 336.1371 (Fugitive dust control programs other than areas listed in table 36.), 336.1372 (Fugitive dust control programs; required activities; typical control methods.) and 336.1373 (Fugitive dust control programs; areas listed in table 36.) for control of industrial fugitive particulate emissions sources.

(b) Part D—Conditional Approval—The Michigan overall Plan for primary and secondary nonattainment areas is approved provided that the following conditions are satisfied:

(1) The State officially adopts final industrial fugitive regulations that represent RACT for traditional sources and submits these finally effective regulations to USEPA by January 31, 1981.

(2) The State adopts and submits regulations reflecting RACT for Basic Oxygen Furnaces, Electric Arc Furnaces, Sintering Plants, Blast Furnaces and Heating and Reheating Furnaces.

(3) Rule 336.1331, Table 31, Item C: Coke Oven Preheater Equipment Effective After July 1, 1979—The State clarifies the compliance test method to include measurement of the whole train.

(4) Rule 336.1349—The State submits consent orders containing enforceable increments insuring reasonable further progress for each source subject to Rules 336.1350 through 336.1357.

(5) Rule 336.1350—The State adopts and submits an acceptable inspection method for determining compliance with the rule.

(6) Rule 336.1352—The State adopts and submits the following clarifications to the rule: (a) The rule regulates emissions from the receiving car itself

during the pushing operation; (b) in the phrase ''eight consecutive trips,'' ''consecutive'' is defined as ''consecutively observed trips''; (c) the word ''trips'' is defined as ''trips per battery'' or ''trips per system''; (d) the 40% opacity fugitive emissions limitation refers to an instantaneous reading and not an average; (e) the method of reading opacity is defined.

(7) Rule 336.1353—The State adopts and submits: (a) An acceptable test methodology for determining compliance with the rule; and (b) a clarification that the exception to the visible emission prohibition of 4% of standpipe emission points refers to ''operating'' ovens.

(8) Rule 336.1356—The State adopts and submits a clarification of the test methodology to determine compliance with the rule.

(9) Rule 336.1357—The State adopts and submits a clarification of the test methodology to determine compliance with the rule.

(10) The State adopts and submits a regulation reflecting RACT for coke battery combustion stacks.

(11) The State adopts and submits an acceptable test method for application of Rule 336.1331, Table 32 to quench towers, or, in the alternative, adopts and submits a limitation reflecting RACT for quench tower emissions based on the quantity of total dissolved solids in the quench water.

(12) The State adopts and submits rules requiring RACT for scarfing emissions.

(13) Part 10 Testing—The State adopts and submits the following clarifications to the test methods: (a) Testing of fugitive emissions from blast furnaces are conducted during the cast; (b) the starting and ending period is specified for basic oxygenfurnaces (for both primary and secondary emissions generating operations), electric arc furnaces and for each of the three emission points at sinter plants.

(14) The State conducts additional particulate studies in the Detroit area by September, 1980.

(c) *Disapprovals*. EPA disapproves the following specific revisions to the Michigan Plan:

(1) The State submitted Consent Order No. 16–1982 on June 24, 1982, Great Lakes Steel, a Division of the National Steel Corporation as a revision to the Michigan State Implementation Plan. EPA disapproves this revision, because it does not satisfy all the requirements of EPA's proposed Emission Trading Policy Statement of April 7, 1982 (47 FR 15076).

(d) Approval—On April 29, 1988, the State of Michigan submitted a committal SIP for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers ($PM_{10}$) for Michigan's Group II areas. The Group II areas of concern are in the City of Monroe and an area surrounding the City of Carrollton. 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.

(e) [Reserved]

(f) On July 24, 1995, the Michigan Department of Natural Resources requested the redesignation of Wayne County to attainment of the National Ambient Air Quality Standard for particulate matter. The State's maintenance plan is complete and the redesignation satisfies all of the requirements of the Act.

(g) Approval—On November 29, 1994, the Michigan Department of Natural Resources submitted a revision to the particulate State Implementation Plan for general conformity rules. The general conformity SIP revisions enable the State of Michigan to implement and enforce the Federal 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.

[46 FR 27931, May 22, 1981, as amended at 49 FR 11834, Mar. 28, 1984; 50 FR 33540, Aug. 20, 1985; 55 FR 17752, Apr. 27, 1990; 61 FR 40519, Aug. 5, 1996; 61 FR 66609, Dec. 18, 1996]

### §52.1174 Control strategy: Ozone.

(a) Part D—Conditional Approval—Michigan Rules 336.1603 and 336.1606 are approved provided that the following conditions are satisfied:

(1) *Rule 336.1606*—The State either promulgates a rule with a 120,000 gallon

per year throughput exemption for gasoline dispensing facilities for sources located in Wayne, Macomb and Oakland Counties. The State must either submit the rule to USEPA or demonstrate that the allowable emissions resulting from the application of its existing rule with 250,000 gallon per year throughput exemption for gasoline dispensing facilities are less than five percent greater than the allowable emissions resulting from the application of the CTG presumptive norm. The State must comply with this condition by May 6, 1981, and any necessary regulations must be finally promulgated by the State and submitted to USEPA by September 30, 1981.

(b) Approval—On November 16, 1992, the Michigan Department of Natural Resources submitted Natural Resources Commission Rule 336.202 (Rule 2), Sections 5 and 14a of the 1965 Air Pollution Act 348, and the 1991 Michigan Air Pollution Reporting Forms, Reference Tables, and General Instructions as the States emission statement program. Natural Resources Commission Rule 336.202 (Rule 2) became effective November 11, 1986. Section 5 and 14a of the 1965 Air Pollution Act 348 became effective July 23, 1965. These rules have been incorporated by reference at 40 CFR 52.1170(c)(93). On October 25, 1993, the State submitted the 1993 Michigan Air Pollution Reporting Forms, Reference Tables, and General Instructions, along with an implementation strategy for the State's emission statement program.

(c)(1) Approval—On January 5, 1993, the Michigan Department of Natural Resources submitted a revision to the ozone State Implementation Plan (SIP) for the 1990 base year inventory. The inventory was submitted by the State of Michigan to satisfy Federal requirements under section 182(a)(1) of the Clean Air Act as amended in 1990 (the Act), as a revision to the ozone SIP for the Grand Rapids and Muskegon areas in Michigan designated nonattainment, classified as moderate. These areas include counties of Muskegon, and the two county Grand Rapids area (which are the counties of Kent and Ottawa).

(2) Approval—On November 12, 1993, the Michigan Department of Natural Resources submitted a petition for exemption from the oxides of nitrogen requirements of the Clean Air Act for the Detroit-Ann Arbor ozone nonattainment area. The submittal pertained to the exemption from the oxides of nitrogen requirements for conformity, inspection and maintenance, reasonably available control technology, and new source review. These are required by sections 176(c), 182(b)(4), and 182(f) of the 1990 amended Clean Air Act, respectively.

(d) In a letter addressed to David Kee, EPA, dated March 30, 1994, Dennis M. Drake, State of Michigan, stated:

(1) Michigan has not developed RACT regulations for the following industrial source categories, which have been addressed in Control Techniques Guidance (CTG) documents published prior to the Clean Air Act Amendments of 1990, because no affected sources are located in the moderate nonattainment counties:

(i) Large petroleum dry cleaners;

(ii) SOCMI air oxidation processes;

(iii) High-density polyethylene and polypropylene resin manufacturing; and

(iv) Pneumatic rubber tire manufacturing.

(2) (Reserved)

(e) Approval—On July 1, 1994, the Michigan Department of Natural Resources submitted a petition for exemption from the oxides of nitrogen requirements of the Clean Air Act for the East Lansing ozone nonattainment area. The submittal pertained to the exemption from the oxides of nitrogen requirements for conformity and new source review. Theses are required by sections 176(c) and 182(f) of the 1990 amended Clean Air Act, respectively. If a violation of the ozone standard occurs in the East Lansing ozone nonattainment area, the exemption shall no longer apply.

(f) Approval—On July 8, 1994, the Michigan Department of Natural Resources submitted a petition for exemption from the oxides of nitrogen requirements of the Clean Air Act for the Genesee County ozone nonattainment area. The submittal pertained to the exemption from the oxides of nitrogen requirements for conformity and new source review. These are required by sections 176(c) and 182(f) of the 1990

amended Clean Air Act, respectively. If a violation of the ozone standard occurs in the Genesee County ozone nonattainment area, the exemption shall no longer apply.

(g) [Reserved]

(h) Approval—On January 5, 1993, the Michigan Department of Natural Resources submitted a revision to the ozone State Implementation Plan for the 1990 base year emission inventory. The inventory was submitted by the State of Michigan to satisfy Federal requirements under section 182(a)(1) of the Clean Air Act as amended in 1990, as a revision to the ozone State Implementation Plan for the Detroit-Ann Arbor moderate ozone nonattainment area. This area includes Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne counties.

(i) Approval—On November 12, 1993, the Michigan Department of Natural Resources submitted a request to redesignate the Detroit-Ann Arbor (consisting of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne counties) ozone nonattainment area to attainment for ozone. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1993 attainment year) emission inventory for $NO_X$ and VOC, a demonstration of maintenance of the ozone NAAQS with projected emission inventories (including interim years) to the year 2005 for $NO_X$ and VOC, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the ozone NAAQS (which must be confirmed by the State), Michigan will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. Appropriateness of a contingency measure will be determined by an urban airshed modeling analysis. The Governor or his designee will select the contingency measure(s) to be implemented based on the analysis and the MDNR's recommendation. The menu of contingency measures includes basic motor vehicle inspection and maintenance program upgrades, Stage I vapor recovery expansion, Stage II vapor recovery, intensified RACT for degreasing operations, $NO_X$ RACT, and RVP reduction to 7.8 psi. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Michigan Ozone State Implementation Plan for the above mentioned counties.

(j) [Reserved]

(k) Determination—USEPA is determining that, as of July 20, 1995, the Grand Rapids and Muskegon ozone nonattainment areas have attained the ozone standard and that 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 do not apply to the areas for so long as the areas do not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in either the Grand Rapids or Muskegon ozone nonattainment area, the determination shall no longer apply for the area that experiences the violation.

(l) Approval—EPA is approving the section 182(f) oxides of nitrogen ($NO_X$) reasonably available control technology (RACT), new source review (NSR), vehicle inspection/maintenance (I/M), and general conformity exemptions for the Grand Rapids (Kent and Ottawa Counties) and Muskegon (Muskegon County) moderate nonattainment areas as requested by the States of Illinois, Indiana, Michigan, and Wisconsin in a July 13, 1994 submittal. This approval also covers the exemption of $NO_X$ transportation and general conformity requirements of section 176(c) for the Counties of Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Genesee, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Lenawee, Midland, Montcalm, St. Joseph, Saginaw, Shiawasse, and Van Buren.

(m) Approval—On November 24, 1994, the Michigan Department of Natural Resources submitted a revision to the ozone State Implementation Plan. The submittal pertained to a plan for the

implementation and enforcement of the Federal transportation conformity requirements at the State or local level 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.

(n) Approval—On November 29, 1994, the Michigan Department of Natural Resources submitted a revision to the ozone State Implementation Plan for general conformity rules. The general conformity SIP revisions enable the State of Michigan to implement and enforce the Federal 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.

(o) Approval—On March 9, 1996, the Michigan Department of Environmental Quality submitted a request to redesignate the Grand Rapids ozone nonattainment area (consisting of Kent and Ottawa Counties) to attainment for ozone. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include an attainment emission inventory for $NO_X$ and VOC, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2007 for $NO_X$ and VOC, a plan to verify continued attainment, a contingency plan, and a commitment to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If a violation of the ozone NAAQS, determined not to be attributable to transport from upwind areas, is monitored, Michigan will implement one or more appropriate contingency measure(s) contained in the contingency plan. Once a violation of the ozone NAAQS is recorded, the State will notify EPA, review the data for quality assurance, and conduct a technical analysis, including an analysis of meteorological conditions leading up to and during the exceedances contributing to the violation, to determine local culpability. This preliminary analysis will be submitted to EPA and subjected to public review and comment. The State will solicit and consider EPA's technical advice and analysis before making a final determination on the cause of the violation. The Governor or his designee will select the contingency measure(s) to be implemented within 6 months of a monitored violation attributable to ozone and ozone precursors from the Grand Rapids area. The menu of contingency measures includes a motor vehicle inspection and maintenance program, Stage II vapor recovery, RVP reduction to 7.8 psi, RACT on major non-CTG VOC sources in the categories of coating of plastics, coating of wood furniture, and industrial cleaning solvents. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Michigan Ozone State Implementation Plan for the above mentioned counties.

(p) Approval—On November 22, 1995 the Michigan Department of Natural Resources submitted a petition for exemption from transportation conformity requirements for the Muskegon ozone nonattainment area. This approval exempts the Muskegon ozone nonattainment area from transportation conformity requirements under section 182(b)(1) of the Clean Air Act. If a violation of the ozone standard occurs in the Muskegon County ozone nonattainment area, the exemption shall no longer apply.

(q) Correction of approved plan—Michigan air quality Administrative Rule, R336.1901 (Rule 901)—Air Contaminant or Water Vapor, has been removed from the approved plan pursuant to section 110(k)(6) of the Clean Air Act (as amended in 1990).

(r) Approval—On March 9, 1995, the Michigan Department of Environmental Quality submitted a request to redesignate the Muskegon County ozone nonattainment area to attainment. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the

Clean Air Act, as amended in 1990. Elements of the section 175A 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. If the area records a violation of the 1-hour ozone NAAQS, determined not to be attributable to transport from upwind areas, Michigan will implement one or more appropriate contingency measure(s) which are in the contingency plan. The menu of contingency measures includes a motor vehicle inspection and maintenance program, stage II vapor recovery, a low Reid vapor pressure gasoline program, and rules for industrial cleanup solvents, plastic parts coating, and wood furniture coating.

(s) Approval—On May 9, 2000, the State of Michigan submitted a revision to the Michigan State Implementation Plan for ozone containing a section 175A maintenance plan for the Flint and Saginaw-Midland-Bay City areas as part of Michigan's request to redesignate the areas from nonattainment to attainment for ozone. Elements of the section 175A 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. If monitors in any of these areas record a violation of the ozone NAAQS (which must be confirmed by the State), Michigan will adopt, submit to EPA, and implement one or more appropriate contingency measure(s) which are in the contingency plan and will submit a full maintenance plan under section 175A of the Clean Air Act. The menu of contingency measures includes a low Reid vapor pressure gasoline program, stage I gasoline vapor recovery, and rules for industrial cleanup solvents, plastic parts coating, and wood furniture coating.

(t) Approval—On March 9, 1995, the Michigan Department of Environmental Quality submitted a request to redesignate the Allegan County ozone nonattainment area to attainment. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A 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. If the area records a violation of the 1-hour ozone NAAQS, determined not to be attributable to transport from upwind areas, Michigan will implement one or more appropriate contingency measure(s) which are in the contingency plan. The menu of contingency measures includes rules for plastic parts coating, wood furniture coating, and gasoline loading (Stage I vapor recovery).

(u) Approval—On March 22, 2001, Michigan submitted a revision to the ozone maintenance plan for the Muskegon County area. The revision consists of allocating a portion of the Muskegon County area's Volatile Organic Compounds (VOC) and Oxides of Nitrogen ($NO_X$) safety margin to the transportation conformity Motor Vehicle Emission Budget (MVEB). The MVEB for transportation conformity purposes for the Muskegon County area are now: 8.5 tons per day of VOC emissions and 10.2 tons per day of $NO_X$ emissions for the year 2010. This approval only changes the VOC and $NO_X$ transportation conformity MVEB for Muskegon County.

(v) Approval—On December 19, 2003, Michigan submitted an update to the Section 175(A) maintenance plan for the Southeast Michigan 1-hour ozone maintenance area, which consists of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne counties. This update addresses the second 10-year period of maintenance of the ozone standard in Southeast Michigan, which spans the years 2005 through 2015. The maintenance plan also revises the Motor Vehicle Emissions Budget (MVEB). For the year 2005, the MVEB for VOC is 218.1 tons per day (tpd), and the MVEB for $NO_X$ is 412.9 tpd. For the year 2015, the MVEB for VOC is 172.8 tpd, and the MVEB for $NO_X$ is 412.9 tpd.

(w) Approval—On June 17, 2005, the Michigan Department of Environmental Quality submitted a petition requesting the exemption from Clean Air Act oxides of nitrogen control requirements in six 8-hour ozone nonattainment areas. The Grand Rapids, Kalamazoo/Battle Creek, Lansing/East Lansing, Benzie County, Huron County,

and Mason County nonattainment areas each receive an exemption. Section 182(f) of the 1990 amended Clean Air Act authorizes the exceptions. The exemption will no longer apply in an area if it experiences a violation of the 8-hour ozone standard.

(x) Approval—On May 9, 2006, Michigan submitted requests to redesignate the Grand Rapids (Kent and Ottawa Counties), Kalamazoo-Battle Creek (Calhoun, Kalamazoo, and Van Buren Counties), Lansing-East Lansing (Clinton, Eaton, and Ingham Counties), Benzie County, Huron County, and Mason County areas to attainment of the 8-hour ozone National Ambient Air Quality Standard (NAAQS). The State supplemented its redesignation requests on May 26, 2006, and August 25, 2006. As part of its 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 subsequent maintenance plan revisions in 8 years as required by the Clean Air Act. If monitors in any of these areas record a violation of the 8-hour ozone NAAQS, Michigan will adopt and implement one or more contingency measures. The list of possible contingency measures includes: Lower Reid vapor pressure gasoline requirements; reduced volatile organic compound (VOC) content in architectural, industrial, and maintenance coatings rule; auto body refinisher self-certification audit program; reduced VOC degreasing rule; transit improvements; diesel retrofit program; reduced VOC content in commercial and consumer products rule; and a program to reduce idling. Also included in the Michigan's submittal were motor vehicle emission budgets (MVEBs) for use to determine transportation conformity in the areas. For the Grand Rapids area, the 2018 MVEBs are 40.70 tpd for VOC and 97.87 tpd for oxides of nitrogen ($NO_X$). For the Kalamazoo-Battle Creek area, the 2018 MVEBs are 29.67 tpd for VOC and 54.36 tpd for $NO_X$. For the Lansing-East Lansing area, the 2018 MVEBs are 28.32 tpd for VOC and 53.07 tpd for $NO_X$. For the Benzie County area, the 2018 MVEBs are 2.24 tpd for VOC and 1.99 tpd for $NO_X$. For the Huron County area, the 2018 MVEBs are 2.34 tpd for VOC and 7.53 tpd for $NO_X$. For the Mason County area, the 2018 MVEBs are 1.81 tpd for VOC and 2.99 tpd for $NO_X$.

(y) Approval—On June 13, 2006, Michigan submitted requests to redesignate the Flint (Genesee and Lapeer Counties), Muskegon (Muskegon County), Benton Harbor (Berrien County), and Cass County areas to attainment of the 8-hour ozone National Ambient Air Quality Standard (NAAQS). The State supplemented its redesignation requests on August 25, 2006, and November 30, 2006. As part of its 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 subsequent maintenance plan revisions in 8 years as required by the Clean Air Act. If monitors in any of these areas record a violation of the 8-hour ozone NAAQS, Michigan will adopt and implement one or more contingency measures. The list of possible contingency measures includes: Lower Reid vapor pressure gasoline requirements; reduced volatile organic compound (VOC) content in architectural, industrial, and maintenance coatings rule; auto body refinisher self-certification audit program; reduced VOC degreasing rule; transit improvements; diesel retrofit program; reduced VOC content in commercial and consumer products rule; and a program to reduce idling. Also included in the Michigan's submittal were motor vehicle emission budgets (MVEBs) for use to determine transportation conformity in the areas. For the Flint area, the 2018 MVEBs are 25.68 tpd for VOC and 37.99 tpd for oxides of nitrogen ($NO_X$). For the Muskegon area, the 2018 MVEBs are 6.67 tpd for VOC and 11.00 tpd for $NO_X$. For the Benton Harbor area, the 2018 MVEBs are 9.16 tpd for VOC and 15.19 tpd for $NO_X$. For the Cass County area, the 2018 MVEBs are 2.76 tpd for VOC and 3.40 tpd for $NO_X$.

(z) Approval—On March 6, 2009, Michigan submitted a request to redesignate the Detroit-Ann Arbor area (Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw,

and Wayne Counties) to attainment of the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). As part of its redesignation requests, 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 subsequent maintenance plan revisions in 8 years as required by the Clean Air Act. If monitors in any of these areas record a violation of the 8-hour ozone NAAQS, Michigan will adopt and implement one or more contingency measures. The list of possible contingency measures includes: Reduced VOC content in architectural, industrial, and maintenance (AIM) coatings rule; auto body refinisher self-certification audit program; reduced VOC degreasing/solvent cleaning rule; diesel retrofit program; reduced idling program; portable fuel container replacement rule; and, food preparation flame broiler control rule. Also included in the Michigan's submittal were a 2005 base year emissions inventory and motor vehicle emission budgets (MVEBs) for use to determine transportation conformity in the area. For the Detroit-Ann Arbor area, Michigan has established separate MVEBS for the Southeast Michigan Council of Governments (SEMCOG) region (Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties) and for Lenawee County. MDEQ has determined the 2020 MVEBs for the SEMCOG region to be 106 tons per day for VOC and 274 tpd for $NO_X$. MDEQ has determined the 2020 MVEBs for Lenawee County to be 2.1 tpd for VOC and 4.4 tpd for $NO_X$.

[45 FR 58528, Sept. 4, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1174, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### §52.1175 Compliance schedules.

(a) The requirements of §51.15(a)(2) of this chapter as of May 31, 1972, (36 FR 22398) are not met since Rule 336.49 of the Michigan Air Pollution Control Commission provides for individual compliance schedules to be submitted to the State Agency by January 1, 1974. This would not be in time for submittal to the Environmental Protection Agency with the first semiannual report.

(b) [Reserved]

(c) 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.

(d) *Federal compliance schedules.* (1) Except as provided in paragraph (d)(3) of this section, the owner or operator of any stationary source subject to the following emission-limiting regulations in the Michigan implementation plan shall comply with the applicable compliance schedule in paragraph (d)(2) of this section: Air Pollution Control Commission, Department of Public Health, Michigan Rule 336.49.

(2) *Compliance schedules.* (i) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to Rule 336.49 and located in the Central Michigan Intrastate AQCR, South Bend-Elkhart-Benton Harbor Interstate AQCR, or Upper Michigan Intrastate AQCR (as defined in part 81 of this title) shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to comply with the limitations effective July 1, 1975, in Table 3 or Table 4 of Rule 336.49.

(ii) Any owner or operator of a stationary source subject to paragraph (d)(2)(i) of this section who elects to utilize low-sulfur fuel shall take the following actions with respect to the source no later than the dates specified.

(*a*) 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 Table 3 of Rule 336.49 on July 1, 1975, and for at least one year thereafter.

(*b*) December 31, 1973—Sign contracts with fuel suppliers for projected fuel requirements.

(*c*) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(*d*) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(*e*) June 15, 1974—Initiate onsite modifications, if applicable.

(*f*) March 31, 1975—Complete onsite modifications, if applicable.

(*g*) July 1, 1975—Achieve final compliance with the applicable July 1, 1975, sulfur-in-fuel limitation listed in Table 3 of Rule 336.49.

(iii) Any owner or operator of a stationary source subject to paragraph (d)(2)(i) of this section who elects to utilize stack gas desulfurization shall take the following actions with respect to the source no later than the dates specified.

(*a*) November 1, 1973—Let necessary contracts for construction.

(*b*) March 1, 1974—Initiate onsite construction.

(*c*) March 31, 1975—Complete onsite construction.

(*d*) July 1, 1975—Achieve final compliance with the applicable July 1, 1975, emission limitation listed in Table 4 of Rule 336.49.

(*e*) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(iv) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to Rule 336.49 and located in the Central Michigan Intrastate AQCR. South Bend-Elkhart-Benton Harbor Interstate AQCR, or Upper Michigan Intrastate AQCR shall notify the Administrator, no later than January 31, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to comply with the limitation effective July 1, 1978, in Table 3 or Table 4 of Rule 336.49.

(v) Any owner or operator of a stationary source subject to paragraph (d)(2)(iv) of this section who elects to utilize low-sulfur fuel shall take the following actions with respect to the source no later than the dates specified.

(*a*) October 15, 1976—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Table 3 of Rule 336.49 on July 1, 1978, and for at least one year thereafter.

(*b*) December 31, 1976—Sign contracts with fuel suppliers for projected fuel requirements.

(*c*) January 31, 1977—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(*d*) March 15, 1977—Let contracts for necessary boiler modifications, if applicable.

(*e*) June 15, 1977—Initiate onsite modifications, if applicable.

(*f*) March 31, 1978—Complete onsite modifications, if applicable.

(*g*) July 1, 1978—Achieve final compliance with the applicable July 1, 1978, sulfur-in-fuel limitation listed in Table 3 of Rule 336.49.

(vi) Any owner or operator of a stationary source subject to paragraph (d)(2)(iv) of this section who elects to utilize stack gas desulfurization shall take the following actions with regard to the source no later than the dates specified.

(*a*) November 1, 1976—Let necessary contracts for construction.

(*b*) March 1, 1977—Initiate onsite construction.

(*c*) March 31, 1978—Complete onsite construction.

(*d*) July 1, 1978—Achieve final compliance with the applicable July 1, 1978, mission limitation listed in Table 4 of Rule 336.49.

(*e*) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1978. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) 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) Paragraphs (d) (1) and (2) of this section shall not apply to a source which is presently in compliance with

Table 3 or Table 4 of Rule 336.49 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 schedule in paragraph (d)(2) of this section fails to satisfy the requirements of §§51.261 and 51.262(a) of this chapter.

(e) The compliance schedules for the sources identified below are approved as meeting the requirements of §51.104 and subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

MICHIGAN

[See footnotes at end of table]

| Source | Location | Regulations involved | Date schedule adopted | Final compliance date |
|---|---|---|---|---|
| BERRIEN COUNTY | | | | |
| Conoco, Inc. | Berrien | R336.1603, R336.1609. | Sept. 26, 1981 | Dec. 31, 1982. |
| CALHOUN COUNTY | | | | |
| Clark Oil and Refining Corp | Calhoun | R336.1603 R336.1609. | May 14, 1982 | Dec. 31, 1982. |
| CHARLEVOIX COUNTY | | | | |
| Northern Michigan Electric Cooperative Advance Steam Plant. | Boyne City | 336.1401 (336.49). | Jan. 10, 1980 | Jan. 1, 1985. |
| GENESEE COUNTY | | | | |
| Buick Motor Division | City of Flint | R336.1301 | May 5, 1980 | Dec. 31, 1982. |
| GM Warehousing Dist. Div. Boilers 1 and 2 | Genesee | R336.1331 | Dec. 31, 1981 | Oct. 15, 1983. |
| GM Warehousing Dist. Div. Boilers 3 and 4 | do | R336.1331 | Dec. 1, 1981 | Oct. 15, 1981. |
| MACOMB COUNTY | | | | |
| New Haven Foundry | Macomb County. | R336.1301, R336.1331, R336.1901. | Aug. 14, 1980 | June 30, 1985. |
| MIDLAND COUNTY | | | | |
| Dow Chemical | Midland | R336.1301 and R336.1331. | July 21, 1982 | Dec. 31, 1985. |
| MONROE COUNTY | | | | |
| Detroit Edison (Monroe plant) | Monroe | 336.49 | July 7, 1977 | Jan. 1, 1985. |
| Dundee Cement Company | Dundee | 336.41, 44 (336.1301, 336.1331). | Oct. 17, 1979 | Dec. 31, 1983. |
| Union Camp | Monroe | 336.1401 (336.49) | Jan. 3, 1980 | Jan. 1, 1985. |

MICHIGAN—Continued

[See footnotes at end of table]

| Source | Location | Regulations involved | Date schedule adopted | Final compliance date |
|---|---|---|---|---|
| MUSKEGON COUNTY | | | | |
| Consumers Power Company (B. C. Cobb) | Muskegon | 336.1401 (336.49) | Dec. 10, 1979 | Jan. 1, 1985. |
| S. D. Warren Co | Muskegon | 336.49 (336.1401). | Oct. 31, 1979 | Nov. 1, 1984. |
| Marathon Oil | ....do | 336.1603 | July 31, 1981 | Dec. 31, 1982. |
| SAGINAW COUNTY | | | | |
| Grey Iron Casting and Nodular Iron Casting Plants | Saginaw | R336.1301 | Apr. 16, 1980 | Dec. 31, 1982. |
| WAYNE COUNTY | | | | |
| Boulevard Heating Plant | Wayne | R336.1331 | Apr. 28, 1981 | Dec. 31, 1982. |

Footnotes:
[1] For the attainment of the primary standard.
[2] For the attainment of the secondary standard.
[3] For the maintenance of the secondary standard.

(f) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

MICHIGAN

| Source | Location | Regulation involved | Date schedule adopted |
|---|---|---|---|
| BAY COUNTY | | | |
| Consumer Power (Karn Plant) | Essexville | 336.44 | Sept. 18, 1973. |
| OTTAWA COUNTY | | | |
| Consumer Power Co. (Campbell Plant Units 1, 2) | West Olive | 336.44 | Sept. 18, 1973. |

[37 FR 10873, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1175, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1176 Review of new sources and modifications. [Reserved]

### §§ 52.1177–52.1178 [Reserved]

### § 52.1179 Control strategy: Carbon monoxide.

(a) Approval—On March 18, 1999, the Michigan Department of Environmental Quality submitted a request to redesignate the Detroit CO nonattainment area (consisting of portions of Wayne, Oakland and Macomb Counties) to attainment for CO. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1996 attainment year) emission inventory for CO, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2010, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the CO NAAQS (which must be confirmed by the State), Michigan will implement one or

more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes enforceable emission limitations for stationary sources, transportation control measures, or a vehicle inspection and maintenance program. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990.

(b) Approval—On December 19, 2003, Michigan submitted a request to revise its plan for the Southeast Michigan CO maintenance area (consisting of portions of Wayne, Oakland and Macomb Counties). The submittal contains updated emission inventories for 1996 and 2010, and an update to the 2010 motor vehicle emissions budget (MVEB). The 2010 MVEB is 3,842.9 tons of CO per day.

[70 FR 4023, Jan. 28, 2005]

### § 52.1180 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 Michigan.

(c) All applications and other information required pursuant to § 52.21 of this part from sources located in the State of Michigan shall be submitted to the state agency, Michigan Department of Natural Resources and Environment, Air Quality Division, P.O. Box 30028, Lansing, Michigan 48909, rather than to EPA's Region 5 office.

[45 FR 8299, Feb. 7, 1980; 45 FR 52741, Aug. 7, 1980, as amended at 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003; 75 FR 55275, Sept. 10, 2010]

### § 52.1181 Interstate pollution.

(a) The requirements of Section 126(a)(1) 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 contribute significantly to levels of air pollution in excess of the National Ambient Air Quality Standards in that state.

[46 FR 30084, June 5, 1981]

### § 52.1182 State boards.

(a) The requirements of Section 128 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 measures on which the state is relying to insure that the Air Pollution Control Commission contains a majority of members who represent the public interest and do not derive a significant portion of their income from persons subject to permits or enforcement orders under the Act and that the board members adequately disclose any potential conflicts of interest.

[46 FR 30084, June 5, 1981]

### § 52.1183 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) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of Michigan.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Michigan.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

### § 52.1184 Small business stationary source technical and environmental compliance assistance program.

The Michigan program submitted on November 13, 1992, January 8, 1993, and November 12, 1993, as a requested revision to the Michigan State Implementation Plan satisfies the requirements of section 507 of the Clean Air Act Amendments of 1990.

[59 FR 28788, June 3, 1994]

### § 52.1185 Control strategy: Carbon monoxide.

(a) Approval—On November 24, 1994, the Michigan Department of Natural Resources submitted a revision to the carbon monoxide State Implementation Plan. The submittal pertained to a plan for the implementation and enforcement of the Federal transportation conformity requirements at the State or local level 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.

(b) Approval—On November 29, 1994, the Michigan Department of Natural Resources submitted a revision to the carbon monoxide State Implementation Plan for general conformity rules. The general conformity SIP revisions enable the State of Michigan to implement and enforce the Federal 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.

[61 FR 66609, 66611, Dec. 18, 1996]

### § 52.1186 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 Michigan 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 Michigan 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 authorizing 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 Michigan 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 Michigan 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 62350, Nov. 2, 2007]

### § 52.1187 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

The owner and operator of each $SO_2$ source located within the State of Michigan 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 Michigan 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.

[72 FR 62350, Nov. 2, 2007]

### §52.1188 [Reserved]

### §52.1190 Original Identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Michigan'' and all revisions submitted by Michigan that were federally approved prior to August 1, 2006.

(b) The plan was officially submitted on February 3, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Re-evaluation of control strategies for Berrien and Ingham Counties were submitted on March 3, 1972, by the State Air Pollution Office.

(2) Amendments to the Michigan air pollution rules for the control of $SO_2$ emissions (Part 3) and the prevention of air pollution episodes (Part 6) submitted by the Governor on March 30, 1972.

(3) An amendment to the Grand Rapids air pollution ordinance (section 9.35 and section 9.36) was submitted on May 4, 1972, by the Grand Rapids Department of Environmental Protection.

(4) Reasons and justifications concerning general requirements of control strategy for nitrogen dioxide, compliance schedules, and review of new sources and modifications submitted on July 12, 1972, by the Governor.

(5) A letter from the State Department of Public Health submitted on July 24, 1972, described how emissions data would be made available to the public.

(6) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on February 16, 1973.

(7) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on May 4, 1973.

(8) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on September 19, 1973.

(9) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on October 23, 1973.

(10) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on December 13, 1973.

(11) Air Quality Maintenance Area identifications were submitted on June 27, 1974, by the State of Michigan Department of Natural Resources.

(12) Air Quality Maintenance Area identifications were submitted on October 18, 1974, by the State of Michigan Department of Natural Resources.

(13) Provisions to disapprove an installation permit if the applicant source would interfere with the attainment or maintenance of national air quality standards were submitted by the Governor on January 25, 1974.

(14) Order extending the final compliance dates for meeting the sulfur dioxide emission limitation was submitted by the Michigan Department of Natural Resources for the Karn, Weadock and Cobb Plant Units of the Consumers Power Co.

(15) Order extending compliance date for meeting the sulfur dioxide emission limitation was submitted by the State of Michigan Department of Natural Resources for the Detroit Edison Company, Monroe County Plant on December 12, 1977.

(16) On April 25, 1979, the State submitted its nonattainment area plan for areas designated nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained Michigan's Part D attainment plans for particulate matter, carbon monoxide, sulfur dioxide, transportation and new source review, plus a copy of Michigan's existing and proposed regulations. USEPA is not taking action at

this time to include in the federally approved SIP certain portions of the submittal: Provisions in R 336.1310 concerning open burning; 336.1331, insofar as it may pertain to process sources in the iron and steel category and site specific revisions; 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356 and 1357 as they pertain to specific iron and steel source operations; Part 5, Extension of Sulfur Dioxide Compliance Date for Power Plants Past January 1, 1980; Part 7, Emission Limitations and Prohibitions—New Sources of Volatile Organic Compound Emissions; R336.1701–1710 controlling minor sources of volatile organic compounds; Part 11, Continuous Emission Monitoring; Part 13, Air Pollution Episodes; Part 16, Organization and Procedures; and Part 17, Hearings.

(17) On October 12, 1979, the State submitted comments and commitments in response to USEPA's notice of proposed rulemaking.

(18) On January 9, 1980, the State submitted a copy of the finally adopted rules of the Commission. These rules became fully effective on January 18, 1980. These finally adopted rules are identical to the rules submitted on April 25, 1979, as part of Michigan's Part D nonattainment area plan except for a modification in the numbering system. Paragraph (c)(16) of this subpart identifies those rules on which USEPA has not taken action.

(19) On February 6, 1980, the State submitted the visible emission test method for stationary sources referenced in Rule 336.1303 as being on file with the Michigan Air Pollution Control Commission. On March 7, 1980, the State submitted clarifications to the visible emissions test method.

(20) On March 31, 1980, the State submitted revisions to the conditional approval schedules for total suspended particulates.

(21) On July 25, 1979, the State submitted the official ozone attainment plan as part of the State Implementation Plan.

(22) On October 26, 1979, the State submitted comments and revisions to the transportation plans and vehicle inspection/maintenance portions of the State Implementation Plan for ozone in response to USEPA's notice of proposed rulemaking (45 FR 47350).

(23) On November 8, 1979, the State submitted revisions to the ozone attainment plan.

(24) On December 26, 1979, the State submitted comments and additional information from the lead local agencies on the transportation control plans for the Flint, Lansing, Grand Rapids and Detroit urban areas.

(25) On May 12, 1980, the State submitted corrections and comments in response to USEPA's notice of proposed rulemaking (45 FR 25087).

(26) On March 20, 1980, the State submitted commitments and additional revisions to the Inspection/Maintenance program for the Detroit urban area.

(27) On February 23, 1979, compliance schedules were submitted by the State of Michigan, Department of Natural Resources to USEPA for the Detroit Edison, St. Clair Power Plant. Additional material concerning the Final Order issued to the Detroit Edison, St. Clair Power Plant was submitted on June 17, 1979 and August 14, 1979.

(28) On August 22, 1979, the State of Michigan submitted to USEPA an Administrative Order, for the Lansing Board of Water and Light (Order No. 4–1979, adopted May 23, 1979). In letters dated February 13, 1980 and April 1, 1980, the State of Michigan withdrew certain paragraphs (sections A, B, C1, D, E, F, and G) of the Order from consideration by USEPA.

(29) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources to USEPA on October 26, 1979, for the Dundee Cement Company, Monroe County (Michigan Final Order, APC No. 08–1979, adopted October 17, 1979).

(30) On July 26, 1979, the State of Michigan submitted to USEPA a revision to Rule 336.49 for the Consumers Power Company's J. H. Campbell Plant. The revision is a Final Order (No. 05–1979) extending the compliance date until January 1, 1985 for the Campbell Plant to meet the sulfur dioxide emission limitations in Rule 336.49. On February 14, 1980, the State of Michigan submitted to USEPA an amendment to Order No. 05–1979.

(31) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources to USEPA on November 13, 1979, for the S. D. Warren Company, Muskegon County (Michigan Final Order, No. 09–1979, adopted October 31, 1979).

(32) On December 19, 1979, the State of Michigan submitted a revision to provide for modification of the existing air quality surveillance network.

(33) On December 10, 1979, the State of Michigan submitted to USEPA a Final Order (APC No. 6–1979) issued by the Michigan Air Pollution Control Commission to the Consumers Power Company B.C. Cobb Plant. The Order requires the source to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the sulfur dioxide ($SO_2$) emission limitation in Michigan Rule 336.1401.

(34) On January 8, 1980, the State of Michigan submitted to USEPA a Final Order (APC No. 14–1979) requested of the Michigan Air Pollution Control Commission (MAPCC) by the Union Camp Corporation in Monroe County, Michigan. The Order permitted the Union Camp Corporation to burn 2.7% sulfur fuel on an annual average and 4.0% sulfur fuel on a daily average between January 1, 1980 and July 1, 1980. Beginning July 1, 1980 until July 1, 1982 the Company is permitted to burn 2.5% sulfur fuel on an annual average and 4.0% sulfur fuel daily average. Beginning July 1, 1982 until January 1, 1985, the Company is allowed to burn 2.2% sulfur fuel annual average and 3.5% sulfur fuel daily average. After January 1, 1985; the Company has agreed to comply with the $SO_2$ emission limitations of 1.5% sulfur fuel required in Michigan Rule 336.1401.

(35) On August 4, 1980 and August 8, 1980, the State of Michigan submitted to EPA additional information on the transportation control plan for the Niles, Michigan urbanized area.

(36) On January 10, 1980, the State of Michigan submitted to USEPA a Final Order (APC No. 16–1979) issued by the Michigan Air Pollution Control Commission to the Northern Michigan Electric Cooperative Advance Steam Plant. The Order allows the source to continue burning 2.0% sulfur coal (maximum daily average) until January 1, 1985 when the Company must meet the sulfur dioxide (S02) emission limitations in Michigan Rule 336.1401.

(37) On November 26, 1980, the State submitted a schedule to correct plan deficiencies cited by USEPA in its September 9, 1980 notice of proposed rulemaking on a portion of Michigan's Part D TSP control strategy pertaining to iron and steel sources. On April 1, 1981, the State submitted a revised schedule. USEPA has not taken action on the schedule submitted by the State.

(38) On April 10, 1981 the Governor of Michigan committed to annually administer and submit the questionnaire developed for the purposes of section 128.

(39) On July 28, 1980, the State of Michigan submitted to EPA, as revisions to the Michigan SIP, amendments to Rules 283 and 610 of the Michigan Air Pollution Control Commission.

(40) Revised compliance schedules were submitted by the State of Michigan, Department of Natural Resources (MDNR) to EPA on January 14, 1981, for the Dundee Cement Company, Monroe County (Michigan Final Order, APC No. 16—1980, adopted November 19, 1980). The revised Order provides an earlier final compliance date of December 31, 1980 for reducing the particulate matter emissions to 0.20 pounds per 1,000 pounds of exhaust gases and December 31, 1981 for visible emission reductions from the Company's cement kilns.

(41) On April 25, 1979, the State submitted materials which satisfy the intergovernmental consultation process.

(42) On July 28, 1980, the State submitted an amendment to Michigan Air Pollution Control Commission Rule 221 which exempts minor sources of particulate matter and sulfur dioxide from the offset requirements.

(43) On August 25, 1981, the State of Michigan, Department of Natural Resources (MDNR), submitted to EPA Consent Order No. 16–1981 for the Marathon Oil Company in Muskegon County. Consent Order No. 16–1981 satisfies USEPA's conditional approval of

R336.1603 by providing detailed compliance schedules containing the increments of progress required by 40 CFR 51.15.

(44) On September 1, 1981, the State of Michigan, Department of Natural Resources (MDNR) submitted to USEPA a revision to its R336.1220 requiring offsets in ozone nonattainment areas to exempt the same compounds listed in EPA's FEDERAL REGISTER of July 22, 1980 (45 FR 48941). The revised R336.1220 also allows offsets of emissions for new sources in any of the seven counties in the southeastern Michigan ozone nonattainment area to be obtained from any of those counties, not just the county in which the new source is locating (Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe).

(45) On May 24, 1980, the State of Michigan, Department of Natural Resources (MDNR) submitted Consent Order APC No. 10–1979 for the Buick Motor Division Complex (BMDC) of the Buick Motors Division, General Motors Corporation. The BMDC is located in the City of Flint, Genesee County, a primary nonattainment area. On December 2, 1980, supplementary information was submitted by MDNR. The Consent Order contains enforceable emission limitations and control measures for the attainment of the primary TSP standards in Genesee County by December 31, 1982.

(46) On July 17, 1980, the State of Michigan, Department of Natural Resources (MDNR) submitted Consent Order APC No. 01–1980 for the Grey Iron Casting Plant and the Nodular Iron Casting Plant, of the Chevrolet Motor Division, General Motors Corporation. The two plants are located in Saginaw County, a primary nonattainment area. On September 5, 1980 and February 6, 1981, supplementary information was submitted by MDNR. The Consent Order contains enforceable emission limitations and control measures for the attainment of the primary TSP standards in Saginaw County by December 31, 1982.

(47) On March 4, 1981, the State of Michigan, Department of Natural Resources (MDNR) submitted Consent Order APC No. 12–1980 for the New Haven Foundry located in Macomb County, a secondary nonattainment area. The Consent Order contains enforceable emission reductions to achieve the secondary TSP standards by June 30, 1985.

(48) On May 1, 1981, the State of Michigan, through the Department of Natural Resources, submitted Consent Order 07–1981 for the Detroit Edison Company, Boulevard Heating Plant located in the City of Detroit, Wayne County. Under Michigan Rule 336.1331(1)(a), the plant was restricted to a particulate emission limit of 0.45 pounds of particulate per 1000 pounds flue gas or an equivalent of 410 tons per year. The Consent Order, pursuant to Michigan Rule 333.1331(1)(d), establishes a new limitation for the Boulevard Plant of 0.65 pounds per 1000 pounds of flue gas with a daily limit of 0.9 tons per day and 10 tons per year.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certified on January 27, 1981 (46 FR 8709) that the attached rule will not have a significant economic impact on a substantial number of small entities.

(49) On March 7, 1980 and April 21, 1981 the State of Michigan submitted particulate studies for the Detroit area. These studies satisfy EPA's conditional approval and the State's commitment.

(50) On October 22, 1981, the State of Michigan submitted as a SIP revision Consent Order No. 17–1981, between Conoco, Inc., and the Michigan Air Pollution Control Commission. The Consent Order establishes a compliance schedule for Conoco, Inc. to achieve the Volatile Organic Compounds (VOC) limitations in R336.1609 by December 31, 1982.

(51) On December 27, 1979, the State of Michigan, Department of Natural Resources (MDNR), submitted to EPA a revision to the State Implementation Plan (SIP) for Lead. On February 9, 1981, the State of Michigan submitted a letter clarifying provisions of its Lead SIP. The SIP provides for the implementation of measures for controlling lead emissions for the attainment and maintenance of the national ambient air quality standards for lead in Michigan by October 31, 1982.

(52) On June 26, 1981, the State of Michigan, Department of Natural Resources, submitted to EPA Consent Order No. 12–1981 for controlling particulate emissions from the liquid waste incinerator in Building 830 at the Dow Chemical Company's Midland plant. The Consent Order provides a schedule which establishes a final particulate emissions compliance date of October 1, 1982.

(53) On August 24, 1981, the State of Michigan, Department of Natural Resources, submitted to EPA Consent Order APC No. 19–1981 for controlling particulate emissions from Dow's West Side and South Side powerplants. On October 16, 1981, the State of Michigan submitted a letter to EPA clarifying specific sections intended for EPA's rulemaking action. All particulate emission sources at Dow must comply with various parts of Michigan's SIP by December 31, 1985. The Consent Order does not interfere with the attainment of the primary particulate NAAQS standard by December 31, 1982 or the secondary particulate NAAQS by October 1, 1984.

(54) On December 16, 1981, the State of Michigan submitted to EPA Consent Order APC No. 21–1981 for the Monitor Sugar Company. Consent Order APC No. 21–1981 provides for additional controls on its coal-fired boilers, 1, 2, 3, and 4 and establishes a final compliance date of October 15, 1982 for attaining the primary National Ambient Air Quality Standards.

(55) On January 7, 1982, the State of Michigan submitted to EPA Consent Order APC No. 23–1981 for the Traverse City Board of Light and Power. Consent Order APC No. 23–1981 limits the company's operation of its No. 1 and No. 2 coal-fired boilers after December 31, 1982; provides for additional controls on its No. 4 coal-fired boiler; and establishes a final compliance date of December 31, 1982.

(56) On September 2, 1981, the State of Michigan submitted a revision to the ozone plan consisting of RACT requirements for the control of volatile organic compound emissions from stationary industrial sources (Group II) referenced in Rules R336.1101–3, 5–9, 14–16, 18–21, 23; R336.1601, 3–4, 10, 19–27; and R336.2005.

(57) On March 3, 1982, the State of Michigan submitted a modification to its schedule for submitting by December 31, 1982 regulations developed to correct the State's deficiencies in its Part D State Implementation Plan for the attainment of the total suspended particulate air quality standards in its nonattainment areas containing iron and steel sources.

(58) On December 16, 1981, the State of Michigan submitted as a SIP revision consent order APC No. 18–1981 between General Motors Warehousing and Distribution Division and the Michigan Air Pollution Control Commission. On March 16, 1982, Michigan submitted an amendment to consent order APC No. 18–1981. The Consent Order provides a one year extension from October 15, 1982 until October 15, 1983 for the Company's No. 1 and No. 2 boilers and establishes a compliance date of October 15, 1981, for boilers 3 and 4. The Consent Order contains a schedule for compliance which specifies emission limits of 0.45 pounds of particulate per 1,000 pounds of gas as required in Michigan's rule 336.1331(c) Table 31.

(59) [Reserved]

(60) On April 5, 1982, the State of Michigan submitted Consent Order APC No. 02–1980 along with alterations to Section 5(D) of the Consent Order for the Hayes-Albion foundry in Calhoun County. The Consent Order contains control measures beyond the present requirements of Michigan's R336.1301 and R336.1331 for Total Suspended Particulate (TSP) emissions and evaluation methods for determining significant particulate emission sources from the foundry. On June 18, 1982, the State of Michigan also submitted a Fugitive Dust Control Plan and a Malfunction Abatement Plan for the Hayes-Albion foundry. On September 21, 1982, the State of Michigan formally submitted Permits 314–79 and 375–79 for the American Colloid Plant.

(61) On March 6, 1981, the State of Michigan submitted as a SIP revision general rules for fugitive dust control. These rules were approved by the Michigan Air Pollution Control Commission on January 20, 1981, and became effective at the State level on February 17, 1981. On January 25, 1982,

May 3, 1982, and August 24, 1982, Michigan submitted additional information and commitments. The submittal of March 6, 1981, along with the additional information and commitments satisfies the State's commitment to submit industrial fugitive dust regulations that represent reasonably available control techniques for industrial fugitive dust sources.

(62) On July 28, 1982, the State of Michigan submitted Consent Order No. 06–1981 for the Clark Oil and Refining Corporation for volatile organic compound (VOC) emissions. This revision is a detailed compliance schedule containing increments of progress with a final compliance date of December 31, 1982 and an emission limitation of 0.7 pound of organic vapor per 1000 gallons of organic compound load.

(63) On September 8, 1982, the State of Michigan submitted as a SIP revision Consent Order No. 03–1982, between the Hydra-Matic Division, General Motors Corporation and the Michigan Air Pollution Control Commission. The Consent Order establishes a compliance schedule containing increments of progress dates and a final date of November 1, 1982 for Boiler No. 5 to comply with Michigan's R336.331.

(64) On September 21, 1982, the State of Michigan submitted as a SIP revision Consent Order No. 13–1982, between the Diamond Crystal Salt and the Michigan Air Pollution Control Commission, the Consent Order establishes a compliance schedule containing increments of progress dates and a final date of December 18, 1982 for Boiler No. 5 to comply with Michigan's R336.331.

(65) [Reserved]

(66) On September 8, 1982, the State of Michigan submitted as a State Implementation Plan (SIP) revision consent order No. 08–1982, between the General Motors, Buick Motor Division and the Michigan Air Pollution Control Commission. The Consent Order establishes a Volatile Organic Compound (VOC) emissions compliance schedule as required under Michigan's Rule 336.1603 and 336.1610, and extends the final compliance date for surface coating operations until December 31, 1987. On November 29, 1982, and March 10, 1983, the State submitted additional information.

(67) On September 8, 1982, the State of Michigan submitted Consent Order No. 09–1982, between the General Motors, Fisher Body Division and the Michigan Air Pollution Control Commission as a State Implementation Plan (SIP) revision. The Consent Order establishes a Volatile Organic Compound (VOC) emission compliance schedule as required under Michigan's Rule 336.1603 and 336.1610, and extends the compliance date for surface coating operations until December 31, 1987. On November 29, 1982, and March 10, 1983, the State submitted additional information.

(68) On September 8, 1982, the State of Michigan submitted as a State Implementation Plan (SIP) revision Consent Order No. 10–1982, between Chevrolet Truck Assembly and the Michigan Air Pollution Control Commission. The Consent Order establishes a Volatile Organic Compound (VOC) emission compliance schedule as required under Michigan's Rule 336.1603 and 336.1610, and extends the compliance date for surface coating operations until December 31, 1987. On November 29, 1982, and March 10, 1983, the State submitted additional information.

(69) On September 8, 1982, the State of Michigan submitted as a State Implementation Plan (SIP) revision Consent Order No. 11–1982, between the General Motors Fisher Body Division, Fleetwood Plant and the Michigan Air Pollution Control Commission. On March 10, 1983, the State submitted additional information for this SIP revision. The Consent Order establishes a Volatile Organic Compound (VOC) emissions compliance schedule as required under Michigan's Rules 336.1603 and 336.1610, and extends the final compliance date for surface coating operations until December 31, 1987.

(70) On September 8, 1982, the State of Michigan submitted as a State Implementation Plan (SIP) revision Consent Order No. 12–1982, between the General Motors, Cadillac Motors Car Division and the Michigan Air Pollution Control Commission. On March 10, 1983, the State submitted additional information for this SIP revision. The Consent Order establishes a Volatile Organic Compound (VOC) emission compliance schedule as required under

Michigan's Rule 336.1603 and R336.1610, and extends the compliance date for surface coating operations until December 31, 1987.

(71) On September 1, 1982, the State of Michigan submitted a request to reduce the size of the ozone demonstration area for Southeast Michigan from the seven-county area of Wayne, Oakland, Macomb, Livingston, Monroe, St. Clair and Washtenaw to a three-county area consisting of Wayne, Oakland, and Macomb Counties.

(72) On November 18, 1982, the State of Michigan submitted Consent Order APC No. 06–1980, along with alterations for the General Motors Corporation (GMC) Central Foundry Division, Saginaw Malleable Iron Plant in the City of Saginaw, County of Saginaw as a revision to the Michigan SIP. Consent Order No. 06–1980, as amended, reflects an interim and final particulate emission limit more stringent than Michigan's rule 336.1331; extends the final date of compliance with Michigan's Rule 336.1301 for opacity on the oil quench facilities from December 31, 1982, to December 15, 1983, which is as expeditiously as practicable and before the July 31, 1985, attainment date for the secondary TSP NAAQS in Michigan.

(73) On June 30, 1983, the State of Michigan submitted as a State Implementation Plan (SIP) revision. Consent Order No. 4–1983 between the General Motors Corporation's Oldsmobile Division and the Michigan Air Pollution Control Commission. The Consent Order establishes a Volatile Organic Compound (VOC) emissions compliance schedule as required under Michigan's Rule 336.1603 and 336.1610, and extends the final compliance dates for prime, primer-surfacer, topcoat, and final repair operations until December 31, 1987.

(74) On June 30, 1983, the State of Michigan submitted as a State Implementation Plan (SIP) revision. Consent Order No. 5–1983, between the General Motors Corporation's Assembly Division and the Michigan Air Pollution Control Commission. The Consent Order established a Volatile Organic Compound (VOC) emission compliance schedule as required under Michigan's Rule 336.1603 and R336.1610, and provides interim compliance limits to be achieved by December 31, 1984, and extends the final compliance dates for topcoating and final repair coating operations until December 31, 1987.

(75) On October 4, 1983, the State of Michigan submitted: (1) A revised Consent Order APC No. 12–1979 between CWC Castings Division of Textron and the Michigan Air Pollution Control Commission and (2) Article 14, Section J of the Muskegon County APC Rules. Consent Order APC No. 12–1979 requires reductions of point source emissions and fugitive emissions and extends the installation schedule of specified control devices to December 31, 1984. Article 14, Section J, provides a ban on open residential and leaf burning in Muskegon County. EPA approves the additional control measures contained in Consent Order APC No. 12–1979 and the open burning ban. EPA takes no action on the overall approval of Michigan's Part D secondary nonattainment area for Muskegon County.

(76) On August 24, 1983, the State of Michigan submitted a State Implementation Plan (SIP) revision request for an extension of the compliance date for Boiler No. 2 for the General Motors Corporation Warehousing and Distribution Division, in Swartz Creek County. Consent Order No. 18–1981 extends the compliance date until October 15, 1985 for GMC to install mechanical collectors on Boiler No. 2.

(77) On March 8, 1984, the State of Michigan submitted a report which demonstrated that Rule 336.1606 contains emission limits equivalent to Reasonable Available Control Technology (RACT) for Wayne, Oakland and Macomb Counties. Therefore, USEPA remove its conditional approval of Rule 336.1606 and fully approves the State's rule.

(78) On September 6, 1984, the State of Michigan submitted a revision to the Michigan State Implementation Plan for the General Motors Corporation Buick Motor Division in the form of an Alteration of Stipulation for Entry of Consent Order and Final Order, No. 8–1982. The original Consent Order No. 8–1982 was federally approved on July 6, 1983. This alteration revises Consent Order No. 8–1982, in that it accelerates the final compliance dates for prime

and prime-surfacer operations and extends an interim compliance date for topcoat operations.

(i) Incorporation by reference.

(A) State of Michigan, Air Pollution Control Commission, Alteration of Stipulation for Entry Consent Order and Final Order SIP No. 8–1983, which was approved by the Air Pollution Control Commission on April 2, 1984.

(B) Letter of September 6, 1984, from the State of Michigan, Department of Natural Resources, to EPA.

(79) On December 2, 1983, USEPA proposed to withdraw its approval of Michigan's fugitive dust regulations. On April 25, 1985, the State of Michigan submitted revised Rule 336.1371, existing Rule 336.1372, and new Rule 336.1373. However, they did not meet the requirements of Part D of section 172(b); and USEPA, therefore, withdrew its approval of these submittals, disapproved these submittals, and instituted new source restrictions for major sources in the Michigan primary Total Suspended Particulate (TSP) nonattainment areas on August 20, 1985. USEPA incorporates revised Rule 336.1371 and newly submitted Rule 336.1373 into the Michigan State Implementation Plan because they provide a framework for the development of fugitive dust control programs at the State level in Michigan. USEPA retains Rule 336.1372, which is already incorporated into the Michigan SIP, insofar as it applies to sources in TSP attainment areas. This paragraph supercedes paragraph (C)(61) of this section.

(i) Incorporation by reference.

(A) Michigan Department of Natural Resources Rules 336.1371 and 336.1373 (Fugitive Dust Regulations), as adopted on April 23, 1985.

(80) On July 27, 1983, the State of Michigan submitted Consent Order No. 08–1983 for the General Motors Corporation Central Foundry Division's Saginaw Malleable Iron Plant, as a revision to the Michigan State Implementation Plan for Total Suspended Particulates. Consent Order No. 08–1983 amends control strategy provisions of federally approved (November 18, 1982 and August 15, 1983) Consent Order No. 06–1980 and its alteration.

(i) Incorporation by reference.

(A) Stipulation for Entry of Consent Order and Final Order No. 08–1983 for the General Motors Corporation Central Foundry Division's Saginaw Malleable Iron Plant amending Control Strategy Provisions issued June 9, 1983.

(81) On October 1, 1984, the State of Michigan submitted the Stipulation for Entry of Consent Order and Final Order, SIP No. 12–1984, between the Consumer Power Company's J.H. Campbell and the Michigan Air Pollution Control Commission as a revision to the Michigan $SO_2$ SIP. Consent Order No. 12–1984 provides a 3-year compliance date extension (January 1, 1985, to December 31, 1987) for the J.H. Campbell Units 1 and 2 to emit $SO_2$ at an allowable rate on a daily basis of 4.88 lbs/MMBTU in 1985, 4.78 lbs/MMBTU in 1986, and 4.68 lbs/MMBTU in 1987.

(i) Incorporation by reference.

(A) October 1, 1984, Stipulation for Entry of Consent Order and Final Order, SIP No. 12–1984, establishing interim daily average $SO_2$ emission limitations and quarterly average limits on percent sulfur is fuel fired.

(82) The State of Michigan submitted negative declarations for several volatile organic compound source categories, as follows:

October 10, 1983—Large petroleum dry cleaners;

May 17, 1985—High-density polyethylene, polypropylene, and polystyrene resin manufacturers;

June 12, 1985—Synthetic organic chemical manufacturing industry sources (SOCMI) oxidation.

(i) Incorporation by reference.

(A) Letters dated October 10, 1983, May 17, 1985, and June 12, 1985, from Robert P. Miller, Chief, Air Quality Division, Michigan Department of Natural Resources. The letter dated June 12, 1985, includes pages 2–119 and 2–120 from the revised 1982 Air Quality Implementation Plan for Ozone and Carbon Monoxide in Southeast Michigan.

(83) On September 16, 1985, the State of Michigan submitted a SIP revision requesting alternate opacity limits for the Packaging Corporation of America (PCA) bark boiler. The request is in the form of a Stipulation for Entry of Consent Order and Final Order (No. 23–1984). The Consent Order contains an

extended schedule for the PCA's bark boiler to comply with Michigan's Rule 336.1301.

(i) Incorporation by reference.

(A) Stipulation for Entry of Consent Order and Final Order No. 23–1984 for the Packaging Corporation of America, approved on July 8, 1985.

(84) On April 29, 1986, the State of Michigan submitted a revision to the Michigan State Implementation Plan (SIP) for total suspended particulates (TSP). The revision, in the form of Air Pollution Control Act (APCA) No. 65, revises the State's 1965 APCA No. 348 contained in the TSP portion of the Michigan SIP with respect to: car ferries having the capacity to carry more than 110 motor vehicles; and coal-fired trains used in connection with tourism.

(i) Incorporation by reference.

(A) Act No. 65 of the Public Acts of 1986, as approved by the Governor of Michigan on March 30, 1986.

(85) On April 25, 1979, the State of Michigan submitted as revisions to the Air Quality Implementation Plan, Michigan Department of Natural Resources Air Pollution Control Commission General Rules for Open Burning; Continuous Emission Monitoring; Air Pollution Episodes; Organization, Operation and Procedures; and Hearings.

(i) Incorporation by reference.

(A) R 336.1310, Open Burning, effective January 18, 1980.

(B) R 336.2101–3, R 336.2150–5, R 336.336–2159, R 336.2170, R336.2175–6, R 336.2189–90, and R 336.2199; Continuous Emission Monitoring, effective January 18, 1980.

(C) R 336.2301–8, Air Pollution Episodes, effective January 18, 1980.

(D) R 336.2601–8, Organization, Operating, and Procedures, effective January 18, 1980.

(E) R 336.2701–6, Hearings, effective January 18, 1980.

(86) On May 25, 1988, the State of Michigan submitted an SIP revision in the form of an addendum to the State's Rule 336.1122, effective at the State level on May 20, 1988. The amendment will allow coating companies to exclude methyl chloroform from the VOC emission calculation when it is not technically or economically reasonable. This exemption applies only to the surface coating operations that are subject to Part 6 (Emission Limitations and Prohibitions—Existing Sources of VOC Emissions) or Part 7 (Emission Limitations and Prohibitions—New Sources of VOC Emissions) of the State's regulations.

(i) Incorporation by reference.

(A) R336.1122, Methyl Chloroform; effective at the State level on May 20, 1988.

(87)–(89) [Reserved]

(90) On December 17, 1987, the State of Michigan submitted to USEPA a revision to the Michigan State Implementation Plan for the Continental Fiber Drum, Inc., which limits volatile organic compound emissions from the surface coating operations at the facility.

(i) Incorporation by reference.

(A) State of Michigan, Air Pollution Control Commission, Stipulation for Entry of Consent Order and Final Order No. 14–1987, which was adopted by the State on December 9, 1987.

(B) Letter of December 17, 1987, from the State of Michigan, Department of Natural Resources to USEPA.

(91) On May 17, 1985, the State submitted revised rules for the control of particulate matter from iron and steel sources and from other sources in Michigan. These rules were submitted to fulfill conditions of USEPA's May 22, 1981, approval (46 FR 27923 of the State's part D total suspended particulates (TSP) State Implementation Plan (SIP). USEPA is approving these revised rules in the Michigan submittal except for the following provisions: The quench tower limit in rule 336.1331, Table 31, Section C.8, because allowing water quality limits to apply only to makeup water is a relaxation; the deletion of the limit in rule 336.1331 for coke oven coal preheater equipment, because it is a relaxation, and rule 336.1355, because it provides an unlimited exemption for emissions from emergency relief valves in coke oven gas collector mains.

(i) Incorporation by reference.

(A) Revision to parts 1, 3, and 10 of Michigan's administrative rules for air pollution control (Act 348 of 1967, as amended) as adopted by the Michigan Air Pollution Control Commission on December 18, 1984. These rules became

effective in Michigan on February 22, 1985.

(92) On October 10, 1986, the State of Michigan supported portions of the revised Wayne County Air Pollution Control Division Air Pollution Control Ordinance as approved by Wayne County on September 19, 1985, as a revision to the Michigan State Implementation Plan.

(i) Incorporation by reference.

(A) Chapters 1, 2, 3, 5 (except for the portions of Chapter 5, section 501, of the Wayne County Ordinance which incorporate by reference the following parts of the State rules: The quench tower limit in Rule 336.1331, Table 31, Section C.8; the deletion of the limit in Rule 336.1331 for coke oven coal preheater equipment; and Rule 336.1355), 8 (except section 802), 9, 11, 12, 13 and appendices A and D of the Wayne County Air Pollution Control Division (WCAPCD) Air Pollution Control Ordinance as approved by WCAPCD on September 19, 1985.

(93) On November 16, 1992, the Michigan Department of Natural Resources submitted Natural Resources Commission Rule 336.202 (Rule 2), Sections 5 and 14a of the 1965 Air Pollution Act 348, and the 1991 Michigan Air Pollution Reporting Forms, Reference Tables, and General Instructions as the States emission statement program. Natural Resources Commission Rule 336.202 (Rule 2) became effective November 11, 1986. Section 5 and 14a of the 1965 Air Pollution Act 348 became effective July 23, 1965.

(i) Incorporation by reference.

(A) Natural Resources Commission Rule 336.202 (Rule 2) became effective November 11, 1986. Section 5 and 14a of the 1965 Air Pollution Act 348 became effective July 23, 1965.

(94) On November 13, 1992, January 8, 1993, and November 12, 1993, the State of Michigan submitted a Small Business Stationary Source Technical and Environmental Assistance Program for incorporation in the Michigan State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Small Business Clean Air Assistance Act, Act No. 12, Public Acts of 1993, approved by the Governor on April 1, 1993, and effective upon approval.

(95) On November 15, 1993, the State of Michigan requested revision to the Michigan State Implementation Plan (SIP) to incorporate miscellaneous technical rule changes that the State had made effective April 20, 1989.

(i) Incorporation by reference.

(A) Michigan Air Pollution Control Rules: R 336.1107 (except paragraph (c)); R 336.1121, R 336.1403. R 336.1606, R 336.1607, R 336.1608, R 336.1609, R 336.1616, R 336.1626 (deleted), and R 336.1705, effective April 20, 1989.

(96) Revisions to the Michigan Regulations submitted on June 12, 1993 and November 12, 1993 by the Michigan Department of Natural Resources:

(i) Incorporation by reference.

(A) Revisions to the following provisions of the Michigan Air Pollution Control Commission General Rules filed with the Secretary of State on April 12, 1993 and effective on April 27, 1993:

(*1*) R 336.1101 Definitions; A—Revised definitions of the following terms: actual emissions, air-dried coating, air quality standard, allowable emissions and alternate opacity.

(*2*) R 336.1103 Definitions; C—Added definition of coating category. Revised definitions of the following terms: calendar day, class II hardboard paneling finish, coating line, coating of automobiles and light-duty trucks coating of fabric, coating of large appliances, coating of paper, coating of vinyl, component, component in field gas service, component in gaseous volatile organic compound service, component in heavy liquid service, component in light liquid service, component in liquid volatile organic compound service, condenser, conveyorized vapor degreaser, and creditable.

(*3*) R 336.1105 Definitions; E—Added definition of the term extreme environmental conditions. Revised definitions of the following terms: electrostatic prep coat, equivalent method and extreme performance coating.

(*4*) R 336.1116 Definitions; P—Revised definitions of the following terms: packaging rotogravure printing, printed interior panel, process unit turnaround, publication rotogravure printing and pushside. Deleted definition of

the term pneumatic rubber tire manufacturing.

(*5*) R 336.1122 Definitions; V—Added definition of the term vapor collection system. Revised definitions of the following terms: very large precipitator and volatile organic compound.

(*6*) R 336.1602 General provisions for existing sources of volatile organic compound emissions (entire rule).

(*7*) R 336.1610 Existing coating lines; emission of volatile organic compounds from exiting automobile, light-duty truck, and other product and material coating lines (entire rule).

(*8*) R 336.1611 Existing cold cleaners (entire rule).

(*9*) R 336.1619 Perchloroethylene; emission from existing dry cleaning equipment (entire rule).

(*10*) R 336.1620 Emission of volatile organic compounds from existing flat wood paneling coating lines (entire rule).

(*11*) R 336.1621 Emission of volatile organic compounds from existing metallic surface coating lines (entire rule).

(*12*) R 336.1622 Emission of volatile organic compounds from existing components of petroleum refineries; refinery monitoring program (entire rule).

(*13*) R 336.1623 Storage of petroleum liquids having a true vapor pressure of more than 1.0 psia, but less than 11.0 psia, in existing external floating roof stationary vessels of more than 40,000-gallon capacity (entire rule).

(*14*) R 336.1625 Emission of volatile organic compounds from existing equipment utilized in manufacturing synthesized pharmaceutical products (entire rule).

(*15*) R 336.1627 Delivery vessels; vapor collection systems (entire rule).

(*16*) R 336.1630 Emission of volatile organic compounds from existing paint manufacturing processes (entire rule).

(*17*) R 336.1631 Emission of volatile organic compounds from existing process equipment utilized in manufacture of polystyrene or other organic resins (entire rule).

(*18*) R 336.1632 Emission of volatile organic compounds from existing automobile, truck, and business machine plastic part coating lines (entire rule).

(*19*) R 336.1702 General provisions of new sources of volatile organic compound emissions (entire rule).

(*20*) R 336.2004 Appendix A; reference test methods; adoption of federal reference test methods (entire rule).

(*21*) R 336.2006 Reference test method serving as alternate version of federal reference test method 25 by incorporating Byron analysis (entire rule).

(*22*) R 336.2007 Alternate version of procedure L, referenced in R 336.2040(10) (entire rule).

(*23*) R 336.2040 Method for determination of volatile organic compound emissions from coating lines and graphic arts lines (except R 336.2040(9) and R 336.2040(10)).

(*24*) R 336.2041 Recordkeeping requirements for coating lines and graphic arts lines (entire rule).

(B) Revisions to the following provisions of the Michigan Air Pollution Control Commission General Rules filed with the Secretary of State on November 3, 1993 and effective on November 18, 1993:

(*1*) R 336.1601 Definitions—Added definition of the term person responsible.

(*2*) R 336.1602 General provisions for existing sources of volatile organic compound emissions—Addition of provisions requiring submittal of site-specific SIP revisions to EPA for the use of equivalent control methods allowed under rules 336.1628(1) and 336.1629(1).

(*3*) R 336.1624 Emission of volatile organic compounds from existing graphic arts lines (entire rule).

(*4*) R 336.1628 Emission of volatile organic compounds from components of existing process equipment used in manufacturing synthetic organic chemicals and polymers; monitoring program (entire rule).

(*5*) R 336.1629 Emission of volatile organic compounds from components of existing process equipment used in processing natural gas; monitoring program (entire rule).

(C) Senate Bill No. 726 of the State of Michigan 87th Legislature for Stage I controls signed and effective on November 13, 1993.

(D) State of Michigan, Department of Natural Resources, Stipulation for Entry of Consent Order and Final Order No. 39–1993 which was adopted by the State on November 12, 1993.

(E) State of Michigan, Department of Natural Resources, Stipulation for Entry of Consent Order and Final

Order No. 40–1993 which was adopted by the State on November 12, 1993.

(F) State of Michigan, Department of Natural Resources, Stipulation for Entry of Consent Order and Final Order No. 3–1993 which was adopted by the State on June 21, 1993.

(97) On November 12, 1993, the State of Michigan submitted a revision to the State Implementation Plan (SIP) for the implementation of a motor vehicle inspection and maintenance (I/M) program in the Grand Rapids and Muskegon ozone nonattainment areas. This revision included House Bill No. 4165 which establishes an I/M program in Western Michigan, SIP narrative, and the State's Request for Proposal (RFP) for implementation of the program. House Bill No. 4165 was signed and effective on November 13, 1993.

(i) Incorporation by reference.

(A) House Bill No. 4165; signed and effective November 13, 1993.

(ii) Additional materials.

(A) SIP narrative plan titled ''Motor Vehicle Emissions Inspection and Maintenance Program for Southeast Michigan, Grand Rapids MSA, and Muskegon MSA Moderate Nonattainment Areas,'' submitted to the EPA on November 12, 1993.

(B) RFP, submitted along with the SIP narrative on November 12, 1993.

(C) Supplemental materials, submitted on July 19, 1994, in a letter to EPA.

(98) [Reserved]

(99) On July 13, 1994, the State of Michigan requested a revision to the Michigan State Implementation Plan (SIP). The State requested that a consent order for the Eagle-Ottawa Leather Company of Grand Haven be included in the SIP.

(i) Incorporation by reference. State of Michigan, Department of Natural Resources, Stipulation for Entry of Consent Order and Final Order No. 7–1994 which was adopted on July 13, 1994.

(100) On June 11, 1993 the Michigan Department of Natural Resources (MDNR) submitted a plan, with revisions submitted on April 7, 1994 and October 14, 1994 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 (PM) in the Wayne County moderate PM nonattainment area.

(i) Incorporation by reference.

(A) Consent Order 4–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Allied Signal, Inc., Detroit Tar Plant.

(B) Consent Order 5–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Asphalt Products Company, Plant 5A.

(C) Consent Order 6–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Clawson Concrete Company, Plant #1.

(D) Consent Order 7–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Cummings-Moore Graphite Company.

(E) Consent Order 8–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Delray Connecting Railroad Company.

(F) Consent Order 9–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Detroit Edison Company, River Rouge Plant.

(G) Consent Order 10–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Detroit Edison Company, Sibley Quarry.

(H) Consent Order 11–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the city of Detroit, Detroit Water and Sewage Department, Wastewater Treatment Plant.

(I) Consent Order 12–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Ferrous Processing and Trading Company.

(J) Consent Order 13–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Ford Motor Company, Rouge Industrial Complex.

(K) Consent Order 14–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Ford Motor Company, Vulcan Forge.

(L) Consent Order 15–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for

the Edward C. Levy Company, Detroit Lime Company.

(M) Consent Order 16–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Edward C. Levy Company, Plant #1.

(N) Consent Order 17–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Edward C. Levy Company, Plant #3.

(O) Consent Order 18–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Edward C. Levy Company, Plant #6.

(P) Consent Order 19–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Edward C. Levy Company, Plant 4 and 5.

(Q) Consent Order 20–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Edward C. Levy Company, Plant Scrap Up-Grade Facility.

(R) Consent Order 21–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Marblehead Lime, Brennan Avenue Plant.

(S) Consent Order 22–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Marblehead Lime, River Rouge Plant.

(T) Consent Order 23–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the McLouth Steel Company, Trenton Plant.

(U) Consent Order 24–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Michigan Foundation Company, Cement Plant.

(V) Consent Order 25–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Michigan Foundation Company, Sibley Quarry.

(W) Consent Order 26–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Morton International, Inc., Morton Salt Division.

(X) Consent Order 27–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the National Steel Corporation, Great Lakes Division.

(Y) Consent Order 28–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the National Steel Corporation, Transportation and Materials Handling Division.

(Z) Consent Order 29–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Peerless Metals Powders, Incorporated.

(AA) Consent Order 30–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Rouge Steel Company.

(BB) Consent Order 31–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Keywell Corporation.

(CC) Consent Order 32–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the St. Marys Cement Company.

(DD) Consent Order 33–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the United States Gypsum Company.

(EE) Consent Order 34–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Wyandotte Municipal Power Plant.

(101) On November 15, 1993, the State of Michigan submitted as a revision to the Michigan State Implementation Plan for ozone a State Implementation Plan for a motor vehicle inspection and maintenance program for the Detroit-Ann Arbor area. Michigan submitted House Bill No. 5016, signed by Governor John Engler on November 13, 1993.

(i) Incorporation by reference.

(A) State of Michigan House Bill No. 5016 signed by the Governor and effective on November 13, 1993.

(102) On November 12, 1993, the State of Michigan submitted as a revision to the Michigan State Implementation Plan for ozone a State Implementation Plan for a section 175A maintenance plan for the Detroit-Ann Arbor area as part of Michigan's request to redesignate the area from moderate nonattainment to attainment for ozone. Elements of the section 175A maintenance plan include a base year (1993 attainment year) emission inventory for

$NO_X$ and VOC, a demonstration of maintenance of the ozone NAAQS with projected emission inventories (including interim years) to the year 2005 for $NO_X$ and VOC, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the ozone NAAQS (which must be confirmed by the State), Michigan will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. Appropriateness of a contingency measure will be determined by an urban airshed modeling analysis. The Governor or his designee will select the contingency measure(s) to be implemented based on the analysis and the MDNR's recommendation. The menu of contingency measures includes basic motor vehicle inspection and maintenance program upgrades, Stage I vapor recovery expansion, Stage II vapor recovery, intensified RACT for degreasing operations, $NO_X$ RACT, and RVP reduction to 7.8 psi. Michigan submitted legislation or rules for basic I/M in House Bill No 5016, signed by Governor John Engler on November 13, 1993; Stage I and Stage II in Senate Bill 726 signed by Governor John Engler on November 13, 1993; and RVP reduction to 7.8 psi in House Bill 4898 signed by Governor John Engler on November 13, 1993.

(i) Incorporation by reference.

(A) State of Michigan House Bill No. 5016 signed by the Governor and effective on November 13, 1993.

(B) State of Michigan Senate Bill 726 signed by the Governor and effective on November 13, 1993.

(C) State of Michigan House Bill No. 4898 signed by the Governor and effective on November 13, 1993.

(103) On August 26, 1994 Michigan submitted a site-specific SIP revision in the form of a consent order for incorporation into the federally enforceable ozone SIP. This consent order determines Reasonably Available Control Technology (RACT) specifically for the Enamalum Corporation Novi, Michigan facility for the emission of volatile organic compounds (VOCs).

(i) Incorporation by reference. The following Michigan Stipulation for Entry of Final Order By Consent.

(A) State of Michigan, Department of Natural Resources, Stipulation for Entry of Final Order By Consent No. 6–1994 which was adopted by the State on June 27, 1994.

(104) On July 13, 1995, the Michigan Department of Natural Resources (MDNR) submitted a contingency measures plan for the Wayne County particulate matter nonattainment area.

(i) Incorporation by reference.

(A) State of Michigan Administrative Rule 374 (R 336.1374), effective July 26, 1995.

(105) [Reserved]

(106) On March 9, 1995, the State of Michigan submitted as a revision to the Michigan State Implementation Plan for ozone a State Implementation Plan for a section 175A maintenance plan for the Grand Rapids area as part of Michigan's request to redesignate the area from moderate nonattainment to attainment for ozone. Elements of the section 175A maintenance plan include an attainment emission inventory for $NO_X$ and VOC, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2007 for $NO_X$ and VOC, a plan to verify continued attainment, a contingency plan, and a commitment to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If a violation of the ozone NAAQS, determined not to be attributable to transport from upwind areas, is monitored, Michigan will implement one or more appropriate contingency measure(s) contained in the contingency plan. Once a violation of the ozone NAAQS is recorded, the State will notify EPA, review the data for quality assurance, and conduct a technical analysis, including an analysis of meteorological conditions leading up to and during the exceedances contributing to the violation, to determine local culpability. This preliminary analysis will be submitted to EPA and subjected to public review and comment. The State will solicit and consider EPA's technical advice and analysis before making a final determination on the cause of the violation.

The Governor or his designee will select the contingency measure(s) to be implemented within six months of a monitored violation attributable to ozone and ozone precursors from the Grand Rapids area. The menu of contingency measures includes a motor vehicle inspection and maintenance program, Stage II vapor recovery, gasoline RVP reduction to 7.8 psi, RACT on major non-CTG VOC sources in the categories of coating of plastics, coating of wood furniture, and industrial cleaning solvents. Michigan submitted legislation or rules for I/M in House Bill No 4165, signed by Governor John Engler on November 13, 1993; Stage II in Senate Bill 726 signed by Governor John Engler on November 13, 1993; and RVP reduction to 7.8 psi in House Bill 4898 signed by Governor John Engler on November 13, 1993.

(i) Incorporation by reference.

(A) State of Michigan House Bill No. 4165 signed by the Governor and effective on November 13, 1993.

(B) State of Michigan Senate Bill 726 signed by the Governor and effective on November 13, 1993.

(C) State of Michigan House Bill No. 4898 signed by the Governor and effective on November 13, 1993.

(107) [Reserved]

(108) On May 16, 1996, the State of Michigan submitted a revision to the Michigan State Implementation Plan (SIP). This revision is for the purpose of establishing a gasoline Reid vapor pressure (RVP) limit of 7.8 pounds per square inch (psi) for gasoline sold in Wayne, Oakland, Macomb, Washtenaw, Livingston, St. Clair, and Monroe counties in Michigan.

(i) Incorporation by reference.

(A) House Bill No. 4898; signed and effective November 13, 1993.

(B) Michigan Complied Laws, Motor Fuels Quality Act, Chapter 290, Sections 642, 643, 645, 646, 647, and 649; all effective November 13, 1993.

(C) Michigan Complied Laws, Weights and Measures Act of 1964, Chapter 290, Sections 613, 615; all effective August 28, 1964.

(ii) Additional materials.

(A) Letter from Michigan Governor John Engler to Regional Administrator Valdas Adamkus, dated January 5, 1996.

(B) Letter from Michigan Director of Environmental Quality Russell Harding to Regional Administrator Valdas Adamkus, dated May 14, 1996.

(C) State report titled ''Evaluation of Air Quality Contingency Measures for Implementation in Southeast Michigan,'' submitted to the EPA on May 14, 1996.

(109) On December 13, 1994 and January 19, 1996, Michigan submitted correspondence and Executive Orders 1991–31 and 1995–18 which indicated that the executive branch of government had been reorganized. As a result of the reorganization, delegation of the Governor's authority under the Clean Air Act was revised. The Environmental Protection Agency's approval of these Executive Orders is limited to those provisions affecting air pollution control. The Air Pollution Control Commission was abolished and its authority was initially transferred to the Director of the Michigan Department of Natural Resources (DNR). Subsequently, the Michigan Department of Natural Resources of Environmental Quality (DEQ) was created by elevating eight program divisions and two program offices previously located within the DNR. The authority then earlier vested to the Director of the Michigan DNR was then transferred to the Director of the Michigan DEQ with the exception of some administrative appeals decisions.

(i) Incorporation by reference.

(A) State of Michigan Executive Order 1991–31 Commission of Natural Resources, Department of Natural Resources, Michigan Department of Natural Resources Executive Reorganization. Introductory and concluding words of issuance and Title I: General; Part A: Sections 1, 2, 4 and 5, Part B. Title III: Environmental Protection; Part A: Sections 1 and 2, Part B. Title IV: Miscellaneous; Parts A and B, Part C: Sections 1, 2, 4, Part D. Signed by John Engler, Governor, November 8, 1991. Filed with the Secretary of State November 8, 1991. Effective January 7, 1992.

(B) State of Michigan Executive Order No. 1995–18 Michigan Department of Environmental Quality, Michigan Department of Natural Resources Executive Reorganization. Introductory

and concluding words of issuance. Paragraphs 1, 2, 3(a) and (g), 4, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18. Signed by John Engler, Governor, July 31, 1995. Filed with the Secretary of State on August 1, 1995. Effective September 30, 1995.

(110) A revision to Michigan's State Implementation Plan (SIP), containing part of Michigan's Natural Resources and Environmental Protection Act, was submitted by the Michigan Department of Environmental Quality (MDEQ) on May 16, 1996, and supplemented on September 23, 1997. On December 30, 1997, MDEQ withdrew much of the original submittal. The revision incorporated below contains control requirements and applicable definitions for fugitive dust sources.

(i) Incorporation by reference. The following sections of Part 55 of Act 451 of 1994, the Natural Resources and Environmental Protection Act are incorporated by reference.

(A) 324.5524 Fugitive dust sources or emissions, effective March 30, 1995.

(B) 324.5525 Definitions, effective March 30, 1995.

(111) On March 18, 1999, the State of Michigan submitted a revision to the Michigan State Implementation Plan for carbon monoxide containing a section 175A maintenance plan for the Detroit area as part of Michigan's request to redesignate the area from nonattainment to attainment for carbon monoxide. Elements of the section 175A maintenance plan include a base year (1996 attainment year) emission inventory for CO, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2010, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the CO NAAQS (which must be confirmed by the State), Michigan will implement one or more appropriate contingency measure(s) which are in the contingency plan. The menu of contingency measures includes enforceable emission limitations for stationary sources, transportation control measures, or a vehicle inspection and maintenance program.

(112) The Michigan Department of Environmental Quality (MDEQ) submitted a revision to Michigan's State Implementation Plan (SIP) on August 20, 1998, and supplemented it on November 3, 1998. The revision removed from the SIP the following rules, which the State rescinded effective May 28, 1997: R 336.91 Purpose; R 336.92 Suspension of enforcement; requests by local agencies; R 336.93 Local agency requirements prior to suspension of enforcement; R 336.94 Commission public hearings on applications; R 336.95 Suspension of enforcement; procedures and public notice; R 336.96 Suspension of enforcement; conditions; R 336.97 Commission review of local agency programs; renewal of suspended enforcement; R 336.601 Affected counties and areas; R 336.602 Attainment of national ambient air quality standards; exemption from inspection and maintenance program requirements; R 336.603 Ozone and carbon monoxide attainment status determination; R 336.1373 Fugitive dust control requirements; areas listed in table 36; R 336.1501 Emission limits; extension of compliance date past January 1, 1980, generally; R 336.1502 Application; copies; R 336.1503 Application; contents; R 336.1504 Denial of request for extension past January 1, 1980; R 336.1505 Grant of extension past January 1, 1980; R 336.1506 Receipt of full and complete application; public notice; inspection; public hearing; R 336.1507 Modification or revocation of order granting extension; immediate effect; R 336.1603 Compliance program; R 336.2010 Reference test method 5A; R 336.2199(c); R 336.2601 Organization; R 336.2602 Offices and meetings; R 336.2603 Documents available for inspection and copying; R 336.2604 Document inspection and copying procedures; tape recording transcriptions; R 336.2605 Functions; R 336.2608 Hearings and informal conferences; R 336.2301 Definition of air pollution episode; R 336.2302 Definition of air pollution forecast; R 336.2303 Definition of air pollution alert; R 336.2304 Definition of air pollution warning; R 336.2305 Definition of air pollution emergency; R 336.2306 Declaration of air pollution episodes; R 336.2307 Episode emission abatement programs; and R 336.2308 Episode orders. The rules incorporated below contain revisions to

degreasing, perchloroethylene dry cleaning, petroleum refinery, synthetic organic chemical manufacturing, and delivery vessel loading rules.

(i) Incorporation by reference. The following sections of the Michigan Administrative Code are incorporated by reference.

(A) R 336.1611 Existing cold cleaners, effective June 13, 1997.

(B) R336.1612 Existing open top vapor degreasers, effective June 13, 1997.

(C) R 336.1613 Existing conveyorized cold cleaners, effective June 13, 1997.

(D) R 336.1614 Existing conveyorized vapor degreasers, effective June 13, 1997.

(E) R 336.1619 Standards for perchloroethylene dry cleaning equipment, effective June 13, 1997.

(F) R 336.1622 Emission of volatile organic compounds from existing components of petroleum refineries; refinery monitoring program, effective June 13, 1997.

(G) R 336.1628 Emission of volatile organic compounds from components of existing process equipment used in manufacturing synthetic organic chemicals and polymers; monitoring program, effective June 13, 1997.

(H) R 336.1651 Standards for Degreasers, effective June 13, 1997.

(I) R 336.1706 Loading delivery vessels with organic compounds having a true vapor pressure of more than 1.5 psia at new loading facilities handling 5,000,000 or more gallons of such compounds per year, effective June 13, 1997.

(J) R 336.1707 New cold cleaners, effective June 13, 1997.

(K) R 336.1708 New open top vapor degreasers, effective June 13, 1997.

(L) R 336.1709 New conveyorized cold cleaners, effective June 13, 1997.

(M) R 336.1710 New conveyorized vapor degreasers, effective June 13, 1997.

(113) On March 9, 1995, the State of Michigan submitted a revision to the Michigan State Implementation Plan for ozone containing a section 175A maintenance plan for the Muskegon County area as part of Michigan's request to redesignate the area from nonattainment to attainment for ozone. Elements of the section 175A 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. If the area records a violation of the 1-hour ozone NAAQS, determined not to be attributable to transport from upwind areas, Michigan will implement one or more appropriate contingency measure(s) which are in the contingency plan. The menu of contingency measures includes a motor vehicle inspection and maintenance program, stage II vapor recovery, a low Reid vapor pressure gasoline program, and rules for industrial cleanup solvents, plastic parts coating, and wood furniture coating.

(i) Incorporation by reference.

(A) State of Michigan House Bill No. 4165 signed by the Governor and effective on November 13, 1993.

(B) State of Michigan House Bill No. 726 signed by the Governor and effective on November 13, 1993.

(C) State of Michigan House Bill No. 4898 signed by the Governor and effective on November 13, 1993.

(114)–(115) [Reserved]

(116) The Michigan Department of Environmental Quality submitted revisions to Michigan's State Implementation Plan (SIP) on July 7, 2000 and supplemented them with letters dated January 29, 2001, and February 6, 2002. They include revisions to definitions, open burning rules, general volatile organic compound provisions, and administrative procedures. The revision removed from the SIP rules R 336.1320 and R 336.2703, which the State rescinded effective April 10, 2000.

(i) Incorporation by reference. The following sections of the Michigan Administrative Code are incorporated by reference.

(A) R 336.1104 Definitions; D, effective April 10, 2000.

(B) R 336.1310, Open burning, effective February 3, 1999.

(C) R 336.1602 General provisions for existing sources of volatile organic compound emissions, effective April 10, 2000.

(D) R 336.2701 Petitions for review and for contested case hearings; hearing procedure; ''duly authorized agent'' defined, effective April 10, 2000.

(E) R 336.2702 Appearances, effective April 10, 2000.

(117) [Reserved]

(118) The Michigan Department of Environmental Quality submitted revisions to Michigan's State Implementation Plan (SIP) on September 23, 2002. They include rules to address excess emissions occurring during startup, shutdown or malfunction as well as revisions to definitions.

(i) Incorporation by reference. The following sections of the Michigan Administrative Code are incorporated by reference.

(A) R 336.1102 Definitions; B, effective May 27, 2002.

(B) R 336.1104 Definitions; D, effective May 27, 2002.

(C) R 336.1105 Definitions; E, effective May 27, 2002.

(D) R 336.1107 Definitions; G, effective May 27, 2002.

(E) R 336.1108 Definitions; H, effective May 27, 2002.

(F) R 336.1113 Definitions; M, effective May 27, 2002.

(G) R 336.1118 Definitions; R, effective May 27, 2002.

(H) R 336.1120 Definitions; T, effective May 27, 2002.

(I) R 336.1915 Enforcement discretion in instances of excess emissions resulting from malfunction, start-up, or shutdown, effective May 27, 2002.

(J) R 336.1916 Affirmative defense for excess emissions during start-up or shutdown, effective May 27, 2002.

(119) The Michigan Department of Environmental Quality submitted a revision to Michigan's State Implementation Plan for ozone on April 25, 2003. This submittal contained a revised definition of volatile organic compound.

(i) Incorporation by reference.

(A) R 336.1122 Definitions; V, effective March 13, 2003.

(120) [Reserved]

(121) On April 3, 2003, the Michigan Department of Environmental Quality (MDEQ) submitted regulations restricting emissions of oxides of nitrogen ($NO_X$) to address the Phase I $NO_X$ SIP Call requirements. EPA conditionally approved Michigan's April 3, 2003, SIP revision on April 16, 2004. On May 27, 2004 and August 5, 2004, Michigan subsequently submitted for EPA approval SIP revisions to address the requirements found in EPA's conditional approval. These additional submittals, in combination with the original SIP revision, fulfill the Phase I $NO_X$ SIP Call requirements.

(i) Incorporation by reference. The following sections of the Michigan Administrative Code are incorporated by reference.

(A) R336.1802 Applicability under oxides of nitrogen budget trading program, effective May 20, 2004.

(B) R336.1803 Definitions for oxides of nitrogen budget trading program, effective December 4, 2002.

(C) R336.1804 Retired unit exemption from oxides of nitrogen budget trading program, effective May 20, 2004.

(D) R336.1805 Standard requirements of oxides of nitrogen budget trading program, effective December 4, 2002.

(E) R336.1806 Computation of time under oxides of nitrogen budget trading program, effective December 4, 2002.

(F) R336.1807 Authorized account representative under oxides of nitrogen budget trading program, effective December 4, 2002.

(G) R336.1808 Permit requirements under oxides of nitrogen budget trading program, effective December 4, 2002.

(H) R336.1809 Compliance certification under oxides of nitrogen budget trading program, effective December 4, 2002.

(I) R336.1810 Allowance allocations under oxides of nitrogen budget trading program, effective December 4, 2002.

(J) R336.1811 New source set-aside under oxides of nitrogen budget trading program, effective May 20, 2004.

(K) R336.1812 Allowance tracking system and transfers under oxides of nitrogen budget trading program, effective December 4, 2002.

(L) R336.1813 Monitoring and reporting requirements under oxides of nitrogen budget trading, effective December 4, 2002.

(M) R336.1814 Individual opt-ins under oxides of nitrogen budget trading program, effective December 4, 2002.

(N) R336.1815 Allowance banking under oxides of nitrogen budget trading program, effective December 4, 2002.

(O) R336.1816 Compliance supplement pool under oxides of nitrogen budget trading program, effective December 4, 2002.

(P) R336.1817 Emission limitations and restrictions for Portland cement kilns, effective December 4, 2002.

(122) On April 3, 2003, May 28, 2003, September 17, 2004, October 25, 2004 and June 8, 2005, Michigan submitted revisions to the State Implementation

Plan which affect the following sections of the Michigan Administrative Code: Part 3: Emission Limitations and Prohibitions—Particulate Matter; Part 4: Emission Limitations and Prohibitions—Sulfur-bearing Compounds; Part 6: Emission Limitations and Prohibitions—Existing Sources of Volatile Organic Compound Emissions; Part 7: Emission Limitations and Prohibitions—New Sources of Volatile Organic Compound Emissions; Part 9: Emission Limitations and Prohibitions—Miscellaneous; Part 10: Intermittent Testing and Sampling; and Part 11: Continuous Emission Monitoring.

(i) Incorporation by reference. The following sections of the Michigan Administrative Code are incorporated by reference.

(A) Revisions to the following provisions of the Michigan Administrative Code, effective April 30, 1998:

(*1*) R 336.1358 Roof monitor visible emissions at steel manufacturing facilities from electric arc furnaces and blast furnaces.

(*2*) R 336.1361 Visible emissions from blast furnace casthouse operations at steel manufacturing facilities.

(*3*) R 336.1362 Visible emissions from electric arc furnace operations at steel manufacturing facilities.

(*4*) R 336.1363 Visible emissions from argon-oxygen decarburization operations at steel manufacturing facilities.

(B) R 336.1625 Emission of volatile organic compound from existing equipment utilized in manufacturing synthesized pharmaceutical products, filed with the Secretary of State on November 14, 2000 and effective November 30, 2000.

(C) Revisions to the following provisions of the Michigan Administrative Code, filed with the Secretary of State March 11, 2002 and effective March 19, 2002:

(*1*) R 336.1301 Standards for density of emissions.

(*2*) R 336.1303 Grading visible emissions.

(*3*) R 336.1330 Electrostatic precipitator control systems.

(*4*) R 336.1331 Emission of particulate matter, except C8 of Table 31.

(*5*) R 336.1371 Fugitive dust control programs other than areas listed in table 36.

(*6*) R 336.1372 Fugitive dust control program; required activities; typical control methods.

(*7*) R 336.1374 Particulate matter contingency measures; area listed in table 37.

(*8*) R 336.1401 Emission of sulfur dioxide from power plants.

(*9*) R 336.1403 Oil- and natural gas-producing or transporting facilities and natural gas-processing facilities; emissions; operation.

(*10*) R 336.1601 Definitions.

(*11*) R 336.1604 Storage of organic compounds having true vapor pressure of more than 1.5 psia, but less than 11 psia, in existing fixed roof stationary vessels of more than 40,000-gallon capacity.

(*12*) R 336.1605 Storage of organic compounds having true vapor pressure of 11 or more psia in existing stationary vessels of more than 40,000-gallon capacity.

(*13*) R 336.1606 Loading gasoline into existing stationary vessels of more than 2,000-gallon capacity at dispensing facilities handling 250,000 or more gallons per year.

(*14*) R 336.1607 Loading gasoline into existing stationary vessels of more than 2,000-gallon capacity at loading facilities.

(*15*) R 336.1608 Loading gasoline into delivery vessels at existing loading facilities handling less than 5,000,000 gallons per year.

(*16*) R 336.1615 Existing vacuum-producing systems at petroleum refineries.

(*17*) R 336.1616 Process unit turnarounds at petroleum refineries.

(*18*) R 336.1617 Existing organic compound-water separators at petroleum refineries.

(*19*) R 336.1618 Use of cutback paving asphalt.

(*20*) R 336.1619 Standards for perchloroethylene dry cleaning equipment; adoption of standards by reference.

(*21*) R 336.1622 Emission of volatile organic compounds from existing components of petroleum refineries; refinery monitoring program.

(*22*) R 336.1623 Storage of petroleum liquids having a true vapor pressure of more than 1.0 psia, but less than 11.0 psia, in existing external floating roof stationary vessels of more than 40,000-gallon capacity.

(*23*) R 336.1627 Delivery vessels; vapor collection systems.

(*24*) R 336.1628 Emission of volatile organic compounds from components of existing process equipment used in manufacturing synthetic organic chemicals and polymers; monitoring program.

(*25*) R 336.1629 Emission of volatile organic compounds from components of existing process equipment used in processing natural gas; monitoring program.

(*26*) R 336.1630 Emission of volatile organic compounds from existing paint manufacturing processes.

(*27*) R 336.1631 Emission of volatile organic compounds from existing process equipment utilized in manufacture of polystyrene or other organic resins.

(*28*) R 336.1702 New sources of volatile organic compound emissions generally.

(*29*) R 336.1705 Loading gasoline into delivery vessels at new loading facilities handling less than 5,000,000 gallons per year.

(*30*) R 336.1906 Diluting and concealing emissions.

(*31*) R 336.1911 Malfunction abatement plans.

(*32*) R 336.1930 Emission of carbon monoxide from ferrous cupola operations.

(*33*) R 336.2001 Performance tests by owner.

(*34*) R 336.2002 Performance tests by department.

(*35*) R 336.2003 Performance test criteria.

(*36*) R 336.2004 Appendix A; reference test methods; adoption of Federal reference test methods.

(*37*) R 336.2005 Reference test methods for delivery vessels.

(*38*) R 336.2007 Alternate version of procedure L, referenced in R 336.2040(10).

(*39*) R 336.2013 Reference test method 5D.

(*40*) R 336.2021 Figures.

(*41*) R 336.2040 Method for determination of volatile organic compound emissions from coating lines and graphic arts lines, except subrules (9) and (10).

(*42*) R 336.2101 Continuous emission monitoring, fossil fuel-fired steam generators.

(*43*) R 336.2150 Performance specifications for continuous emission monitoring systems.

(*44*) R 336.2155 Monitor location for continuous emission monitoring systems.

(*45*) R 336.2159 Alternative continuous emission monitoring systems.

(*46*) R 336.2170 Monitoring data reporting and recordkeeping.

(*47*) R 336.2189 Alternative data reporting or reduction procedures.

(*48*) R 336.2190 Monitoring system malfunctions.

(D) Revisions to the following provisions of the Michigan Administrative Code, effective October 15, 2004:

(*1*) R 336.2012 Reference test method 5C.

(*2*) R 336.2014 Reference test method 5E.

(*3*) R 336.2175 Data reduction procedures for fossil fuel-fired steam generators.

(E) R 336.2011 Reference test method 5B, filed with the Secretary of State on April 21, 2005 and effective April 29, 2005.

[37 FR 10873, May 31, 1972. Redesignated and amended at 71 FR 52469, Sept. 6, 2006]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1190 (formally § 52.1170), see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart Y—Minnesota

### § 52.1219 Identification of plan—conditional approval.

(a) On November 12, 1993, the Minnesota Pollution Control Agency submitted a revision request to Minnesota's carbon monoxide SIP for approval of the State's basic inspection and maintenance (I/M) program. The basic I/M program requirements apply to sources in the State's moderate nonattainment areas for carbon monoxide and includes the following counties: Anoka, Carver, Dakota, Hennepin,

Ramsey, Scott, and Washington Counties. The USEPA is conditionally approving Minnesota's basic I/M program provided that the State adopt specific enforceable measures as outlined in its July 5, 1994 letter from Charles W. Williams, Commissioner, Minnesota Air Pollution Control Agency.

(i) Incorporation by reference.

(A) Minnesota Rules relating to Motor Vehicle Emissions parts 7023.1010 to 7023.1105, effective January 8, 1994.

(ii) Additional material.

(A) Letter from the State of Minnesota to USEPA dated July 5, 1994.

(b) On February 9, 1996, the State of Minnesota submitted a request to revise its particulate matter (PM) State Implementation Plan (SIP) for the Saint Paul area. This SIP submittal contains administrative orders which include control measures for three companies located in the Red Rock Road area—St. Paul Terminals, Inc., Lafarge Corporation and AMG Resources Corporation. Recent exceedances were attributed to changes of emissions/operations that had occurred at particular sources in the area. The results from the modeling analysis submitted with the Red Rock Road SIP revision, preliminarily demonstrate protection of the PM National Ambient Air Quality Standards (NAAQS). However, due to the lack of emission limits and specific information regarding emission distribution at Lafarge Corporation following the installation of the pneumatic unloader, EPA is conditionally approving the SIP revision at this time. Final approval will be conditioned upon EPA receiving a subsequent modeled attainment demonstration with specific emission limits for Lafarge Corporation, corrected inputs for Peavey/Con-Agra, and consideration of the sources in the 2–4 km range which have experienced emission changes that may impact the Red Rock Road attainment demonstration.

[59 FR 51863, Oct. 13, 1994, as amended at 62 FR 39123, July 22, 1997]

## § 52.1220 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Minnesota 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 December 1, 2004, 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 the EPA approval dates after December 1, 2004, 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 1, 2004.

(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, 1301 Constitution Avenue NW., Room B108, Washington, DC 20460; 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/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA approved regulations.*

EPA—APPROVED MINNESOTA REGULATIONS

| Minnesota citation | Title / subject | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **CHAPTER 7001 PERMITS AND CERTIFICATIONS** | | | | |
| 7001.0020 | Scope | 08/10/93 | 05/02/95, 60 FR 21447. | Only items I and J. |
| 7001.0050 | Written application | 08/10/93 | 05/02/95, 60 FR 21447. | Only item I. |
| 7001.0140 | Final determination | 08/10/93 | 05/02/95, 60 FR 21447. | Only Subp. 2F. |
| 7001.0180 | Justification to commence revocation without reissuance of permit. | 08/10/93 | 05/02/95, 60 FR 21447. | Only item D. |
| 7001.0550 | Contents of part a of application | 08/10/93 | 05/02/95, 60 FR 21447. | Only items E and J(3). |
| 7001.3050 | Permit requirements | 08/10/93 | 05/02/95, 60 FR 21447. | Only Subp. 3E. |
| **CHAPTER 7002 PERMIT FEES** | | | | |
| 7002.0005 | Scope | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7002.0015 | Definitions | 08/10/93 | 05/02/95, 60 FR 21447. | Only Subp. 1 and 2. |
| **CHAPTER 7005 DEFINITIONS AND ABBREVIATIONS** | | | | |
| 7005.0100 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | All except 25(a), NESHAP definition. |
| 7005.0110 | Abbreviations | 10/18/93 | 05/24/95, 60 FR 27411. | |
| **CHAPTER 7007 AIR EMISSION PERMITS** | | | | |
| 7007.0050 | Scope | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.0100 | Definitions | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 12/27/94 | 05/18/99, 64 FR 26880. | Revised Subp. 9a, 12a, 12b, 17, 18a, and 28. |
| 7007.0150 | Permit required | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 12/27/94 | 05/18/99, 64 FR 26880. | Revised Subp. 2 and 4. |
| 7007.0200 | Sources required or allowed to obtain a part 70 permit. | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 12/27/94 | 05/18/99, 64 FR 26880. | Revised Subp. 1. |
| 7007.0250 | Sources required to obtain a state permit. | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 12/27/94 | 05/18/99, 64 FR 26880. | Revised Subp. 1 and 7. |
| 7007.0300 | Sources not required to obtain a permit | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 12/27/94 | 05/18/99, 64 FR 26880. | Revised Subp. 1. |
| 7007.0350 | Existing source application deadlines and source operation during transition. | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 12/27/94 | 05/18/99, 64 FR 26880. | Revised Subp. 1A. |
| 7007.0400 | Permit reissuance applications after transition; new source and permit amendment applications; applications for sources newly subject to a Part 70 or State permit requirement. | 08/10/93<br>12/27/94 | 05/02/95, 60 FR 21447.<br>05/18/99, 64 FR 26880. Revised Subp. 1 and 4.. | |
| 7007.0450 | Permit reissuance applications and continuation of expiring permits. | 08/10/93<br>12/27/94 | 05/02/95, 60 FR 21447.<br>05/18/99, 64 FR 26880. Revised Subp. 2C.. | |

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|---|---|---|---|---|
| 7007.0500 | Content of permit application | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.0550 | Confidential information | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.0600 | Complete application and supplemental information requirements. | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.0650 | Who receives an application | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.0700 | Completeness review | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.0750 | Application priority and issuance timelines. | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 12/27/94 | 05/18/99, 64 FR 26880. | Revised Subp. 5. |
| 7007.0800 | Permit content | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 02/28/95 | 10/14/97, 62 FR 53239. | Revised Subp. 6.C(5). |
| 7007.0850 | Permit application notice and comment | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.0900 | Review of part 70 permits by affected states. | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.0950 | EPA review and objection | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.1000 | Permit issuance and denial | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.1050 | Duration of permits | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 12/27/94 | 05/18/99, 64 FR 26880. | Revised Subp. 3a. |
| 7007.1100 | General permits | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.1110 | Registration permit general requirements. | 12/27/94 | 05/18/99, 64 FR 26880. | |
| 7007.1115 | Registration permit option a | 12/27/94 | 05/18/99, 64 FR 26880. | |
| 7007.1120 | Registration permit option b | 12/27/94 | 05/18/99, 64 FR 26880. | |
| 7007.1130 | Registration permit option d | 12/27/94 | 05/18/99, 64 FR 26880. | |
| 7007.1150 | When a permit amendment is required | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 12/27/94 | 05/18/99, 64 FR 26880. | Revised Subp. (C). |
| 7007.1200 | Calculating emission changes for permit amendments. | 12/27/94 | 05/18/99, 64 FR 26880. | |
| 7007.1250 | Insignificant modifications | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 12/27/94 | 05/18/99, 64 FR 26880. | Revised Subp. 1. |
| 7007.1251 | Hazardous air pollutant thresholds | 12/27/94 | 05/18/99, 64 FR 26880. | |
| 7007.1300 | Insignificant activities list | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 12/27/94 | 05/18/99, 64 FR 26880. | Revised Subp. 2, 3, and 4. |
| 7007.1350 | Changes which contravene certain permit terms. | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.1400 | Administrative permit amendments | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.1450 | Minor and moderate permit amendments. | 08/10/93 | 05/02/95, 60 FR 21447. | |
| | | 12/27/94 | 05/18/99, 64 FR 26880. | Revised Subp. 2. |
| 7007.1500 | Major permit amendments | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.1600 | Permit reopening and amendment by agency. | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.1650 | Reopenings for cause by EPA | 08/10/93 | 05/02/95, 60 FR 21447. | |

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|---|---|---|---|---|
| 7007.1700 | Permit revocation by agency | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.1750 | Federal enforceability | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.1800 | Permit shield | 08/10/93 | 05/02/95, 60 FR 21447. | |
| 7007.1850 | Emergency provision | 08/10/93 | 05/02/95, 60 FR 21447. | |
| **Offsets** | | | | |
| 7007.4000 | Scope | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7007.4010 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7007.4020 | Conditions for permit | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7007.4030 | Limitation on use of offsets | 10/18/93 | 05/24/95, 60 FR 27411. | |
| **CHAPTER 7009 AMBIENT AIR QUALITY STANDARDS** | | | | |
| 7009.0010 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.0020 | Prohibited emissions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.0050 | Measurement methodology, except for hydrogen sulfide. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.0060 | Measurement methodology for hydrogen sulfide. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.0070 | Time of compliance | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.0080 | State ambient air quality standards | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.1000 | Air pollution episodes | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.1010 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.1020 | Episode levels | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.1030 | Episode declaration | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.1040 | Control actions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.1050 | Emergency powers | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.1060 | Table 1 | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.1070 | Table 2: emission reduction objectives for particulate matter. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.1080 | Table 3: emission objectives for sulfur oxides. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.1090 | Table 4: emission reduction objectives for nitrogen oxides. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.1100 | Table 5: emission reduction objectives for hydrocarbons. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7009.1110 | Table 6: emission reduction objectives for carbon monoxide. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| **General Conformity Rule** | | | | |
| 7009.9000 | Determining conformity of general federal actions to state or federal implementation plans. | 11/20/95 | 04/23/97, 62 FR 19674. | |
| **CHAPTER 7011 STANDARDS FOR STATIONARY SOURCES** | | | | |
| 7011.0010 | Applicability of standards of performance. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | | 07/13/98 | 05/13/02, 67 FR 31963. | Revised Subp. 4 and 5 |

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|---|---|---|---|---|
| 7011.0020 | Circumvention | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0060 | Definitions | 12/27/94 | 05/18/99, 64 FR 26880. | |
| 7011.0061 | Incorporation by reference | 12/27/94 | 05/18/99, 64 FR 26880. | |
| 7011.0065 | Applicability | 12/27/94 | 05/18/99, 64 FR 26880. | |
| 7011.0070 | Listed control equipment and control equipment efficiencies. | 12/27/94 | 05/18/99, 64 FR 26880. | |
| 7011.0075 | Listed control equipment general requirements. | 12/27/94 | 05/18/99, 64 FR 26880. | |
| 7011.0080 | Monitoring and record keeping for listed control equipment. | 12/27/94 | 05/18/99, 64 FR 26880. | |
| | **Opacity** | | | |
| 7011.0100 | Scope | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0105 | Visible emission restrictions for existing facilities. | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7011.0110 | Visible emission restrictions for new facilities. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0115 | Performance tests | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0150 | Preventing particulate matter from becoming airborne. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | **Indirect Heating Equipment** | | | |
| 7011.0500 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0505 | Determination of applicable standards of performance. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0510 | Standards of performance for existing indirect heating equipment. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | | 07/13/98 | 05/13/02, 67 FR 31963. | Revised Subp. 2. |
| 7011.0515 | Standards of performance for new indirect heating equipment. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | | 07/13/98 | 05/13/02, 67 FR 31963. | Revised Subp. 2. |
| 7011.0520 | Allowance for stack height for indirect heating equipment. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0525 | High heating value | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0530 | Performance test methods | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0535 | Performance test procedures | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0540 | Derate | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0545 | Table I: Existing indirect heating equipment. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0550 | Table II: New indirect heating equipment. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | **Direct Heating Equipment** | | | |
| 7011.0600 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0605 | Determination of applicable standards of performance. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0610 | Standards of performance for fossil-fuel-burning direct heating equipment. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | | 07/13/98 | 05/13/02, 67 FR 31963. | Revised Subp. 1(A). |
| 7011.0615 | Performance test methods | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0620 | Performance test procedures | 10/18/93 | 05/24/95, 60 FR 27411. | |

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| 7011.0625 | Record keeping and reporting for direct heating units combusting solid waste. | 04/03/98 | 08/12/98, 63 FR 43080. | |
| **Industrial Process Equipment** | | | | |
| 7011.0700 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0705 | Scope | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0710 | Standards of performance for pre-1969 industrial process equipment. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | | 07/13/98 | 05/13/02, 67 FR 31963. | Revised Subp. 1(B). |
| 7011.0715 | Standards of performance for post-1969 industrial process equipment. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0720 | Performance test methods | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0725 | Performance test procedures | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0730 | Table 1 | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0735 | Table 2 | 10/18/93 | 05/24/95, 60 FR 27411. | |
| **Portland Cement Plants** | | | | |
| . | | | | |
| 7011.0800 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0805 | Standards of performance for existing portland cement plants. | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7011.0815 | Monitoring of operations | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0820 | Performance test methods | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0825 | Performance test procedures | 10/18/93 | 05/24/95, 60 FR 27411. | |
| **Asphalt Concrete Plants** | | | | |
| 7011.0900 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0903 | Compliance with ambient air quality standards. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0905 | Standards of performance for existing asphalt concrete plants. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0909 | Standards of performance for new hot mix asphalt plants. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0915 | Test methods. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.0920 | Performance test procedures | 10/18/93 | 05/24/95, 60 FR 27411. | |
| **Grain Elevators** | | | | |
| 7011.1000 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1005 | Standards of performance for dry for bulk agricultural commodity facilities. | 10/18/93 | 05/24/95, 60 FR 27411. | Entire rule except Subp. 2. |
| 7011.1010 | Nuisance | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1015 | Control requirements schedule | 10/18/93 | 05/24/95, 60 FR 27411. | |
| **Coal Handling Facilities** | | | | |
| 7011.1100 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1105 | Standards of performance for certain coal handling facilities. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1110 | Standards of performance for existing outstate coal handling facilities. | 10/18/93 | 05/24/95, 60 FR 27411. | |

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| 7011.1115 | Standards of performance for pneumatic coal-cleaning equipment and thermal dryers at any coal handling facility. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1120 | Exemption | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1125 | Cessation of operations | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1135 | Performance test procedures | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1140 | Dust suppressant agents | 10/18/93 | 05/24/95, 60 FR 27411. | |
| **Incinerators** | | | | |
| . | | | | |
| 7011.1201 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1202 | Standards of performance for existing incinerators. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1203 | Standards of performance for new incinerators.. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1204 | Monitoring of operations | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1205 | Incorporations by reference | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1206 | Performance test methods | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1207 | Performance test procedures | 10/18/93 | 05/24/95, 60 FR 27411. | |
| **Sewage Sludge Incinerators** | | | | |
| 7011.1300 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1305 | Standards of performance for existing sewage sludge incinerators. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | | 07/13/98 | 05/13/02, 67 FR 31963. | Revised Subp. (C) |
| 7011.1310 | Standards of performance for new sewage sludge incinerators. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1315 | Monitoring of operations | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1320 | Performance test methods | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1325 | Performance test procedures | 10/18/93 | 05/24/95, 60 FR 27411. | |
| **Petroleum Refineries** | | | | |
| . | | | | |
| 7011.1400 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1405 | Standards of performance for existing affected facilities at petroleum refineries. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | | 07/13/98 | 05/13/02, 67 FR 31963. | Revised Subp. 1 and 3. |
| 7011.1410 | Standards of performance for new affected facilities at petroleum refineries. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | | 07/13/98 | 05/13/02, 67 FR 31963. | Revised Subp. 1, 3(B), 3(C)(2) |
| 7011.1415 | Exemptions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1420 | Emission monitoring | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1425 | Performance test methods | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1430 | Performance test procedures | 10/18/93 | 05/24/95, 60 FR 27411. | |

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| | **Liquid Petroleum and VOC Storage Vessels** | | | |
| 7011.1500 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1505 | Standards of performance for storage vessels. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1510 | Monitoring of operations | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1515 | Exception | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | **Sulfuric Acid Plants** | | | |
| 7011.1600 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1605 | Standards of performance of existing sulfuric acid production units. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1615 | Continuous emission monitoring | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1620 | Performance test methods | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1625 | Performance test procedures | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1630 | Exceptions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | **Nitric Acid Plants** | | | |
| 7011.1700 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1705 | Standards of performance for existing nitric acid production units. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1715 | Emission monitoring | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1720 | Performance test methods | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.1725 | Performance test procedures | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | **Inorganic Fibrous Materials** | | | |
| 7011.2100 | Definitions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7011.2105 | Spraying of inorganic fibrous materials | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | **Stationary Internal Combustion Engines** | | | |
| 7011.2300 | Standards of performance for stationary internal combustion engines. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | **CHAPTER 7017 MONITORING AND TESTING REQUIREMENTS** | | | |
| 7017.0100 | Establishing violations | 02/28/95 | I0/14/97, 62 FR 53239. | |
| | **CEMS** | | | |
| 7017.1000 | Continuous monitoring | 10/18/93 | 05/24/95, 60 FR 27411. | |
| | **Performance Tests** | | | |
| 7017.2001 | Applicability | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7017.2005 | Definitions | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7017.2010 | Incorporation of test methods by reference. | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7017.2015 | Incorporation of federal testing requirements by reference. | 07/13/98 | 05/13/02, 67 FR 31963. | |

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| Minnesota citation | Title / subject | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| 7017.2018 | Submittals | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7017.2020 | Performance tests general requirements. | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7017.2025 | Operational requirements and limitations. | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7017.2030 | Performance test pretest requirements | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7017.2035 | Performance test reporting requirements. | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7017.2040 | Certification of performance test results | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7017.2045 | Quality assurance requirements | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7017.2050 | Performance test methods | 07/13/98 | 05/13/02, 67 FR 31963. | |
| 7017.2060 | Performance test procedures | 07/13/98 | 05/13/02, 67 FR 31963. | |
| **CHAPTER 7019 EMISSION INVENTORY REQUIREMENTS** | | | | |
| 7019.1000 | Shutdowns and breakdowns | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7019.2000 | Reports | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7019.3000 | Emission inventory | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7019.3010 | Calculation of actual emissions for emission inventory. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| **CHAPTER 7023 MOBILE AND INDIRECT SOURCES** | | | | |
| 7023.0100 | Definitions. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7023.0105 | Standards of performance for motor vehicles. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7023.0110 | Standards of performance for trains, boats, and construction equipment. | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7023.0115 | Exemption | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7023.0120 | Air pollution control systems restrictions | 10/18/93 | 05/24/95, 60 FR 27411. | |
| 7023.1010 | Definitions | 01/08/94 | 10/29/99, 64 FR 58344. | Entire rule except for Subp. 35(B) |
| 7023.1015 | Inspection Requirement | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1020 | Description of Inspection and Documents Required. | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1025 | Tampering Inspection | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1030 | Exhaust Emission Test | 01/08/94 | 10/29/99, 64 FR 58344. | Entire rule except for Subp. 11(B, C) |
| 7023.1035 | Reinspections | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1040 | Vehicle Inspection Report | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1045 | Certificate of Compliance | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1050 | Vehicle Noncompliance and Repair | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1055 | Certificate of Waiver | 01/08/94 | 10/29/99, 64 FR 58344. | Entire rule except for Subp. 1 (E)(2). |
| 7023.1060 | Emission Control Equipment Inspection as a Condition of Waiver. | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1065 | Repair Cost Limit and Low Emission Adjustment. | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1070 | Certificate of Temporary Extension, Certificate of Annual Exemption, and Certificate of Exemption. | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1075 | Evidence of Meeting State Inspection Requirements. | 01/08/94 | 10/29/99, 64 FR 58344. | |

EPA—APPROVED MINNESOTA REGULATIONS—Continued

| Minnesota citation | Title / subject | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| 7023.1080 | Fleet Inspection Station Permits, Procedures, and Inspection. | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1085 | Inspection Stations Testing Fleet Vehicles. | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1090 | Exhaust Gas Analyzer Specifications; Calibration and Qality Control. | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1095 | [repealed, 18 sr 1593] | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1100 | Public Notification | 01/08/94 | 10/29/99, 64 FR 58344. | |
| 7023.1105 | Inspection Fees | 01/08/94 | 10/29/99, 64 FR 58344. | |
| **Minnesota Statutes** | | | | |
| 17.135 | Farm Disposal of Solid Waste | 1993 | 05/24/95, 60 FR 27411. | Only item (a). |
| 88.01 | Definitions | 1993 | 05/24/95, 60 FR 27411. | Only Subd. 1, 2, 3, 4, 6, 14, 20, 23, 24, 25, and 26. |
| 88.02 | Citation, Wildfire Act | 1993 | 05/24/95, 60 FR 27411. | |
| 88.03 | Codification | 1993 | 05/24/95, 60 FR 27411. | |
| 88.16 | Starting Fires; Burners; Failure to Report a Fire. | 1993 | 05/24/95, 60 FR 27411. | Only Subd. 1 and 2 |
| 88.17 | Permission to Start Fires; Prosecution for Unlawfully Starting Fires. | 1993 | 05/24/95, 60 FR 27411. | |
| 88.171 | Open Burning Prohibitions | 1993 | 05/24/95, 60 FR 27411. | Only Subd. 1, 2, 5, 6, 7, 8, 9, and 10 |
| **Twin Cities Nonattainment Area for Carbon Monoxide** | | | | |
| 116.60 | | 1999 | 10/29/99, 64 FR 58344. | Only Subd. 12. |
| 116.61 | | 1999 | 10/29/99, 64 FR 58344. | Only Subd. 1 and 3. |
| 116.62 | | 1999 | 10/29/99, 64 FR 58344. | Only Subd. 2, 3, 5, and 10. |
| 116.63 | | 1999 | 10/29/99, 64 FR 58344. | Only Subd. 4. |

(d) *EPA approved state source-specific requirements.*

EPA—APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS

| Name of source | Permit No. | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Aggregate Industries | 12300007–002 | 04/03/09 | 3/11/10, 75 FR 11461 | Only conditions cited as ''Title I condition: SIP for $PM_{10}$ NAAQS.'' |
| Associated Milk Producers, Inc. | 10900010–001 | 5/5/97 | 3/9/01, 66 FR 14087 | Title I conditions only. |
| Commercial Asphalt CO, Plant 905. | 12300347–002 | 9/10/99 | 7/12/00, 65 FR 42861 | Title I conditions only. |
| | | 2/25/94 | 9/09/94, 59 FR 46553 | Amendment One to Findings and Order. |
| ELT Minneapolis, LLC | 003000245–001 | 09/10/08 | August 3, 2010, 75 FR 45480 | Only conditions cited as ''Title I condition: SIP for $SO_2$ NAAQS.'' |
| Federal Cartridge Company. | 00300156–003 | 12/28/07 | 4/24/09, 74 FR 18634 | Only conditions cited as ''Title I condition: SIP for $SO_2$ NAAQS.'' |
| Flint Hills Resources, L.P. (formerly Koch Petroleum). | 7/14/06 | 8/20/07, 72 FR 39568 | Amendment Eight to Findings and Order.. | |
| Franklin Heating Station | 1148–83–OT–1 [10900019] | 6/19/98 | 3/09/01, 66 FR 14087 | Title I conditions only. |
| GAF Building Materials | | 5/27/92 | 4/14/94, 59 FR 17703 | Findings and Order. |

EPA—APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS—Continued

| Name of source | Permit No. | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| | | 9/18/97 | 2/08/99, 64 FR 5936 | Amendment Two to Findings and Order. |
| Gerdau Ameristeel US, Inc | 12300055–004 | 9/10/08 | 5/20/09, 74 FR 23632 | Only conditions cited as ''Title I condition: SIP for $PM_{10}$ NAAQS.'' |
| Gopher Resource, LLC | 03700016–003 | 6/29/10 | 1/13/11, 76 FR 2263 | Only conditions cited as ''Title I condition: SIP for Lead NAAQS.'' |
| Great Lakes Coal & Dock Co.. | | 8/25/92 | 02/15/94, 59 FR 7218 | Amended Findings and Order. |
| | | 12/21/94 | 6/13/95, 60 FR 31088 | Amendment One to Amended Findings and Order. |
| Harvest States Cooperatives. | | 1/26/93 | 2/15/94, 59 FR 7218 | Findings and Order. |
| | | 12/21/94 | 6/13/95, 60 FR 31088 | Amendment One to Findings and Order. |
| Hoffman Enclosures | 00300155–001 | 01/31/08 | 4/24/09, 74 FR 18634 | Only conditions cited as ''Title I condition: SIP for $SO_2$ NAAQS.'' |
| International Business Machine Corp., IBM—Rochester. | 10900006–001 | 06/03/98 | 03/09/01, 66 FR 14087 | Title I conditions only. |
| Lafarge North America Corporation, Childs Road Terminal. | 12300391–002 | 11/17/07 | 9/11/07, 72 FR 51713 | Only conditions cited as ''Title I condition: SIP for PM–10 NAAQS.'' |
| Lafarge Corp., Red Rock Terminal. | 12300353–002 | 05/07/02 | 08/19/04, 68 FR 51371 | Title I conditions only. |
| Marathon Petroleum, LLC | 16300003–016 | 09/11/09 | 12/28/10, 75 FR 81471 | Only conditions cited as ''Title I condition: SIP for $SO_2$ NAAQS.'' |
| Metropolitan Council Environmental Services Metropolitan Wastewater Treatment Plant. | 12300053–006 | 02/25/10 | 12/16/10, 75 FR 78602 | Only conditions cited as ''Title I condition: SIP for $PM_{10}$ NAAQS.'' |
| Minneapolis Energy Center Inc. | | 05/27/92 | 04/14/94, 59 FR 17706 | Findings and Order for Main Plant, Baker Boiler Plant, and the Soo Line Boiler Plant. |
| | | 12/21/94 | 06/13/95, 60 FR 31088 | Amendment One to Third Amended Findings and Order. |
| | | 09/23/97 | 02/08/99, 64 FR 5936 | Amendment Two to Third Amended Findings and Order. |
| Northern States Power Co., Riverside Plant. | 05300015–001 | 05/11/99 | 02/26/02, 67 FR 8727 | Title I conditions only. |
| Olmsted County, Olmsted Waste-to-Energy Facility. | 10900005–002 | 08/23/07 | 04/21/09, 74 FR 18138 | Only conditions cited as ''Title I condition: SIP for $SO_2$.'' |
| Rochester Public Utilities, Cascade Creek Combustion. | 100900020–003 | 12/28/07 | 4/24/09, 74 FR 18638 | Only conditions cited as ''Title I condition: SIP for $SO_2$ NAAQS.'' |
| Rochester Public Utilities, Silver Lake Plant. | 10900011–004 | 9/7/07 | December 2, 2009, 74 FR 63066 | Only conditions cited as ''Title I Condition: SIP for $SO_2$'' and ''Title I Condition: SIP for PM10.'' |
| St. Mary's Hospital | 10900008–003 | 3/1/10 | 8/12/10, 75 FR 48864 | Only conditions cited as ''Title I condition: SIP for $SO_2$ NAAQS.''. |
| St. Paul Terminals | | 02/02/96 | 07/22/97, 62 FR 39120 | Findings and Order. |
| Xcel Energy—Inver Hills Generating Plant. | 03700015–003 | 10/27/06 | 12/5/07, 72 FR 68508 | Only conditions cited as ''Title I condition: SIP for $SO_2$ NAAQS.'' |

(e) *EPA approved nonregulatory provisions.*

EPA—APPROVED MINNESOTA NONREGULATORY PROVISIONS

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date | Comments |
|---|---|---|---|---|
| Air Quality Surveillance Plan. | Statewide | 05/08/80, 06/02/80 | 03/04/81, 46 FR 15138. | |
| CAA 110(a)(2)(D)(i) SIP-Interstate Transport. | Statewide | 10/23/07 | 06/02/08, 73 FR 31366. | |
| Carbon Monoxide 1993 periodic Emission Inventory. | Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright Counties. | 09/28/95 | 10/23/97, 62 FR 55170. | |
| Deletion of TSP Designations. | Statewide | | 07/10/02, 67 FR 45637. | |
| Duluth Carbon Monoxide Redesignation and Maintenance Plan. | St. Louis County (part). | 10/30/92 | 04/14/94, 59 FR 17708. | |
| Duluth Carbon Monoxide Transportation Control Plan. | St. Louis County | 07/3/79 and 07/27/79 | 06/16/80, 45 FR 40579. | |
| | | 10/30/92 | 04/14/94, 59 FR 17706 | Removal of transportation control measure. |
| Lead Maintenance Plan. | Dakota County | 06/22/93 | 10/18/94, 59 FR 52431 | Corrected codification information on 05/31/95 at 60 FR 28339. |
| Lead Monitoring Plan | Statewide | 04/26/83, 02/15/84, and 02/21/84. | 07/05/84, 49 FR 27502 | Entire Lead Plan except for the New Source Review portion. |
| Oxygenated Fuels Program—Carbon Monoxide Contingency Measure. | Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright Counties. | 04/29/92 | 02/21/96, 61 FR6547 | Laws of Minnesota for 1992 Chapter 575, section 29(b). |
| Rochester Carbon Monoxide Transportation Control Plan. | Olmstead County | 07/3/79 and 07/27/79 | 06/16/80, 45 FR 40579. | |
| Rochester PM–10 Redesignation and Maintenance Plan. | Olmstead County | 09/07/94 | 05/31/95, 60 FR 28339. | |
| Rochester Sulfur Dioxide Redesignation and Maintenance Plan. | Olmstead County | 110/4/98 | 03/09/01, 66 FR 14087. | |
| Small Business Stationary Source Technical and Environmental Compliance Assistance Plan. | Statewide | 04/29/92 | 03/16/94, 59 FR 12165 | MN Laws Ch 546 sections 5 through 9. |
| St. Cloud Carbon Monoxide Redesignation. | Benton, Sherbourne, and Stearns Counties. | 08/31/89 | 06/28/93, 58 FR 34532. | |
| St. Cloud Carbon Monoxide Transportation Control Plan. | Benton, Sherbourne, and Stearns Counties. | 05/17/79 | 12/13/79, 44 FR 72116. | |
| | | 08/31/89 | 06/28/93, 58 FR 34529. | |
| St. Paul PM–10 Redesignation and Maintenance Plan. | Ramsey County | 06/20/02 | 07/26/02, 67 FR 48787. | |
| Twin Cities Carbon Monoxide Redesignation and Maintenance Plan. | Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright Counties. | 03/23/98 | 10/29/99, 64 FR 58347. | |

EPA—APPROVED MINNESOTA NONREGULATORY PROVISIONS—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/ effective date | EPA approved date | Comments |
|---|---|---|---|---|
| Twin Cities Carbon Monoxide Transportation Control Plan. | Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties. | 07/3/79 and 07/27/79<br>07/21/81<br>05/20/85 and 04/17/86 | 06/16/80, 45 FR 40579<br>12/08/81, 46 FR 59972<br>12/31/86, 51 FR 47237. | |
| Twin Cities / Pine Bend Sulfur Dioxide Redesignation and Maintenance Plan. | Anoka, Carver, Dakota, Hennepin, Ramsey, and Washington Counties. | 09/07/94<br>10/03/95 | 05/31/95, 60 FR 28339<br>05/13/97, 62 FR 26230 | Except for St. Paul Park area.<br>St. Paul Park area. |
| Alternative Public Participation Process. | Statewide | 12/07/05 | 07/05/06, 71 FR 32274. | |
| Lead Maintenance Plan. | Dakota County | 11/18/2002 and 11/19/2007 | 8/4/2008, 73 FR 31614 | Maintenance plan update. |

[70 FR 8932, Feb. 24, 2005]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1220, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## § 52.1221 Classification of regions.

The Minnesota 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) |
| Central Minnesota Intrastate | II | III | III | III | III |
| Southeast Minnesota-La Crosse (Wisconsin) Interstate | II | Ia | III | III | III |
| Duluth (Minnesota)-Superior (Wisconsin) Interstate | I | II | III | III | III |
| Metropolitan Fargo-Moorhead Interstate | II | III | III | III | III |
| Minneapolis-St. Paul Intrastate | I | I | III | I | III |
| Northwest Minnesota Intrastate | II | III | III | III | III |
| Southwest Minnesota Intrastate | III | III | III | III | III |

[37 FR 10874, May 31, 1972, as amended at 39 FR 16346, May 8, 1974]

## § 52.1222 Original Identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Minnesota'' and all revisions submitted by Minnesota that were federally approved prior to December 1, 2004.

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) A revised copy of the State emergency episode criteria was forwarded on February 7, 1972. (Non-regulatory)

(2) Information concerning intergovernmental cooperation was submitted by the Minnesota Pollution Control Agency on March 27, 1972.

(3) Certification that the State had adopted amendments to APC–1, 3, 4, 11, and 15, adopted a new air pollution control regulation (APC–16) and projected manpower resources was submitted by the State on April 28, 1972.

(4) An opinion on the availability of emission data to the public and evaluation of regulation concerning new construction was submitted by the State Attorney General's office on June 15, 1972. (Non-regulatory)

(5) A revised version of the State's regulation APC–3 was submitted by the Governor on July 25, 1972.

(6) On June 8, 1973, the Governor of Minnesota submitted a transportation control plan for the Minneapolis-St. Paul Intrastate Air Quality Control Region.

(7) Information concerning the transportation control plan was submitted on June 18, 1973, by the Minnesota Pollution Control Agency.

(8) Compliance schedules were submitted on June 28, 1973, by the Minnesota Pollution Control Agency.

(9) Information concerning the transportation control plan was submitted on July 30, 1973, by the Metropolitan Transit Commission.

(10) Information concerning the transportation control plan was submitted on August 1, 1973, by the Minnesota Department of Highways.

(11) Compliance schedules were submitted on August 9, 1973, by the Minnesota Pollution Control Agency.

(12) On November 15, 1974, the Governor of Minnesota submitted recommended Air Quality Maintenance Area identifications.

(13) A request for an extension of the statutory timetable for the submittal of the portion of the Minnesota State Implementation Plan implementing the National Secondary Ambient Air Quality Standards for total suspended particulates was submitted by the Executive Director of the Minnesota Pollution Control Agency on January 8, 1979, and was supplemented with additional information on March 9, 1979.

(14) A transportation control plan for the St. Cloud Metropolitan Area was submitted on May 17, 1979, by the Minnesota Pollution Control Agency.

(15) Transportation control plans for the Metropolitan Areas of Duluth, Rochester and Minneapolis-St. Paul were submitted on July 3, 1979, and July 23, 1979, by the Minnesota Pollution Control Agency.

(16) On March 5, 1980, the State of Minnesota submitted a revision to provide for modification of the existing air quality surveillance network. An amendment to the revision was submitted by the State of Minnesota on June 2, 1980.

(17) The sulfur dioxide control plan and revised operating permits for the Rochester and Twin Cities nonattainment areas were submitted by the State of Minnesota on July 17, 1980, and August 4, 1980. Amendments to the control plans were submitted on September 4, 1980. EPA's approval of the control plan includes approval of the emission limitations contained in the revised operating permits.

(18) Stipulation Agreement between the State Pollution Control Agency and Erie Mining Company submitted by the State on February 20, 1981.

(19) On July 29, 1981, the Minnesota Pollution Control Agency submitted an amendment to the transportation control plan for the Minneapolis-St. Paul Metropolitan Area.

(20) On August 4, 1980, and October 17, 1980, the State submitted its total suspended particulate Part D control plans for the Twin Cities Seven County Metropolitan Area and the City of Duluth. As part of the control strategies the State on January 5, 1981 submitted rule APC–33 and on January 23, 1981 further submitted amended and new rules. The amended and new rules that control total suspended particulate (TSP) emissions are: Amended APC–2, APC–4, APC–5, APC–7, APC–11; and new APC–18, APC–21, APC–22, APC–23, APC–24, APC–25, APC–26, APC–28, APC–29, and APC–32. Regulations APC–4, APC–24, and APC–32 are only approved as they apply to TSP emissions.

(21) On January 23, 1981, the State submitted new rules and amendments to some of their previously approved rules. On November 17, 1981, the State submitted amendments to APC–33. On May 6, 1982 (47 FR 19520), EPA approved some of the rules insofar as they applied to the total suspended particulate strategy for the Twin Cities Seven County Metropolitan Area and the City of Duluth. The remainder of the rules are:

(i) Those portions of APC–4, APC–24, and APC–32 which control emissions of sulfur dioxide, nitrogen dioxide, and carbon monoxide; (ii) the amendments to APC–33; and (iii) APC–8, APC–12, APC–13, APC–15, APC–16, APC–19 and APC–39.

(22) On April 28, 1983, Minnesota submitted its Lead SIP. Additional information was submitted on February 15, 1984, and February 21, 1984.

(23) On May 20, 1985, and on April 17, 1986, the State submitted a carbon

monoxide plan for the intersection of Snelling and University Avenues in the City of St. Paul. The plan committed to improved signal progression through the intersection by December 31, 1987, and a parking ban on University Avenue within 1 block in either direction of the intersection with Snelling Avenue by December 31, 1989.

(i) Incorporation by reference.

(A) Amendment to Air Quality Control Plan for Transportation for the Metropolitan Council of the Twin Cities Area dated January 28, 1985.

(B) Letter from Minnesota Pollution Control Agency, dated April 17, 1986, and letter from the City of St. Paul, dated April 1, 1986, committing to implementing of transportation control measures.

(24) On January 7, 1985, the State of Minnesota submitted a consolidated permit rule (CPR) to satisfy the requirements of 40 CFR 51.160 through 51.164 for a general new source review (NSR) program, including lead. On October 25, 1985, the State submitted a Memorandum of Agreement (MOA) which remedied certain deficiencies (40 CFR 52.1225(d)). On October 1, 1986, and January 14, 1987, the State committed to implement its NSR program using USEPA's July 8, 1985 (50 FR 27892), regulations for implementing the stack height requirements of Section 123 of the Clean Air Act (40 CFR 52.1225(e)). USEPA is approving the above for general NSR purposes for all sources, except it is disapproving them for those few sources subject to an NSPS requirement (40 CFR Part 60) and exempted from review under 6 MCAR section 4.4303 B.3. For these sources, NSR Rule APC 3 (40 CFR 52.1220(c)(5)), will continue to apply. Additionally, USEPA is taking no action on the CPR in relationship to the requirements of Section 111, Part C, and Part D of the Clean Air Act.

(i) Incorporation by reference.

(A) Within Title 6 Environment, Minnesota Code of Administrative Rules, Part 4 Pollution Control Agency (6 MCAR 4), Rule 6 MCAR 4 section 4.0002, Parts A, B, C, and E—Definitions, Abbreviations, Applicability of Standards, and Circumvention (formerly APC 2) Proposed and Published in Volume 8 of the State of Minnesota STATE REGISTER (8 S.R.) on October 17, 1983, at 8 S.R. 682 and adopted as modified on April 16, 1984, at 8 S.R. 2275.

(B) Rules 6 MCAR section 4.4001 through section 4.4021—Permits (formerly APC 3)—Proposed and Published on December 19, 1983, at 8 S.R. 1419 (text of rule starting at 8 S.R. 1420) and adopted as modified on April 16, 1984, at 8 S.R. 2278.

(C) Rules 6 MCAR section 4.4301 through section 4.4305—Air Emission Facility Permits—Proposed and Published on December 19, 1983, at 8 S.R. 1419 (text of rule starting at 8 S.R. 1470) and adopted as proposed on April 16, 1984, at 8 S.R. 2276.

(D) Rules 6 MCAR section 4.4311 through section 4.4321—Indirect Source Permits (formerly APC 19)—Proposed and Published on December 19, 1983, at 8 S.R. 1419 (text of rule starting at 8 S.R. 1472) and adopted as modified on April 16, 1984, at 8 S.R. 2277.

(25) On July 9, 1986, the State of Minnesota submitted Rules 7005.2520 through 7005.2523, submitted to replace the rule APC–29 in the existing SIP (see paragraph (20)). This submittal also included State permits for three sources, but these permits were withdrawn from USEPA consideration on February 24, 1992. This submittal provides for regulation of particulate matter from grain handling facilities, and was submitted to satisfy a condition on the approval of Minnesota's Part D plan for particulate matter.

(i) Incorporation by reference.

(A) Minnesota Rule 7005.2520, Definitions; Rule 7005.2521, Standards of Performance for Dry Bulk Agricultural Commodity Facilities; Rule 7005.2522, Nuisance; and Rule 7005.2523, Control Requirements Schedule, promulgated by Minnesota on January 16, 1984, and effective at the State level on January 23, 1984.

(ii) Additional Material.

(A) Appendix E to Minnesota's July 9, 1986, submittal, which is a statement signed on April 18, 1986, by Thomas J. Kalitowski, Executive Director, Minnesota Pollution Control Agency, interpreting Rules 7005.2520 through 7005.2523 in the context of actual barge loading practices in Minnesota.

(26) On March 13, 1989, the State of Minnesota requested that EPA revise the referencing of regulations in the SIP to conform to the State's recodification of its regulations. On November 26, 1991, and September 18, 1992, the State submitted an official version of the recodified regulations to be incorporated into the SIP. The recodified regulations are in Chapter 7001 and Chapter 7005 of Minnesota's regulations. Not approved as part of the SIP are recodified versions of regulations which EPA previously did not approve. Therefore, the SIP does not include Rules 7005.1550 through 7005.1610 (National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos), Rules 7005.2300 through 7005.2330 (limits for iron and steel plants), Rules 7005.2550 through 7005.2590 (NESHAP for beryllium), Rules 7005.2650 through 7005.2690 (NESHAP for mercury), Rule 7005.0116 (Opacity Standard Adjustment) and Rule 7005.2910 (Performance Test Methods for coal handling facilities). Similarly, the SIP continues to exclude the exemption now in Rule 7001.1210 as applied to small sources subject to new source performance standards, and the SIP is approved only for ''existing sources'' in the case of Rules 7005.1250 through 7005.1280 (Standards of Performance for Liquid Petroleum Storage Vessels), Rules 7005.1350 through 7005.1410 (Standards of Performance for Sulfuric Acid Plants), Rules 7005.1450 through 7005.1500 (Standards of Performance for Nitric Acid Plants), and Rules 7005.2100 through 7005.2160 (Standards of Performance for Petroleum Refineries). The SIP also does not include changes in the State's Rule 7005.0100 (relating to offsets) that were withdrawn by the State on February 24, 1992, and does not include the new rules 7005.0030 and 7005.0040.

(i) Incorporation by reference.

(A) Minnesota regulations in Chapter 7005 as submitted November 26, 1991, and in Chapter 7001 as submitted September 18, 1992, except for those regulations that EPA has not approved as identified above.

(27) On August 16, 1982, the MPCA submitted an amendment to the St. Cloud Area Air Quality Control Plan for Transportation as a State Implementation Plan revision. This revision to the SIP was adopted by the Board of the Minnesota Pollution Control Agency on July 27, 1982. On August 31, 1989, the Minnesota Pollution Control Agency submitted a revision to the Minnesota State Implementation Plan (SIP) for carbon monoxide deleting the Lake George Interchange roadway improvement project (10th Avenue at First Street South) from its St. Cloud transportation control measures. This revision to the SIP was approved by the Board on June 27, 1989.

(i) Incorporation by reference.

(A) Letter dated August 16, 1982, from Louis J. Breimburst, Executive Director, Minnesota Pollution Control Agency to Valdas V. Adamkus, Regional Administrator, United States Environmental Protection Agency—Region 5 and its enclosed amendment to the Air Quality Plan for Transportation for the St. Cloud Metropolitan Area entitled, ''Staff Resolution,'' measures 1, 4 and 5 adopted by the Minnesota Pollution Control Agency on July 27, 1982.

(B) Letter dated August 31, 1989, from Gerald L. Willet, Commissioner, Minnesota Pollution Control Agency to Valdas V. Adamkus, Regional Administrator, United States Environmental Protection Agency—Region 5.

(28) On November 9, 1992, the State of Minnesota submitted the Small Business Stationary Source Technical and Environmental Compliance Assistance plan. This submittal satisfies the requirements of section 507 of the Clean Air Act, as amended.

(i) Incorporation by reference.

(A) Minnesota Laws Chapter 546, sections 5 through 9 enacted by the Legislature, and signed into Law on April 29, 1992.

(29) On November 26, 1991, August 31, 1992, November 13, 1992, February 3, 1993, April 30, 1993, and October 15, 1993, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for particulate matter for the Saint Paul and Rochester areas.

(i) Incorporation by reference.

(A) An administrative order for Ashbach Construction Company, dated August 25, 1992, submitted August 31, 1992, for the facility at University Avenue and Omstead Street.

(B) An administrative order for Commercial Asphalt, Inc., dated August 25, 1992, submitted August 31, 1992, for the facility at Red Rock Road.

(C) An administrative order for Great Lakes Coal & Dock Company dated August 25, 1992, submitted August 31, 1992, for the facility at 1031 Childs Road.

(D) An administrative order for Harvest States Cooperatives dated January 26, 1993, submitted February 3, 1993, for the facility at 935 Childs Road.

(E) An administrative order for LaFarge Corporation dated November 30, 1992, submitted in a letter dated November 13, 1992, for the facility at 2145 Childs Road.

(F) An administrative order for the Metropolitan Waste Control Commission and the Metropolitan Council dated November 30, 1992, submitted in a letter dated November 13, 1992, for the facility at 2400 Childs Road.

(G) An administrative order for North Star Steel Company dated April 22, 1993, submitted April 30, 1993, for the facility at 1678 Red Rock Road.

(H) An administrative order for PM Ag Products, Inc., dated August 25, 1992, submitted August 31, 1992, for the facility at 2225 Childs Road.

(I) An administrative order for Rochester Public Utilities dated November 30, 1992, submitted in a letter dated November 13, 1992, for the facility at 425 Silver Lake Drive.

(J) An amendment to the administrative order for Rochester Public Utilities, dated October 14, 1993, submitted October 15, 1993, for the facility at 425 Silver Lake Drive.

(K) An administrative order for J.L. Shiely Company dated August 25, 1992, submitted August 31, 1992, for the facility at 1177 Childs Road.

(ii) Additional materials.

(A) A letter from Charles Williams to Valdas Adamkus dated November 26, 1991, with attachments.

(B) A letter from Charles Williams to Valdas Adamkus dated August 31, 1992, with attachments.

(C) A letter from Charles Williams to Valdas Adamkus dated November 13, 1992, with attachments.

(D) A letter from Charles Williams to Valdas Adamkus dated February 3, 1993, with attachments.

(E) A letter from Charles Williams to Valdas Adamkus dated April 30, 1993, with attachments.

(F) A letter from Charles Williams to Valdas Adamkus dated October 15, 1993, with attachments.

(30) On June 4, 1992, March 30, 1993, and July 15, 1993, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for sulfur dioxide for Air Quality Control Region (AQCR) 131 (excluding the Dakota County Pine Bend area and an area around Ashland Refinery in St. Paul Park).

(i) Incorporation by reference.

(A) An administrative order, received on June 4, 1992, for FMC Corporation and U.S. Navy, located in Fridley, Anoka County, Minnesota. The administrative order became effective on May 27, 1992. Amendment One, which was received on March 30, 1993, became effective on March 5, 1993. Amendment Two, which was received on July 15, 1993, became effective on June 30, 1993.

(B) An administrative order, received on June 4, 1992, for Federal Hoffman, Incorporated, located in Anoka, Anoka County, Minnesota. The administrative order became effective on May 27, 1992. Amendment one, received on July 15, 1993, became effective on June 30, 1993.

(C) An administrative order, received on June 4, 1992, for GAF Building Materials Corporation (Asphalt Roofing Products Manufacturing Facility) located at 50 Lowry Avenue, Minneapolis, Hennepin County, Minnesota. The administrative order became effective on May 27, 1992. Amendment One, received on July 15, 1993, became effective on June 30, 1993.

(D) An administrative order, received on June 4, 1992, for Northern States Power Company-Riverside Generating Plant, located in Minneapolis, Hennepin County, Minnesota. The administrative order became effective on May 27, 1992. Amendment One, received on July 15, 1993, became effective on June 30, 1993.

(E) An administrative order for Minneapolis Energy Center, received on July 15, 1993, Inc.'s Main Plant, Baker Boiler Plant, and the Soo Line Boiler

Plant all located in Minneapolis, Hennepin County, Minnesota. The administrative order became effective on June 30, 1993.

(ii) Additional material.

(A) A letter from Charles Williams to Valdas Adamkus dated May 29, 1992, with enclosures providing technical support (e.g., computer modeling) for the revisions to the administrative orders for five facilities.

(B) A letter from Charles Williams to Valdas Adamkus dated March 26, 1993, with enclosures providing technical support for an amendment to the administrative order for FMC Corporation and U.S. Navy.

(C) A letter from Charles Williams to Valdas Adamkus dated July 12, 1993, with enclosures providing technical support for amendments to administrative orders for four facilities and a reissuance of the administrative order to Minneapolis Energy Center, Inc.

(31) In a letter dated October 30, 1992, the MPCA submitted a revision to the Carbon Monoxide State Implementation Plan for Duluth, Minnesota. This revision contains a maintenance plan that the area will use to maintain the CO NAAQS. The maintenance plan contains park and ride lots and an oxygenated fuels program as the contingency measure.

(i) Incorporation by reference.

(A) Letter dated October 30, 1992, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5 and its enclosures entitled Appendix E.

(ii) Additional information.

(A) Letter dated November 10, 1992, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5.

(B) Letter dated December 22, 1993, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5.

(32) In a letter dated October 30, 1992, the MPCA submitted a revision to the Carbon Monoxide State Implementation Plan for Duluth, Minnesota. This revision removes a transportation control measure (TCM) from the State Implementation Plan. The TCM is an increased turning radius at 14th Avenue and 3rd Street East.

(i) Incorporation by reference.

(A) Letter dated October 30, 1992, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5 and its enclosure entitled Appendix D.

(ii) Additional information.

(A) Letter dated November 10, 1992, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5.

(33) On August 5, 1992, and August 26, 1993, the State of Minnesota submitted its ''Offset Rules'' as revisions to its State Implementation Plan (SIP) for new source review in nonattainment areas.

(i) Incorporation by reference.

(A) Rules 7005.3020, 7005.3030, and 7005.3040, with amendments effective August 24, 1992.

(B) Amendments to Rule 7005.3040, effective June 28, 1993.

(ii) Additional materials.

(A) A letter from Charles Williams to Valdas Adamkus dated August 5, 1992, with attachments.

(B) A letter from Charles Williams to Valdas Adamkus dated August 26, 1993, with attachments.

(34) On November 9, 1992, the State of Minnesota submitted the Oxygenated Gasoline Program. This submittal satisfies the requirements of section 211(m) of the Clean Air Act, as amended.

(i) Incorporation by reference.

(A) Minnesota Laws Chapter 2509, sections 1 through 31, except for sections 29 (b) and (c), enacted by the Legislature and signed into Law on April 29, 1992.

(ii) Additional material.

(A) Letter dated August 12, 1994, from the Minnesota Pollution Control Agency (MPCA), to the United States Environmental Protection Agency that withdraws the MPCA Board resolution

dated October 27, 1992, and any reference to it, from the oxygenated gasoline State Implementation Plan revision request of 1992.

(35) On July 29, 1992, February 11, 1993, and February 25, 1994, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for sulfur dioxide for Dakota County Pine Bend area of Air Quality Control Region (AQCR) 131.

(i) Incorporation by reference.

(A) For Continental Nitrogen and Resources Corporation, located in Rosemount, Dakota County, Minnesota:

(*1*) An administrative order, dated and effective July 28, 1992, submitted July 29, 1992.

(*2*) Amendment One to the administrative order, dated and effective February 25, 1994, submitted February 25, 1994.

(B) For Northern States Power Company, Inver Hills Generating Facility, located in Dakota County, Minnesota:

(*1*) An administrative order, dated and effective July 28, 1992, submitted July 29, 1992.

(*2*) Amendment one to the administrative order, dated and effective February 25, 1994, submitted February 25, 1994.

(C) For Koch Refining Company and Koch Sulfuric Acid Unit, located in the Pine Bend area of Rosemount, Dakota County, Minnesota:

(*1*) An administrative order, identified as Amendment One to Findings and Order by Stipulation, dated and effective March 24, 1992, submitted July 29, 1992.

(*2*) Amendment two to the administrative order, dated and effective January 22, 1993, submitted February 11, 1993.

(*3*) Amendment three to the administrative order, dated and effective February 25, 1994, submitted February 25, 1994.

(ii) Additional material.

(A) A letter from Charles Williams to Valdas Adamkus dated July 29, 1992, with enclosures providing technical support (e.g., computer modeling) for the revisions to the administrative orders for three facilities.

(B) A letter from Charles Williams to Valdas Adamkus dated February 11, 1993, submitting Amendment Two to the administrative order for Koch Refining Company.

(C) A letter from Charles Williams to Valdas Adamkus dated February 25, 1994, with enclosures providing technical support for amendments to administrative orders for three facilities.

(36) On June 22, 1993, and September 13, 1994, the State of Minnesota submitted revisions to its State Implementation Plan for lead for a portion of Dakota County.

(i) Incorporation by reference.

(A) For Gopher Smelting and Refining Company, located in the city of Eagan, Dakota County, Minnesota:

(*1*) An administrative order, dated, submitted, and effective June 22, 1993.

(*2*) Amendment One to the administrative order, dated, submitted, and effective, September 13, 1994.

(ii) Additional material.

(A) A letter from Charles W. Williams to Valdas V. Adamkus, dated June 22, 1993, with enclosures providing technical support (e.g., computer modeling) for the revisions to the State Implementation Plan for lead.

(B) A letter from Charles W. Williams to Valdas V. Adamkus, dated September 13, 1994, with enclosures providing technical support for the revised administrative order for Gopher Smelting and Refining Company.

(37) On March 9, 1994, the State of Minnesota submitted a revision to its particulate matter plan for the Saint Paul area, providing substitute limits for an aggregate heater at the J.L. Shiely facility.

(i) Incorporation by reference.

(A) An amendment dated January 12, 1994, amending the administrative order of August 25, 1992, for the J.L. Shiely facility at 1177 Childs Road, Saint Paul.

EDITORIAL NOTE: At 60 FR 21451, May 2, 1995 the following paragraph (c)(37) was added to § 52.1220.

(37) On November 23, 1993, the State of Minnesota submitted updated air permitting rules.

(i) Incorporation by reference.

(A) Rules 7007.0050 through 7007.1850, effective August 10, 1993.

(B) Rules 7001.0020, 7001.0050, 7001.0140, 7001.0180, 7001.0550, 7001.3050, 7002.0005,

7002.0015, and 7005.0100, effective August 10, 1993.

(38)–(39) [Reserved]

(40) On November 23, 1993, the State of Minnesota requested recodification of the regulations in its State Implementation Plan, requested removal of various regulations, and submitted recodified regulations containing minor revisions.

(i) Incorporation by reference.

(A) Minnesota regulations in Chapters 7005, 7007, 7009, 7011, 7017, 7019, and 7023, effective October 18, 1993.

(B) Submitted portions of Minnesota Statutes Sections 17.135, 88.01, 88.02, 88.03, 88.16, 88.17, and 88.171, effective 1993.

(41) On December 22, 1994, Minnesota submitted miscellaneous amendments to 11 previously approved administrative orders. In addition, the previously approved administrative order for PM Ag Products (dated August 25, 1992) is revoked.

(i) Incorporation by reference.

(A) Amendments, all effective December 21, 1994, to administrative orders approved in paragraph (c)(29) of this section for: Ashbach Construction Company; Commercial Asphalt, Inc.; Great Lakes Coal & Dock Company; Harvest States Cooperatives; LaFarge Corporation; Metropolitan Council; North Star Steel Company; Rochester Public Utilities; and J.L. Shiely Company.

(B) Amendments, effective December 21, 1994, to the administrative order approved in paragraph (c)(30) of this section for United Defense, LP (formerly FMC/U.S. Navy).

(C) Amendments, effective December 21, 1994, to the administrative order approved in paragraph (c)(35) of this section for Northern States Power-Inver Hills Station.

(42) On September 7, 1994, the State of Minnesota submitted a revision to its State Implementation Plan (SIP) for particulate matter for the Rochester area of Olmsted County, Minnesota.

(i) Incorporation by reference.

(A) Amendment Two to the administrative order for the Silver Lake Plant of Rochester Public Utilities, located in Rochester, Minnesota, dated and effective August 31, 1994, submitted September 7, 1994.

(43) On November 12, 1993, the State of Minnesota submitted a contingency plan to control the emissions of carbon monoxide from mobile sources by use of oxygenated gasoline on a year-round basis. The submittal of this program satisfies the provisions under section 172(c)(9) and 172(b) of the Clean Air Act as amended.

(i) Incorporation by reference.

(A) Laws of Minnesota for 1992, Chapter 575, section 29(b), enacted by the legislature and signed into law on April 29, 1992.

(44) This revision provides for data which have been collected under the enhanced monitoring and operating permit programs to be used for compliance certifications and enforcement actions.

(i) Incorporation by reference.

(A) Minnesota Rules, sections 7007.0800 Subpart 6.C(5), 7017.0100 Subparts 1 and 2, both effective February 28, 1995.

(45) On December 15, 1995, the Minnesota Pollution Control Agency submitted a revision to the State Implementation Plan for the general conformity rules. The general conformity SIP revisions enable the State of Minnesota to implement and enforce the Federal 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.

(i) Incorporation by reference.

(A) Minnesota rules Part 7009.9000, as created and published in the (Minnesota) Register, November 13, 1995, number 477, effective November 20, 1995.

(46) On April 24, 1997, the State of Minnesota submitted Administrative Order amendments for sulfur dioxide for two Northern States Power facilities: Inver Hills and Riverside.

(i) Incorporation by reference.

(A) Amendment Two, dated and effective November 26, 1996, to administrative order approved in paragraph (c)(30) of this section for Northern States Power-Riverside Station.

(B) Amendment Three, dated and effective November 26, 1996, to administrative order and amendments approved in paragraphs (c)(35) and (c)(41), respectively, of this section for Northern States Power-Inver Hills Station.

(47) On October 17, 1997, the State of Minnesota submitted amendments to three previously approved Administrative Orders for North Star Steel Company, LaFarge Corporation, and GAF Building Materials, all located in the Minneapolis-St. Paul area.

(i) Incorporation by reference.

(A) Amendments, both dated and effective September 23, 1997, to administrative orders and amendments approved in paragraphs (c)(29) and (c)(41) of this section, respectively, of this section for: LaFarge Corporation (Childs Road facility) and North Star Steel Company.

(B) Amendment Two, dated and effective September 18, 1997, to administrative order and amendment approved in paragraph (c)(30) of this section for GAF Building Materials.

(48) On January 12, 1995, Minnesota submitted revisions to its air permitting rules. The submitted revisions provide generally applicable limitations on potential to emit for certain categories of sources.

(i) Incorporation by reference. Submitted portions of Minnesota regulations in Chapter 7007, and 7011.0060 through 7011.0080 effective December 27, 1994.

(49) [Reserved]

(50) On July 22, 1998 the State of Minnesota submitted a supplemental SIP revision for the control of particulate matter emissions from certain sources located along Red Rock Road, within the boundaries of Ramsey County. This supplemental SIP revision is in response to EPA's July 22, 1997 conditional approval (62 FR 39120), of a February 9, 1996 SIP revision for Red Rock Road. In addition, the previously approved administrative order for Lafarge Corporation (dated February 2, 1996) is revoked.

(i) Incorporation by reference.

(A) Air Emission Permit No. 12300353–001, issued by the MPCA to Lafarge Corporation—Red Rock Terminal on April 14, 1998, Title I conditions only.

(B) Revocation of Findings and Order, dated and effective July 21, 1998, to Findings and Order issued to Lafarge Corporation on February 2, 1996.

(ii) Additional material.

(A) Letter submitting vendor certifications of performance for the pollution control equipment at Lafarge Corporation's facility on Red Rock Road in St. Paul, Minnesota, dated May 4, 1998, from Arthur C. Granfield, Regional Environmental Manager for Lafarge Corporation, to Michael J. Sandusky, MPCA Air Quality Division Manager.

(B) Letter submitting operating ranges for the pollution control equipment at Lafarge Corporation's facility on Red Rock Road in St. Paul, Minnesota, dated July 13, 1998, from Arthur C. Granfield, Regional Environmental Manager for Lafarge Corporation, to Michael J. Sandusky, MPCA Air Quality Division Manager.

(51) On November 14, 1995, July 8, 1996, September 24, 1996, June 30, 1999, and September 1, 1999, the State of Minnesota submitted revisions to its State Implementation Plan for carbon monoxide regarding the implementation of the motor vehicle inspection and maintenance program in the Minneapolis/St. Paul carbon monoxide nonattainment area. This plan approves Minnesota Statutes Sections 116.60 to 116.65 and Minnesota Rules 7023.1010-7023.1105. This plan also removes Minnesota Rules Part 7023.1010, Subp. 35(B), Part 7023.1030, Subp. 11(B,C), and Part 7023.1055, Subp. 1 (E)(2) from the SIP.

(i) Incorporation by reference.

(A) Minnesota Statutes Sections 116.60 to 116.65;

(B) Minnesota Rules 7023.1010–7023.1105 (except Part 7023.1010, Subp. 35(B), Part 7023.1030, Subp. 11(B,C), and Part 7023.1055, Subp. 1 (E)(2)).

(52) [Reserved]

(53) On September 29, 1998, the State of Minnesota submitted a site-specific revision to the particulate matter (PM) SIP for LTV Steel Mining Company (LTV), formerly known as Erie Mining Company, located in St. Louis County, Minnesota. This SIP revision was submitted in response to a request from LTV that EPA remove the Stipulation Agreement for Erie Mining Company

from the State SIP, as was approved by EPA in paragraph (c)(18) of this section. Accordingly the Stipulation Agreement for Erie Mining Company referenced in paragraph (c)(18) of this section is removed from the SIP without replacement.

(54) On December 7, 1999, the State of Minnesota submitted to remove an Administrative Order and replace it with a federally enforceable State operating permit for Commercial Asphalt's facility located on Red Rock Road in the city of St. Paul. EPA approved a federally enforceable State operating permit (FESOP)(60 FR 21447) for the State of Minnesota on May 2, 1995.

(i) Incorporation by reference

(A) Air Emission Permit No. 12300347–002, issued by the MPCA to Commercial Asphalt CO-Plant 905, on September 10, 1999. Title I conditions only.

(55) On February 6, 2000, the State of Minnesota submitted a site-specific revision to the Minnesota Sulfur Dioxide ($SO_2$) SIP for Marathon Ashland Petroleum, LLC (Marathon Ashland), located in the cities of St. Paul Park and Newport, Washington County, Minnesota. Specifically, EPA is only approving into the SIP only those portions of the Marathon Ashland Title V Operating permit cited as ''Title I condition: SIP for $SO_2$ NAAQS 40 CFR pt.50 and Minnesota State Implementation Plan (SIP).'' In this same action, EPA is removing from the state $SO_2$ SIP the Marathon Ashland Administrative Order previously approved in paragraph (c)(38) and revised in paragraph (c)(49) of this section.

(i) Incorporation by reference

(A) AIR EMISSION PERMIT NO. 16300003–003, issued by the Minnesota Pollution Control Agency to Marathon Ashland Petroleum, LLC on October 26, 1999, Title I conditions only.

(56) On November 4, 1998, the State of Minnesota submitted a SIP revision for Olmsted County, Minnesota, for the control of emissions of sulfur dioxide ($SO_2$) in the city of Rochester. The state also submitted on that date a request to redesignate the Rochester nonattainment area to attainment of the $SO_2$ National Ambient Air Quality Standards. The state's maintenance plan is complete and the submittals meet the $SO_2$ nonattainment area SIP and redesignation requirements of the Clean Air Act.

(i) Incorporation by reference

(A) Air Emission Permit No. 10900011–001, issued by the Minnesota Pollution Control Agency (MPCA) to City of Rochester—Rochester Public Utilities—Silver Lake Plant on July 22, 1997, Title I conditions only.

(B) Air Emission Permit No. 00000610–001, issued by the MPCA to City of Rochester—Rochester Public Utilities—Cascade Creek Combustion on January 10, 1997, Title I conditions only.

(C) Air Emission Permit No. 10900010–001, issued by the MPCA to Associated Milk Producers, Inc. on May 5, 1997, Title I conditions only.

(D) Air Emission Permit No. 10900008–007 (989–91–OT–2, AMENDMENT No. 4), issued by the MPCA to St. Mary's Hospital on February 28, 1997, Title I conditions only.

(E) Air Emission Permit No. 10900005–001, issued by the MPCA to Olmsted County—Olmsted Waste-to-Energy Facility on June 5, 1997, Title I conditions only.

(F) Amendment No. 2 to Air Emission Permit No. 1148–83–OT–1 [10900019], issued by the MPCA to Franklin Heating Station on June 19, 1998, Title I conditions only.

(G) Air Emission Permit No. 10900006–001, issued by the MPCA to International Business Machine Corporation—IBM—Rochester on June 3, 1998, Title I conditions only.

(57) [Reserved]

(58) On December 16, 1998, the State submitted an update to the Minnesota performance test rule, which sets out the procedures for facilities that are required to conduct performance tests to demonstrate compliance with their emission limits and/or operating requirements. In addition, EPA is removing from the state SIP Minnesota Rule 7017.2000 previously approved as APC 21 in paragraph (c)(20) and amended in paragraph (c)(40) of this section.

(i) Incorporation by reference.

(A) Amendments to Minnesota Rules 7011.0010, 7011.0105, 7011.0510, 7011.0515, 7011.0610, 7011.0710, 7011.0805, 7011.1305, 7011.1405, 7011.1410, 7017.2001, 7017.2005, 7017.2015, 7017.2018, 7017.2020, 7017.2025, 7017.2030, 7017.2035, 7017.2045, 7017.2050

and 2060, published in the *Minnesota State Register* April 20, 1998, and adopted by the state on July 13, 1998.

(59) On September 1, 1999, the State of Minnesota submitted a site-specific revision to the Minnesota Sulfur Dioxide ($SO_2$) SIP for the Northern States Power Company (NSP) Riverside Plant, located in Minneapolis, Hennepin County, Minnesota. Specifically, EPA is approving into the $SO_2$ SIP only those portions of the NSP Riverside Plant Title V Operating Permit cited as ''Title I condition: State Implementation Plan for $SO_2$.'' In this same action, EPA is removing from the state $SO_2$ SIP the NSP Riverside Plant Administrative Order previously approved and amended in paragraphs (c)(30) and (c)(46) of this section respectively.

(i) Incorporation by reference.

(A) Air Emission Permit No. 05300015–001, issued by the Minnesota Pollution Control Agency (MPCA) to Northern States Power Company—Riverside Plant on May 11, 1999, Title I conditions only.

(60) [Reserved]

(61) On June 1, 2001, the State of Minnesota submitted a site-specific revision to the Minnesota particulate matter (PM) State Implementation Plan (SIP) for Metropolitan Council Environmental Service's (MCES) Metropolitan Wastewater Treatment Plant located on Childs Road in St. Paul, Ramsey County, Minnesota. Specifically, EPA is only approving into the SIP those portions of the MCES federally enforceable state operating permit cited as ''Title I Condition: State Implementation Plan for PM10.'' In this same action, EPA is removing from the state PM SIP the MCES Administrative Order previously approved in paragraph (c)(29) of this section.

(i) Incorporation by reference.

(A) Air Emission Permit No. 12300053–001, issued by the Minnesota Pollution Control Agency to MCES's Metropolitan Wastewater Treatment Plant at 2400 Childs Road on March 13, 2001, Title I conditions only.

(62) On March 13, 2003, the State of Minnesota submitted a site-specific State Implementation Plan (SIP) revision for the control of emissions of sulfur dioxide ($SO_2$) for Flint Hills Resources, L.P., located in the Pine Bend Area of Rosemount, Dakota County, Minnesota. Specifically, EPA is approving into the $SO_2$ SIP Amendment No. 6 to the Administrative Order previously approved in paragraph (c)(35) and revised in paragraphs (c)(57) and (c)(60) of this section.

(i) Incorporation by reference.

(A) An administrative order identified as Amendment Six to Findings and Order by Stipulation, for Flint Hills Resources, L.P., dated and effective March 11, 2003, submitted March 13, 2003.

(63) On August 9, 2002, the State of Minnesota submitted a revision to the Minnesota sulfur dioxide ($SO_2$) State Implementation Plan (SIP) for Xcel Energy's Inver Hills Generating Plant (Xcel) located in the city of Inver Grove Heights, Dakota County, Minnesota. Specifically, EPA is only approving into the $SO_2$ SIP those portions of the Xcel Title V operating permit cited as ''Title I Condition: State Implementation Plan for $SO_2$'' and is removing from the state $SO_2$ SIP the Xcel Administrative Order previously approved in paragraph (c)(46) and modified in paragraphs (c)(35) and (c)(41) of this section. In this same action, EPA is removing from the state particulate matter SIP the Administrative Order for Ashbach Construction Company previously approved in paragraph (c)(29) and modified in paragraph (c)(41) of this section.

(i) Incorporation by reference.

(A) AIR EMISSION PERMIT NO. 03700015–001, issued by the Minnesota Pollution Control Agency to Northern States Power Company Inver Hills Generating Plant on July 25, 2000, Title I conditions only.

(64) On July 18, 2002, the State of Minnesota submitted a site-specific revision to the Minnesota particulate matter (PM) SIP for the Lafarge Corporation (Lafarge) Red Rock Road facility, located in Saint Paul, Ramsey County, Minnesota. Specifically, EPA is approving into the PM SIP only those portions of the Lafarge Red Rock Road facility state operating permit cited as ''Title I condition: SIP for PM10 NAAQS.''

(i) Incorporation by reference. AIR EMISSION PERMIT NO. 12300353–002,

issued by the Minnesota Pollution Control Agency (MPCA) to Lafarge Corporation—Red Rock Terminal on May 7, 2002, Title I conditions only.

(65) The Minnesota Pollution Control Agency submitted a revision to Minnesota's State Implementation Plan for sulfur dioxide on December 19, 2002. This revision consists of a Title V permit for the United Defense, LP facility located in Anoka County at 4800 East River Road, Fridley, Minnesota. The Permit contains non-expiring Title I SIP conditions.

(i) Incorporation by reference.

(A) Title I conditions contained in the November 25, 2002, Title V permit (permit number 00300020–001) issued to the United Defense, LP facility located in Anoka County at 4800 East River Road, Fridley, Minnesota.

[37 FR 10874, May 31, 1972. Redesignated at 70 FR 8932, Feb. 24, 2005]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1222, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1223 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Minnesota's plans for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.

[45 FR 40581, June 16, 1980]

### § 52.1224 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met since the plan does not provide for public availability of emission data.

(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 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 July 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.

(5) Authority of the Regional Administrator to make available information and data was delegated to the Minnesota Pollution Control Agency effective October 6, 1977.

[37 FR 10874, May 31, 1972, as amended at 40 FR 55330, Nov. 28, 1975; 43 FR 10, Jan. 3, 1978; 51 FR 40676, Nov. 7, 1986]

### § 52.1225 Review of new sources and modifications.

(a) Part D—Approval. The State of Minnesota has satisfied the requirements of sections 173 and 189(a)(1)(A) for permitting of major new sources and modifications in nonattainment areas.

(b)–(d) [Reserved]

(e) The State of Minnesota has committed to conform to the Stack Height Regulations, as set forth in 40 CFR part 51. In a January 14, 1987, letter to David Kee, USEPA, Thomas J. Kalitowski, Executive Director, Minnesota Pollution Control Agency, stated:

> Minnesota does not currently have a stack height rule, nor do we intend to adopt such a rule. Instead, we will conform with the Stack Height Regulations as set forth in the July 8, 1985, FEDERAL REGISTER in issuing permits for new or modified sources. In cases where that rule is not clear, we will contact USEPA Region V and conform to the current federal interpretation of the item in question.

[53 FR 17037, May 13, 1988, as amended at 59 FR 21941, Apr. 28, 1994; 60 FR 21451, May 2, 1995]

### §§ 52.1226–52.1229 [Reserved]

### § 52.1230 Control strategy and rules: Particulates.

(a) *Part D*—(1) *Approval*. The State of Minnesota has satisfied the requirements of sections 189(a)(1)(B) and 189(a)(1)(C) and paragraphs 1, 2, 3, 4, 6, 7, 8, and 9 of section 172(c) for the Saint Paul and Rochester areas. The Administrator has determined pursuant to section 189(e) that secondary particulate matter formed from particulate matter precursors does not contribute significantly to exceedances of the NAAQS.

(2) *No action*. USEPA takes no action on the alternative test method provision of Rule 7005.2910.

(b) Approval—On May 31, 1988, the State of Minnesota submitted a committal SIP for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers ($PM_{10}$) for Minnesota's Group II areas. The Group II areas of concern are in Minneapolis, Hennepin County; Duluth and Iron Range, St. Louis County; Iron Range, Itasca County; Two Harbors, Lake County; and St. Cloud, Stearns 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.

(c) Approval—On June 20, 2002, the State of Minnesota submitted a request to redesignate the Saint Paul, Ramsey 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). In its submittal, the State also requested that EPA approve the maintenance plan for the area into the Minnesota PM SIP. The redesignation request and maintenance plan meet the redesignation requirements of the Clean Air Act.

[47 FR 19522, May 6, 1982, as amended at 47 FR 32118, July 26, 1982; 55 FR 21022, May 22, 1990; 57 FR 46308, Oct. 8, 1992; 59 FR 7222, Feb. 15, 1994; 67 FR 48790, July 26, 2002]

### §§ 52.1231–52.1232 [Reserved]

### § 52.1233 Operating permits.

(a) Emission limitations and related provisions which are established in Minnesota permits as federally enforceable conditions in accordance with Chapter 7007 rules shall be enforceable by USEPA. USEPA 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 permit program requirements or the requirements of USEPA's underlying regulations.

(b) For any permitting program located in the State, insofar as the permitting threshold provisions in Chapter 7007 rules 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.

[60 FR 21451, May 2, 1995, as amended at 75 FR 82266, Dec. 30, 2010]

### § 52.1234 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 Minnesota.

(c) All applications and other information required pursuant to § 52.21 of this part from sources located in the State of Minnesota shall be submitted to the state agency, Minnesota Pollution Control Agency, Division of Air Quality, 520 Lafayette Road North, St. Paul, Minnesota 55155, rather than to EPA's Region 5 office.

[45 FR 52741, Aug. 7, 1980, as amended at 53 FR 18985, May 26, 1988; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003; 75 FR 55276, Sept. 10, 2010]

### § 52.1235 [Reserved]

### § 52.1236 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) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of Minnesota.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Minnesota.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

### § 52.1237 Control strategy: Carbon monoxide.

(a) The base year carbon monoxide emission inventory requirement of section 187(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for the following areas: Duluth Metropolitan Area and Minneapolis-St. Paul Metropolitan Area.

(b) Approval—The 1993 carbon monoxide periodic emission inventory requirement of section 187(a)(5) of the Clean Air Act, as amended in 1990, has been satisfied for the following areas: the counties of the Twin cities seven county Metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington), and Wright.

(c) Approval—On March 23, 1998, the Minnesota Pollution Control Agency submitted a request to redesignate the Minneapolis/St. Paul CO nonattainment area (consisting of portions of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright) to attainment for CO. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1996 attainment year) emission inventory for CO, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2009, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the CO NAAQS (which must be confirmed by the State), Minnesota will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes oxygenated fuel, transportation control measures, or a vehicle inspection and maintenance program. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

(d) Approval—On November 10, 2004, Minnesota submitted a revision to the Carbon Monoxide (CO) maintenance plan for the Minneapolis-St. Paul area. These plans revised 1996 and 2009 motor vehicle emission inventories and 2009 Motor Vehicle Emissions Budgets (MVEB) recalculated using the emissions factor model MOBILE6. The MVEB for transportation conformity purposes for the Minneapolis-St. Paul maintenance area is 1961 tons per winter day of CO.

(e) Approval—On June 16, 2010, Minnesota submitted a carbon monoxide (CO) limited maintenance plan for the Minneapolis-St. Paul area under section 175A of the CAA for the continued attainment of the one hour and eight hour CO NAAQS.

[59 FR 47807, Sept. 19, 1994, as amended at 62 FR 55172, Oct. 23, 1997; 64 FR 58354, Oct. 29, 1999; 69 FR 71380, Dec. 9, 2004; 75 FR 54778, Sept. 9, 2010]

### § 52.1240 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 Minnesota 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 Minnesota 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 authorizing 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) 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, except that:

(1) The owner and operator of each source referenced in such paragraph in whose compliance account any allocation of CAIR $NO_X$ allowances was recorded under the Federal CAIR $NO_X$ Annual Trading Program in part 97 of this chapter shall hold in that compliance account, as of midnight of December 3, 2009 and with regard to each such recorded allocation, CAIR $NO_X$ allowances that are usable in such trading program, issued for the same year as the recorded allocation, and in the same amount as the recorded allocation. The owner and operator shall hold such allowances for the purpose of deduction by the Administrator under paragraph (b)(2) of this section.

(2) After December 3, 2009, the Administrator will deduct from the compliance account of each source in the State of Minnesota any CAIR $NO_X$ allowances required to be held in that compliance account under paragraph (b)(1) of this section. The Administrator will not deduct, for purposes of implementing the stay, any other CAIR $NO_X$ allowances held in that compliance account and, starting no later than December 3, 2009, will not record any allocation of CAIR $NO_X$ allowances included in the State trading budget for Minnesota for any year.

[72 FR 62350, Nov. 2, 2007, as amended at 74 FR 56726, Oct. 3, 2009]

### § 52.1241 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 Minnesota 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 Minnesota 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 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.

[72 FR 62350, Nov. 2, 2007, as amended at 74 FR 56726, Oct. 3, 2009]

## Subpart Z—Mississippi

### § 52.1270 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Mississippi 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) of this section with an EPA approval date prior to October 3, 2007, for Mississippi 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 October 3, 2007, for Mississippi 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 Mississippi Regulations.*

EPA-APPROVED MISSISSIPPI REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **APC–S–1 Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants** | | | | |
| Section 1 | General | 1/9/94 | 2/12/96, 61 FR 5295 | |
| Section 2 | Definitions | 1/9/94 | 2/12/96, 61 FR 5295 | |
| Section 3 | Specific Criteria for Sources of Particulate Matter. | 5/28/99 | 12/20/02, 67 FR 77926 | |
| Section 4 | Specific Criteria for Sources of Sulfur Compounds. | 1/9/94 | 2/12/96, 61 FR 5295 | |
| Section 5 | Specific Criteria for Sources of Chemical Emissions. | 1/9/94 | 2/12/96, 61 FR 5295 | |
| Section 6 | New Sources | 5/28/99 | 12/20/02, 67 FR 77926 | Subsection 2, "Other Limitations," and Subsection 3, "New Source Performance Standards," are not federally approved. |
| Section 7 | Exceptions | 2/4/72 | 5/31/72, 37 FR 10875 | |
| Section 9 | Stack Height Considerations. | 5/1/86 | 9/23/87, 52 FR 35704 | |
| Section 10 | Provisions for Upsets, Startups, and Shutdowns. | 1/9/94 | 2/12/96, 61 FR 5295 | |
| Section 11 | Severability | 1/9/94 | 2/12/96, 61 FR 5295 | |
| Section 14 | Provision for the Clean Air Interstate Rule. | 12/17/06 | 10/3/07, 72 FR 56268 | |

EPA-APPROVED MISSISSIPPI REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **APC–S–2 Permit Regulations for the Construction and/or Operation of Air Emissions Equipment** | | | | |
| Section I | General Requirements | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section II | General Standards Applicable to All Permits. | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section III | Application For Permit To Construct and State Permit To Operate New Stationary Source. | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section IV | Public Participation and Public Availability of Information. | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section V | Application Review | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section VI | Compliance Testing | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section VII | Emission Evaluation Report | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section VIII | Procedures for Renewal of State Permit To Operate. | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section IX | Reporting and Record Keeping. | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section X | Emission Reduction Schedule | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section XI | General Permits | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section XII | Multi-Media Permits | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section XIII | Exclusions | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section XIV | CAFO | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section XV | Options | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section XVI | Permit Transfer | 8/27/05 | 7/10/06, 71 FR 38773 | |
| Section XVII | Severability | 8/27/05 | 7/10/06, 71 FR 38773 | |
| **APC–S–3 Regulations for the Prevention of Air Pollution Emergency Episodes** | | | | |
| Section 1 | General | 2/4/72 | 5/31/72, 37 FR 10875 | |
| Section 2 | Definitions | 2/4/72 | 5/31/72, 37 FR 10875 | |
| Section 3 | Episode Criteria | 6/3/88 | 11/13/89, 54 FR 47211 | |
| Section 4 | Emission Control Action Programs. | 2/4/72 | 5/31/72, 37 FR 10875 | |
| Section 5 | Emergency Orders | 6/3/88 | 11/13/89, 54 FR 47211 | |

EPA-APPROVED MISSISSIPPI REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| APC–S–5–Regulations for Prevention of Significant Deterioration for Air Quality | | | | |
| All | | 12/1/2010 | 12/29/2010 75 FR 81858 | APC–S–5 incorporates by reference the regulations found at 40 CFR 52.21 as of September 13, 2010. This EPA action is approving the incorporation by reference with the exception of the phrase ''except ethanol production facilities producing ethanol by natural fermentation under the North American Industry Classification System (NAICS) codes 325193 or 312140,'' APC–S–5 incorporated by reference from 40 CFR 52.21(b)(1)(i)(a) and (b)(1(iii)(t) APC–S–5. In addition, this EPA action is not incorporating by reference, into the Mississippi SIP, the administrative regulations that were amended in the Fugitive Emissions Rule (73 FR 77882) and are stayed through October 3, 2011. |

(d) *EPA approved Mississippi source-specific requirements.*

EPA APPROVED MISSISSIPPI SOURCE-SPECIFIC REQUIREMENTS

| Name of source | Permit number | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| None | | | | |

(e) [Reserved]

[62 FR 35442, July 1, 1997, as amended at 62 FR 37726, July 15, 1997; 62 FR 40139, July 25, 1997; 64 FR 35009, June 30, 1999; 67 FR 77927, Dec. 20, 2002; 68 FR 13631, Mar. 20, 2003; 71 FR 38775, July 10, 2006; 72 FR 56271, Oct. 3, 2007; 75 FR 1714, Jan. 13, 2010; 75 FR 81863, Dec. 29, 2010; 75 FR 79302, Dec. 20, 2010; 76 FR 2591, Jan. 14, 2011]

## § 52.1271 Classification of regions.

The Mississippi 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) |
| Mobile (Alabama)-Pensacola-Panama City (Florida)-Gulfport (Mississippi) Interstate | I | I | III | III | I |
| Metropolitan Memphis Interstate | I | III | III | III | I |
| Mississippi Delta Intrastate | III | III | III | III | III |
| Northeast Mississippi Intrastate | II | III | III | III | III |

[37 FR 10875, May 31, 1972, as amended at 39 FR 16346, May 8, 1974]

**§52.1272 Approval status.**

(a) With the exceptions set forth in this subpart, the Administrator approves Mississippi's plan for the attainment and maintenance of 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)(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 will have the potential to emit 75,000 tpy $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 ($CO_2e$) 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 $CO_2e$.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 40 CFR 52.21(a)(2)(iv) (2007)) and a significant net emissions increase (as defined in paragraphs 40 CFR 52.21(b)(3) and (b)(23)(i) (2007)) occur. 40 CFR 52.21 (2007) is presently incorporated by reference into Mississippi's plan at EPA-approved Mississippi Commission on Environmental Quality Rule APC–S–5. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in 40 CFR 52.21(b)(23)(ii)(2007).

[75 FR 82556, Dec. 30, 2010]

**§52.1273 [Reserved]**

**§52.1275 Legal authority.**

(a) The requirements of §51.230(d) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

(b) The requirements of §51.230(f) of this chapter are not met, since section 7106–117 of the Mississippi Code could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 7106–117 is disapproved.

[39 FR 7282, Feb. 25, 1974, as amended at 39 FR 34536, Sept. 26, 1974; 51 FR 40676, Nov. 7, 1986]

**§ 52.1276 [Reserved]**

**§ 52.1277 General requirements.**

(a) The requirements of § 51.116(c) of this chapter are not met, since the legal authority to provide 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 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.

[39 FR 34536, Sept. 26, 1974, as amended at 40 FR 55330, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

**§ 52.1278 Control strategy: Sulfur oxides and particulate matter.**

In a letter dated January 30, 1987, the Mississippi 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: Mississippi Power-Daniel; South Mississippi Electric Power, Hattiesburg-Morrow; E.I. Dupont, Delisle Boilers 1 & 2; and International Paper, Vicksburg.

[54 FR 25456, June 15, 1989]

**§ 52.1279 [Reserved]**

**§ 52.1280 Significant deterioration of air quality.**

(a) All applications and other information required pursuant to § 52.21 of this part from sources located or to be located in the State of Mississippi shall be submitted to the State agency, Mississippi Department of Environmental Quality, Office of Pollution Control, Air Division, 515 East Amite Street, Jackson, Mississippi 39201, rather than to EPA's Region 4 office.

[43 FR 26410, June 19, 1978, as amended at 45 FR 34272, May 22, 1980; 45 FR 52741, Aug. 7, 1980; 55 FR 41692, Oct. 15, 1990; 74 FR 55143, Oct. 27, 2009]

**§ 52.1281 Original identification of plan section.**

(a) This section identifies the original ''Air Implementation Plan for the State of Mississippi'' and all revisions submitted by Mississippi that were federally approved prior to July 1, 1997.

(b) The plan was officially submitted on February 4, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) A change in the Opacity Regulation, section 2, Appendix C; addition of testing methods, section 8, Appendix C; addition of Permit System, Appendix G and deletion of $SO_2$ regulation, section 4, Appendix C submitted on May 4, 1972, by the Mississippi Air and Water Pollution Control Commission.

(2) Telegram concerning adoption of plan changes submitted on May 15, 1972, by the Mississippi Air and Water Pollution Control Commission.

(3) House Bill number 680 submitted on May 17, 1972, by the Governor.

(4) Compliance schedule revisions submitted on March 6, 1973, by the Mississippi Air and Water Pollution Control Commission.

(5) Compliance schedule revisions submitted on August 9, 1973, by the Mississippi Air and Water Pollution Control Commission.

(6) AQMA identification material submitted on March 14, 1974, by the Mississippi Air and Water Pollution Control Commission.

(7) Compliance schedules submitted on January 20, 1975, by the Mississippi Air and Water Pollution Control Commission.

(8) Revised regulations for the incineration of cotton ginning waste, submitted on August 30 and November 14, 1977, by the Mississippi Air and Water Pollution Control Commission.

(9) Revised regulations for open burning, submitted on October 31, 1977, by the Mississippi Air and Water Pollution Control Commission.

(10) Revised permit regulations, submitted on March 16, 1978, by the Mississippi Air and Water Pollution Control Commission.

(11) Implementation plan revisions for the Jones County, Mississippi total suspended particulate nonattainment area, submitted on March 13, 1979, by the Mississippi Air and Water Pollution Control Commission.

(12) Revised regulation APC S–1, section 4.2(b), for emissions of sulfur oxides from the incineration of gas streams containing hydrogen sulfide, submitted on July 3, 1978; and permits containing limits on sulfur oxide emissions from individual flares, submitted on September 13, 1979, by the Mississippi Bureau of Pollution Control (see FEDERAL REGISTER of July 10, 1980).

(13) Air Quality Surveillance Plan, submitted on June 1, 1982, by the Mississippi Department of Natural Resources.

(14) Incorporation by reference of NSPS and NESHAPS (revised definition of ''person'', addition of paragraph 3 to section 6 of APC–S–1, addition of section 8 to APC–S–1, and addition of subparagraph 2.6.3 to APC–S–2), submitted on September 8, 1981, by the Mississippi Bureau of Pollution Control.

(15) Revised $SO_2$ limit for United Cement Company's Artesia kiln, and NSPS enabling regulation submitted on December 10, 1982, and adoption of six categories of NSPS submitted on December 23, 1982, by the Mississippi Bureau of Pollution Control.

(16) Revision to ''Air Quality Regulations'' and amendment to ''Permit Regulations for the Construction and/or Operation of Air Emission Equipment'' were submitted by the Mississippi Department of Natural Resources on May 11, 1984.

(i) Incorporation by reference.

(A) May 11, 1984 letter from the Mississippi Department of Natural Resources to EPA amending Regulations APC–S–1 and APC–S–2.

(B) A revision adopted on May 9, 1984, adds Paragraph 3 to Mississippi's ''Air Quality Regulations,'' APC–S–1, Section 1 ''General.''

(C) A revision adopted on May 9, 1984, amends Mississippi's ''Permit Regulations for the Construction and/or Operation of Air Emission Equipment,'' APC–S–2, Paragraph 2.6.2.1.

(ii) Other materials—none.

(17) Implementation plan for lead, submitted on May 9, 1984, by the Mississippi Department of Natural Resources.

(18) Part D and other new source review provisions were submitted by the Mississippi Department of Natural Resources on November 25, 1981.

(i) Incorporation by reference.

(A) Letter dated November 25, 1981 from Mississippi Department of Natural Resources, and Mississippi Regulation APC–S–2, section 2.4.8, ''Additional Requirements for a Construction

Permit for a New Facility Significantly Impacting an area in which a National Ambient Air Quality Standard is being Exceeded or will be Exceeded'', was adopted by the Mississippi Commission on Natural Resources on November 12, 1981. Subsection 2.4.8.1, 2.4.8.3, and 2.4.8.4 are incorporated by reference.

(ii) Additional material.

(A) Letter to Jack Ravan from Charlie E. Blalock, dated November 25, 1985, interpreting Mississippi regulations with respect to source coverage and stack heights.

(19) Stack height regulations were submitted to EPA on April 1, 1986 by the Mississippi Department of Natural Resources.

(i) Incorporation by reference.

(A) Mississippi Department of Natural Resources, Bureau of Pollution Control, Appendix C–5, Air Emission Regulations, Regulation APC–S–1, Section 9, which was adopted on March 26, 1986.

(B) Letter of April 1, 1986 from Mississippi Department of National Resources.

(ii) Additional material—none.

(20) $PM_{10}$ revisions for the State of Mississippi which were submitted by the Mississippi Department of Natural Resources on July 26, 1988.

(i) Incorporation by reference.

(A) Revised regulations which became State-effective on June 3, 1988:

1. Air Emission Regulations, APC–S–1, Section 2, (16)–(27).

2. Permit Regulations . . ., APC–S–2, 2.4.8.1(a), (b), (e), (f) and 2.4.8.3.

3. Regulations for the Prevention of Air Pollution Emergency Episodes, APC–S–3, Section 3 and Section 5.

(ii) Additional material.

(A) Letter of July 26, 1988, from the Mississippi Department of Natural Resources, submitting the Mississippi SIP revisions.

Revised SIP narrative:

(B) Section 1.15 Notification of Public Hearing for Plan Revision for $PM_{10}$ Requirements

(C) Section 3.6 Legal Authority for the $PM_{10}$ Plan Revision

(D) Section 5.5 Control Strategy for the Development of Emission Regulations for $PM_{10}$

(E) Section 6.9 Control Regulations for $PM_{10}$ Revisions

(F) Chapter 9.0 Air Monitoring

(G) Section 14.1.4 Health Effects of the $PM_{10}$ Plan Revisions

(H) Section 14.3.4 Economic Effects of the $PM_{10}$ Plan Revisions

(I) Section 14.5.4 Social Effects of the $PM_{10}$ Plan Revisions

(J) Section 14.6.4 Air Quality Effects of the $PM_{10}$ Revisions

(21) Revisions to APC–S–5 of the Mississippi Air Pollution Control Act which were submitted on July 16, 1990.

(i) Incorporation by reference.

(A) Regulation APC–S–5, Regulations for the Prevention of Significant Deterioration of Air Quality, effective on July 29, 1990.

(ii) Other material.

(A) Letter of July 16, 1990, from the Mississippi Department of Environmental Quality.

(22) Prevention of Significant Deterioration regulation revision to include Nitrogen Dioxide increments for the State of Mississippi which was submitted by the Mississippi Department of Environmental Quality on June 14, 1991.

(i) Incorporation by reference.

(A) Revision to Regulation APC–S–5, Paragraph 1, Regulations for the Prevention of Significant Deterioration of Air Quality, which became State effective on May 28, 1991.

(ii) Other material.

(A) Letter of June 14, 1991 from the Mississippi Department of Environmental Quality.

(B) Letter of March 8, 1991, from the Mississippi Department of Environmental Quality regarding minimum program elements.

(23) The Mississippi Department of Environmental Quality has submitted revisions to chapter 15 of the Mississippi Statute on November 19, 1992. These revision address the requirements of section 507 of title V of the CAA and establish the Small Business Stationary Source Technical and Environmental Assistance Program (PROGRAM).

(i) Incorporation by reference.

(A) Mississippi SIP chapter 15 effective December 19, 1992.

(ii) Additional information.

(A) January 20, 1994, letter of clarification regarding the appointment of the CAP.

(24) The Mississippi Department of Environmental Quality submitted revisions on June 14, 1991, to ''Permit Regulations for the construction and/or Operation of Air Emissions Equipment'' of Regulation APC-S092. These revisions incorporate ''moderate stationary sources'' into the existing regulations which are required in 40 CFR part 51, subpart I.

(i) Incorporation by reference.

(A) Mississippi Commission on Environmental Quality Permit Regulations for the Construction and/or Operation of Air Emissions Equipment, Regulation APC-S092, effective on May 28, 1991.

(B) Letter of June 21, 1994, from the Mississippi Office of the Attorney General to the Environmental Protection Agency.

(ii) Additional material. None.

(25) Revisions to minor source operating permit rules submitted by the Mississippi Department of Environmental Quality on January 26, 1994.

(i) Incorporation by reference.

(A) Regulation APC–S–2, effective January 9, 1994.

(ii) Other material. None.

(26) The Mississippi Department of Environmental Quality has submitted revision to Regulation APC-S–5. The purpose of this regulation is to adopt by reference Federal regulations for the prevention of significant deterioration of air quality as required by 40 CFR 51.166 and 52.21.

(i) Incorporation by reference.

(A) Regulations of the prevention of significant deterioration of air quality—Regulation APC–S–5 effective January 9, 1994.

(ii) Additional information—None.

(27) Amendments to Regulation APC–S–1 ''Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants'' to be consistent with federal regulations as specified in 40 CFR Part 257.

(i) Incorporation by reference. Regulation APC–S–1 ''Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants'' effective January 9, 1994, except SECTION 8. PROVISIONS FOR HAZARDOUS AIR POLLUTANTS.

(ii) Additional material. None.

[37 FR 10875, May 31, 1972. Redesignated and amended at 62 FR 35442, July 1, 1997]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1281, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart AA—Missouri

### § 52.1319 [Reserved]

### § 52.1320 Identification of Plan.

(a) *Purpose and scope.* This section sets forth the applicable SIP for Missouri under section 110 of the CAA, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards (NAAQS).

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to August 1, 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) and (d) of this section with EPA approval dates after August 1, 2009, 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 August 1, 2009.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; at the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional

Office, please call (913) 551–7659; for material from a docket in EPA Headquarters Library, please call the Office of Air and Radiation Docket 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/code_of_federal_regulations/ibr_locations.html*.

(c) *EPA-approved regulations.*

EPA-APPROVED MISSOURI REGULATIONS

| Missouri citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Missouri Department of Natural Resources Chapter 2—Air Quality Standards and Air Pollution Control Regulations for the Kansas City Metropolitan Area** | | | | |
| 10–2.040 | Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating. | 9/4/84 | 1/24/85, 50 FR 3337. | |
| 10–2.090 | Incinerators | 2/25/70 | 3/18/80, 45 FR 17145. | The State has rescinded this rule. |
| 10–2.100 | Open Burning Restrictions. | 4/2/84 | 8/31/84, 49 FR 34484. | |
| 10–2.150 | Time Schedule for Compliance. | 12/30/2008 | 1/24/11, 76 FR 4076 | The State has rescinded this rule. |
| 10–2.205 | Control of Emissions from Aerospace Manufacture and Rework Facilities. | 3/30/01 | 4/24/02, 67 FR 20036. | |
| 10–2.210 | Control of Emissions from Solvent Metal Cleaning. | 2/29/08 | 6/20/08, 73 FR 35074. | |
| 10–2.215 | Control of Emissions from Solvent Clean-up Operations. | 5/30/01 | 4/24/02, 67 FR 20036. | |
| 10–2.220 | Liquefied Cutback Asphalt Paving Restricted. | 6/3/91 | 6/23/92, 57 FR 27939. | |
| 10–2.230 | Control of Emissions from Industrial Surface Coating Operations. | 11/20/91 | 8/24/94, 59 FR 43480. | 4/3/95, 60 FR 16806 (correction). |
| 10–2.260 | Control of Petroleum Liquid Storage, Loading, and Transfer. | 4/30/04 | 2/2/05, 70 FR 5379. | |
| 10–2.290 | Control of Emissions from Rotogravure and Flexographic Printing Facilities. | 3/30/92 | 8/30/93, 58 FR 45451. | The State rule has Sections (6)(A) and (6)(B), which EPA has not approved. 9/6/94, 59 FR 43376 (correction). |
| 10–2.300 | Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products. | 11/20/91 | 3/26/03, 68 FR 14539. | 4/3/95, 60 FR 16806 (correction). |
| 10–2.310 | Control of Emissions from the Application of Automotive Underbody Deadeners. | 11/20/91 | 8/24/94, 59 FR 43480. | 4/3/95, 60 FR 16806 (correction). |
| 10–2.320 | Control of Emissions from Production of Pesticides and Herbicides. | 11/20/91 | 8/24/94, 59 FR 43480. | 4/3/95, 60 FR 16806 (correction). |
| 10–2.330 | Control of Gasoline Reid Vapor Pressure. | 5/30/01 | 2/13/02, 67 FR 6660. | |

EPA-APPROVED MISSOURI REGULATIONS—Continued

| Missouri citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| 10–2.340 | Control of Emissions from Lithographic Printing Facilities. | 9/30/03 | 10/30/03, 68 FR 61758. | |
| 10–2.360 | Control of Emissions from Bakery Ovens. | 11/30/95 | 7/20/98, 63 FR 38755. | |
| 10–2.385 | Control of Heavy Duty Diesel Vehicle Idling Emissions. | 2/28/09 | 3/1/11, 76 FR 11083 | Subsection (3)(A) is not SIP approved. |
| 10–2.390 | Kansas City Area Transportation Conformity Requirements. | 7/27/07 | 10/18/07, 72 FR 59014. | |
| **Chapter 3—Air Pollution Control Regulations for the Outstate Missouri Area** | | | | |
| 10–3.010 | Auto Exhaust Emission Controls. | 2/1/78 | 3/18/80, 45 FR 17145. | |
| 10–3.030 | Open Burning Restrictions. | 7/31/98 | 4/1/99, 64 FR 15688. | |
| 10–3.040 | Incinerators | 2/1/78 | 3/18/80, 45 FR 17145. | The State has rescinded this rule. |
| 10–3.060 | Maximum Allowable Emissions of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating. | 11/30/02 | 3/18/03, 68 FR 12831. | |
| **Chapter 4—Air Quality Standards and Air Pollution Control Regulations for Springfield-Greene County Area** | | | | |
| 10–4.040 | Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating. | 11/30/02 | 3/18/03, 68 FR 12831. | |
| 10–4.080 | Incinerators | 12/16/69 | 3/18/80, 45 FR 17145. | The State has rescinded this rule. |
| 10–4.090 | Open Burning Restrictions. | 4/2/84 | 8/31/84, 49 FR 34484. | |
| 10–4.140 | Time Schedule for Compliance. | 12/30/2008 | 1/24/11, 76 FR 4076 | The State has rescinded this rule. |
| **Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area** | | | | |
| 10–5.030 | Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating. | 9/4/84 | 1/24/85, 50 FR 3337. | |
| 10–5.040 | Use of Fuel in Hand-Fired Equipment Prohibited. | 9/18/70 | 3/18/80, 45 FR 17145. | |
| 10–5.060 | Refuse Not To Be Burned in Fuel Burning Installations. | 9/18/70 | 3/18/80, 45 FR 17145. | The State has rescinded this rule. |
| 10–5.070 | Open Burning Restrictions. | 1/29/95 | 2/17/00, 65 FR 8060. | |
| 10–5.080 | Incinerators | 9/18/70 | 3/18/80, 45 FR 17145. | The State has rescinded this rule. |
| 10–5.120 | Information on Sales of Fuels To Be Provided and Maintained. | 9/18/70 | 3/18/80, 45 FR 17145. | |
| 10–5.130 | Certain Coals To Be Washed. | 9/18/70 | 3/18/80, 45 FR 17145. | |
| 10–5.220 | Control of Petroleum Liquid Storage, Loading and Transfer. | 9/30/07 | 4/2/08, 73 FR 17893. | |

EPA-APPROVED MISSOURI REGULATIONS—Continued

| Missouri citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| 10–5.240 | Additional Air Quality Control Measures May Be Required When Sources Are Clustered in a Small Land Area. | 9/18/70 | 3/18/80, 45 FR 17145. | |
| 10–5.250 | Time Schedule for Compliance. | 12/30/2008 | 1/24/11, 76 FR 4076 | The State has rescinded this rule. |
| 10–5.295 | Control of Emissions from Aerospace Manufacturing and Rework Facilities. | 2/29/00 | 5/18/00, 65 FR 31489. | |
| 10–5.300 | Control of Emissions from Solvent Metal Cleaning. | 11/30/06 | 3/9/07, 72 FR 10610. | |
| 10–5.385 | Control of Heavy Duty Diesel Vehicle Idling Emissions. | 2/28/09 | 3/1/11, 76 FR 11083 | Subsection (3)(A) is not SIP approved. |
| 10–5.310 | Liquefied Cutback Asphalt Restricted. | 3/1/89 | 3/5/90, 55 FR 7712. | |
| 10–5.330 | Control of Emissions from Industrial Surface Coating Operations. | 12/30/00 | 7/20/01, 66 FR 37904. | |
| 10–5.340 | Control of Emissions from Rotogravure and Flexographic Printing Facilities. | 3/30/92 | 8/30/93, 58 FR 45451. | The State rule has Section (6)(A)(B), which EPA has not approved. 9/6/94 59 FR 43376 (correction). |
| 10–5.350 | Control of Emissions from Manufacture of Synthesized Pharmaceutical Products. | 11/20/91 | 8/24/94, 59 FR 43480. | 4/3/95, 60 FR 16806 (Correction Notice). |
| 10–5.360 | Control of Emissions from Polyethylene Bag Sealing Operations. | 11/20/91 | 8/24/94, 59 FR 43480. | 4/3/95, 60 FR 16806 (Correction Notice). |
| 10–5.370 | Control of Emissions from the Application of Deadeners and Adhesives. | 11/20/91 | 8/24/94, 59 FR 43480. | 4/3/95, 60 FR 16806 (Correction Notice). |
| 10–5.380 | Motor Vehicle Emissions Inspection. | 12/30/02 | 5/12/03, 68 FR 25414. | |
| 10–5.390 | Control of Emissions from Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products. | 8/30/00 | 8/14/01, 66 FR 42605. | |
| 10–5.410 | Control of Emissions from Manufacture of Polystyrene Resin. | 11/20/91 | 8/24/94, 59 FR 43480. | 4/3/95, 60 FR 16806 (Correction Notice). |
| 10–5.420 | Control of Equipment Leaks from Synthetic Organic Chemical and Polymer Manufacturing Plants. | 3/11/89 | 3/5/90, 55 FR 7712. | |
| 10–5.440 | Control of Emissions from Bakery Ovens. | 12/30/96 | 2/17/00, 65 FR 8060. | |
| 10–5.442 | Control of Emissions from Offset Lithographic Printing Operations. | 5/28/95 | 2/17/00, 65 FR 8060. | |
| 10–5.450 | Control of VOC Emissions from Traffic Coatings. | 5/28/95 | 2/17/00, 65 FR 8060. | |
| 10–5.451 | Control of Emissions from Aluminum Foil Rolling. | 9/30/00 | 7/20/01, 66 FR 37906. | |

EPA-APPROVED MISSOURI REGULATIONS—Continued

| Missouri citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| 10–5.455 | Control of Emissions from Solvent Cleaning Operations. | 2/28/97 | 2/17/00, 65 FR 8060. | |
| 10–5.480 | St. Louis Area Transportation Conformity Requirements. | 7/27/07 | 10/18/07, 72 FR 59014. | |
| 10–5.490 | Municipal Solid Waste Landfills. | 12/30/96 | 2/17/00, 65 FR 8060. | |
| 10–5.500 | Control of Emissions from Volatile Organic Liquid Storage. | 2/29/00 | 5/18/00, 65 FR 31489. | |
| 10–5.510 | Control of Emissions of Nitrogen Oxides. | 5/30/06 | 11/6/06, 71 FR 64888. | |
| 10–5.520 | Control of Volatile Organic Compound Emissions from Existing Major Sources. | 2/29/00 | 5/18/00, 65 FR 31489. | |
| 10–5.530 | Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations. | 2/29/00 | 5/18/00, 65 FR 31489. | |
| 10–5.540 | Control of Emissions from Batch Process Operations. | 2/29/00 | 5/18/00, 65 FR 31489. | |
| 10–5.550 | Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry. | 2/29/00 | 5/18/00, 65 FR 31489. | |
| **Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri** | | | | |
| 10–6.010 | Ambient Air Quality Standards. | 2/28/06 | 12/5/06, 71 FR 70468. | |
| 10–6.020 | Definitions and Common Reference Tables. | 9/30/08 | 4/14/09, 74 FR 17086. | |
| 10–6.030 | Sampling Methods for Air Pollution Sources. | 2/28/06 | 12/5/06, 71 FR 70468. | |
| 10–6.040 | Reference Methods | 2/28/06 | 12/5/06, 71 FR 70468. | |
| 10–6.050 | Start-up, Shutdown, and Malfunction Conditions. | 2/28/02 | 8/27/02, 67 FR 54965. | |

EPA-APPROVED MISSOURI REGULATIONS—Continued

| Missouri citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| 10–6.060 | Construction Permits Required. | 12/30/04 | 10/10/06, 71 FR 59383. | This revision incorporates by reference elements of EPA's NSR reform rule published December 31, 2002. Provisions of the incorporated reform rule relating to the Clean Unit Exemption, Pollution Control Projects, and exemption from recordkeeping provisions for certain sources using the actual-to-projected-actual emissions projections test are not SIP approved. This revision also incorporates by reference the other provisions of 40 CFR 52.21 as in effect on July 1, 2003, which supersedes any conflicting provisions in the Missouri rule. We are conditionally approving references to 10 CSR 10–6.062 contained in the last sentence of Section (1)(B) and all of section (1)(D). Section 9, pertaining to hazardous air pollutants, is not SIP approved. |
| 10–6.061 | Construction Permits Exemptions. | 7/30/06 | 12/4/06, 70315. | Section (3)(A)2.D. is not included in the SIP. |
| 10–6.062 | Construction Permits by Rule. | 5/30/07 | 9/26/07, 72 FR 54562. | Section (3)(B)4. is not included in the SIP. |
| 10–6.065 | Operating Permits | 9/30/05 | 2/21/07, 72 FR 7829. | Section (4) Basic State Operating Permits, has not been approved as part of the SIP. |
| 10–6.110 | Submission of Emission Data, Emission Fees, and Process Information. | 12/30/07 | 9/15/08, 73 FR 53137. | Section (3)(D), Emissions Fees, has not been approved as part of the SIP. |
| 10–6.120 | Restriction of Emissions of Lead from Specific Lead Smelter-Refinery Installations. | 3/30/05 | 6/12/06, 71 FR 33622. | |
| 10–6.130 | Controlling Emissions During Episodes of High Air Pollution Potential. | 11/30/02 | 3/18/03, 68 FR 12829. | |
| 10–6.140 | Restriction of Emissions Credit for Reduced Pollutant Concentrations from the Use of Dispersion Techniques. | 5/1/86 | 3/31/89, 54 FR 13184. | |
| 10–6.150 | Circumvention | 8/15/90 | 4/17/91, 56 FR 15500. | |

EPA-APPROVED MISSOURI REGULATIONS—Continued

| Missouri citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| 10–6.170 | Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin. | 8/30/98 | 3/31/00, 65 FR 17164. | |
| 10–6.180 | Measurement of Emissions of Air Contaminants. | 11/19/90 | 7/23/91, 56 FR 33714. | |
| 10–6.210 | Confidential Information. | 1/27/95 | 2/29/96, 61 FR 7714. | |
| 10–6.220 | Restriction of Emission of Visible Air Contaminants. | 9/30/08 | 12/29/09, 74 FR 68689 | Subsection (1)(I) referring to the open burning rule, 10 CSR 10–6.045, is not SIP approved. |
| 10–6.260 | Restriction of Emission of Sulfur Compounds. | 2/29/08 | 6/20/08, 73 FR 35071. | Section (3)(B) is not SIP approved. |
| 10–6.280 | Compliance Monitoring Usage. | 3/30/02 | 8/27/02, 67 FR 54961. | |
| 10–6.300 | Conformity of General Federal Actions to State Implementation Plans. | 9/17/07 | 12/4/07, 72 FR 68072. | |
| 10–6.330 | Restriction of Emissions from Batch-type Charcoal Kilns. | 6/30/98 | 12/8/98, 63 FR 67591. | |
| 10–6.350 | Emissions Limitations and Emissions Trading of Oxides of Nitrogen. | 5/30/07 | 4/2/08, 73 FR 17890. | |
| 10–6.360 | Control of $NO_X$ Emissions from Electric Generating Units and Non-Electric Generating Boilers. | 5/30/07 | 4/2/08, 73 FR 17890. | |
| 10–6.362 | Clean Air Interstate Rule Annual $NO_X$ Trading Program. | 5/18/07 | 12/14/07, 72 FR 71073. | |
| 10–6.364 | Clean Air Interstate Rule Seasonal $NO_X$ Trading Program. | 5/18/07 | 12/14/07, 72 FR 71073. | |
| 10–6.366 | Clean Air Interstate Rule $SO_2$ Trading Program. | 5/18/07 | 12/14/07, 72 FR 71073. | |
| 10–6.380 | Control of $NO_X$ Emissions from Portland Cement Kilns. | 10/30/05 | 8/15/06, 71 FR 46860. | |
| 10–6.390 | Control of $NO_X$ Emissions from Large Stationary Internal Combustion Engines. | 10/30/05 | 8/15/06, 71 FR 46860. | |
| 10–6.400 | Restriction of Emission of Particulate Matter from Industrial Processes. | 5/30/09 | 8/11/10, 75 FR 48579 | |
| 10–6.410 | Emissions Banking and Trading. | 4/30/03 | 8/11/03, 68 FR 47466. | |
| **Missouri Department of Public Safety Division 50–State Highway Patrol Chapter 2—Motor Vehicle Inspection** | | | | |
| 50–2.010 | Definitions | 4/11/82 | 8/12/85, 50 FR 32411. | |
| 50–2.020 | Minimum Inspection Station Requirements. | 10/11/82 | 8/12/85, 50 FR 32411. | |
| 50–2.030 | Inspection Station Classification. | 12/11/77 | 8/12/85, 50 FR 32411. | |
| 50–2.040 | Private Inspection Stations. | 5/31/74 | 8/12/85, 50 FR 32411. | |
| 50–2.050 | Inspection Station Permits. | 11/11/79 | 8/12/85, 50 FR 32411. | |

EPA-APPROVED MISSOURI REGULATIONS—Continued

| Missouri citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| 50–2.060 | Display of Permits, Signs and Poster. | 11/31/74 | 8/12/85, 50 FR 32411. | |
| 50–2.070 | Hours of Operation | 11/11/83 | 8/12/85, 50 FR 32411. | |
| 50–2.080 | Licensing of Inspector/Mechanics. | 4/13/78 | 8/12/85, 50 FR 32411. | |
| 50–2.090 | Inspection Station Operational Requirements. | 8/11/78 | 8/12/85, 50 FR 32411. | |
| 50–2.100 | Requisition of Inspection Stickers and Decals. | 6/12/80 | 8/12/85, 50 FR 32411. | |
| 50–2.110 | Issuance of Inspection Stickers and Decals. | 12/11/77 | 8/12/85, 50 FR 32411. | |
| 50–2.120 | MVI–2 Form | 11/11/83 | 8/12/85, 50 FR 32411. | |
| 50–2.130 | Violations of Laws or Rules Penalty. | 5/31/74 | 8/12/85, 50 FR 32411. | |
| 50–2.260 | Exhaust System | 5/31/74 | 8/12/85, 50 FR 32411. | |
| 50–2.280 | Air Pollution Control Devices. | 12/11/80 | 8/12/85, 50 FR 32411. | |
| 50–2.290 | Fuel Tank | 5/3/74 | 8/12/85, 50 FR 32411. | |
| 50–2.350 | Applicability of Motor Vehicle Emission Inspection. | 5/1/84 | 8/12/85, 50 FR 32411. | |
| 50–2.360 | Emission Fee | 11/1/83 | 8/12/85, 50 FR 32411. | |
| 50–2.370 | Inspection Station Licensing. | 12/21/90 | 10/13/92, 57 FR 46778. | |
| 50–2.380 | Inspector/Mechanic Licensing. | 11/1/83 | 8/12/85, 50 FR 32411. | |
| 50–2.390 | Safety/Emission Stickers. | 11/1/83 | 8/12/85, 50 FR 32411. | |
| 50–2.401 | General Specifications | 12/21/90 | 10/13/92, 57 FR 46778. | |
| 50–2.402 | MAS Software Functions. | 12/21/90 | 10/13/92, 57 FR 46778. | The SIP does not include Section (6), Safety Inspection. |
| 50–2.403 | Missouri Analyzer System (MAS) Display and Program Requirements. | 12/21/90 | 10/13/92, 57 FR 46778. | The SIP does not include Section (3)(B)4, Safety Inspection Sequences or (3)(M)5(II), Safety Inspection Summary. |
| 50–2.404 | Test Record Specifications. | 12/21/90 | 10/13/92, 57 FR 46778. | The SIP does not include Section (5), Safety Inspection Results. |
| 50–2.405 | Vehicle Inspection Certificate, Vehicle Inspection Report, and Printer Function Specifications. | 12/21/90 | 10/13/92, 57 FR 46778. | |
| 50–2.406 | Technical Specifications for the MAS. | 12/21/90 | 10/13/92, 57 FR 46778. | |
| 50–2.407 | Documentation, Logistics and Warranty Requirements. | 12/21/90 | 10/13/92, 57 FR 46778. | |
| 50–2.410 | Vehicles Failing Reinspection. | 12/21/90 | 10/13/92, 57 FR 46778. | |
| 50–2.420 | Procedures for Conducting Only Emission Tests. | 12/21/90 | 10/13/92, 57 FR 46778. | |
| **Kansas City Chapter 8—Air Quality** | | | | |
| 8–2 | Definitions | 12/10/98 | 12/22/99, 64 FR 71663. | |
| 8–4 | Open burning | 10/31/96 | 4/22/98, 63 FR 19823. | |

EPA-APPROVED MISSOURI REGULATIONS—Continued

| Missouri citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| 8–5 | Emission of particulate matter. | 12/10/98 | 12/22/99, 64 FR 71663. | Only subsections 8–5(c)(1)b, 8–5(c)(1)c, 8–5(c)(2)a, 8–5(c)(3)a, 8–5(c)(3)b, 8–5(c)(3)c, 8–5(c)(3)d are approved in the SIP. |
| **Springfield—Chapter 2A—Air Pollution Control Standards** | | | | |
| Article I | Definitions | 12/04/08 | 10/21/10 75 FR 64953 | Only Section 6–2 is approved by EPA. |
| Article II | Administrative and Enforcement. | 12/04/08 | | Only Sections 6–151, 155, 156, and 171 are approved by EPA. |
| Article V | Incinerators. | 12/04/08 | | Only Sections 6–311 through 314 are approved by EPA. |
| Article VII | Stack Emission Test Method. | 10/31/96 | 4/22/98, 63 FR 19823. | Only Section 2A–25 is approved by EPA. |
| Article IX | Incinerator | 10/31/96 | 4/22/98, 63 FR 19823. | Only Sections 2A–34 through 38 are approved by EPA. |
| Article XX | Test Methods and Tables. | 10/31/96 | 4/22/98, 63 FR 19823. | Only Sections 2A–51, 55, and 56 are approved by EPA. |
| **St. Louis City Ordinance 65645** | | | | |
| Section 6 | Definitions | 8/28/03 | 12/9/03, 68 FR 68521. | The phrase ''other than liquids or gases'' in the Refuse definition has not been approved. |
| Section 15 | Open Burning Restrictions. | 8/28/03 | 12/9/03, 68 FR 68521. | |

(d) *EPA-approved State source-specific permits and orders.*

EPA-APPROVED MISSOURI SOURCE-SPECIFIC PERMITS AND ORDERS

| Name of source | Order/permit number | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| (1) ASARCO Inc. Lead Smelter, Glover, MO. | Order | 8/13/80 | 4/27/81, 46 FR 23412. | |
| (2) St. Joe Lead (Doe Run) Company Lead Smelter, Herculaneum, MO. | Order | 3/21/84 | 6/11/84, 49 FR 24022. | |
| (3) AMAX Lead (Doe Run) Company Lead Smelter, Boss, MO. | Order | 9/27/84 | 1/7/85, 50 FR 768. | |
| (4) Gusdorf Operating Permit, 11440 Lackland Road, St. Louis County, MO. | Permit Nos: 04682–04693. | *4/29/80 | 10/15/84, 49 FR 40164. | |
| (5) Doe Run Lead Smelter, Herculaneum, MO. | Consent Order | 3/9/90 | 3/6/92, 57 FR 8076. | |
| (6) Doe Run Lead Smelter, Herculaneum, MO. | Consent Order | 8/17/90 | 3/6/92, 57 FR 8076. | |
| (7) Doe Run Lead Smelter, Herculaneum, MO. | Consent Order | 7/2/93 | 5/5/95, 60 FR 22274. | |

EPA-APPROVED MISSOURI SOURCE-SPECIFIC PERMITS AND ORDERS—Continued

| Name of source | Order/permit number | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| (8) Doe Run Lead Smelter, Herculaneum, MO. | Consent Order (Modification). | 4/28/94 | 5/5/95, 60 FR 22274 | In a notice published on 8/15/97 at 62 FR 43647, EPA required implementation of the contingency measures. |
| (9) Doe Run Lead Smelter, Herculaneum, MO. | Consent Order (Modification). | 11/23/94 | 5/5/95, 60 FR 22274. | |
| (10) Doe Run Buick Lead Smelter, Boss, MO. | Consent Order | 7/2/93 | 8/4/95, 60 FR 39851. | |
| (11) Doe Run Buick Lead Smelter, Iron County, MO. | Consent Order (Modification). | 9/29/94 | 8/4/95, 60 FR 39851. | |
| (12) ASARCO Glover Lead Smelter, Glover, MO. | Consent Decree CV596–98CC with exhibits A–G. | 7/30/96 | 3/5/97, 62 FR 9970. | |
| (13) Eagle-Picher Technologies, Joplin, MO. | Consent Agreement | 08/26/99 | 4/24/00, 65 FR 21649. | |
| (14) Doe Run Resource Recycling Facility near Buick, MO. | Consent Order | 5/11/00 | 10/18/00, 65 FR 62295. | |
| (15) St. Louis University. | Medical Waste Incinerator. | 9/22/92 | 4/22/98, 63 FR 19823. | |
| (16) St. Louis University. | Permit Matter No. 00–01–004. | 1/31/00 | 10/26/00, 65 FR 64156. | |
| (17) St. Joseph Light & Power $SO_2$. | Consent Decree | 5/21/01 | 11/15/01, 66 FR 57389. | |
| (18) Asarco, Glover, MO. | Modification of Consent Decree, CV596–98CC. | 7/31/00 | 4/16/02, 67 FR 18497. | |
| (19) Doe Run, Herculaneum, MO. | Consent Judgement, CV301–0052C–J1, with Work Practice Manual and S.O.P. for Control of Lead Emissions (Rev 2000). | 1/5/01 | 4/16/02, 67 FR 18497. | |
| (20) Springfield City Utilities James River Power Station $SO_2$. | Consent Agreement | 12/6/01 | 3/25/02, 67 FR 13570. | |
| (21) St. Louis University. | Permit Matter No. 00–01–004. | 8/28/03 | 12/9/03, 68 FR 68521 | Updates a reference in section II.B. to Ordinance No. 65645. |
| (22) Doe Run Lead Smelter, Glover, MO. | Settlement Agreement | 10/31/03 | 10/29/04, 69 FR 63072. | |
| (23) Grossman Iron and Steel Company. | Permit No. SR00.045A | 7/19/06 | 12/4/06, 71 FR 70312. | |
| (24) Doe Run Herculaneum, MO. | Consent Judgment Modification, CV301–0052CCJ1. | 12/20/05 | 5/4/07, 72 FR 25203. | |

* St Louis County.

(e) *EPA approved nonregulatory provisions and quasi-regulatory measures.*

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| (1) Kansas City and Outstate Air Quality Control Regions Plan. | Kansas City and Outstate. | 1/24/72 | 5/31/72, 37 FR 10875. | |
| (2) Implementation Plan for the Missouri portion of the St. Louis Interstate Air Quality Control Region. | St. Louis | 1/24/72 | 5/31/72, 37 FR 10875. | |

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| (3) Effects of adopting Appendix B to $NO_2$ emissions. | St. Louis | 3/27/72 | 5/31/72, 37 FR 10875. | |
| (4) CO air quality data base. | St. Louis | 5/2/72 | 5/31/72, 37 FR 10875. | |
| (5) Budget and manpower projections. | Statewide | 2/28/72 | 10/28/72, 37 FR 23089. | |
| (6) Emergency episode manual. | Kansas City | 5/11/72 | 10/28/72, 37 FR 23089. | |
| (7) Amendments to Air Conservation Law. | Statewide | 7/12/72 | 10/28/72, 37 FR 23089. | |
| (8) Air monitoring plan | Outstate | 7/12/72 | 10/28/72, 37 FR 23089. | |
| (9) Amendments to Air Conservation Law. | Statewide | 8/8/72 | 10/28/72, 37 FR 23089. | |
| (10) Transportation control strategy. | Kansas City | 5/11/73, 5/21/73 | 6/22/73, 38 FR 16566. | |
| (11) Analysis of ambient air quality data and recommendation to not designate the area as an air quality maintenance area. | Kansas City | 4/11/74 | 3/2/76, 41 FR 8962. | |
| (12) Recommendation to designate air quality maintenance areas. | St. Louis, Columbia, Springfield. | 5/6/74 | 9/9/75, 40 FR 41950. | |
| (13) Plan to attain the NAAQS. | Kansas City, St. Louis. | 7/2/79 | 4/9/80, 45 FR 24140 | Correction notice published 7/11/80. |
| (14) Schedule for I/M program and commitment regarding difficult transportation control measures (TCMs). | St. Louis | 9/9/80 | 3/16/81, 46 FR 16895. | |
| (15) Lead SIP | Statewide | 9/2/80, 2/11/81, 2/13/81 | 4/27/81, 46 FR 23412, 7/19/84, 49 FR 29218 | Correction notice published 5/15/81. |
| (16) Report on recommended I/M program. | St. Louis | 12/16/80 | 8/27/81, 46 FR 43139 | No action was taken on the specific recommendations in the report. |
| (17) Report outlining commitments to TCMs, analysis of TCMs, and results of CO dispersion modeling. | St. Louis | 2/12/81, 4/28/81 | 11/10/81, 46 FR 55518. | |
| (18) 1982 CO and ozone SIP. | St. Louis | 12/23/82, 8/24/83 | 10/15/84, 49 FR 40164. | |
| (19) Air quality monitoring plan. | Statewide | 6/6/84 | 9/27/84, 49 FR 38103. | |
| (20) Vehicle I/M program | St. Louis | 8/27/84 | 8/12/85, 50 FR 32411. | |
| (21) Visibility protection plan. | Hercules Glades and Mingo Wildlife Area. | 5/3/85 | 2/10/86, 51 FR 4916. | |
| (22) Plan for attaining the ozone standard by December 31, 1987. | St. Louis | 8/1/85 | 9/3/86, 51 FR 31328. | |
| (23) $PM_{10}$ plan | Statewide | 3/29/88, 6/15/88 | 7/31/89, 54 FR 31524. | |
| (24) Construction permit fees including Chapter 643 RSMo. | Statewide | 1/24/89, 9/27/89 | 1/9/90, 55 FR 735. | |
| (25) PSD NOx requirements including a letter from the State pertaining to the rules and analysis. | Statewide | 7/9/90 | 3/5/91, 56 FR 9172. | |
| (26) Lead plan | Herculaneum | 9/6/90, 5/8/91 | 3/6/92, 57 FR 8076. | |
| (27) Ozone maintenance plan. | Kansas City | 10/9/91 | 6/23/92, 57 FR 27939. | |
| (28) Small business assistance plan. | Statewide | 3/10/93 | 10/26/93, 58 FR 57563. | |

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| (29) Part D Lead plan | Herculaneum | 7/2/93, 6/30/94, 11/23/94 | 5/5/95, 60 FR 22274. | |
| (30) Intermediate permitting program including three letters pertaining to authority to limit potential to emit hazardous air pollutants. | Statewide | 3/31/94, 11/7/94, 10/3/94, 2/10/95 | 9/25/95, 60 FR 49340. | |
| (31) Part D lead plan | Bixby | 7/2/93, 6/30/94 | 8/4/95, 60 FR 39851. | |
| (32) Transportation conformity plans including a policy agreement and a letter committing to implement the State rule consistent with the Federal transportation conformity rule. | St. Louis, Kansas City. | 2/14/95 | 2/29/96, 61 FR 7711. | |
| (33) Emissions inventory update including a motor vehicle emissions budget. | Kansas City | 4/12/95 | 4/25/96, 61 FR 18251. | |
| (34) Part D Lead Plan | Glover | 8/14/96 | 3/5/97, 62 FR 9970. | |
| (35) CO Maintenance Plan. | St. Louis | 6/13/97, 6/15/98 | 1/26/99, 64 FR 3855. | |
| (36) 1990 Base Year Inventory. | St. Louis | 1/20/95 | 2/17/00, 65 FR 8063. | |
| (37) 15% Rate-of-Progress Plan. | St. Louis | 11/12/99 | 5/18/00, 65 FR 31489. | |
| (38) Implementation plan for the Missouri inspection maintenance program. | St. Louis | 11/12/99 | 5/18/00, 65 FR 31482. | |
| (39) Doe Run Resource Recycling Facility near Buick, MO. | Dent Township in Iron County. | 5/17/00 | 10/18/00, 65 FR 62298. | |
| (40) Commitments with respect to implementation of rule 10 CSR 10–6.350, Emissions Limitations and Emissions Trading of Oxides of Nitrogen. | Statewide | 8/8/00 | 12/28/00, 65 FR 82288. | |
| (41) Contingency Plan including letter of April 5, 2001. | St. Louis | 10/6/97, 4/5/01 | 6/26/01, 66 FR 34011. | |
| (42) Ozone 1-Hour Standard Attainment Demonstration Plan for November 2004 including 2004 On-Road Motor Vehicle Emissions Budgets. | St. Louis | 11/10/99, 11/2/00, 2/28/01, 3/7/01 | 6/26/01, 66 FR 34011. | |
| (43) Doe Run Resources Corporation Primary lead Smelter, 2000 Revision of Lead SIP. | Herculaneum, MO | 1/9/01 | 4/16/02, 67 FR 18502 | The SIP was reviewed and approved by EPA on 1/11/01. |
| (44) Doe Run Resources Corporation Primary Lead Smelter, 2000 Revision of Lead SIP. | Glover, MO | 6/15/01 | 4/16/02, 67 FR 18502 | The SIP was reviewed and approved by EPA on 6/26/01. |
| (45) Maintenance Plan for the Missouri Portion of the St. Louis Ozone Nonattainment Area including 2014 On-Road Motor Vehicle Emission Budgets. | St. Louis | 12/6/02 | 5/12/03, 68 FR 25442. | |

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| (46) Maintenance Plan for the 1-hour ozone standard in the Missouri portion of the Kansas City maintenance area for the second ten-year period. | Kansas City | 12/17/02 | 1/13/04, 69 FR 1923. | |
| (47) Vehicle I/M Program | St. Louis | 10/1/03 | 5/13/04, 69 FR 26506. | |
| (48) Revised Maintenance Plan of Doe Run Resource Recycling Facility near Buick, MO. | Dent Township in Iron County. | 4/29/03 | 8/24/04, 69 FR 51953 | Furnace daily throughput limits required to be consistent with rule 10 CSR 10–6.120. Annual production cap in Doe Run construction permit not affected by this rulemaking. |
| (49) Lead Maintenance Plan. | Iron County (part) within boundaries of Liberty and Arcadia Townships. | 1/26/04 | 10/29/04, 69 FR 63072. | |
| (50) Revision to Maintenance Plan for the 1-hour ozone standard in the Missouri portion of the Kansas City maintenance area for the second ten-year period. | Kansas City | 10/28/05 | 6/26/06, 71 FR 36210. | |
| (51) CAA 110(a)(2)(D)(i) SIP—Interstate Transport. | Statewide | 2/27/07 | 5/8/07, 72 FR 25085. | |
| (52) Submittal of the 2002 Base Year Inventory for the Missouri Portion of the St. Louis 8-hour ozone nonattainment area and Emissions Statement SIP. | St. Louis | 6/15/06 | 5/31/07, 72 FR 30272. | |
| (53) Maintenance Plan for the 8-hour ozone standard in the Missouri portion of the Kansas City area. | Kansas City | 5/23/07 | 8/9/07, 72 FR 44778 | This plan replaces numbers (46) and (50). |

[64 FR 34719, June 29, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1320, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## §52.1321 Classification of regions.

The Missouri plans were evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Photochemical oxidants (hydrocarbons) |
| Metropolitan Kansas City Interstate | I | III | III | I | I |
| Southwest Missouri Intrastate | I | III | III | III | III |
| Southeast Missouri Intrastate | III | III | III | III | III |
| Northern Missouri Intrastate | II | III | III | III | III |
| Metropolitan St. Louis Interstate | I | I | III | I | I |

[37 FR 10875, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

**§ 52.1322 Original Identification of Plan Section.**

(a) This section identifies the original ''Air Implementation Plan for the State of Missouri'' and all revisions submitted by Missouri that were Federally approved prior to July 1, 1999.

(b) The plans were officially submitted on January 24, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Budget and manpower projections were submitted by the State Air Conservation Commission (ACC) on February 28, 1972. (Non-regulatory)

(2) A memorandum from the State Air Conservation Commission concerning the effects of adopting Appendix B to $NO_2$ emissions in the St. Louis area was submitted on March 27, 1972. (Non-regulatory)

(3) The determination of the CO air quality data base on the St. Louis area was submitted on May 2, 1972, by the Air Conservation Commission. (Non-regulatory)

(4) The emergency episode operations/communications manual for the Kansas City area was submitted on May 11, 1972, by the State Air Conservation Commission. (Non-regulatory)

(5) Amendments to the Air Conservation Law, Chapter 203, and plans for air monitoring for outstate Missouri were submitted July 12, 1972, by the Air Conservation Commission.

(6) The following amendments to the St. Louis and Kansas City outstate plans were submitted August 8, 1972, by the State ACC: Air Conservation Law, Chapter 203; Kansas City Ordinance, Chapter 18; Regulations XVIII, XX, XXVI (St. Louis); Regulations X, XII, XVII (Kansas City) and Regulations S–11, S–X111 and S–X11 (outstate).

(7) Letters discussing transportation control strategy for Kansas City Interstate AQCR submitted by the State ACC on May 11 and 21, 1973. (Non-regulatory)

(8) Alert plan for St. Louis County and outstate Missouri was submitted on May 24, 1973, by the ACC. (Regulatory)

(9) Copy of the State's analysis of ambient air quality in the Missouri portion of the Metropolitan Kansas City Interstate Air Quality Control Region and recommendation that the area not be designated as an Air Quality Maintenance Area submitted by the Missouri Air Conservation Commission on April 11, 1974. (Non-regulatory)

(10) Copy of the State's analysis of the Missouri portion of the Metropolitan St. Louis Interstate Standard Metropolitan Statistical Area (SMSA), the Columbia SMSA and the Springfield SMSA and recommendations for the designation of Air Quality Maintenance Areas submitted by the Missouri Air Conservation Commission on May 6, 1974. (Non-regulatory)

(11) Compliance Schedules were submitted by the Missouri Air Conservation Commission on June 3 and October 1, 1976.

(12) Compliance Schedules were submitted by the Missouri Air Conservation Commission on November 23, 1976.

(13) On August 28, 1978, the following revisions were submitted by the Missouri Department of Natural Resources:

(i) The recodification of Missouri regulations of July 1, 1976, now contained in Title 10, Division 10 of the Code of State Regulations.

(ii) Title 10, Division 10, Chapter 6 of the Code of State Regulations which contains air quality standards, definitions, and reference methods.

(iii) Missouri Rule 10 CSR 10–2.200; Rule 10 CSR 10–3.150; and Rule 10 CSR 10–4.190 pertaining to control of $SO_2$ from indirect heating sources.

(iv) Missouri Rule 10 CSR 10–2.030; Rule 10 CSR 10–3.050; Rule 10 CSR 10–4.030; and 10 CSR 10–5.050 exempting certain process sources from the process weight regulations for particulate matter.

(v) Missouri Rule 10 CSR 10–2.190; Rule 10 CSR 10–3.140; Rule 10 CSR 10–4.180; and Rule 10 CSR 10–5.280 which contain the ''Standards of Performance for New Stationary Sources,'' found at 40 CFR part 60 as in effect on January 18, 1975.

(vi) Missouri Rule 10 CSR 10–2.060; Rule 10 CSR 10–3.080; Rule 10 CSR 10–4.060; and Rule 10 CSR 10–5.090 which require continuous opacity monitors for certain sources.

(vii) Missouri Rule 10 CSR 10–5.140 for determining settlable acid and alkaline mists is rescinded.

(viii) The EPA is taking no action on Rule 10 CSR 10–5.100; 10 CSR 10–2.050, and 10 CSR 10–3.070 which limit fugitive particulate emissions from the handling, transporting and storage of materials in the State of Missouri.

(14) On March 12, 1979, the Missouri Department of Natural Resources submitted Rule 10 CSR 10–3.100 and Rule 10 CSR 10–5.150 establishing revised $SO_2$ emission limits for primary lead smelters.

(15) On March 1, 1979, the Missouri Department of Natural Resources submitted a revision of regulation 10 CSR 10–5.110 revising the allowable emission rates of sulfur dioxide from Union Electric's Sioux and Labadie power plants.

(16) On July 2, 1979, the State of Missouri submitted a plan to attain the National Ambient Air Quality Standards for the Kansas City and St. Louis areas of the state designated nonattainment under section 107 of the Clean Air Act, as amended in 1977. Included in the plan are the following approved regulations as amended, in part, in subsequent submittals:

(i) Rule 10 CSR 10–2.210 and 10 CSR 10–5.300 Control of Emissions from Solvent Metal Cleaning are approved as RACT;

(ii) Rule 10 CSR 10–2.220 and 10 CSR 10–5.310 Liquified Cutback Asphalt Paving Restriated are approved as RACT;

(iii) Rule 10 CSR 10–5.220 Control of Petroleum Liquid Storage, Loading and Transfer (St. Louis) is approved as RACT.

(iv) Rule 10 CSR 10–2.260 Control of Petroleum Liquid Storage, Loading and Transfer (Kansas City) is approved as RACT;

(v) Rule 10 CSR 10–5.030 Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating is approved as RACT;

(vi) Rule 10 CSR 10–5.090 Restriction of Emission of Visible Air Contaminants is approved as RACT;

(vii) Rule 10 CSR 10–5.290 More Restrictive Emission Limitations for Sulfur Dioxide and Particulate Matter in South St. Louis is approved as RACT;

(viii) Rule 10 CSR 10–2.040 Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating is approved as RACT;

(ix) Rule 10 CSR 10–2.240 Restriction of Emissions of Volatile Organic Compounds from Petroleum Refinery Sources is approved as RACT;

(x) Rule 10 CSR 10–2.250 Control of Volatile Leaks from Petroleum Refinery Equipment is approved as RACT; and

(xi) Rule 10 CSR 10–2.230 and 10 CSR 10–5.330 Control of Emissions from Industrial Surface Coating Operations is approved as RACT.

(17) On July 2, 1979, the Missouri Department of Natural Resources submitted variances (compliance schedules) for Union Electric Company's Labadie power plant, River Cement Company, and Monsanto Company's Queeny plant. The compliance schedules require these sources to comply with revised Rule 10 CSR 10–5.090. In addition, the Labadie power plant is required to come into compliance with Rule 10 CSR 10–5.030.

(18) On April 7, 1980 the State of Missouri submitted plan revisions for the review and permitting of sources of air pollutant emissions in nonattainment areas. Included in the plan are Missouri regulations 10 CSR 10–6.020, Definitions, and 10 CFR 10–6.060, Permits Required, as amended, in part, in subsequent submittals, which are approved as meeting the requirements of sections 172(b)(6), 172(b)(11)(A) and 173.

(19) On July 2, 1979, the Missouri Department of Natural Resources submitted the variance for the University of Missouri power plant.

(20) On March 11, 1977 the Missouri Department of Natural Resources submitted a variance for Noranda Aluminum.

(21) On June 25, 1979 the Missouri Department of Natural Resources submitted a variance for Associated Electric Cooperative in New Madrid.

(22) On April 25, 1979, the Missouri Department of Natural Resources submitted the variance for the Union Electric Company's Meramec power plant.

(23) Revisions to Rule 10 CSR 10–2.260 Control of Petroleum Liquid Storage, Loading and Transfer (Kansas City), submitted on September 5, 1980, amending the vapor pressure limit in Section 2(A) and amending the limit on gasoline loading in Section 3(B)(1), are approved as RACT.

(24) A schedule for an inspection and maintenance program in St. Louis and a commitment by the East-West Gateway Coordinating Council regarding difficult transportation control measures, submitted on September 9, 1980.

(25) On September 5, 1980, the State of Missouri submitted new regulations and amendments to existing regulations to control emissions of volatile organic compounds in the St. Louis and Kansas City ozone nonattainment areas. Included in the plan revision are the following approved regulations as amended, in part, in subsequent submittals:

(i) Amendments to Rule 10 CSR 10–2.230 and to Rule 10 CSR 10–5.330, Control of Emissions from Industrial Surface Coating Operations, are approved as RACT;

(ii) Amendments to Rule 10 CSR 10–2.260 and to Rule 10 CSR 10–5.220, Control of Petroleum Liquid Storage, Loading and Transfer, are approved as RACT;

(iii) Amendments to Rule 10 CSR 10–6.020, Definitions, and to Rule 10 CSR 10–6.030, Sampling Methods for Air Pollution Sources, and to Rule 10 CSR 10–6.040, Reference Methods, are approved as RACT;

(iv) Rule 10 CSR 10–2.280 and Rule 10 CSR 10–5.320, Control of Emissions from Perchloroethylene Dry Cleaning Installations, are approved as RACT;

(v) Rule 10 CSR 10–2.290, Control of Emissions from Rotogravure and Flexographic Printing Facilities, is approved as RACT;

(vi) Rule 10 CSR 10–5.350, Control of Emissions from the Manufacture of Synthesized Pharmaceutical Products, is approved as RACT;

(vii) Rule 10 CSR 10–5.340, Control of Emissions from Rotogravure and Flexographic Printing Facilities is approved as RACT.

(26) On September 2, 1980, the Missouri Department of Natural Resources submitted the State Implementation Plan for Lead. On February 11 and 13, 1981, the Missouri Department of Natural Resources submitted two letters containing additional information concerning the State Implementation Plan for Lead.

(27) On September 5, 1980, the state of Missouri submitted a plan revision which involved provisions for start-up, shutdown, and malfunction conditions. Included in the plan are new Missouri Rule 10 CSR 10–6.050, Start-up Shutdown, and MalfunctionConditions; and revisions to Rule 10 CSR 10–6.020, Defintions and Amended Start-up, Shutdown and Malfunction Provisions in Rules 10 CSR 10–2.030, 10–3.050, 10–3.060, 10–3.080, 10–4.030, 10–4.040, and 10–5.050.

(28) Revisions to Rule 10 CSR 10–6.060 Permits Required, submitted on April 7, 1981.

(29) A revision to Rule 10 CSR 10–5.220 Control of Petroleum Liquid Storage, Loading and Transfer (St. Louis), submitted on April 14, 1981, amending the emission limit in Section 3, is approved as RACT.

(30) A report on the recommended type of I/M program, stringency factor, vehicle test mix, and program resources and justification, submitted on December 16, 1980, is approved as meeting the applicable condition on the SIP. No action is being taken with respect to the approvability of the specific recommendation sin the report.

(31) A report from the East-West Gateway Coordinating Council outlining commitments to transportation control measures, an analysis of those measures, and the results of the carbon monoxide dispersion modeling, submitted on February 12 and April 28, 1981, is approved as meeting the applicable condition on the SIP.

(32) A variance from Missouri Rule 10 CSR 10–3.050 Restriction of Emission of Particulate Matter From Industrial Processes, for St. Joe Minerals Corporation, Pea Ridge Iron Ore facility, was submitted by the Missouri Department of Natural Resources on May 6,

1981 with supplementary information submitted on June 22 and July 28, 1981.

(33) On September 5, 1980, the Missouri Department of Natural Resources submitted a revision of Missouri Rule 10 CSR 10–3.050, Restriction of Emission of Particulate Matter from Industrial Processes, which exempts existing Missouri type charcoal kilns from the rule.

(34) A variance from Missouri Rules 10 CSR 10–3.060, Maximum Allowable Emissions of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating, and 10 CSR 10–3.080, Restriction of Emission of Visible Air Contaminants, was submitted by the Missouri Department of Natural Resources on August 12, 1981.

(35) A variance from Missouri Rule 10 CSR 10–2.260, Control of Petroleum Liquid Storage, Loading and Transfer for the Kansas City Metropolitan Area, was submitted by the Missouri Department of Natural Resources on June 11, 1981.

(36) Revisions to Rule 10 CSR 10–5.340, Control of Emissions from Rotogravure and Flexographic Printing Facilities, submitted on April 15, 1982, are approved as RACT.

(37) On April 15, 1982, the State of Missouri submitted a new Rule 10 CSR 10–6.060, Permits Required, and Amendments to Rule 10 CSR 10.6020, Definitions, involving the review and permitting of new sources of air pollution. Included in the plan are provisions relating to the attainment area (PSD) new source review. The plan also includes new source review provisions of nonattainment areas in the State.

(38) Revisions to Rules 10 CSR 10–2.280 (Kansas City) and 10 CSR 10–5.320 (St. Louis), both entitled Control of Emissions from Perchloroethylene Dry Cleaning Installations, and 10 CSR 10–5.290, More Restrictive Emission Limitations for Sulfur Dioxide and Particulate Matter in the South St. Louis Area, submitted on July 13, 1982, are approved.

(39) [Reserved]

(40) The 1982 carbon monoxide and ozone state implementation plan revisions were submitted by the Department of Natural Resources on December 23, 1982. A revised version of the 1982 carbon monoxide and ozone plan was submitted by the Department of Natural Resources on August 24, 1983. This version contained updated inventories, attainment demonstrations and schedules to adopt rules. The submission included new rule 10 CSR 10–5.360, Control of Emissions from Polyethylene Bag Sealing Operations. (No action was taken with respect to provisions dealing with control strategy demonstration, reasonable further progress and inspection and maintenance of motor vehicles.)

(41) Revised rule 10 CSR 10–1.010, General Organization, was submitted by the Missouri Department of Natural Resources on December 30, 1982.

(42) [Reserved]

(43) On March 26, 1984, the Missouri Department of Natural Resources submitted a revision to the September 2, 1980, lead State Implementation Plan pertaining to item 4 of the consent order for the St. Joe Lead Company. The revision consists of a substitution of equivalent control measures for item 4.

(44) A variance from Missouri Rule 10 CSR 10–3.050, Restriction of Emission of Particulate Matter from Industrial Processes, for the St. Joe Minerals Corporation, Pea Ridge Iron Ore facility, was submitted by the Missouri Department of Natural Resources on July 1, 1983.

(45) The Missouri Department of Natural Resources submitted revisions to regulations 10 CSR 10–2.100, 3.030, 4.090, and 5.070 requiring operating permits for open burning of untreated wood waste at solid waste disposal and processing installations effective April 12, 1984.

(46) On June 6, 1984, the Missouri Department of Natural Resources submitted the Air Quality Monitoring State Implementation Plan.

(47) In a letter dated August 14, 1984, the Missouri Department of Natural Resources submitted the rules, 10 CSR 10–6.030, Sampling Methods for Air Pollution Sources, and 10 CSR 10–6.040, Reference Methods.

(48) Revised rules 10 CSR 10–2.040, 3.060, 4.040 and 5.030 all entitled ''Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating'' were

submitted September 24, 1984, by the Department of Natural Resources.

(49) On October 5, 1984, the Missouri Department of Natural Resources submitted a revision to the September 2, 1980, lead State Implementation Plan pertaining to item 6 of the Consent Order for the AMAX Lead Company. The revision consists of a substitution of equivalent control measures for item 6.

(50) The Missouri Department of Natural Resources submitted an amendment to Rule 10 CSR 10–5.330 ''Control of Emissions from Industrial Surface Coating Operations,'' limiting emissions from surface coating of plastic parts and new Rule 10 CSR 10–5.370 ''Control of Emissions from the Application of Deadeners and Adhesives'' on January 24, 1984; and new Rule 10 CSR 10–5.390, ''Control of Emissions from Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products'' and an amendment to 10 CSR 10–6.020, ''Definitions'' on April 10, 1984. (Approval action was deferred on 10 CSR 10–5.370.)

(51) The motor vehicle inspection and maintenance program for the St. Louis area was submitted August 27, 1984, by the Department of Natural Resources.

(i) Incorporation by reference.

(A) Amendment to Regulations 10 CSR 10–5.380, ''Motor Vehicle Emissions Inspections'', published in the Missouri Register January 3, 1982;

(B) Missouri Revised Statutes, Sections 307.350 through 307.395, ''Motor Vehicle Safety Inspection'', as revised September 1983;

(C) Regulations 11 CSR 50–2.010 through 11 CSR 50–2.410, ''Missouri Motor Vehicle Inspection Regulations'', as revised July 1, 1982.

(ii) Additional material.

(A) I/M Implementation Schedule.

(B) Highway Patrol Forms.

(C) Missouri Certified Emission Analyzers.

(D) Missouri Department of Revenue Policy.

(E) Highway Patrol QC Manual.

(F) EPA Approval of RACT Compliance.

(G) Public Awareness Materials.

(52) [Reserved]

(53) A rule requiring sources to keep records and report data and requiring emission data to be made public was submitted January 22, 1985, by the Department of Natural Resources. This rule replaces previous rules 10 CSR 10–2.130, 3.130, 4.120, and 5.210, all entitled ''Submission of Emission Information'' which were approved as parts of the State Implementation Plan; and previous rules 10 CSR 10–2.180, 3.120, 4.170, and 5.270, all entitled ''Public Availability of Emission Data'' which were not approved prior to the submission of this replacement rule.

(i) Incorporation by reference. A new regulation 10 CSR 10–6.110 published in the Missouri Register November 1, 1984.

(54) A new rule, Controlling Emissions During Episodes of High Air Pollution Potential, was submitted by the Department of Natural Resources on January 22, 1985.

(i) Incorporation by reference. 10 CSR 10–6.130, Controlling Emissions During Episodes of High Air Pollution Potential, adopted by the Missouri Air Conservation Commission and effective on October 11, 1984.

(ii) Additional material. The State has rescinded rules 10 CSR 10–2.170, 3.110, 4.160, and 5.260, all entitled ''Rules for Controlling Emission During Periods of High Air Pollution Potential.''

(55) [Reserved]

(56) The Missouri Department of Natural Resources submitted the Protection of Visibility Plan, 1985, on May 3, 1985.

(i) Incorporation by reference.

(A) Amendments to Missouri Rule 10 CSR 10–6.020, Definitions, and Rule 10 CSR 10–6.060, Permits Required. These Amendments were adopted by the Missouri Air Conservation Commission and became effective on May 11, 1985.

(ii) Additional material.

(A) Narrative description of visibility new source review program for Class I areas in Missouri.

(B) Visibility monitoring plan for Class I areas in Missouri.

(57) On July 1, 1985, the Missouri Department of Natural Resources submitted amendments to Rules 10 CSR 10–5.220 for the St. Louis Metropolitan Area, and 10 CSR 10–2.260 for the Kansas City Metropolitan Area. The amendments require bulk gasoline

plants to be equipped with a vapor recovery system if their monthly throughput is greater than the exemption level.

(i) Incorporation by reference.

(A) 10 CSR 10–5.220, and 10 CSR 10–2.260, Control of Emissions from Petroleum Liquid Storage, Loading, and Transfer, as published in the Missouri Register on May 1, 1985.

(58) A plan revision demonstrating that the ozone standard will be attained in the St. Louis ozone nonattainment area by December 31, 1987, was submitted by the Department of Natural Resources on August 1, 1985.

(i) Incorporation by reference.

(A) An agreement and variance modification order dated July 18, 1985, signed by the Missouri Air Conservation Commission and the General Motors (GM) Corporation requiring that the GM St. Louis assembly plant meet interim emission limitations and comply with the SIP by shutdown by December 31, 1987.

(ii) Additional material.

(A) A revised and corrected emission inventory for base year 1980.

(B) A revised projected year 1987 inventory demonstrating that the additional emission reductions from two new regulations and one plant shutdown, in addition to reductions already required, will be adequate to reduce ambient ozone concentrations to the National Ambient Air Quality Standard for ozone.

(59) A new rule, Control of Emissions from the Production of Maleic Anhydride, was submitted by the Department of Natural Resources on January 21, 1986.

(i) Incorporation by reference.

(A) 10 CSR 10–5.400, Control of Emissions from the Production of Maleic Anhydride, adopted by the Missouri Air Conservation Commission and effective on October 26, 1985.

(60) A plan revision to correct motor vehicle inspection and maintenance testing deficiencies was submitted by the Department of Natural Resources on December 29, 1987.

(i) Incorporation by reference.

(A) Regulations 11 CSR 50–2.370 and 11 CSR 50–2.400, effective June 25, 1987.

(61) On June 9, 1986, the state of Missouri submitted an amendment to Rule 10 CSR 10–5.220, Control of Petroleum Liquid Storage, Loading, and Transfer. This amendment requires the control of volatile organic compound emissions from the refueling of motor vehicles in the St. Louis Metropolitan Area.

(i) Incorporation by reference.

(A) 10 CSR 10–5.220, Control of Petroleum Liquid Storage, Loading, and Transfer, revised paragraphs 4, 5, 6, 7, 8, and 9, published in the Missouri Register on May 1, 1985.

(62) A new rule, Control of Equipment Leaks from Synthetic Organic Chemical and Polymer Manufacturing Plants, was submitted by the Department of Natural Resources on November 19, 1986.

(i) Incorporation by reference, 10 CSR 10–5.420, Control of Equipment Leaks from Synthetic Organic Chemical and Polymer Manufacturing Plants, effective on September 26, 1986.

(63) An amendment to the rule, Restriction of Emissions of Sulfur Compounds, was submitted by the Department of Natural Resources on November 19, 1986.

(i) Incorporation by reference.

(A) Amended Regulation 10 CSR 10–3.100, Restriction of Emission of Sulfur Compounds adopted October 16, 1986, and effective on November 28, 1986.

(64) A variance from Missouri Rule 10 CSR 10–3.050, Restriction of Emission of Particulate Matter from Industrial Processes, for the St. Joe Minerals Corporation, Pea Ridge Iron Ore facility, was submitted by the Missouri Department of Natural Resources on October 22, 1987.

(i) Incorporation by reference.

(A) Variance order modification dated May 21, 1987, issued to St. Joe Minerals Corporation allowing certain equipment at its Pea Ridge Iron Ore facility to operate beyond the limitations specified in Rule 10 CSR 10–3.050, Restriction of emissions of Particulate Matter from Industrial Processes, for outstate Missouri area, effective May 21, 1987.

(65) Revised regulations for the control of volatile organic compound emissions in the Kansas City area were submitted by the Missouri Department of Natural Resources on May 21, 1986, and December 18, 1987. The May 21, 1986,

submittal also included anozone attainment demonstration for Kansas City, which will be addressed in a future action.

(i) Incorporation by reference.

(A) Revision to Rule 10 CSR 10–2.260, Control of Emissions from Petroleum Liquid Storage, Loading, and Transfer, effective May 29, 1986, with amendments effective December 24, 1987.

(B) New Rule 10 CSR 10–2.300, Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products, effective December 12, 1987.

(C) New Rules 10 CSR 10–2.310, Control of Emissions from the Application of Automotive Underbody Deadeners, and 10 CSR 10–2.320, Control of Emissions from Production of Pesticides and Herbicides, effective November 23, 1987.

(D) Rescinded Rules 10 CSR 10–2.240, Control of Emissions of Volatile Organic Compounds from Petroleum Refinery Equipment, and 10 CSR 10–2.250, Control of Volatile Leaks from Petroleum Refinery Equipment, effective November 23, 1987.

(E) Revision to Rule 10 CSR 10–6.030, Sampling Methods for Air Pollution Sources, effective November 23, 1987, with amendments effective December 24, 1987.

(F) Revision to Rule 10 CSR 10–2.210, Control of Emissions from Solvent Metal Cleaning, effective December 12, 1987.

(G) Revisions to Rules 10 CSR 10–2.290, Control of Emissions from Rotogravure and Flexographic Printing Facilities, and 10 CSR 10–6.020, Definitions, effective December 24, 1987.

(66) The Missouri Department of Natural Resources submitted revisions to its state implementation plan to incorporate $PM_{10}$ on March 29, 1988, May 12, 1988, and June 15, 1988.

(i) Incorporation by reference.

(A) Revisions to the following Missouri air pollution rules:

10 CSR 10–6.010 Ambient Air Quality Standards
10 CSR 10–6.020 Definitions
10 CSR 10–6.040 Reference Methods
10 CSR 10–6.060 Permits Required
10 CSR 10–6.130 Controlling Emissions During Episodes of High Air Pollution Potential

These rules were published in the Missouri Register on April 18, 1988, and became effective April 28, 1988.

(ii) Additional material.

(A) A revision to the Missouri Monitoring Plan was submitted March 29, 1988.

(B) A narrative description of the $PM_{10}$ SIP for the state of Missouri was submitted June 15, 1988.

(67) Plan revisions were submitted by the Missouri Department of Natural Resources on August 18, 1986, and October 18, 1988, which implement EPA's July 8, 1985, revised stack height requirements.

(i) Incorporation by reference.

(A) Revisions to rules 10 C.S.R. 10–6.020, Definitions, and 10 CSR 10–6.060, Permits Required, effective May 11, 1986.

(B) New rule 10 C.S.R. 10–6.140, Restriction of Emissions Credit for Reduced Pollutant Concentrations from the Use of Dispersion Techniques, effective May 11, 1986.

(C) Revisions to rule 10 CSR 10–6.020, Definitions, effective August 25, 1988.

(68) Revised regulations applicable to air quality models were submitted by the Missouri Department of Natural Resources on October 18, 1988.

(i) Incorporation by reference.

(A) Revision of rule 10 CSR 10–6.060 ''Permits Required,'' effective on September 29, 1988.

(69) A plan revision to change the construction permit fees was submitted by the Department of Natural Resources on January 24, 1989, and September 27, 1989.

(i) Incorporation by reference.

(A) Revision to 10 CSR 10–6.060, Permits Required, amended December 19, 1988, effective January 1, 1989.

(ii) Additional material.

(A) Chapter 643 RSMo (House Bill Number 1187) passed by the General Assembly of the state of Missouri in 1988.

(70) The Missouri Department of Natural Resources submitted amendments to Rule 10 CSR 10–2.230 on December 18, 1987, and December 19, 1988. The rule controls volatile organic compound emissions from industrial surface coating facilities in the Kansas City area.

(i) Incorporation by reference.

(A) Revision to Rule 10 CSR 10–2.230, Control of Emissions from Industrial

Surface Coating Operations, effective December 24, 1987, with amendments effective November 24, 1988.

(71) Revisions to regulations for controlling volatile organic compound emissions in the St. Louis area were submitted by the Missouri Department of Natural Resources on June 14, 1985; November 19, 1986; and March 30, 1989.

(i) Incorporation by reference.

(A) New Rule 10 CSR 10–5.410, Control of Emissions from the Manufacture of Polystyrene Resin, effective May 11, 1985, with amendments effective September 26, 1986, and March 11, 1989.

(B) Revisions to Rules 10 CSR 10–5.220, Control of Petroleum Liquid Storage, Loading and Transfer; 10 CSR 10–5.300, Control of Emissions from Solvent Metal Cleaning; 10 CSR 10–5.310, Liquefied Cutback Asphalt Paving Restricted; 10 CSR 10–5.320, Control of Emissions from Perchloroethylene Dry Cleaning Installations; 10 CSR 10–5.340, Control of Emissions from Rotogravure and Flexographic Printing Facilities; 10 CSR 10–5.350, Control of Emissions of Synthesized Pharmaceutical Products; 10 CSR 10–5.360, Control of Emissions from Polyethylene Bag Sealing Operations; 10 CSR 10–5.370, Control of Emissions from the Application of Deadeners and Adhesives; 10 CSR 10–5.390, Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products; 10 CSR 10–5.420, Control of Equipment Leaks from Synthetic Organic Chemical and Polymer Manufacturing Plants; and 10 CSR 6.020, Definitions; effective March 11, 1989.

(C) Rescinded Rule 10 CSR 10–5.400, Control of Emissions from Production of Maleic Anhydride, effective March 11, 1989.

(72) The Missouri Department of Natural Resources submitted new rule 10 CSR 10–5.330, Control of Emissions from Industrial Surface Coating Operations, and amendments to rule 10 CSR 10–6.020, Definitions, on January 11, 1990.

(i) Incorporation by reference.

(A) New rule 10 CSR 10–5.330, Control of Emissions from Industrial Surface Coating Operations, effective November 26, 1989.

(B) Rescinded rule 10 CSR 10–5.330, Control of Emissions from Industrial Surface Coating Operations, effective November 26, 1989.

(C) Revisions to rule 10 CSR 10–6.020, Definitions, effective November 26, 1989.

(73) A rule revision to establish gasoline tank truck certification requirements in ozone nonattainment areas was submitted by the Department of Natural Resources on July 17, 1990.

(i) Incorporation by reference.

(A) Revision to rule 10 CSR 10–2.260 and 10 CSR 10–5.220 both titled ''Control of Petroleum Liquid Storage, Loading, and Transfer'' effective May 24, 1990.

(74) Revisions to the circumvention plan submitted by the Missouri Department of Natural Resources on September 6, 1990.

(i) Incorporation by reference.

(A) Rule at 10 CSR 10–6.150, Circumvention, effective November 30, 1990.

(B) Rescission of rules 10 CSR 10–2.140, Circumvention; CSR 10–4.130, Circumvention; and 10 CSR 10–5.230, Circumvention, effective September 28, 1990.

(75) Plan revisions were submitted by the Missouri Department of Natural Resources on September 25, 1990, which implement EPA's October 17, 1988, PSD $NO_X$ requirements.

(i) Incorporation by reference

(A) Revisions to rules 10 CSR 10–6.020 ''Definitions'' and 10 CSR 10–6.060 ''Permits Required'' were adopted by the Missouri Air Conservation Commission on May 14, 1990, and became effective May 24, 1990.

(ii) Additional Information

(A) Letter from the state dated November 30, 1990, pertaining to $NO_X$ rules and analysis which certifies that the material was adopted by the state on May 24, 1990.

(76) In submittals dated September 6, 1990, and May 8, 1991, the Missouri Department of Natural Resources submitted a lead NAAQS attainment plan for the Doe Run Herculaneum primary lead smelter. Although Missouri rule 10 CSR 10–6.120 contains requirments which apply statewide to primary lead smelting operations, EPA takes action on this rule only insofar as it pertains

to the Doe Run Herculaneum facility. Plan revisions to address the other lead smelters in the state are under development.

(i) Incorporation by reference.

(A) New rule 10 CSR 10–6.120, Restriction of Emissions of Lead from Primary Lead Smelter-Refinery Installations, effective December 29, 1988, with amendments effective March 14, 1991.

(B) Consent order, entered into between the Doe Run Company and the Missouri Department of Natural Resources, dated March 9, 1990.

(C) Supplemental consent order, signed by the Doe Run Company on July 26, 1990, and by the Missouri Department of Natural Resources on August 17, 1990.

(ii) Additional material.

(A) Narrative SIP material, submitted on September 9, 1990. This submittal includes the emissions inventory and attainment demonstration.

(B) The Doe Run Herculaneum Work Practice Manual was submitted on May 8, 1991. In the May 8, 1991, submittal letter, the state agreed that any subsequent changes to the work practice manual would be submitted to EPA as SIP revisions.

(77) Revisions to the state implementation plan for the Kansas City metropolitan area were submitted by the Director of the Missouri Department of Natural Resources on October 9, 1991. Revisions include a maintenance plan which demonstrates continued attainment of the NAAQS for ozone through the year 2002. Rule revisions were also submitted on October 9, 1991.

(i) Incorporation by reference.

(A) Revised regulations 10 CSR 10–6.020, Definitions, and 10 CSR 10–2.220, Liquefied Cutback Asphalt Paving Restricted, effective August 30, 1991; and new regulation 10 CSR 10–2.340, Control of Emissions from Lithographic Printing Facilities, effective December 9, 1991.

(ii) Additional material.

(A) State of Missouri Implementation Plan, Kansas City Metropolitan Area Maintenance Provisions, October 1991.

(78) The Missouri Department of Natural Resources submitted new rule 10 CSR 10–6.180, Measurement of Emissions of Air Contaminants, on March 4, 1991.

(i) Incorporation by reference.

(A) New rule 10 CSR 10–6.180 entitled ''Measurement of Emissions of Air Contaminants'' published November 19, 1990, effective December 31, 1990.

(79) The Missouri Department of Natural Resources submitted an amendment on March 19, 1992, to add sampling methods to rule 10 CSR 10–6.030 ''Sampling Methods for Air Pollution Sources.'' On November 20, 1991, Missouri submitted administrative amendments to rule 10 CSR 10–6.030 which renumber and reorganize sections within that rule. Rules which reference the renumbered sections of 10 CSR 10–6.030 were also administratively amended and submitted.

(i) Incorporation by reference.

(A) Revised regulation 10 CSR 10–6.030 ''Sampling Methods for Air Pollution Sources'' effective September 30, 1991.

(B) Administrative amendments to the sampling citations in the following rules which are affected by the administrative amendments to 10 CSR 10–6.030: 10 CSR 10–2.210, effective December 12, 1987; 10 CSR 10–2.230, effective November 24, 1988; 10 CSR 10–2.260, effective May 24, 1990; 10 CSR 10–2.280, effective May 13, 1982; 10 CSR 10–2.290, effective December 24, 1987; 10 CSR 10–2.300, effective December 12, 1987; 10 CSR 10–2.310, effective November 23, 1987; 10 CSR 10–2.320, effective November 23, 1987; 10 CSR 10–3.160, effective December 11, 1987; 10 CSR 10–5.220, effective May 24, 1990; 10 CSR 10–5.300, effective March 11, 1989; 10 CSR 10–5.320, effective March 11, 1989; 10 CSR 10–5.330, effective November 26, 1989; 10 CSR 10–5.350, effective March 11, 1989; 10 CSR 10–5.360, effective March 11, 1989; 10 CSR 10–5.370, effective March 11, 1989; 10 CSR 10–5.390, effective March 11, 1989; 10 CSR 10–5.410, effective March 11, 1989; 10 CSR 10–6.090, effective August 13, 1981; and 10 CSR 10–6.120, effective March 14, 1991.

(80) On June 28, 1991, the Missouri Department of Natural Resources (MDNR) submitted revisions to the Missouri State Implementation Plan which pertain to the St. Louis vehicle inspection and maintenance program.

The Missouri rules contain requirements which apply to both safety and emission testing; EPA takes action on these rules only insofar as they pertain to emissions testing.

(i) Incorporation by reference.

(A) New rules 11 CSR 50–2.401, General Specifications; 11 CSR 50–2.402, Missouri Analyzer System (MAS) Software Functions; 11 CSR 50–2.403, MAS Display and Program Requirements; 11 CSR 50–2.405, Vehicle Inspection Certificate, Vehicle Inspection Report and Printer Function Specifications; 11 CSR 50–2.406, Technical Specifications for the MAS; and 11 CSR 50–2.407 Documentation, Logistics and Warranty Requirements; (appendix A, B, C), effective June 28, 1990.

(B) New rule 11 CSR 50–2.404, Test Record Specifications, effective September 28, 1990.

(C) Amended rules 11 CSR 50–2.370 Inspection Station Licensing; 11 CSR 50–2.410, Vehicles Failing Reinspection; and 11 CSR 50–2.420 Procedures for Conducting Only Emission Tests; effective December 31, 1990.

(D) Rescinded rule 11 CSR 50–2,400, Emission Test Procedures; effective December 31, 1990.

(81) The Missouri Department of Natural Resources submitted a rule action rescinding rules 10 CSR 10–2.120, 10 CSR 10–4.110, and 10–5.200, Measurement of Emissions of Air Contaminants for the Kansas City Metropolitan Area, Springfield-Greene County Area, and the St. Louis Metropolitan Area, respectively, on July 9, 1992.

(i) Incorporation by reference.

(A) Rescission of rules 10 CSR 10–2.120, 10 CSR 10–4.110, and 10 CSR 10–5.200 entitled ''Measurement of Emissions of Air Contaminants'' rescinded April 9, 1992.

(82) Revisions to the Missouri State Implementation Plan establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program were submitted by the Director of the Missouri Department of Natural Resources on March 10, 1993.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Program dated November 1992 and adopted February 18, 1993.

(83) A revision to the Missouri State Implementation Plan (SIP) to incorporate the lead nonattainment areas into the existing new source review (NSR) program was submitted by the state on March 15, 1993. This revision changes the applicability requirements by changing the definition of nonattainment area in the state regulations to include lead nonattainment areas, and to delete the Kansas City area as a nonattainment area in light of its attainment of the ozone standard.

(i) Incorporation by reference.

(A) Revision to rule 10 C.S.R. 10–6.020, definitions, effective February 26, 1993.

(84) The Missouri Department of Natural Resources submitted rule revisions pertaining to rotogravure and flexographic printing facilities in Kansas City, Missouri, and St. Louis, Missouri; and an amendment to the sampling methods rule which adds a compliance test method for the capture efficiency of air pollution control devices. These amendments were submitted September 16 and September 23, 1992.

(i) Incorporation by reference.

(A) Revised regulations 10 CSR 10–2.290 (except section (6), Compliance Dates) and 10 CSR 10–5.340 (except section (6), Compliance Dates), both entitled Control of Emissions from Rotogravure and Flexographic Printing Facilities, effective February 6, 1992.

(B) Revised regulation 10 CSR 10–6.030 (section (20)), effective April 9, 1992.

(85) [Reserved]

(86) A revision to the Missouri SIP to revise the Missouri Part D new source review rules, update and add numerous definitions, revise the maximum allowable increase for particulate matter under the requirements for prevention of significant deterioration, address emission statements under Title I of the CAA, and generally enhance the SIP.

(i) Incorporation by reference.

(A) Revision to rules 10 CSR 10–6.020, Definitions and Common Reference Tables, effective August 30, 1995; 10 CSR 10–6.060, Construction Permits Required, effective August 30, 1995; 10 CSR 10–6.110, Submission of Emission Data, Emission Fees, and Process Information, except section 5, effective May 9,

1994; and 10 CSR 10–6.210, Confidential Information, effective May 9, 1994.

(87) In submittals dated July 2, 1993; June 30, 1994; and November 23, 1994, MDNR submitted an SIP to satisfy Federal requirements for an approvable nonattainment area lead SIP for the Doe Run primary smelter in Herculaneum, Missouri. Although Missouri rule 10 CSR 10–6.120 contains requirements which apply statewide to primary lead smelting operations, EPA takes action on this rule only insofar as it pertains to the Doe Run Herculaneum facility. Plan revisions to address the other lead smelters in the state are under development.

(i) Incorporation by reference.

(A) Revised regulation 10 CSR 10–6.120 (section (1), section (2)(B), section (3)) entitled Restriction of Emissions of Lead From Primary Lead Smelter-Refinery Installations, effective August 28, 1994.

(B) Consent Order, entered into between the Doe Run Company and MDNR, dated July 2, 1993.

(C) Consent Order amendment, signed by the Doe Run Company on March 31, 1994, and by MDNR on April 28, 1994.

(D) Consent Order amendment, signed by the Doe Run Company on September 6, 1994, and by MDNR on November 23, 1994.

(ii) Additional material.

(A) Revisions to the Doe Run Herculaneum Work Practice Manual submitted on July 2, 1993.

(B) Revisions to the Doe Run Herculaneum Work Practice Manual submitted on June 30, 1994.

(88) This revision submitted by the Missouri Department of Natural Resources on March 31, 1994, relates to intermediate sources, and the EPA is not approving the basic operating permit program. This revision establishes a mechanism for creating federally enforceable limitations. Emission limitations and related provisions which are established in Missouri 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's underlying regulations.

(i) Incorporation by reference.

(A) 10 C.S.R. 10–6.065 (sections 1, 2, 3, 4(C)-(P), 5, and 7) Operating Permits, effective May 9, 1994.

(ii) Additional material.

(A) Letter from Missouri to EPA Region VII dated November 7, 1994, regarding how Missouri intends to satisfy the requirements set forth in the Clean Air Act Amendments at sections 112(l)(5)(A), (B), and (C).

(B) Two letters from Missouri to EPA Region VII dated October 3, 1994, and February 10, 1995, supplementing the November 7, 1994, letter and clarifying that Missouri does have adequate authority to limit potential-to-emit of hazardous air pollutants through the state operating permit program.

(89) In submittals dated July 2, 1993; June 30, 1994; and November 23, 1994, the Missouri Department of Natural Resources (MDNR) submitted a State Implementation Plan (SIP) to satisfy Federal requirements for an approvable nonattainment area lead SIP for the Doe Run primary and secondary smelter near Bixby, Missouri (Doe Run-Buick). Although Missouri rule 10 CSR 10–6.120 contains requirements which apply statewide to primary lead smelting operations, EPA takes action on this rule insofar as it pertains to the Doe Run-Buick facility. Plan revisions to address the other lead smelters in the state are under development.

(i) Incorporation by reference.

(A) Revised regulation 10 CSR 10–6.120 (section (2)(C), section (4)) entitled Restriction of Emissions of Lead from Primary Smelter-Refinery Installations, effective August 28, 1994.

(B) Consent Order, entered into between the Doe Run Company and MDNR, dated July 2, 1993.

(C) Consent Order amendment, signed by the Doe Run Company on August 30, 1994, and by MDNR on November 23, 1994.

(ii) Additional material.

(A) The Doe Run-Buick Work Practice Manual submitted on July 2, 1993. EPA approves the Work Practice manual with the understanding that any

subsequent changes to the Work Practice Manual will be submitted as SIP revisions.

(B) Revisions to the Doe Run-Buick Work Practice Manual submitted on June 30, 1994.

(90)–(91) [Reserved]

(92) On February 14, 1995, the Missouri Department of Natural Resources submitted two new rules which pertain to transportation conformity in Kansas City and St. Louis.

(i) Incorporation by reference.

(A) New rule 10 CSR 10–2.390 (except section (20) Criteria and Procedures: Interim Period Reductions in Ozone Areas (TIP)) and 10 CSR 10–5.480 (except section (22) Criteria and Procedures: Interim Period Reductions in Ozone Areas (TIP)), both entitled Conformity to State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved Under Title 23 U.S.C. or the Federal Transit Act, effective May 28, 1995.

(ii) Additional material.

(A) Missouri's Air Pollution Control Plan, St. Louis Metropolitan Area Ozone and Carbon Monoxide Transportation Conformity, January 12, 1995.

(B) Missouri's Air Pollution Control Plan, Kansas City Metropolitan Area Ozone Transportation Conformity, January 12, 1995.

(C) Policy agreement, entered into between the Missouri Department of Natural Resources, the Mid-America Regional Council, and the Highway and Transportation Commission of the state of Missouri, dated August 31, 1993.

(D) Letter from the state of Missouri to EPA, dated December 7, 1995, in which the state commits to implementing its state rule consistent with the Federal Transportation Conformity rule, as amended on August 29, 1995, with regards to the granting of an $NO_X$ waiver and the $NO_X$ conformity requirements.

(93) On February 14, 1995, the Missouri Department of Natural Resources (MDNR) submitted a new rule which pertains to general conformity.

(i) Incorporation by reference.

(A) New rule 10 CSR 10–6.300, entitled Conformity of General Federal Actions to State Implementation Plans, effective May 28, 1995.

(94) On April 12, 1995, the Missouri Department of Natural Resources submitted an emissions inventory update to the Kansas City maintenance plan approved by EPA on June 23, 1992. The submittal also establishes a motor vehicle emissions budget for the purpose of fulfilling the requirements of the Federal Transportation Conformity rule.

(i) Incorporation by reference.

(A) Kansas City Ozone Maintenance SIP Revisions: Emission Inventories and Motor Vehicle Emissions Budgets, adopted by the Missouri Air Conservation Commission on March 30, 1995.

(95) Plan revisions were submitted by the Missouri Department of Natural Resources on August 14, 1996, which reduce lead emissions from the Asarco primary lead smelter located within the lead nonattainment area defined by the boundaries of the Liberty and Arcadia Townships located in Iron County, Missouri.

(i) Incorporation by reference.

(A) Rule 10 CSR 10–6.120, Restriction of Emissions of Lead From Primary Lead Smelter—Refinery Installations, except subsection 2(B) and 2(C), and section 4, effective June 30, 1996.

(B) Consent Decree Case Number CV596–98CC, STATE OF MISSOURI ex. rel. Jeremiah W. (Jay) Nixon and the Missouri Department of Natural Resources v. ASARCO, INC., Missouri Lead Division, effective July 30, 1996, with Exhibits A, C, D, E, F, and G.

(ii) Additional material.

(A) Narrative SIP material submitted on August 14, 1996. This submittal includes the emissions inventory and the attainment demonstration.

(96) Revisions to the Missouri SIP submitted by the Missouri Department of Natural Resources on March 13, 1996, and August 6, 1996, pertaining to its intermediate operating permit program. The EPA is not approving provisions of the rules which pertain to the basic operating permit program.

(i) Incorporation by reference.

(A) Regulations 10 C.S.R. 10–6.020, Definitions and Common Reference Tables, effective June 30, 1996; and 10 C.S.R. 10–6.065, Operating Permits, effective June 30, 1996, except sections (4)(A), (4)(B), and (4)(H).

(97) On November 20, 1996, the Missouri Department of Natural Resources (MDNR) submitted a revised rule which pertains to general conformity.

(i) Incorporation by reference.

(A) Rule 10 CSR 10–6.300, entitled Conformity of General Federal Actions to State Implementation Plans, effective September 30, 1996.

(98) Revision to the Missouri SIP submitted by the Missouri Department of Natural Resources on July 14, 1997.

(i) Incorporation by reference.

(A) Missouri Emergency Rule, 10 CSR 10–2.330, Control of Gasoline Reid Vapor Pressure, effective May 1, 1997, and expires October 27, 1997.

(99) Revisions to the ozone attainment plan were submitted by the Governor on February 1, 1996.

(i) Incorporation by reference.

(A) Missouri Rule 10 CSR 10–2.260, ''Control of Petroleum Liquid Storage, Loading, and Transfer,'' effective December 30, 1995.

(B) Missouri Rule 10 CSR 10–5.220, ''Control of Petroleum Liquid Storage, Loading, and Transfer,'' effective December 30, 1995.

(100) A revision to the Missouri SIP was submitted by the Missouri Department of Natural Resources on February 1, 1996, pertaining to Emission Data, Emission Fees, and Process Information.

(i) Incorporation by reference.

(A) Missouri Rule 10 CSR 10–6.110, ''Emission Data, Emission Fees, and Process Information,'' effective December 30, 1995.

(101) On January 10, 1997, and February 2, 1997, the Missouri Department of Natural Resources submitted revised rules pertaining to transportation conformity.

(i) Incorporation by reference.

(A) Regulation 10 CSR 10–2.390, entitled Conformity to State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act, effective December 30, 1996.

(B) Regulation 10 CSR 10–5.480, entitled Conformity to State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act, effective December 30, 1996.

(102) Revised regulations for the control of fugitive particulate matter emissions were submitted by the Missouri Department of Natural Resources (MDNR) on September 25, 1990, and on November 20, 1996.

(i) Incorporation by reference.

(A) Regulation 10 CSR 10–6.170, entitled Restriction of Particulate Matter Beyond the Premises of Origin, effective November 30, 1990, as amended October 30, 1996.

(B) Rescission of regulation 10 CSR 10–2.050, entitled Preventing Particulate Matter From Becoming Airborne, effective September 28, 1990.

(C) Rescission of regulation 10 CSR 10–3.070, entitled Restriction of Particulate Matter From Becoming Airborne, effective September 28, 1990.

(D) Rescission of regulation 10 CSR 10–4.050, entitled Preventing Particulate Matter From Becoming Airborne, effective September 28, 1990.

(E) Rescission of regulation 10 CSR 10–5.100, entitled Preventing Particulate Matter From Becoming Airborne, effective on September 28, 1990.

(ii) Additional material.

(A) Letter from Missouri submitted on February 24, 1997, pertaining to the submission of supplemental documentation.

(103) Revisions to the Missouri plan were submitted by the Governor on March 20, 1997.

(i) Incorporation by reference.

(A) St. Louis City Ordinance 59270, Section 4—Definitions, numbers 80. ''Open Burning,'' 100. ''Refuse,'' 108. ''Salvage Operation,'' and 126. ''Trade Waste'' only; and Section 12, effective October 23, 1984.

(B) St. Louis City Permit No. 96–10–084, issued to Washington University School of Medicine Medical Waste Incinerator, 500 S. Euclid Avenue, effective February 20, 1997.

(C) St. Louis City Permit No. 96–10–083, issued to Washington University School of Medicine Pathological Incinerator, 4566 Scott Avenue, effective February 20, 1997.

(D) St. Louis City Operating Permit, issued to St. Louis University Medical Center Medical Waste Incinerator, 3628

Rutger Avenue, effective August 3, 1992.

(E) Kansas City Air Quality Control Code C.S. No. 56726, Chapter 8, Sections: 8–2, definitions for ''Open burning,'' ''Refuse,'' ''Salvage operation,'' and ''Trade waste''; and 8–4, only, effective August 2, 1984.

(F) Remove St. Louis City Ordinance 50163, effective June 11, 1968.

(G) Remove St. Louis City Ordinance 54699, effective March 27, 1967.

(H) Remove St. Louis County Air Pollution Control Code SLCRO, Title VI, Chapter 612, effective February 22, 1967.

(I) Remove Kansas City Air Pollution Control Code C.S. No. 36539, Chapter 18, except sections: 18.83—Definitions, subsections (13) ''Incinerators'' and (15) ''Multiple Chamber Incinerators''; and 18.91—Incinerators, effective August 31, 1972.

(J) Remove City of Springfield Air Pollution Control Standard G.O. No. 1890, Chapter 2A, except sections: 2A–2—Definitions, the definitions for ''Director of Health,'' ''Existing Equipment,'' ''Incinerator,'' ''Multiple-chamber incinerator,'' ''New equipment,'' ''Open burning,'' ''Particulate matter,'' ''Refuse,'' and ''Trade waste''; 2A–25; 2A–34; 2A–35; 2A–36; 2A–37; 2A–38; 2A–51; 2A–55; and 2A–56, effective October 12, 1969.

(104) [Reserved]

(105) Revision to the Missouri SIP submitted by the Missouri Department of Natural Resources on November 13, 1997.

(i) Incorporation by reference.

(A) Missouri Rule, 10 CSR 10–2.330, Control of Gasoline Reid Vapor Pressure, effective October 30, 1997.

(106) On December 17, 1996, the Missouri Department of Natural Resources submitted a revised rule pertaining to capture efficiency.

(i) Incorporation by reference.

(A) Revised regulation 10 CSR 10–6.030 entitled, ''Sampling Methods for Air Pollution Sources,'' effective November 30, 1996.

(107) New regulation for control of volatile organic emissions from Kansas City commercial bakeries submitted by the Missouri Department of Natural Resources March 13, 1996.

(i) Incorporation by reference.

(A) Rule 10 CSR 10–2.360 entitled ''Control of Emissions from Bakery Ovens,'' effective December 30, 1995.

(108) On August 12, 1997, the Missouri Department of Natural Resources (MDNR) submitted a new rule which consolidated the $SO_2$ rules into one and rescinded eight existing rules dealing with sulfur compounds.

(i) Incorporation by reference.

(A) Regulation 10 CSR 10–6.260, Restriction of Emission of Sulfur Compounds, except Section (4), Restriction of Concentration of Sulfur Compounds in the Ambient Air, and Section (3), Restriction of Concentration of Sulfur Compounds in Emissions, effective on August 30, 1996.

(B) Rescission of rules 10 CSR 10–2.160, Restriction of Emission of Sulfur Compounds; 10 CSR 10–2.200, Restriction of Emission of Sulfur Compounds From Indirect Heating Sources; 10 CSR 10–3.100, Restriction of Emission of Sulfur Compounds; 10 CSR 10–3.150, Restriction of Emission of Sulfur Compounds From Indirect Heating Sources; 10 CSR 10–4.150, Restriction of Emissions of Sulfur Compounds; 10 CSR 10–4.190, Restriction of Emission of Sulfur Compounds From Indirect Heating Sources; 10 CSR 10–5.110, Restrictions of Emission of Sulfur Dioxide for Use of Fuel; and 10 CSR 10–5.150, Emission of Certain Sulfur Compounds Restricted; effective July 30, 1997.

(109) This State Implementation Plan (SIP) revision submitted by the state of Missouri on July 10, 1996, broadens the current rule exceptions to include smoke-generating devices. This revision would allow smoke generators to be used for military and other types of training when operated under applicable requirements.

(i) Incorporation by reference.

(A) Regulation 10 CSR 10–3.080, ''Restriction of Emission of Visible Air Contaminants,'' effective on May 30, 1996.

(110) On May 28, 1998, the Missouri Department of Natural Resources submitted revisions to the construction permits rule.

(i) Incorporation by reference.

(A) Missouri Rule 10 CSR 10–6.060, ''Construction Permits Required,'' except Section (9), effective April 30, 1998.

(111) A revision submitted by the Governor's designee on July 30, 1998, that reduces air emissions from batch-type charcoal kilns throughout the state of Missouri.

(i) Incorporation by reference:

(A) New Missouri rule 10 CSR 10–6.330, Restriction of Emissions from Batch-Type Charcoal Kilns, effective July 30, 1998.

(112) Revisions submitted on November 13, 1998, and December 7, 1998, by the MDNR that modify Missouri's Outstate Open Burning Rule and add sampling methods to Missouri's Sampling Method Rule, respectively.

(i) Incorporation by reference:

(A) Revisions to Missouri rule 10 CSR 10–3.030 entitled ''Open Burning Restrictions,'' effective August 30, 1998.

(B) Revisions to Missouri rule 10 CSR 10–6.030 entitled ''Sampling Methods for Air Pollution Sources,'' effective November 30, 1998.

[37 FR 10875, May 31, 1972. Redesignated and amended at 64 FR 34719, June 29, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1322, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1323 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Missouri's plans for the attainment and maintenance of the national standards. 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 successive January of Additional RACT requirements for sources covered by CTGs issued the previous January. 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 interpretive rule published on January 16, 1979 (44 FR 3274) are met.

(b) The Administrator approves Rule 10 CSR 10–2.290 as identified under § 52.1320, paragraph (c)(65), with the understanding that any alternative compliance plans issued under this rule must be approved by EPA as individual SIP revisions. In the absence of such approval, the enforceable requirements of the SIP would be the reduction requirements stated in the rule.

(c) The Administrator approves Rule 10 CSR 10–2.230 as identified under § 52.1320, paragraph (c)(70), with the understanding that any alternative compliance plans issued under this rule must be approved by EPA as individual SIP revisions. In the absence of such approval, the enforceable requirements of the SIP would be the emission limits stated in the rule.

(d) The Administrator approves Rule 10 CSR 10–5.340 as identified under § 52.1320, paragraph (c)(71), with the understanding that any alternative compliance plans issued under this rule must be approved as individual SIP revisions. In the absence of such approval, the enforceable requirements of the SIP would be the reduction requirements stated in the rule.

(e) The Administrator approves Rule 10 CSR 10–5.330 as identified under § 52.1320, paragraph (c)(72), under the following terms, to which the state of Missouri has agreed: Subsections (5)(B)3 and (7)(B) of the rule contain provisions whereby the director of the Missouri Air Pollution Control Program has discretion to establish compliance determination procedures and equivalent alternative emission limits for individual sources. Any such director discretion determinations under this rule must be submitted to EPA for approval as individual SIP revisions. In the absence of EPA approval, the enforceable requirements of the SIP are the applicable emission limit(s) in subsection (4)(B) and the compliance determination provisions stated in subsection(5)(B)1 or (5)(B)2.

(f) The Administrator approves Rule 10 CSR 10–6.120 as identified under § 52.1320(c)(76), under the following terms, to which the state of Missouri has agreed. Subparagraph (2)(B)2.B.(IV) contains a provision whereby the Director of the Missouri Department of Natural Resources has discretion to approve revisions to the Doe Run Herculaneum work practice manual. Any revisions to the work practice manual, pursuant to this rule, must be submitted to EPA for approval as an

individual SIP revision. Thus, any existing federally approved work practices remain in effect, until such time that subsequent revisions are submitted to EPA and approved as SIP revisions.

(g) The Missouri 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 Missouri's ozone maintenance plan for the Kansas City metropolitan area.

(h) The state of Missouri commits to revise 10 CSR 6.300 to remove language in paragraphs (3)(C)4. and (9)(B) which is more stringent than the language in the Federal General Conformity rule. In a letter to Mr. Dennis Grams, Regional Administrator, EPA, dated December 7, 1995, Mr. David Shorr, Director, MDNR, stated:

> We commit to initiating a change in the wording in the above paragraphs [paragraphs (3)(C)4. and (9)(B)] of Missouri rule 10 CSR 10–6.300, and to submit the change to EPA within one year from the date of this letter [December 7, 1995]. We intend that the change will give our rule the same stringency as the General Conformity Rule.

(i) Emission limitations and related provisions which are established in Missouri's operation 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's underlying regulations.

(j) The state of Missouri revised 10 CSR 10–6.300 to remove language in paragraphs (3)(C)4 and (9)(B) which made the language more stringent than that contained in the Federal general conformity rule. This fulfills the requirements of the conditional approval granted effective May 10, 1996, as published on March 11, 1996.

(k) The state of Missouri revised 10 CSR 10–2.390 for Kansas City and 10 CSR 10–5.480 for St. Louis to update the transportation conformity requirements contained in 40 CFR Part 51, Subpart T, effective November 14, 1995.

(l) The Administrator conditionally approves Missouri emergency rule 10 CSR 10–2.330 under §52.1320(c)(98). Full approval is contingent on the state submitting the permanent rule, to the EPA, by November 30, 1997.

(m) The Administrator approves Missouri rule 10 CSR 10–2.330 under §52.1320(c)(105). This fulfills the requirements of the conditional approval granted effective November 10, 1997, as published on October 9, 1997.

(n)(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 (n), 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 $CO_2e$ 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 $CO_2e$ or more; and,

(3) Beginning July 1, 2011, in addition to the provisions in paragraph (n)(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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit

100,000 tpy $CO_2e$, 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 $CO_2e$ or more.

(4) For purposes of this paragraph (n)—

(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 ($CO_2e$) 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 (n)(4)(ii)(A) of this section for each gas to compute a tpy $CO_2e$.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 40 CFR 52.21(a)(2)(iv)) and a significant net emissions increase (as defined in 40 CFR 52.21(b)(3) and (b)(23)(i)) occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in 40 CFR 52.21(b)(23)(ii).

[37 FR 10876, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1323, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1324 [Reserved]

### § 52.1325 Legal authority.

(a) [Reserved]

(b) The requirements of § 51.232(b) of this chapter are not met since the following deficiencies exist in local legal authority.

(1) St. Louis County Division of Air Pollution Control:

(i) Authority to require recordkeeping is lacking (§ 51.230(e) of this chapter).

(ii) Authority to make emission data available to the public is inadequate because section 612.350, St. Louis County Air Pollution Control Code, requires confidential treatment in certain circumstances if the data concern secret processes (§ 51.230(f) of this chapter).

(2) St. Louis City Division of Air Pollution Control:

(i) Authority to require recordkeeping is lacking (§ 51.230(e) of this chapter).

(ii) Authority to require reports on the nature and amounts of emissions from stationary sources is lacking (§ 51.230(e) of this chapter).

(iii) Authority to require installation, maintenance, and use of emission monitoring devices is lacking. Authority to make emission data available to the public is inadequate because Section 39 of Ordinance 54699 requires confidential treatment in certain circumstances if the data relate to production or sales figures or to processes or production unique to the owner or operator or would tend to affect adversely the competitive position of the owner or operator (§ 51.230(f) of this chapter).

(3) Kansas City Health Department:

(i) Authority to require recordkeeping is lacking (§ 51.230(e) of this chapter).

(4) Independence Health Department:

(i) Authority to require recordkeeping is lacking (§ 51.230(e) of this chapter).

(ii) Authority to make emission data available to the public is lacking since section 11.161 of the code of the city of Independence requires confidential treatment in certain circumstances if the data relate to secret processes or trade secrets affecting methods or results of manufacture (§ 51.230(f) of this chapter).

(5) Springfield Department of Health:

(i) Authority to abate emissions on an emergency basis is lacking (§ 51.230(c) of this chapter).

(ii) Authority to require recordkeeping is lacking (§ 51.230(e) of this chapter).

(iii) Authority to make emission data available to the public is inadequate

because section 2A–42 of the Springfield City Code requires confidential treatment of such data in certain circumstances (§ 51.230(f) of this chapter).

(c) The provisions of § 51.230(d) of this chapter are not met since statutory, authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

[37 FR 23090, Oct. 28, 1972, as amended at 39 FR 7282, Feb. 25, 1974; 51 FR 13001, Apr. 17, 1986; 51 FR 40676, Nov. 7, 1986; 52 FR 24367, June 30, 1987]

### §§ 52.1326–52.1334 [Reserved]

### § 52.1335 Compliance schedules.

(a) The compliance schedule for the source identified below is approved as a revision 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.

MISSOURI

| Source | Location | Regulation involved | Adopted date | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Pilot Knob Pelleting Co | Pilot Knob, MO | V(10 CSR 10–3.050). | Oct. 19, 1977 | Immediately | Dec. 31, 1982. |
| Union Electric Labadie power plant | Labadie, MO | 10 CSR 10–5.090 and 10 CSR 10–5.030. | June 20, 1979 | July 20, 1979 | Mar. 1, 1984. |
| St. Joe Minerals Corp., Pea Ridge Iron Ore Facility. | Washington County, MO. | 10 CSR 10–3,050. | Mar. 23, 1983 | Mar. 23, 1983 | Dec. 31, 1988. |
| St. Joe Minerals Corp., Pea Ridge Iron Ore Facility. | .....do | .....do | Apr. 22, 1981 | Dec. 28, 1981 | July 1, 1985. |
| Associated Electric Cooperative, Inc., Thomas Hill Power Plant—Unit 1. | Randolph County, MO. | 10 CSR 10–3.060 and 10 CSR 10–3.080. | June 17, 1981 | Jan. 12, 1982 | June 1, 1984. |
| American Oil Co. (AMOCO) | Sugar Creek, MO. | 10 CSR 10–2.260. | Feb. 18, 1981 | Oct. 1, 1981 | June 1, 1982. |
| St. Joe Lead Co | Herculaneum, MO. | § 203.050.1(5) RSM01978. | Aug. 15, 1980 | Immediately | Oct. 27, 1984. |
| AMAX Lead Co | Boss, MO | .....do | .....do | .....do | Apr. 27, 1985. |

(b) The compliance schedule submitted 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.

| Source | Location | Regulation involved | Date adopted |
|---|---|---|---|
| Columbia Water & Light Department | Columbia | S-VI | Apr. 25, 1973. |
| Union Electric: Electric generating facility | Labadie | X | Mar. 28, 1974. |
| Do | Portage des Sioux | X | July 25, 1974. |
| International Multifoods Corp.: Mechanical sifters | North Kansas City | (1) | Aug. 31, 1976. |
| Meremac Mining Co., furnace and cooler Nos. 1 through 5 | Pea Ridge | II (10 CSR 10–3.050). | Feb. 23, 1977. |
| Empire District Electric Co., Power Plant | Asbury Joplin | III (10 CSR 10–3.060) V (10 CSR 10–3.080). | Apr. 27, 1977. |
| Missouri Portland Cement Co., clinker cooler No. 1 | Sugar Creek | II (10 CSR 10–2.030) V (10 CSR 10–2.060). | June 22, 1977. |
| Missouri Public Service Co., Sibley powerplant, unit Nos. 1, 2, and 3. | Sibley | III (10 CSR 10–2.040). | June 26, 1977. |

| Source | Location | Regulation involved | Date adopted |
|---|---|---|---|
| Tamko Asphalt Products, Inc., asphalt saturating line | Joplin | V (10 CSR 10–3.080). | July 26, 1977. |
| University of Missouri power plant | Columbia | 10 CSR 10–3.060. | Feb. 21, 1979. |
| Noranda Aluminum, Inc | New Madrid | 10 CSR 10–3.050. | Feb. 23, 1977. |
| Associated Electric Cooperative, Inc., Units 1 and 2 | .....do | 110 CSR 10–3.060. | Apr. 18, 1979. |

[1] Regulation IV, air pollution control regulations for Kansas City metropolitan area.
NOTE: X=Air Pollution Control Regulations for the St. Louis Metropolitan Area.

[39 FR 30835, Aug. 26, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1335, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### §§ 52.1336–52.1338 [Reserved]

### § 52.1339 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) *Long-term strategy*. The provisions of §52.29 are hereby incorporated into the applicable plan for the State of Missouri.

[52 FR 45138, Nov. 24, 1987]

### § 52.1340 Control strategy: Carbon monoxide.

Approval—A maintenance plan and redesignation request for the St. Louis, Missouri, area was submitted by the Director of the Missouri Department of Natural Resources on June 13, 1997. Additional information was received on June 15, 1998. The maintenance plan and redesignation request satisfy all applicable requirements of the Clean Air Act.

[64 FR 3859, Jan. 26, 1999]

### § 52.1341 Control strategy: particulate matter.

*Determination of Attainment*. EPA has determined, as of May 23, 2011, that the Saint Louis, Illinois-Missouri $PM_{2.5}$ nonattainment area has attained the 1997 $PM_{2.5}$ 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 $PM_{2.5}$ NAAQS.

[76 FR 29656, May 23, 2011]

### § 52.1342 Control strategy: Ozone.

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.

[76 FR 33650, June 9, 2011]

EFFECTIVE DATE NOTE: At 76 FR 33650, June 9, 2011, §52.1342 was added, effective July 11, 2011.

## Subpart BB—Montana

### § 52.1370 Identification of plan.

(a) Title of plan: ''Implementation Plan for Control of Air Pollution in Montana.''

(b) The plan was officially submitted on March 22, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Non-regulatory changes to the plan involving compliance schedules, emergency episodes, and air quality surveillance submitted May 10, 1972, by the State Department of Health.

(2) Plan revisions (Regulation 90–001, Part VI, Part VIII, Part XII) submitted June 26, 1972, by the Governor.

(3) The Governor submitted the Air Quality Maintenance Area identification to the Administrator on June 24, 1974.

(4) The Governor submitted revision to the Air Quality Maintenance Areas on January 25, 1975.

(5) Sulfur oxides control strategy and compliance schedule for the American Smelting and Refining Company submitted May 21, 1975, by the Governor.

(6) Sulfur oxides control strategy for the Billings and Laurel areas and schedule of Compliance for the Farmers Union Central Exchange (CENEX) refinery in Laurel submitted by the Governor on January 26, 1978.

(7) On May 5, September 4, and October 1, 1975, the Governor submitted revisions which amended regulations applicable to incinerators, industrial processes, storage of petroleum products, aluminum refineries, and malfunctions.

(8) On April 24, and October 4, 1979, the Governor submitted revisions for Anaconda, East Helena, and Laurel—$SO_2$; Billings, Butte, Columbia Falls, Colstrip, East Helena, Great Falls, and Missoula—TSP; Billings and Missoula—CO; and Yellowstone County—ozone. No action is taken with regard to the revised new source review regulation, the revised stack height regulation, or the control strategies for East Helena $SO_2$ and Yellowstone County ozone.

(9) On February 21, 1980 the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring, 40 CFR part 58, subpart C, §58.20.

(10) On April 24, October 4, 1979, and January 7, 1980, the Governor submitted revisions to meet Part D and other sections of the Clean Air Act, as amended in 1977. No action is taken with regard to the revised stack height regulation.

(11) On April 21, 1982, and April 22, 1982, Montana submitted revisions to the open burning regulation and redesignated the Anaconda area from nonattainment to attainment for sulfur dioxide ($SO_2$).

(12) On January 19, 1983, Montana submitted revisions to the State Implementation Plan to meet the requirements of Part C, Subpart 1, and section 110 of the Clean Air Act.

(13) On July 20, 1982 Montana submitted revisions which amended the State's rules relating to malfunctions.

(14) Revisions to the SIP for Missoula and Billings Carbon Monoxide (CO) and Missoula Total Suspended Particulate (TSP) Attainment Plans were submitted by the Governor on August 14, 1981. A revision specifying a list of statewide source test procedures was submitted by the Governor on September 21, 1981.

(i) Incorporation by reference.

(A) Letter from Governor Ted Schwinden to EPA Region VIII Regional Administrator dated September 21, 1981, and document entitled ''Montana SDHED-AQB Sampling and Analytical Procedures'' as part of the SIP, adopted December 31, 1972.

(B) Missoula City Council Resolution Number 4146 approving amendments to Missoula Total Suspended Particulate and Carbon Monoxide Air Quality Attainment Plans, adopted on May 4, 1981.

(C) Missoula Board of County Commissioners Resolution number 81–73 approving changes in the Missoula TSP and CO State Implementation Plan, adopted on May 13, 1981.

(ii) Additional material.

(A) ''Missoula SIP Revisions; Revision to Total Suspended Particulates Stategies and Strategy Development and Implementation for Carbon Monoxide,'' 1981.

(B) Certification of approval by Montana Board of Health and Environmental Sciences on May 28, 1981 of the ''Transportation Control Plan'' (July, 1980) prepared by Billings-Yellowstone City-County Planning Board.

(C) Billings-Yellowstone City-County Planning Board ''Transportation Control Plan'', July, 1980, approved on May 28, 1981.

(15) On September 29, 1983, the Governor submitted the Montana State Implementation Plan revision for lead.

(16) A revision to the East Helena nonattainment plan for sulfur dioxide ($SO_2$) was submitted on June 7, 1982, and supplemental information was submitted October 4, 1983.

(17) On September 21, 1981 the Governor submitted a permit which had been issued to the Western Energy Company as required in the conditional approval of the Colstrip TSP plan.

(18) In a letter dated March 28, 1986, the Governor submitted modifications to the Montana SIP which revised rules governing stack height and dispersion techniques. In a letter dated November 25, 1985, the Chief of the Air Quality Bureau, Montana, submitted the stack height demonstration analysis with supplemental information submitted on January 28, 1986. EPA is approving the demonstration analysis for all of the stacks except the ASARCO stacks.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana effective on June 13, 1986. The modifications repeal Administrative Rules of Montana (ARM 116.8.1201, 116.8.1202 and 16.8.1203 in Subchapter 12 and adds ARM 16.8.1204 (Definitions), 16.8.1205 (Requirements), and 16.8.1206 (Exemptions).

(B) Stack height demonstration analysis submitted by the State on November 25, 1985 (except for materials pertaining to ASARCO), and January 28, 1986 (except for meterials pertaining to ASARCO and Appendix A).

(19) On August 21, 1985 and September 5, 1989, the Governor of Montana submitted revisions to the plan. The submittal revised existing Prevention of Significant Deterioration (PSD) regulations.

(i) Incorporation by reference.

(A) Amendments to the Administrative Rules of Montana (ARM) 16.8.921 (27), (Definitions), effective April 1, 1983.

(B) Amendments to the Administrative Rules of Montana (ARM) 16.8.921(2), (Definitions), effective September 13, 1985.

(C) Amendments to the ARM 16.8.921(21) and (27) (Definitions), ARM 16.8.936 (Exemptions from Review], ARM 1 6.8.937 (Air Quality Models), and ARM 16.8.941 (Class I Variances—General), effective June 16, 1989.

(ii) Additional material.

(A) February 29, 1988 letter from Douglas Skie, EPA, to Jeffrey Chaffee, Chief of the Montana Air Quality Bureau.

(B) September 9, 1988 letter from Jeffrey Chaffee, Chief of the Montana Air Quality Bureau, to Douglas Skie, EPA.

(C) December 14, 1988 letter from Douglas Skie, EPA, to Jeffrey Chaffee, Chief of the Montana Air Quality Bureau.

(D) April 28, 1989 letter from Jeffrey Chaffee, Chief of the Montana Air Quality Bureau, to Douglas Skie, EPA.

(20) A revision to the SIP was submitted by the Governor on August 21, 1985, for visibility monitoring and new source review.

(i) Incorporation by reference.

(A) Revision to the Montana SIP was made on July 19, 1985, for visibility new source review and monitoring.

(B) Revision to the Administrative Rules of Montana (ARM) was made on July 19, 1985, for visibility which includes new regulations ARM 16.8.1001–.1008 and revising ARM 16.8.1107(3).

(21) Revisions to Montana TSP SIP for Butte were submitted by Governor Ted Schwinden on February 10, 1983.

(i) Incorporation by reference.

(A) State of Montana Air Quality Control, Implementation Plan, Chapter 5C, Butte, adopted January 14, 1983.

(B) Air quality Permit #1749 for Anaconda Minerals Company filed March 28, 1983.

(22) Revisions to the Montana CO SIP for Great Falls were submitted by the Governor on March 28, 1986.

(i) Incorporation by reference.

(A) Montana Refining Company permit dated October 20, 1985.

(B) Stipulation in the matter of the Montana Refining Company dated December 2, 1985.

(ii) Additional material.

(A) Montana SIP, chapter 5(3)D. Great Falls (Date: March 14, 1986).

(B) Pre-filed testimony by the Department of Health and Environmental Services dated February 28, 1986.

(23) On March 9, 1988, the Governor submitted a plan revising the State's Air Quality Modeling Rule (16.8.937) and its Particulate Matter, Fuel Burning Equipment Rule (16.8.1402).

(i) Incorporation by reference.

(A) Modification to the State of Montana Air Quality Rules, that is the Air Quality Modeling rule (16.8.937) and the Particulate Matter, Fuel Burning Equipment rule (16.8.1402) adopted on January 15, 1988.

(24) On July 13, 1990, the Governor of Montana submitted revisions to the Montana Air Quality Rules, Sub-chapter 9, Prevention of Significant Deterioration of Air Quality (PSD) Regulations, to incorporate the nitrogen dioxide ($NO_2$) increments.

(i) Incorporation by reference.

(A) Revisions to the Montana Air Quality Rules, Subchapter 9, Prevention of Significant Deterioration of Air Quality (PSD) effective on July 12, 1990.

(ii) Additional material.

(A) October 22, 1990 letter from Douglas Skie, EPA, to Jeffrey Chaffee, Chief, Montana Air Quality Bureau.

(B) December 4, 1990 letter from Jeffrey Chaffee, Chief, Montana Air Quality Bureau, to Douglas Skie, EPA.

(C) January 4, 1991 letter from Jeffrey Chaffee, Chief, Montana Air Quality Bureau, to Douglas Skie, EPA.

(D) April 30, 1991 letter from Douglas Skie, EPA, to Jeffrey Chaffee, Chief, Montana Air Quality Bureau.

(25) On August 20, 1991, the Governor of Montana submitted revisions to the plan for new source performance standards and national emission standards for hazardous air pollutants.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana 16.8.1423, Standards of Performance of New Stationary Sources, and 16.8.1424, Emission Standards for Hazardous Air Pollutants, adopted July 1, 1991, effective July 12, 1991.

(ii) Additional material.

(A) Letter dated April 20, 1992 from Jeffrey T. Chaffee, Chief of the Montana Air Quality Bureau, to Doug Skie, Chief of Air Programs Branch, EPA Region VIII.

(26) On April 2, 1992, the Governor of Montana submitted revisions to the plan. The revisions included amendments to the Montana Air Quality Rules incorporating the July 1, 1991, version of the Montana Quality Assurance Manual and streamlining of the procedure for updating the Quality Assurance Manual.

(i) Incorporation by reference.

(A) Revisions, as adopted March 31, 1992, to the Montana Air Quality Rules: 16.8.807 Ambient Air Monitoring, 16.8.809 Methods and Data, and the repeal of 16.8.810 Procedures for Reviewing and Revising the Montana Quality Assurance Manual.

(27) On April 25, 1988, the Governor submitted a plan to help assure attainment and maintenance of the PM–10 NAAQS throughout the State of Montana.

(i) Incorporation by reference.

(A) Amendments to the Administrative Rules of Montana (ARM) 16.8.821 (Ambient Air Quality Standards), and ARM 16.8.701, ARM 16.8.806, and ARM 16.8.921 (Definitions), effective April 29, 1988.

(B) Amendments to the ARM, subchapter 9 (Prevention of Significant Deterioration): sections 16.8.924, 16.8.925, and 16.8.936, effective April 29, 1988; section 16.8.937, effective March 11, 1988; section 16.8.930, effective April 1, 1988; and sections 16.8.922, 16.8.923, 16.8.926, 16.8.927, 16.8.928, 16.8.929, 16.8.931, 16.8.932, 16.8.933, 16.8.934, 16.8.935, 16.8.938, 16.8.939, 16.8.940, 16.8.941, 16.8.942, 16.8.943, effective January 1, 1983.

(C) Amendments to the ARM, subchapter 10 (Visibility Impact Assessment): section 16.8.1007, effective April 29, 1988; and sections 16.8.1001, 16.8.1002, 16.8.1003, 16.8.1004, 16.8.1005, 16.8.1006, and 16.8.1008, effective March 11, 1988; section 16.8.930, effective September 13, 1985.

(D) Amendments to the ARM, subchapter 12 (Stack Heights and Dispersion Techniques), sections 16.8.1204, 16.8.1205, and 16.8.1206, effective June 13, 1986.

(E) Amendments to the ARM, subchapter 13 (Open Burning), sections 16.8.1301, 16.8.1302, 16.8.1303, 16.8.1304, 16.8.1305, 16.8.1306, 16.8.1307, and 16.8.1308, effective April 16, 1982.

(F) Amendments to the ARM, subchapter 14 (Emission Standards): section 16.8.1401, effective February 16, 1979; section 16.8.1402, effective March

11, 1988; section 16.8.1403, effective September 5, 1975; section 16.8.1404, effective June 13, 1986; section 16.8.1406, effective December 29, 1978; section 16.8.1419, effective December 31, 1972; section 16.8.1423, effective March 11, 1988; and section 16.8.1428, effective June 13, 1986.

(G) Amendments to the ARM, Sub-Chapter 16 (Combustion Device Tax Credit), sections 16.8.1601 and 16.8.1602, effective December 27, 1985.

(H) Appendix G–2, Montana Smoke Management Plan, effective April 15, 1988.

(28) On August 20, 1991, the Governor of Montana submitted revisions to the plan for visibility models, new source performance standards, and national emission standards for hazardous air pollutants.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana 16.8.1004, Visibility Models, 16.8.1423, Standards of Performance for New Stationary Sources, and 16.8.1424, Emission Standards for Hazardous Air Pollutants, effective December 25, 1992.

(29) The Governor of Montana submitted a portion of the requirements for the moderate nonattainment area PM10 State Implementation Plan (SIP) for Butte, Montana with a letter dated July 9, 1992, with technical corrections dated May 17, 1993. The submittals were made to satisfy those moderate PM10 nonattainment area SIP requirements due for Butte on November 15, 1991. The Butte PM10 SIP replaces the prior approved Butte total suspended particulate (TSP) SIP approved in paragraph (c)(21).

(i) Incorporation by reference.

(A) Stipulation signed October 8, 1991 between the Montana Department of Health and Environmental Sciences and the Butte-Silver Bow Council of Commissioners, which delineates responsibilities and authorities between the two entities.

(B) Board order issued on November 15, 1991 by the Montana Board of Health and Environmental Sciences approving the Butte-Silver Bow Air Pollution Control Program.

(C) Stipulation between the Montana Department of Health and Environmental Sciences (signed September 27, 1991), the Montana Department of Transportation (signed October 4, 1991), and the Butte-Silver Bow Council of Commissioners (signed October 7, 1991) to ensure that Butte-Silver Bow and the Montana Department of Transportation comply with Butte-Silver Bow Council Resolution No. 1307.

(D) Butte/Silver Bow Resolution No. 1307, effective March 6, 1991, which addresses sanding and chip sealing standards and street sweeping and flushing requirements.

(E) Butte/Silver Bow Ordinance No. 330, effective August 3, 1988, which addresses residential wood burning and idling diesel vehicle and locomotive requirements.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit #1636A, with a final modification date of October 26, 1991, for Rhone-Poulenc's elemental phosphorus plant.

(B) Montana Department of Health and Environmental Sciences Air Quality Permit #1749–04, with a final modification date of March 20, 1992, for Montana Resources, Inc.'s open pit copper and molybdenum mine, crushing and milling operation and concentrator.

(C) Montana Smoke Management Plan, effective April 28, 1988, which addresses prescribed burning requirements.

(D) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(30) The Governor of Montana submitted a portion of the requirements for the moderate nonattainment area $PM_{10}$ State Implementation Plan (SIP) for Missoula, Montana, and the Missoula City-County Air Pollution Control Program regulations with letters dated August 20, 1991 and June 4, 1992. The submittals were made to satisfy those moderate $PM_{10}$ nonattainment area SIP requirements due for Missoula on November 15, 1991.

(i) Incorporation by reference.

(A) Stipulation signed April 29, 1991, between the Montana Department of Health and Environmental Sciences and the Missoula City-County Air Pollution Control Board, which delineates responsibilities and authorities between the two entities.

(B) Board order issued on June 28, 1991, by the Montana Board of Health and Environmental Sciences approving the comprehensive revised version of the Missoula City-County Air Pollution Control Program.

(C) Board order issued on March 20, 1992, by the Montana Board of Health and Environmental Sciences approving the amendments to Missoula City-County Air Pollution Control Program Rule 1401, concerning the use of approved liquid de-icer, and Rule 1428, concerning pellet stoves.

(D) Missoula County Rule 1401 (7), effective June 28, 1991, which addresses sanding and chip sealing standards and street sweeping and flushing requirements.

(E) Missoula County Rule 1401 (9), effective March 20, 1992, which addresses liquid de-icer requirements.

(F) Missoula County Rule 1428, effective June 28, 1991, with revisions to sections (2)(l)-(p), (4)(a)(i), and (4)(c)(vi) of Rule 1428, effective March 20, 1992, which addresses requirements for solid fuel burning devices.

(G) Missoula County Rule 1310 (3), effective June 28, 1991, which addresses prescribed wildland open burning.

(H) Other Missoula City-County Air Pollution Control Program regulations effective June 28, 1991, as follows: Chapter I. Short Title; Chapter II. Declaration of Policy and Purpose; Chapter III. Authorities for Program; Chapter IV. Administration; Chapter V. Control Board, Meetings-Duties-Powers; Chapter VI. Air Quality Staff; Chapter VII. Air Pollution Control Advisory Council; Chapter VIII. Inspections; Chapter IX., Subchapter 7 General Provisions; Chapter IX., Subchapter 14, Emission Standards, Rules 1401, 1402, 1403, 1404, 1406 (with amendments effective March 20, 1992), 1411, 1419, 1425, and 1426; Chapter XI. Enforcement, Judicial Review and Hearings; Chapter XII. Criminal Penalties; Chapter XIII. Civil Penalties; Chapter XIV. Non-Compliance Penalties; Chapter XV. Separability Clause; Chapter XVI. Amendments and Revisions; Chapter XVII. Limitations, and Appendix A, Maps.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit #2303-M, with a final modification date of March 20, 1992, for Louisiana-Pacific Corporation's particle board manufacturing facility.

(B) Montana Department of Health and Environmental Sciences Air Quality Permit #2589-M, with a final modification date of January 23, 1992, for Stone Container Corporation's pulp and paper mill facility.

(C) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(31) The Governor of Montana submitted a portion of the requirements for the moderate nonattainment area $PM_{10}$ State Implementation Plan (SIP) for Columbia Falls, Montana with letters dated November 25, 1991, and May 6, 1992, with technical corrections dated June 15, 1993. The submittals were made to satisfy those moderate $PM_{10}$ nonattainment area SIP requirements due for Columbia Falls on November 15, 1991.

(i) Incorporation by reference.

(A) Stipulation signed November 15, 1991, between the Montana Department of Health and Environmental Sciences, the Flathead County Commission, and the Kalispell City Council and the Columbia Falls City Council, which delineates responsibilities and authorities between the MDHES and Flathead County.

(B) Board order issued on November 15, 1991, by the Montana Board of Health and Environmental Sciences approving the Flathead County Air Pollution Control Program.

(C) Flathead County Board of Commissioners Resolution No. 867, adopting the Flathead County Air Pollution Control Program and Flathead County Air Pollution Control Regulations, with the exception of rules 501 through 506, signed October 3, 1991.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit # 2667-M, with a final modification date of January 24, 1992, for Plum Creek Manufacturing, Inc. Columbia Falls Operations.

(B) Montana Smoke Management Plan, effective April 28, 1988, which addresses prescribed burning requirements.

(C) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(32) On November 6, 1992, Stan Stephens, the Governor of Montana, submitted a SIP revision to the Implementation Plan for the Control of Air Pollution. This revision establishes and requires the implementation of an oxygenated fuels program in Missoula County as required by section 211(m) of the Clean Air Act Amendments of 1990.

(i) Incorporation by reference.

(A) Missoula City-County Rule 1429, which establishes and requires the implementation of an oxygenated fuel program, as adopted June 9, 1992.

(ii) Additional materials.

(A) Letter dated November 6, 1992, from Governor Stan Stephens submitting the oxygenated gasoline program SIP revision.

(B) Stipulation signed June 12, 1991 between the Montana Department of Health and Environmental Sciences and the Missoula City-County Air Pollution Control Board, which delineates the responsibilities and authorities between the two entities.

(C) Board order issued September 25, 1992 by the Montana Board of Health and Environmental Sciences approving amendments to Missoula City-County Air Pollution Control Program, adopting Rule 1429 establishing and implementing an oxygenated fuels program.

(33) The Governor of Montana submitted a portion of the requirements for the moderate nonattainment area $PM_{10}$ State Implementation Plan (SIP) for Libby, Montana with letters dated November 25, 1991 and May 24, 1993, with technical corrections dated June 3, 1994. The submittals were to satisfy those moderate $PM_{10}$ nonattainment area SIP requirements due for Libby on November 15, 1991.

(i) Incorporation by reference.

(A) Stipulation signed October 7, 1991 between the Montana Department of Health and Environmental Sciences (MDHES), the County of Lincoln and the City of Libby, which delineates responsibilities and authorities between the MDHES, Lincoln County and Libby.

(B) Board order issued on November 15, 1991 by the Montana Board of Health and Environmental Sciences approving the Lincoln County Air Pollution Control Program.

(C) Stipulation signed March 18, 1993 between the Montana Department of Health and Environmental Sciences, the County of Lincoln and the City of Libby, seeking approval of amendments to the local air pollution control program.

(D) Board order issued on March 19, 1993 by the Montana Board of Health and Environmental Sciences approving amendments to the Lincoln County Air Pollution Control Program.

(E) Letter dated February 4, 1993, from Kendra J. Lind, Lincoln County Department of Environmental Health, to Gretchen Bennitt, Air Quality Bureau, Montana Department of Health and Environmental Sciences, which explains the local adoption process and effective date of amendments to the Lincoln County Air Quality Control Program regulations.

(F) Lincoln County Board of Commissioners Resolution No. 276, signed December, 23, 1992, and Libby City Council Ordinance No. 1470, signed February 1, 1993, adopting amendments to the Lincoln County Air Quality Control Program regulations 1 through 7.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit #2627–M, with a final modification date of July 25, 1991, for Stimson Lumber Company (formerly Champion International Corporation), Libby Facility.

(B) Montana Smoke Management Plan, effective April 28, 1988, which addresses prescribed burning requirements.

(C) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(34) On October 19, 1992, the Governor of Montana submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program to be incorporated into the Montana State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Montana Code Annotated, Sections 75–2–106, 75–2–107, 75–2–108, 75–2–109 and 75–2–220, to establish and fund a

small business stationary source technical and environmental compliance assistance program, effective April 24, 1993.

(ii) Additional materials.

(A) October 19, 1992 letter from the Governor of Montana submitting a Small Business Stationary Source Technical and Environmental Compliance Assistance Program plan to EPA.

(B) The State of Montana plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted by the Board of Health and Environmental Sciences on September 25, 1992, effective September 25, 1992.

(35) The Governor of Montana submitted $PM_{10}$ and CO contingency measures for Missoula, Montana in a letter dated March 2, 1994. The Governor of Montana also submitted the Missoula City-County Air Pollution Control Program in a letter dated August 20, 1991, with amendments submitted in letters dated June 4, 1992 and March 2, 1994. The March 2, 1994 submittal satisfies several commitments made by the State in its original $PM_{10}$ moderate nonattainment area SIP.

(i) Incorporation by reference.

(A) Board order issued on November 19, 1993 by the Montana Board of Health and Environmental Sciences approving the amendments to Missoula City-County Air Pollution Control Program Chapter VII, VIII, and IX, regarding, among other things, the $PM_{10}$ and CO contingency measures, inspections, emergency procedures, permitting, and wood-waste burners.

(B) Missoula City-County Chapter IX, Subchapter 3, effective November 19, 1993, which addresses the $PM_{10}$ and CO contingency measure selection process.

(C) Missoula City-County Rule 1401(7), effective November 19, 1993, which addresses $PM_{10}$ contingency measure requirements for an expanded area of regulated road sanding materials.

(D) Missoula City-County Rule 1428(5) and 1428(7), effective November 19, 1993, which addresses $PM_{10}$ and CO contingency measure requirements for solid fuel burning devices.

(E) Missoula City-County Air Pollution Control Program Chapter IX, Subchapter 13, Open Burning, effective June 28, 1991.

(F) Other Missoula City-County Air Pollution Control Program regulations effective June 28, 1991, with amendments effective on March 20, 1992 and November 19, 1993, as follows: all portions of Chapter IX, Subchapter 11, Permit, Construction and Operation of Air Contaminant Sources, except, Rules 1102(3), 1105(2), and 1111(2).

(G) Other Missoula City-County Air Pollution Control Program regulations effective June 28, 1991, with amendments effective on November 19, 1993, as follows: Chapter IX, Subchapter 4, Emergency Procedures and Chapter IX, Subchapter 14, Rule 1407, Prevention, Abatement and Control of Air Pollution from Wood-Waste Burners.

(H) Minor revisions to Missoula City-County Air Pollution Control Program Chapter VII, Air Quality Advisory Council, and Chapter VIII, Inspections, effective on November 19, 1993, as follows: Chapter VII(1) and Chapter VIII(4).

(36) The Governor of Montana submitted $PM_{10}$ contingency measures for Butte, Montana in a letter dated August 26, 1994. This submittal also contained revisions to the attainment and maintenance demonstrations for the moderate $PM_{10}$ nonattainment area SIP, due to modifications made to the Air Quality Permit for Montana Resources, Inc.

(i) Incorporation by reference.

(A) Board order issued on May 20, 1994 by the Montana Board of Health and Environmental Sciences approving the amendments to the Butte/Silver Bow Air Pollution Control Program regarding the $PM_{10}$ contingency measure.

(B) Butte/Silver Bow Ordinance No. 468, effective May 20, 1994, which addresses $PM_{10}$ contingency measure requirements for liquid de-icer application.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit #1749–05, as revised with a final modification date of January 5, 1994, for Montana Resources, Inc.'s open pit copper and molybdenum mine, crushing and milling operation, and concentrator.

(37) The Governor of Montana submitted a State Implementation Plan (SIP) revision meeting the requirements for the primary $SO_2$ NAAQS SIP for the East Helena, Montana nonattainment area with a letter dated March 30, 1994. The submittal was to satisfy those $SO_2$ nonattainment area SIP requirements due for East Helena on May 15, 1992. The East Helena $SO_2$ SIP revision submitted on March 30, 1994, supercedes the East Helena $SO_2$ SIP approved in paragraph (c)(5) of this section and, effective after November 15, 1995, terminates the East Helena $SO_2$ SIP approved in paragraph (c)(16) of this section.

(i) Incorporation by reference.

(A) Stipulation signed March 15, 1994, between the Montana Department of Health and Environmental Sciences (MDHES) and Asarco, Incorporated, which specifies $SO_2$ emission limitations and requirements for the company's primary lead smelter located in East Helena, MT.

(B) Board order issued on March 18, 1994, by the Montana Board of Health and Environmental Sciences approving and adopting the control strategy for achieving and maintaining the primary $SO_2$ NAAQS in the East Helena area.

(38) [Reserved]

(39) On May 17, 1994, the Governor of Montana submitted revisions to the Administrative Rules of Montana (ARM) regarding nonattainment new source review, prevention of significant deterioration, general construction permitting, wood waste burners, source test methods, new source performance standards, and national emission standards for hazardous air pollutants. Also, the Governor requested that all existing State regulations approved in the SIP be replaced with the October 1, 1979 codification of the ARM as in effect on March 30, 1994. EPA is replacing all of the previously approved State regulations, except ARM 16.8.1302 and 16.8.1307, with those regulations listed in paragraph (c)(39)(i)(A) of this section. ARM 16.8.1302 and 16.8.1307, as in effect on April 16, 1982 and as approved by EPA at 40 CFR 52.1370(c)(11), will remain part of the SIP.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) Sections 16.8.201–202, 16.8.301–304, and 16.8.401–404, effective 12/31/72; Section 16.8.701, effective 12/10/93; Section 16.8.704, effective 2/14/87; Section 16.8.705, effective 6/18/82; Section 16.8.707, effective 9/13/85; Sections 16.8.708–709, effective 12/10/93; Sections 16.8.945–963, effective 12/10/93; Sections 16.8.1001–1003, effective 9/13/85; Section 16.8.1004, effective 12/25/92; Sections 16.8.1005–1006, effective 9/13/85; Section 16.8.1007, effective 4/29/88; Section 16.8.1008, effective 9/13/85; Section 16.8.1101, effective 6/16/89; Section 16.8.1102, effective 2/14/87; Section 16.8.1103, effective 6/16/89; Section 16.8.1104, effective 3/16/79; Section 16.8.1105, effective 12/27/91; Sections 16.8.1107 and 16.8.1109, effective 12/10/93; Sections 16.8.1110–1112. effective 3/16/79; Section 16.8.1113, effective 2/14/87; Section 16.8.1114, effective 12/10/93; Sections 16.8.1115, 16.8.1117, and 16.8.1118, effective 3/16/79; Sections 16.8.1119–1120, effective 12/10/93; Sections 16.8.1204–1206, effective 6/13/86; Sections 16.8.1301 and 16.8.1303, effective 4/16/82; Section 16.8.1304, effective 9/11/92; Section 16.8.1305, effective 4/16/82; Section 16.8.1306, effective 4/1/82; Section 16.8.1308, effective 10/16/92; Section 16.8.1401, effective 10/29/93; Section 16.8.1402, effective 3/11/88; Section 16.8.1403, effective 9/5/75; Section 16.8.1404, effective 6/13/86; Section 16.8.1406, effective 12/29/78; Section 16.8.1407, effective 10/29/93; Section 16.8.1411, effective 12/31/72; Section 16.8.1412, effective 3/13/81; Section 16.8.1413, effective 12/31/72; Section 16.8.1419, effective 12/31/72; Sections 16.8.1423, 16.8.1424, and 16.8.1425 (except 16.8.1425(1)(c) and (2)(d)), effective 10/29/93; Section 16.8.1426, effective 12/31/72; Sections 16.8.1428–1430, effective 10/29/93; Section 16.8.1501, effective 2/10/89; Section 16.8.1502, effective 2/26/82; Section 16.8.1503, effective 2/10/89; Sections 16.8.1504–1505, effective 2/26/82; Sections 16.8.1701–1705, effective 12/10/93; and Sections 16.8.1801–1806, effective 12/10/93.

(40) The Governor of Montana submitted a $PM_{10}$ plan for Kalispell, Montana in a letter dated November 25, 1991. The Governor of Montana later submitted additional materials in letters dated January 11, 1994, August 26, 1994, and July 18, 1995. The August 26, 1994, and July 18, 1995 submittals also contain the Kalispell Contingency

Measure Plan. The August 26, 1994, submittal also contains the Columbia Falls $PM_{10}$ contingency measures and minor revisions to the attainment and maintenance demonstrations for the moderate $PM_{10}$ nonattainment area SIP for Columbia Falls. Finally, the August 26, 1994, submittal contains revisions to the Flathead County Air Pollution Control Program regulations.

(i) Incorporation by reference.

(A) Stipulations signed September 15, 1993 between the Montana Department of Health and Environmental Sciences and the following industries: A–1 Paving; Equity Supply Company; Flathead Road Dept. (two stipulations issued); Klingler Lumber Co.; McElroy and Wilkins; and Montana Mokko.

(B) Stipulations signed September 17, 1993 between the Montana Department of Health and Environmental Sciences and the following industries: Pack and Company, Inc.; Pack Concrete; and Plum Creek Inc. (Evergreen).

(C) Board Order issued on September 17, 1993, by the Montana Board of Health and Environmental Sciences enforcing emissions limitations specified by stipulations signed by both the Montana Department of Health and Environmental Services and participating facilities. The participating facilities included: A–1 Paving; Equity Supply Company; Flathead Road Dept. (two stipulations issued); Klingler Lumber Co.; McElroy and Wilkins; Montana Mokko; Pack and Company, Inc.; Pack Concrete; and Plum Creek Inc. (Evergreen).

(D) Flathead County Board of Commissioners Resolution No. 867B, dated April 4, 1994, adopting the Flathead County Air Pollution Control Program.

(E) Board Order issued May 20, 1994, by the Montana Board of Health and Environmental Sciences approving the Flathead County Air Pollution Control Program.

(F) Flathead County Air Pollution Control Program, including all regulations found in Chapter VIII, Sub-Chapters 1–6, effective May 20, 1994.

(ii) Additional material.

(A) Montana Smoke Management Plan, effective April 28, 1988, which addresses prescribed burning requirements.

(B) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(41) The Governor of Montana submitted revisions to the Missoula City-County Air Pollution Control Program in a letter dated March 3, 1995. In addition, the March 3, 1995 submittal satisfies the one remaining commitment made by the State in its original $PM_{10}$ moderate nonattainment area SIP.

(i) Incorporation by reference.

(A) Board order issued on September 16, 1994 by the Montana Board of Health and Environmental Sciences approving the amendments to Missoula City-County Air Pollution Control Program Chapters IX and XVI regarding, among other things, emergency procedures, paving of private roads, driveways, and parking lots, National standards of performance for new stationary sources, National Emission Standards for Hazardous Air Pollutants, and solid fuel burning devices.

(B) Missoula City-County Rule 401, Missoula County Air Stagnation Plan, effective September 16, 1994.

(C) Missoula City-County Rule 1401, Prevent Particulate Matter from Being Airborne, effective September 16, 1994.

(D) Missoula City-County Rule 1423, Standard of Performance for New Stationary Sources, effective September 16, 1994.

(E) Missoula City-County Rule 1424, Emission Standards for Hazardous Air Pollutants, effective September 16, 1994.

(F) Missoula City-County Rule 1428, Solid Fuel Burning Devices, effective September 16, 1994.

(G) Missoula City-County Air Pollution Control Program Chapter XVI, Amendments and Revisions, effective September 16, 1994.

(42) On May 22, 1995, the Governor of Montana submitted revisions to the prevention of significant deterioration regulations in the Administrative Rules of Montana to incorporate changes in the Federal PSD permitting regulations for PM–10 increments.

(i) Incorporation by reference

(A) Revisions to the Administrative Rules of Montana (ARM), rules 16.8.945(3)(c), 16.8.945(21)(d), 16.8.945(24)(d), 16.8.947(1), 16.8.953(7)(a), and 16.8.960(4), effective 10/28/94.

(43) On May 22, 1995, the Governor of Montana submitted revisions to the plan, which included revisions to the State's open burning regulation and other minor administrative revisions.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana (ARM), 16.8.1301–1310, effective September 9, 1994; and

(B) Revisions to the ARM, 16.8.708, 16.8.946, 16.8.1120, 16.8.1429, 16.8.1702, 16.8.1802, and 16.8.2003, effective October 28, 1994.

(44) The Governor of Montana submitted $PM_{10}$ contingency measures and a recodification of the local regulations for Libby, Montana in a letter dated March 15, 1995. In addition, the Governor of Montana submitted revisions to the local open burning regulations and other minor administrative amendments on May 13, 1996.

(i) Incorporation by reference.

(A) Board order issued on December 16, 1994 by the Montana Board of Health and Environmental Sciences adopting stipulation of the Montana Department of Health and Environmental Sciences and Stimson Lumber Company.

(B) Board order issued December 16, 1994 by the Montana Board of Health and Environmental Sciences adopting the $PM_{10}$ contingency measures as part of the Libby air pollution control program.

(C) Board order issued on February 1, 1996 by the Montana Board of Environmental Review approving amendments to the Libby Air Pollution Control Program.

(D) Lincoln Board of Commissioners Resolution No. 377, signed September 27, 1995, and Libby City Council Ordinance No. 1507, signed November 20, 1995, adopting revisions to the Lincoln County Air Pollution Control Program, Sections 75.1.103 through 75.1.719.

(E) Lincoln County Air Pollution Control Program, Sections 75.1.101 through 75.1.719, effective December 21, 1995.

(45) [Reserved]

(46) The Governor of Montana submitted sulfur dioxide SIP revisions for Billings/Laurel on September 6, 1995, August 27, 1996, April 2, 1997 and July 29, 1998. On March 24, 1999, the Governor submitted a commitment to revise the SIP.

(i) Incorporation by Reference.

(A) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Cenex Harvest Cooperatives, including the stipulation and exhibit A and attachments to exhibit A, except for the following:

(*1*) Paragraph 20 of the stipulation;

(*2*) Section 3(A)(1)(d) of exhibit A;

(*3*) The following phrase from section 3(B)(2) of exhibit A: ''except that those sour water stripper overheads may be burned in the main crude heater (and exhausted through the main crude heater stack) or in the flare during periods when the FCC CO boiler is unable to burn the sour water stripper overheads from the ''old'' SWS, provided that such periods do not exceed 55 days per calendar year and 65 days for any two consecutive calendar years.'';

(*4*) Section 4(B) of exhibit A;

(*5*) Section 4(D) of exhibit A; and

(*6*) Method #6A of attachment #2 of exhibit A.

(B) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Conoco, Inc., including the stipulation and exhibit A and attachments to exhibit A, except for paragraph 20 of the stipulation.

(C) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Exxon Company, USA, including the stipulation and exhibit A and attachments to exhibit A, except for the following:

(*1*) Paragraphs 1 and 22 of the stipulation;

(*2*) Section 2(A)(11)(d) of exhibit A;

(*3*) Sections 3(A)(1) and (2) of exhibit A;

(*4*) Sections 3(B)(1), (2) and (3) of exhibit A;

(*5*) The following phrase from section 3(E)(4) of exhibit A: ''except that the sour water stripper overheads may be

burned in the F–1 Crude Furnace (and exhausted through the F–2 Crude/Vacuum Heater stack) or in the flare during periods when the FCC CO Boiler is unable to burn the sour water stripper overheads, provided that: (a) such periods do not exceed 55 days per calendar year and 65 days for any two consecutive calendar years, and (b) during such periods the sour water stripper system is operating in a two tower configuration.'';

(*6*) Sections 4(B), (C), and (E) of exhibit A;

(*7*) Section 6(B)(3) of exhibit A; and

(*8*) method #6A of attachment #2 of exhibit A.

(D) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Montana Power Company, including the stipulation and exhibit A and attachments to exhibit A, except for paragraph 20 of the stipulation.

(E) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Montana Sulphur & Chemical Company, including the stipulation and exhibit A and attachments to the exhibit A, except for paragraphs 1, 2 and 22 of the stipulation, and sections 3(A)(1)(a) and (b), 3(A)(3), 3(A)(4) and 6(B)(3) of exhibit A. (EPA is approving section 3(A)(2) of exhibit A for the limited purpose of strengthening the SIP. In 40 CFR 52.1384(d)(2), we are also disapproving section 3(A)(2) of exhibit A because section 3(A)(2) does not fully meet requirements of the Clean Air Act.)

(F) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Western Sugar Company, including the stipulation and exhibit A and attachments to exhibit A, except for paragraph 20 of the stipulation.

(G) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Yellowstone Energy Limited Partnership, including the stipulation and exhibit A and attachments to exhibit A, except for paragraph 20 of the stipulation and section 3(A)(1) through (3) of exhibit A.

(ii) Additional material.

(A) All portions of the September 6, 1995 Billings/Laurel SO2 SIP submittal other than the board orders, stipulations, exhibit A's and attachments to exhibit A's.

(B) All portions of the August 27, 1996 Billings/Laurel SO2 SIP submittal other than the board orders, stipulations, exhibit A's and attachments to exhibit A's.

(C) All portions of the April 2, 1997 Billings/Laurel SO2 SIP submittal other than the board orders, stipulations, exhibit A's and attachments to exhibit A's.

(D) All portions of the July 29, 1998 Billings/Laurel SO2 SIP submittal, other than the following: The board orders, stipulations, exhibit A's and attachments to exhibit A's, and any other documents or provisions mentioned in paragraph (c)(46)(i) of this section.

(E) April 28, 1997 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Richard R. Long, Director, Air Program, EPA Region VIII.

(F) January 30, 1998 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Richard R. Long, Director, Air Program, EPA Region VIII.

(G) August 11, 1998 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Kerrigan G. Clough, Assistant Regional Administrator, EPA Region VIII.

(H) September 3, 1998 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Richard R. Long, Director, Air Program, EPA Region VIII.

(I) March 24, 1999 commitment letter from Marc Racicot, Governor of Montana, to William Yellowtail, EPA Regional Administrator.

(J) May 20, 1999 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII.

(47) On August 26, 1999, the Governor of Montana submitted Administrative Rules of Montana Sub-Chapter 13, ''Conformity'' that incorporates conformity consultation requirements implementing 40 CFR Part 93, Subpart A into State regulation.

(i) Incorporation by reference.

(A) Administrative Rules of Montana 17.8.1301, 17.8.1305, 17.8.1306, 17.8.1310 through 17.8.1313, effective June 4, 1999; and 17.8.1304 effective August 23, 1996.

(48) The Governor of Montana submitted revisions to the Missoula County Air Quality Control Program with a letter dated November 14, 1997. The revisions address general definitions, open burning, and criminal penalties.

(i) Incorporation by reference.

(A) Board order issued on October 31, 1997 by the Montana Board of Environmental Review approving the amendments to Missoula County Air Quality Control Program Chapters IX and XII regarding general definitions, open burning, and criminal penalties.

(B) Missoula County Air Quality Control Program, Chapter IX, Rule 701, General Definitions, effective October 31, 1997.

(C) Missoula County Air Quality Control Program, Chapter IX, Rules 1301–1311, regarding open burning, effective October 31, 1997.

(D) Missoula County Air Quality Control Program, Chapter XII, Criminal Penalties, effective October 31, 1997.

(49) On September 19, 1997, December 10, 1997, April 14, 1999, December 6, 1999 and March 3, 2000, the Governor submitted a recodification and revisions to the Administrative Rules of Montana. EPA is replacing in the SIP all of the previously approved Montana air quality regulations except that the Kraft Pulp Mill Rule, ARM 16.8.1413, effective December 31, 1972, and Stack Heights and Dispersion Techniques Rule, ARM 16.8.1204–1206, effective June 13, 1986, with those regulations listed in paragraph (c)(49)(i)(A) of this section. The Kraft Pulp Mill Rule, ARM 16.8.1413, effective December 31, 1972, and Stack Heights and Dispersion Techniques Rule, ARM 16.8.1204–1206, effective June 13, 1986 remain a part of the SIP. In addition, the Governor submitted Yellowstone County's Local Regulation No. 002—Open Burning.

(i) Incorporation by reference.

(A) Administrative Rule of Montana (ARM) Table of Contents; section 17.8.101, effective 6/26/98; sections 17.8.102–103, effective 10/8/99; section 17.8.105, effective 8/23/96; section 17.8.106, effective 10/8/99, sections 17.8.110–111, effective 8/23/96; sections 17.8.130–131, effective 8/23/96; sections 17.8.140–142, effective 8/23/96; section 17.8.301, effective 8/23/96; section 17.8.302, effective 10/8/99; section 17.8.304 (excluding 17.8.304(4)(f)), effective 8/23/96; section 17.8.308, effective 8/23/96; section 17.8.309 (excluding 17.8.309(5)(b)), effective 8/23/96; section 17.8.310 (excluding 17.8.310(3)(e)), effective 8/23/96; section 17.8.316, effective 8/23/96; section 17.8.320, effective 8/23/96; sections 17.8.322–323, effective 8/23/96; section 17.8.324 (excluding 17.8.324(1)(c) and (2)(d)), effective 8/23/96; sections 17.8.325–326, effective 8/23/96; sections 17.8.330–334, effective 8/23/96; section 17.8.601, effective 7/23/99; section 17.8.602, effective 9/9/97; sections 17.8.604–605, effective 8/23/96; section 17.8.606, effective 7/23/99; sections 17.8.610–613, effective 7/23/99; section 17.8.614–615, effective 8/23/96; section 17.8.701 (excluding 17.8.701(10)), effective 8/23/96; section 17.8.702 (excluding 17.8.702(1)(f)), effective 9/9/97; section 17.8.704, effective 8/23/96; section 17.8.705 (excluding 17.8.705(1)(q)) effective 8/23/96; sections 17.8.706–707, effective 8/23/96; section 17.8.710, effective 8/23/96; sections 17.8.715–717, effective 8/23/96; section 17.8.720, effective 8/23/96; sections 17.8.730–732, effective 8/23/96; section 17.8.733 (excluding 17.8.733(1)(c)), effective 8/23/96; section 17.8.734, effective 8/23/96; section 17.8.801, effective 6/26/98; section 17.8.802, effective 9/9/97; sections 17.8.804–809, effective 8/23/96; sections 17.8.818–828, effective 8/23/96; section 17.8.901, effective 6/26/98; section 17.8.902, effective 9/9/97; sections 17.8.904–906, effective 8/23/96; section 17.8.1001, effective 8/23/96; section 17.8.1002, effective 9/9/97; sections 17.8.1004–1007, effective 8/23/96; section 17.8.1101, effective 8/23/96; section 17.8.1102, effective 9/9/97; section 17.8.1103, effective 8/23/96; and sections 17.8.1106–1111, effective 8/23/96.

(B) April 27, 2000 letter from Debra Wolfe, Montana Department of Environmental Quality, to Dawn Tesorero,

U.S. Environmental Protection Agency, Region 8.

(C) Board Order issued on September 24, 1999, by the Montana Board of Environmental Review approving the Yellowstone County Air Pollution Control Program.

(D) Yellowstone County Air Pollution Control Program, Regulation No. 002 Open Burning, effective September 24, 1999.

(E) March 6, 2001 letter from Robert Habeck, Montana Department of Environmental Quality, to Laurie Ostrand, EPA Region 8, explaining the effective date of the Yellowstone County Air Pollution Control Program Regulation No. 002 Open Burning.

(ii) Additional Material.

(A) April 5, 2000 letter from Debra Wolfe, Montana Department of Environmental Quality, to Dawn Tesorero, U.S. Environmental Protection Agency, Region 8.

(B) February 14, 2001 letter from Don Vidrine, Montana Department of Environmental Quality, to Dick Long, U.S. Environmental Protection Agency, Region 8.

(50) On February 9, 2001, the Governor of Montana submitted revisions to Montana's Emergency Episode Avoidance Plan and Cascade County Air Pollution Control Program Regulation Chapter 7, Open Burning.

(i) Incorporation by reference.

(A) Board Order issued on October 16, 2000, by the Montana Board of Environmental Review approving the Cascade County Air Pollution Control Program.

(B) Cascade County Air Pollution Control Program, Regulation Chapter 7, Open Burning, effective October 16, 2000.

(C) March 16, 2001 letter from Debra Wolfe, Montana Department of Environmental Quality, to Laurie Ostrand, EPA Region 8, explaining the effective date of the Cascade County Air Pollution Control Program Regulation Chapter 7, Open Burning.

(51) The Governor of Montana submitted the East Helena Lead SIP revisions with letters dated August 16, 1995, July 2, 1996, and October 20, 1998. The revisions address regulating lead emission from Asarco, American Chemet and re-entrained road dust from the streets of East Helena. The revisions supersede the Lead Plan submitted to EPA on September 29, 1983 (see paragraph (c)(15) of this section).

(i) Incorporation by Reference.

(A) Board order issued on August 28, 1998, by the Montana Board of Environmental Review adopting and incorporating the August 13, 1998 stipulation of the Montana Department of Environmental Quality and Asarco.

(B) Board order issued on June 26, 1996, by the Montana Board of Environmental Review adopting and incorporating the June 11, 1996 stipulation of the Montana Department of Environmental Quality and Asarco including exhibit A and attachments to the stipulation, excluding paragraphs 15 and 16 of the stipulation, and excluding the following:

(*1*) The words, ''or an equivalent procedure'' in the second and third sentences in section 2(A)(22) of exhibit A;

(*2*) The words, ''or an equivalent procedure'' in the second and third sentences in section 2(A)(28) of exhibit A;

(*3*) The words, ''or an equivalent procedure'' in the second sentence in section 5(G) of exhibit A;

(*4*) The sentence, ''Any revised documents are subject to review and approval by the Department as described in section 12,'' from section 6(E) of exhibit A;

(*5*) The words, ''or a method approved by the Department in accordance with the Montana Source Testing Protocol and Procedures Manual shall be used to measure the volumetric flow rate at each location identified,'' in section 7(A)(2) of exhibit A;

(*6*) The sentence, ''Such a revised document shall be subject to review and approval by the Department as described in section 12,'' in section 11(C) of exhibit A;

(*7*) The sentences, ''This revised Attachment shall be subject to the review and approval procedures outlined in section 12(B). The Baghouse Maintenance Plan shall be effective only upon full approval of the plan, as revised. This approval shall be obtained from the Department by January 6, 1997. This deadline shall be extended to the extent that the Department has exceeded the time allowed in section 12(B) for its review and approval of the

revised document,'' in section 12(A)(7) of exhibit A;

(*8*) Section 12(B) of exhibit A.

(C) Board order issued on August 4, 1995, by the Montana Board of Environmental Review adopting and incorporating the June 30, 1995 stipulation of the Montana Department of Environmental Quality and American Chemet including exhibit A to the stipulation, excluding paragraph 20 of the stipulation.

(ii) Additional material.

(A) All portions of the August 16, 1995 East Helena Pb SIP submitted other than the orders, stipulations and exhibit A's and attachments to the stipulations.

(B) All portions of the July 2, 1996 East Helena Pb SIP submitted other than the orders, stipulations and exhibit A's and attachments to the stipulations.

(C) All portions of the October 20, 1998 East Helena Pb SIP submitted other than the orders, stipulations and exhibit A's and attachments to the stipulations.

(D) November 16, 1999 letter from Art Compton, Division Administrator, Planning, Prevention and Assistance Division, Montana Department of Environmental Quality, to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII.

(E) September 9, 1998 letter from Richard A. Southwick, Point Source SIP Coordinator, Montana Department of Environmental Quality, to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII.

(52) The Governor of Montana submitted sulfur dioxide ($SO_2$) SIP revisions for Billings/Laurel on July 29, 1998 and May 4, 2000. EPA is approving some of the provisions of the July 29, 1998 submittal that it did not approve before. The May 4, 2000 submittal revises some previously approved provisions of the Billings/Laurel $SO_2$ SIP and adds new provisions.

(i) Incorporation by reference.

(A) Sections 3(B)(2) and 4(D) (excluding ''or the flare'' and ''or in the flare'' in both sections), 3(A)(1)(d) and 4(B) of Cenex Harvest States Cooperatives' exhibit A to the stipulation between the Montana Department of Environmental Quality and Cenex Harvest States Cooperatives, adopted June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(B) Board Order issued March 17, 2000 by the Montana Board of Environmental Review adopting and incorporating the February 14, 2000 stipulation between the Montana Department of Environmental Quality and Cenex Harvest States Cooperatives. This stipulation revises attachment #2 to Cenex Harvest States Cooperatives' exhibit A to require the use of method #6A–1.

(C) Sections 3(E)(4) and 4(E) (excluding ''or in the flare'' and ''or the flare'' in both sections), 3(A)(2), 3(B)(2), 3(B)(3), 4(B) and 6(B)(3) of Exxon's exhibit A to the stipulation between the Montana Department of Environmental Quality and Exxon, adopted June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(D) Board Order issued March 17, 2000, by the Montana Board of Environmental Review adopting and incorporating the February 14, 2000 stipulation between the Montana Department of Environmental Quality and Exxon Mobil Corporation. The stipulation adds the following to Exxon Mobil Corporation's exhibit A: method #6A–1 of attachment #2 and sections 2(A)(11)(d), 4(C), 7(B)(1)(j) and 7(C)(1)(l). The stipulation revises the following sections of Exxon Mobil Corporation's exhibit A: 3 (introductory text only), 3(A) (introductory text only), 3(A)(1), 3(B) (introductory text only), 3(B)(1), 3(E)(3), 6(B)(7), 7(B)(1)(d), 7(C)(1)(b), 7(C)(1)(d), and 7(C)(1)(f).

(E) Board Order issued on March 17, 2000, by the Montana Board of Environmental Review adopting and incorporating the February 14, 2000 stipulation between the Montana Department of Environmental Quality and Yellowstone Energy Limited Partnership (YELP). The stipulation revises the following sections of YELP's exhibit A: sections 3(A)(1) through (3) and 7(C)(1)(b).

(53) The Governor of Montana submitted minor revisions to Asarco's control strategy in the East Helena Lead SIP on November 27, 2000.

(i) Incorporation by reference.

(A) Board order issued on September 15, 2000, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Asarco dated July 18, 2000. The July 18, 2000 stipulation revises the following sections in the previously adopted exhibit A to the stipulation: 1(B(4), 1(B)(5), 3(A)(3), 3(A)(4), 3(A)(12)(a), 3(A)(12)(i), 3(A)(12)(m), 3(A)(12)(o), 3(A)(12)(p), 3(A)(12)(q), 3(A)(12)(r), 3(A)(16)(a), 5(D)(1), 5(D)(2), 5(G)(4), 8(A),(2), 8(A)(3), 9(B)(2), and 9(B)(3). These revisions, which became effective on September 15, 2000, replace the same-numbered sections in previously approved SIP revisions.

(54) The Governor of Montana submitted revisions to the Missoula City-County Air Pollution Control Program with a letter dated April 30, 2001. The revisions completely replace the previous version of the program regulations in the SIP.

(i) Incorporation by reference.

(A) November 17, 2000 Montana Board of Environmental Review order approving revisions to the Missoula City-County Air Pollution Control Program regulations.

(B) Missoula City-County Air Pollution Control Program regulations as follows: Chapter 1, Program Authority and Administration; Chapter 2, Definitions; Chapter 3, Failure To Attain Standards; Chapter 4, Missoula County Air Stagnation and Emergency Episode Avoidance Plan; Chapter 5, General Provisions, Rules 5.101–5.103, 5.105–5.106, and 5.112; Chapter 6, Standards for Stationary Sources, Subchapter 1, Air Quality Permits for Air Pollutant Sources, Rules 6.101–6.103 and 6.105–6.109, Subchapter 5, Emission Standards, Rules 6.501–6.504, Subchapter 6, Incinerators, Rules 6.601–6.604, and Subchapter 7, Wood Waste Burners, Rules 6.701–6.703; Chapter 7, Outdoor Burning; Chapter 8, Fugitive Particulate; Chapter 9, Solid Fuel Burning Devices; Chapter 10, Fuels; Chapter 11, Motor Vehicles; Chapter 14, Enforcement and Administrative Procedures; Chapter 15, Penalties; Appendix A, Maps; Appendix B, Missoula's Emergency Episode Avoidance Plan Operations and Procedures; and Appendix D, Oxygenated Fuels Program Sampling Requirements for Blending Facilities, effective November 17, 2000.

(55) On April 30, 2001, May 21, 2001 and December 20, 2001, the Governor of Montana submitted revisions to the Administrative Rules of Montana. The State revised its Incorporation by Reference Rules and repealed a Sulfur Oxide Emissions—Primary Copper Smelter rule (ARM 17.8.323). ARM 17.8.323, last incorporated by reference at 40 CFR 52.1370(c)(49)(i)(A), is removed from the SIP.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections 17.8.102(1)(a), (b), (c) and (d), effective 8/10/01; 17.8.103(1)(m), (n), (o), and (p), effective 8/10/01; 17.8.302(1)(d), (e) and (f), effective 8/10/01; 17.8.602(1) and (2), effective 8/10/01; 17.8.702(1)(g), effective 8/10/01; 17.8.902(1)(e), effective 8/10/01; and 17.8.1002(1)(e), effective 8/10/01.

(56) On August 26, 1999, the Governor of Montana submitted Administrative Rules of Montana Sub-Chapter 14, ''Conformity of General Federal Actions'' that incorporates conformity of general federal actions to state or federal implementation plans, implementing 40 CFR part 93, subpart B into State regulation.

(i) Incorporation by reference.

(A) Administrative Rules of Montana 17.8.1401, and 17.8.1402 effective June 4, 1999.

(57) [Reserved]

(58) On April 30, 2001, the Governor of Montana submitted a request to add a credible evidence rule to the Administrative Rules of Montana (ARM). ARM 17.8.132—''Credible Evidence'' has been approved into the SIP.

(i) Incorporation by reference.

(A) ARM 17.8.132 effective December 8, 2000.

(59) On October 28, 2002, the Governor of Montana submitted revisions to the Administrative Rules of Montana (ARM). The State revised its Incorporation by Reference rules (ARM 17.8.102, 17.8.302) and revised the definition of volatile organic compounds to incorporate by reference the federal regulation (ARM 17.8.101, 17.8.801, 17.8.901). Additional minor changes were made to ARM 17.8.401, 17.8.1005

and the Yellowstone County Air Pollution Control Program Regulation No. 002.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections 17.8.101(41), 17.8.102(a) and (d), 17.8.302(1)(f), 17.8.401(1)(b)(v), 17.8.801(29), 17.8.901(20) and 17.8.1005(6), effective 6/28/02.

(B) Yellowstone County Air Pollution Control Program, Regulation No. 002, (H)(4)(b)(i), effective June 7, 2002.

(60) On June 26, 1997, the Governor of Montana submitted the Thompson Falls Air Pollution Control Plan and on June 13, 2000, the Governor submitted revisions to the June 26, 1997, submittal. On February 28, 1999, the Governor of Montana withdrew all chapters of the Thompson Falls Air Pollution Control Plan submitted on June 26, 1997, except chapters 45.2, 45.10.10, and 45.10.12. EPA is approving sections 45.2, 45.10.10 and 45.10.12 of the Thompson Falls Air Pollution Control Plan.

(i) Incorporation by reference.

(A) Board Order issued June 20, 1997, by the Montana Board of Environmental Review, as reprinted in section 45.2.2 of the Thompson Falls Air Pollution Control Plan. The Board Order adopts and incorporates the May 1997 Maintenance Agreement Between the City of Thompson Falls, Montana Department of Transportation, and Montana Department of Environmental Quality which contains the control plan for the attainment and maintenance of the PM–10 National Ambient Air Quality Standards in the Thompson Falls area.

(B) May 1997 Maintenance Agreement between the City of Thompson Falls, Montana Department of Transportation, and Montana Department of Environmental Quality, as reprinted in section 45.2.1 of the Thompson Falls Air Pollution Control Plan.

(ii) Additional Material.

(A) Sections 45.2, 45.10.10 and 45.10.12 of the Thompson Falls Air Pollution Control Plan.

(61) Revisions to State Implementation Plan were submitted by the State of Montana on August 20, 2003. The revisions modify definitions and references to federal regulations and other materials in the Administrative Rules of Montana (ARM). The revisions also delete the definition at ARM 17.8.101(43).

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.101(2), (8), (9), (12), (19), (20), (22), (23), (30), and (36); 17.8.102; 17.8.103(1); 17.8.110(2); 17.8.302(1); 17.8.801(1), (3), (4), (6), (20), (21), (22), (24), (27) and (28); 17.8.802(1); 17.8.818(2), (3) and (6); 17.8.819(3); 17.8.821; 17.8.901(1), (11), (12) and (14); 17.8.902(1); 17.8.905(1)(c); and 17.8.1002(1) effective April 11, 2003.

(62) Revisions to State Implementation Plan were submitted by the State of Montana on August 25, 2004. The revisions correct internal references to state documents; correct references to, or update citations of, Federal documents; and make minor editorial changes.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.130; 17.8.320(9); 17.8.801(22); 17.8.819; and 17.8.822, effective April 9, 2004.

(63) Revisions to State Implementation Plan were submitted by the State of Montana on April 18, 2003. The revisions modify the open burning rules and references to federal regulations in the Administrative Rules of Montana.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.302(1)(f); 17.8.601(1), (7) and (10); 17.8.604(1) (except paragraph 604(1)(a)); 17.8.605(1); 17.8.606(3) and (4); 17.8.610(4); 17.8.612(4) and (5); and 17.8.614(1), effective December 27, 2002.

(64) Revisions to State Implementation Plan were submitted by the State of Montana on October 25, 2005. The revisions are to the Administrative Rules of Montana and: update the citations and references to federal documents and addresses where copies of documents can be obtained; and delete the definition of ''public nuisance'' from Sub-Chapter 1 and the definitions of ''animal matter'' and ''reduction'' from Sub-Chapter 3.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.102(1), 17.8.103(3) and (4); 17.8.302(2), (3) and (4); 17.8.602(2), (3) and (4); .17.8.802(2), (3), (4) and (5); 17.8.902(2), (3), (4) and (5);

17.8.1002(2), (3), (4) and (5); and 17.8.1102(2), (3) and (4), effective June 17, 2005.

(65) On June 28, 2000, the Governor of Montana submitted to EPA revisions to the Montana State Implementation Plan. The revisions add definitions for PM and $PM_{2.5}$, ARM 17.8.101(31) and (32) respectively, and revise ARM 17.8.308(4) and ARM 17.8.320(6) through editorial amendments making the rule more concise and consistent with the language in all applicable rules.

(i) Incorporation by reference. Administrative Rules of Montana (ARM) sections: ARM 17.8.101(31) and (32); 17.8.308(4) introductory text, and 17.8.308(4)(b) and (c); and 17.8.320(6). March 31, 2000 is the effective date of these revised rules effective March 31, 2000.

(ii) Additional Material. April 16, 2007 letter by the Governor of Montana rescinding its statement of certification regarding the 1997 NAAQS as submitted in June 28, 2000.

(66) On June 26, 1997, the Governor of Montana submitted the Whitefish $OM_{10}$ Control Plan and on June 13, 2000, the Governor submitted revisions to the June 26, 1997 submittal. On February 28, 1999, the Governor of Montana withdrew all sections of the Whitefish $PM_{10}$ Control Plan submitted on June 26, 1997, except sections 15.2.7, 15.12.8, and 15.12.10. EPA is approving sections 15.2.7, 15.12.8, and 15.12.10 of the Whitefish $PM_{10}$ Control Plan.

(i) Incorporation by reference.

(A) Sections 15.2.7, 15.12.8, and 15.12.10 of the Whitefish $PM_{10}$ Control Plan.

(ii) Additional Material.

(A) Flathead County Air Pollution Control Program as of June 20, 1997.

(67) On December 8, 1997, May 28, 2003, and August 25, 2004, the Governor of Montana submitted revisions to the Montana State Implementation Plan. The December 8, 1997 submittal adds subsection (6) to Administrative Rules of Montana (ARM) section 17.8.316 (Incinerators); the August 25, 2004 submittal makes a minor revision to ARM 17.8.316(5); and, the May 28, 2003 submittal makes minor editorial revisions to ARM 17.8.316(6).

(i) Incorporation by reference. Administrative Rules of Montana (ARM) section 17.8.316, Incinerators, effective April 9, 2004.

(ii) Additional Material.

(A) October 2, 2007 Letter from MT DEQ to EPA regarding NSPS/MACT compliance.

(68) Revisions to the State Implementation plan which were submitted by the State of Montana on November 1, 2006 and November 20, 2007. The revisions are to the Administrative Rules of Montana; they make minor editorial and grammatical changes, update the citations and references to federal and state laws and regulations, make other minor changes to conform to federal regulations, and update links to sources of information.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) section 17.8.101, *Definitions;* effective August 11, 2006.

(B) Administrative Rules of Montana (ARM) sections: 17.8.102, *Incorporation by Reference—Publication Dates;* 17.8.103, *Incorporation by Reference and Availability of Referenced Documents;* 17.8.302(1)(d), *Incorporation by Reference;* 17.8.602, *Incorporation by Reference;* 17.8.801, *Definitions;* 17.8.818, *Review of Major Stationary Sources and Major Modifications—Source Applicability and Exemptions;* 17.8.901, *Definitions;* 17.8.1007, *Baseline for Determining Credit for Emissions and Air Quality Offsets;* and, 17.8.1102, *Incorporation by Reference;* all effective October 26, 2007.(69)–(70) [Reserved]

(71) The Governor of Montana submitted revisions, reordering and renumbering to the Libby County Air Pollution Control Program in a letter dated June 26, 2006. The revised Lincoln County regulations focus on woodstove emissions, road dust, and outdoor burning emissions.

(i) Incorporation by reference.

(A) Before the Board of Environmental Review of the State of Montana order issued on March 23, 2006, by the Montana Board of Environmental Review approving amendments to the Libby Air Pollution Control Program.

(B) Libby City Council Resolution No. 1660 signed February 27, 2006 and Lincoln County Board of Commissioners Resolution No. 725 signed February 27, 2006, adopting revisions, reordering and renumbering to the Lincoln

County Air Pollution Control Program, Health and Environment Regulations, Chapter 1—Control on Air Pollution, Subchapter 1—General Provisions; Subchapter 2—Solid Fuel Burning Device Regulations; Subchapter 3—Dust Control Regulations; Subchapter 4—Outdoor Burning Regulations; as revised on February 27, 2006.

(ii) Additional Material.

(A) Stipulation signed October 7, 1991, between the Montana Department of Health and Environmental Sciences (MDHES), the County of Lincoln and the City of Libby, which delineates responsibilities and authorities between the MDHES, Lincoln County and Libby.

[37 FR 10877, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1370, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

EDITORIAL NOTE: At 75 FR 4700, Jan. 29, 2010, § 52.1370 was amended by adding (c)(68); however, the amendment could not be incorporated because (c)(68) already existed. For the convenience of the user, the added and revised text is set forth as follows:

**§ 52.1370 Identification of plan.**

* * * * *

(c) * * *

(68) Revisions to the State Implementation Plan which were submitted by the State of Montana on January 16, 2009 and May 4, 2009. The revisions are to the Administrative Rules of Montana; they make minor editorial and grammatical changes, update the citations and references to Federal laws and regulations, and make other minor changes to conform to federal regulations.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections 17.8.102 *Incorporation by Reference—Publication Dates*, 17.8.301 *Definitions*, 17.8.901 *Definitions*, and 17.8.1007 *Baseline for Determining Credit for Emissions and Air Quality Offsets*, effective October 24, 2008.

(B) Administrative Rules of Montana (ARM) section 17.8.308 *Particulate Matter, Airborne*, effective February 13, 2009.

**§ 52.1371 Classification of regions.**

The Montana Emergency Episode Avoidance Plan was revised with an August 2, 2004 submittal by the Governor. The August 2, 2004 Emergency Episode Avoidance Plan classified the Air Quality Control Regions (AQCR) as follows:

| Air quality control regions (AQCR) | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxide | Nitrogen dioxide | Carbon monoxide | Ozone |
| Billings Intrastate AQCR 140 | III | III | III | III | III |
| Great Falls Intrastate AQCR 141 | III | III | III | III | III |
| Helena Intrastate AQCR 142 | III | III | III | III | III |
| Miles City Intrastate AQCR 143 | III | III | III | III | III |
| Missoula Intrastate AQCR 144 | III | III | III | III | III |

[64 FR 68038, Dec. 6, 1999, as amended at 66 FR 31550, June 12, 2001; 71 FR 21, Jan. 3, 2006]

**§ 52.1372 Approval status.**

With the exceptions set forth in this subpart, the Administrator approves Montana'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.

[45 FR 2036, Jan. 10, 1980]

**§ 52.1373 Control strategy: Carbon monoxide.**

(a) On July 8, 1997, the Governor of Montana submitted revisions to the SIP narrative for the Missoula carbon monoxide control plan.

(b) Revisions to the Montana State Implementation Plan, Carbon Monoxide Redesignation Request and Maintenance Plan for Billings, as adopted by the Montana Department of Environmental Quality on December 19, 2000, State effective December 19, 2000, and submitted by the Governor on February 9, 2001.

(c) Revisions to the Montana State Implementation Plan, Carbon Monoxide Redesignation Request and Maintenance Plan for Great Falls, as adopted by the Montana Department of Environmental Quality on December 19, 2000, State effective December 19, 2000, and submitted by the Governor on February 9, 2001.

(d) Revisions to the Montana State Implementation Plan, Carbon Monoxide Redesignation Request and Maintenance Plan for Missoula, as approved by the Missoula City-County Air Pollution Control Board on January 20, 2005, by the Missoula County Commissioners on January 26, 2005 and by the Missoula City Council on March 7, 2005; and submitted by the Governor on May 27, 2005.

[64 FR 68038, Dec. 6, 1999, as amended at 67 FR 7973, Feb. 21, 2002; 67 FR 31150, May 9, 2002; 72 FR 46161, Aug. 17, 2007]

### §52.1374 Control strategy: Particulate matter.

(a) On July 8, 1997, the Governor of Montana submitted minor revisions to the Columbia Falls, Butte and Missoula PM–10 SIPS.

(b) *Determination*—EPA has determined that the Whitefish $PM_{10}$ ''moderate'' nonattainment area attained the $PM_{10}$ national ambient air quality standard by December 31, 1999. This determination is based on air quality monitoring data from 1997, 1998, and 1999. EPA has determined that the Thompson Falls $PM_{10}$ ''moderate'' nonattainment area attained the $PM_{10}$ national ambient air quality standard by December 31, 2000. This determination is based on air quality monitoring data from 1998, 1999, and 2000.

[64 FR 68038, Dec. 6, 1999, as amended at 66 FR 55105, Nov. 1, 2001]

### §52.1375 Control strategy: Lead.

Determination—EPA has determined that the East Helena Lead nonattainment area has attained the lead national ambient air quality standards through calendar year 1999. This determination is based on air quality data currently in the AIRS database (as of the date of our determination, June 18, 2001).

[66 FR 55098, Nov. 1, 2001]

### §52.1376 Extensions.

On October 7, 1993, EPA granted the request by the State for the full three years allowed by section 172(b) of the CAA, as amended in 1990, for submittal of the SIP for the East Helena area to attain and maintain the sulfur dioxide secondary NAAQS. Therefore, the SIP for the area was due November 15, 1993. The SIP was not submitted by that date.

[61 FR 16062, Apr. 11, 1996]

### §52.1377 [Reserved]

### §52.1378 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 nonecessary 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.

[39 FR 34536, Sept. 26, 1974, as amended at 40 FR 55331, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

### § 52.1379 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since section 69–3918 of the Montana Clean Air Act could, in some circumstances prohibit the disclosure of emission data to the public. Therefore, section 69–3918 is disapproved.

[39 FR 34536, Sept. 26, 1974, as amended at 51 FR 40676, Nov. 7, 1986]

### §§ 52.1380–52.1381 [Reserved]

### § 52.1382 Prevention of significant deterioration of air quality.

(a) The Montana plan, as submitted, is approved as meeting the requirements of Part C, Subpart 1 of the Clean Air Act, except that it does not apply to sources proposing to construct on Indian Reservations.

(b) Regulation 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 Montana State implementation plan and are applicable to proposed major stationary sources or major modifications to be located on Indian Reservations.

(c)(1) Except as set forth in this paragraph, all areas of Montana are designated Class II.

(2) The Northern Cheyene Indian Reservation is designated Class I.

(3) The Flathead Indian Reservation is designated Class I.

(4) The Fort Peck Indian Reservation is designated Class I.

[42 FR 40697, Aug. 11, 1977, as amended at 47 FR 23928, June 2, 1982; 48 FR 20233, May 5, 1983; 49 FR 4735, Feb. 8, 1984; 53 FR 48645, Dec. 2, 1988; 55 FR 19262, May 9, 1990; 55 FR 22333, June 1, 1990; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

### § 52.1384 Emission control regulations.

(a) Administrative Rules of Montana 17.8.309(5)(b) and 17.8.310(3)(e) of the State's rule regulating fuel burning, which were submitted by the Governor on April 14, 1999 and which allow terms of a construction permit to override a requirement that has been approved as part of the SIP, are disapproved. We cannot approve these provisions into the SIP, as it would allow the State to change a SIP requirement through the issuance of a permit. Pursuant to section 110 of the Act, to change a requirement of the SIP, the State must adopt a SIP revision and obtain our approval of the revision.

(b)(1) In 40 CFR 52.1370(c)(51), we incorporated by reference several documents that comprise the East Helena Lead SIP. Sections 52.1370(c)(51)(i)(B) and (C) indicate that certain provisions of the documents that were incorporated by reference were excluded. The excluded provisions of § 52.1370(c)(51)(i)(B) and (C) are disapproved. These provisions are disapproved because they do not entirely conform to the requirement of section 110(a)(2) of the Act that SIP limits must be enforceable, nor to the requirement of section 110(i) that the SIP can be modified only through the SIP revision process. The following phrases, words, or section in exhibit A of the stipulation between the Montana Department of Environmental Quality (MDEQ) and Asarco, adopted by order issued on June 26, 1996 by the Montana Board of Environmental Review (MBER), are disapproved:

(i) The words, ''or an equivalent procedure'' in the second and third sentences in section 2(A)(22) of exhibit A;

(ii) The words, ''or an equivalent procedure'' in the second and third sentences in section 2(A)(28) of exhibit A;

(iii) The words, ''or an equivalent procedure'' in the second sentence in section 5(G) of exhibit A;

(iv) The sentence, ''Any revised documents are subject to review and approval by the Department as described in section 12,'' from section 6(E) of exhibit A;

(v) The words, ''or a method approved by the Department in accordance with the Montana Source Testing Protocol and Procedures Manual shall be used to measure the volumetric flow rate at each location identified,'' in section 7(A)(2) of exhibit A;

(vi) The sentence, ''Such a revised document shall be subject to review and approval by the Department as described in section 12,'' in section 11(C) of exhibit A;

(vii) The sentences, ''This revised Attachment shall be subject to the review and approval procedures outlined in Section 12(B). The Baghouse Maintenance Plan shall be effective only upon full approval of the plan, as revised. This approval shall be obtained from the Department by January 6, 1997. This deadline shall be extended to the extent that the Department has exceeded the time allowed in section 12(B) for its review and approval of the revised document,'' in section 12(A)(7) of exhibit A; and

(viii) Section 12(B) of exhibit A.

(2) Paragraphs 15 and 16 of the stipulation by the MDEQ and Asarco adopted by order issued on June 26, 1996 by the MBER are disapproved. Paragraph 20 of the stipulation by the MDEQ and American Chemet adopted by order issued on August 4, 1995 by the MBER is disapproved.

(c) Administrative Rules of Montana 17.8.324(1)(c) and 2(d) (formerly ARM 16.8.1425(1)(c) and (2)(d)) of the State's rule regulating hydrocarbon emissions from petroleum products, which were submitted by the Governor on May 17, 1994 and later recodified with a submittal by the Governor on September 19, 1997, and which allow the discretion by the State to allow different equipment than that required by this rule, are disapproved. Such discretion cannot be allowed without requiring EPA review and approval of the alternative equipment to ensure that it is equivalent in efficiency to that equipment required in the approved SIP.

(d) In §52.1370(c)(46), we approved portions of the Billings/Laurel Sulfur Dioxide SIP and incorporated by reference several documents. This paragraph identifies those portions of the Billings/Laurel SO2 SIP that have been disapproved.

(1) In §52.1370(c)(46)(i)(A) through (G), certain provisions of the documents incorporated by reference were excluded. The following provisions that were excluded by §52.1370(c)(46)(i)(A) through (G) are disapproved. We cannot approve these provisions because they do not conform to the requirements of the Clean Air Act:

(i) The following paragraph and portions of sections of the stipulation and exhibit A between the Montana Department of Environmental Quality and Cenex Harvest Cooperatives adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review:

(A) Paragraph 20 of the stipulation;

(B) The following phrase from section 3(B)(2) of exhibit A: ''or in the flare''; and

(C) The following phrases in section 4(D) of exhibit A: ''or in the flare'' and ''or the flare.''

(ii) Paragraph 20 of the stipulation between the Montana Department of Environmental Quality and Conoco, Inc., adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review.

(iii) The following paragraphs and portions of sections of the stipulation and exhibit A between the Montana Department of Environmental Quality and Exxon Company, USA, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review:

(A) Paragraphs 1 and 22 of the stipulation;

(B) The following phrase of section 3(E)(4) of exhibit A: ''or in the flare''; and

(C) The following phrases of section 4(E) of exhibit A: ''or in the flare'' and ''or the flare.''

(iv) Paragraph 20 of the stipulation between the Montana Department of Environmental Quality and Montana Power Company, adopted by Board Order issued on June 12, 1998, by Montana Board of Environmental Review.

(v) The following paragraphs and sections of the stipulation and exhibit A between the Montana Department of Environmental Quality and Montana Sulphur & Chemical Company, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review: paragraphs 1, 2 and 22 of the stipulation; sections 3(A)(1)(a) and (b), 3(A)(3), and 3(A)(4) of exhibit A.

(vi) Paragraph 20 of the stipulation between the Montana Department of Environmental Quality and Western Sugar Company, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review.

(vii) Paragraph 20 of the stipulation between the Montana Department of Environmental Quality and Yellowstone Energy Limited Partnership, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review.

(2) Section (3)(A)(2) of exhibit A of the stipulation between the Montana Department of Environmental Quality and Montana Sulphur & Chemical Company, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review, which section 3(A)(2) we approved for the limited purpose of strengthening the SIP, is hereby disapproved. This limited disapproval does not prevent EPA, citizens, or the State from enforcing section 3(A)(2).

(e) In 40 CFR 52.1370(c)(52), we approved portions of the Billings/Laurel Sulfur Dioxide SIP for the limited purpose of strengthening the SIP. Those provisions that we limitedly approved are hereby limitedly disapproved. This limited disapproval does not prevent EPA, citizens, or the State from enforcing the provisions. This paragraph identifies those provisions of the Billings/Laurel $SO_2$ SIP identified in 40 CFR 52.1370(c)(52) that have been limitedly disapproved.

(1) Sections 3(B)(2) and 4(D) (excluding ''or in the flare'' and ''or the flare'' in both sections, which was previously disapproved in paragraphs (d)(1)(i)(B) and (C) above), 3(A)(1)(d) and 4(B) of Cenex Harvest State Cooperatives' exhibit A to the stipulation between the Montana Department of Environmental Quality and Cenex Harvest State Cooperatives, adopted June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(2) Method #6A–1 of attachment #2 of Cenex Harvest State Cooperatives' exhibit A, as revised pursuant to the stipulation between the Montana Department of Environmental Quality and Cenex Harvest State Cooperatives, adopted by Board Order issued on March 17, 2000, by the Montana Board of Environmental Review.

(3) Sections 3(B)(2), 4(B), and 6(B)(3) of Exxon's exhibit A to the stipulation between the Montana Department of Environmental Quality and Exxon, adopted on June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(4) Sections 2(A)(11)(d), 3(A)(1), 3(B)(1) and 4(C) of Exxon Mobil Corporation's exhibit A, as revised pursuant to the stipulation between the Montana Department of Environmental Quality and Exxon Mobil Corporation, adopted by Board Order issued on March 17, 2000, by the Montana Board of Environmental Review.

(f) Administrative Rules of Montana 17.8.335 of the State's rule entitled ''Maintenance of Air Pollution Control Equipment for Existing Aluminum Plants,'' submitted by the Governor on January 16, 2003, is disapproved. We cannot approve this rule into the SIP because it is inconsistent with the Act (*e.g.*, sections 110(a) and 110(l)), prior rulemakings and our guidance.

[57 FR 57347, Dec. 4, 1992, as amended at 57 FR 60486, Dec. 21, 1993; 60 FR 36722, July 18, 1995; 64 FR 68038, Dec. 6, 1999; 66 FR 42437, Aug. 13, 2001; 66 FR 55099, Nov. 1, 2001; 67 FR 22241, May 2, 2002; 68 FR 27911, May 22, 2003; 71 FR 4828, Jan. 30, 2006]

### §§52.1385–52.1386 [Reserved]

### §52.1387 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) *Long-term strategy*. The provisions of §52.29 are hereby incorporated into the applicable plan for the State of Montana.

[52 FR 45138, Nov. 24, 1987]

### §52.1388 Stack height regulations.

The State of Montana 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 (D.C. Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 6, 1988, Jeffrey T. Chaffee, Chief, Air Quality Bureau, 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 modifies the July 8, 1985 regulations, EPA will notify the State of the rules that must be changed to comply with the EPA's modified requirements. The State of Montana agrees to make the appropriate changes.

[54 FR 24341, June 7, 1989. Redesignated at 55 FR 19262, May 9, 1990]

### §52.1389 [Reserved]

### §52.1390 Missoula variance provision.

The Missoula City-County Air Pollution Control Program's Chapter X, Variances, which was adopted by the Montana Board of Health and Environmental Sciences on June 28, 1991 and submitted by the Governor of Montana to EPA in a letter dated August 20, 1991, is disapproved. This rule is inconsistent with section 110(i) of the Clean Air Act, which prohibits any State or EPA from granting a variance from any requirement of an applicable implementation plan with respect to a stationary source.

[59 FR 64139, Dec. 13, 1994]

### §52.1391 Emission inventories.

(a) The Governor of the State of Montana submitted the 1990 carbon monoxide base year emission inventories for Missoula and Billings on July 18, 1995, as a revision to the State Implementation Plan (SIP). The Governor submitted the 1990 carbon monoxide base year emission inventory for Great Falls on April 23, 1997, as a revision to the SIP. The inventories address emissions from point, area, on-road mobile, and non-road sources. These 1990 base year carbon monoxide inventories satisfy the nonattainment area requirements of the Clean Air Act of section 187(a)(1) for Missoula and section 172(c)(3) for Billings and Great Falls.

(b) As part of the Thompson Falls Air Pollution Control Plan (approved at §52.1370(c)(60)), the Governor of Montana submitted a PM–10 emission inventory for the Thompson Falls area as a SIP revision. The PM–10 emission inventory covers the time period of July 1, 1990 through June 30, 1991.

[62 FR 65616, Dec. 15, 1997, as amended at 69 FR 3012, Jan. 22, 2004]

### §52.1392 Federal Implementation Plan for the Billings/Laurel Area.

(a) *Applicability*. This section applies to the owner(s) or operator(s), including any new owner(s) or operator(s) in the event of a change in ownership or operation, of the following facilities in the Billings/Laurel, Montana area: CHS Inc. Petroleum Refinery, Laurel Refinery, 803 Highway 212 South, Laurel, MT; ConocoPhillips Petroleum Refinery, Billings Refinery, 401 South 23rd St., Billings, MT; ExxonMobil Petroleum Refinery, 700 Exxon Road, Billings, MT; and Montana Sulphur & Chemical Company, 627 Exxon Road, Billings, MT.

(b) *Scope*. The facilities listed in paragraph (a) of this section are also subject to the Billings/Laurel $SO_2$ SIP, as approved at 40 CFR 52.1370(c)(46) and (52). In cases where the provisions of this FIP address emissions activities differently or establish a different requirement than the provisions of the approved SIP, the provisions of this FIP take precedence.

(c) *Definitions*. For the purpose of this section, we are defining certain words or initials as described in this paragraph. Terms not defined below that are defined in the Clean Air Act or regulations implementing the Clean Air

Act, shall have the meaning set forth in the Clean Air Act or such regulations.

(1) *Aliquot* means a fractional part of a sample that is an exact divisor of the whole sample.

(2) *Annual Emissions* means the amount of $SO_2$ emitted in a calendar year, expressed in pounds per year rounded to the nearest pound, where:

Annual emissions = Σ Daily emissions within the calendar year.

(3) *Calendar Day* means a 24-hour period starting at 12 midnight and ending at 12 midnight, 24 hours later.

(4) *Clock Hour* means a twenty-fourth (1/24) of a calendar day; specifically any of the standard 60-minute periods in a day that are identified and separated on a clock by the whole numbers one (1) through 12.

(5) *Continuous Emission Monitoring System or CEMS* means all continuous concentration and volumetric flow rate monitors, associated data acquisition equipment, and all other equipment necessary to meet the requirements of this section for continuous monitoring.

(6) *Daily Emissions* means the amount of $SO_2$ emitted in a calendar day, expressed in pounds per day rounded to the nearest tenth (1/10) of a pound, where:

Daily emissions = Σ 3-hour emissions within a calendar day.

(7) *EPA* means the United States Environmental Protection Agency.

(8) *Exhibit* means for a given facility named in paragraph (a) of this section, exhibit A to the stipulation of the Montana Department of Environmental Quality and that facility, adopted by the Montana Board of Environmental Review on either June 12, 1998, or March 17, 2000.

(9) *1998 Exhibit* means for a given facility named in paragraph (a) of this section, the exhibit adopted by the Montana Board of Environmental Review on June 12, 1998.

(10) *2000 Exhibit* means for a given facility named in paragraph (a) of this section, the exhibit adopted by the Montana Board of Environmental Review on March 17, 2000.

(11) *Flare* means a combustion device that uses an open flame to burn combustible gases with combustion air provided by uncontrolled ambient air around the flame. This term includes both ground and elevated flares.

(12) The initials *Hg* mean mercury.

(13) *Hourly* means or refers to each clock hour in a calendar day.

(14) *Hourly Average* means an arithmetic average of all valid and complete 15-minute data blocks in a clock hour. Four (4) valid and complete 15-minute data blocks are required to determine an hourly average for each CEMS per clock hour.

Exclusive of the above definition, an hourly CEMS average may be determined with two (2) valid and complete 15-minute data blocks, for two (2) of the 24 hours in any calendar day. A complete 15-minute data block for each CEMS shall have a minimum of one (1) data point value; however, each CEMS shall be operated such that all valid data points acquired in any 15-minute block shall be used to determine the 15-minute block's reported concentration and flow rate.

(15) *Hourly Emissions* means the pounds per clock hour of $SO_2$ emissions from a source (including, but not limited to, a flare, stack, fuel oil system, sour water system, or fuel gas system) determined using hourly averages and rounded to the nearest tenth (1/10) of a pound.

(16) The initials $H_2S$ mean hydrogen sulfide.

(17) *Integrated sampling* means an automated method of obtaining a sample from the gas stream to the flare that produces a composite sample of individual aliquots taken over time.

(18) The initials *MBER* mean the Montana Board of Environmental Review.

(19) The initials *MDEQ* mean the Montana Department of Environmental Quality.

(20) The initials *mm* mean millimeters.

(21) The initials *MSCC* mean the Montana Sulphur & Chemical Company.

(22) *Pilot gas* means the gas used to maintain the presence of a flame for ignition of gases routed to a flare.

(23) *Purge gas* means a continuous gas stream introduced into a flare header, flare stack, and/or flare tip for the purpose of maintaining a positive flow

that prevents the formation of an explosive mixture due to ambient air ingress.

(24) The initials *ppm* mean parts per million.

(25) The initials *SCFH* mean standard cubic feet per hour.

(26) The initials *SCFM* mean standard cubic feet per minute.

(27) *Standard Conditions* means (a) 20 °C (293.2 °K, 527.7 °R, or 68.0 °F) and one (1) atmosphere pressure (29.92 inches Hg or 760 mm Hg) for stack and flare gas emission calculations, and (b) 15.6 °C (288.7 °K, 520.0 °R, or 60.3 °F) and one (1) atmosphere pressure (29.92 inches Hg or 760 mm Hg) for refinery fuel gas emission calculations.

(28) The initials $SO_2$ mean sulfur dioxide.

(29) The initials *SWS* mean sour water stripper.

(30) The term *3-hour emissions* means the amount of $SO_2$ emitted in each of the eight (8) non-overlapping 3-hour periods in a calendar day, expressed in pounds and rounded to the nearest tenth (1/10) of a pound, where:

3 hour emissions = Σ Hourly emissions within the 3-hour period.

(31) The term *3-hour period* means any of the eight (8) non-overlapping 3-hour periods in a calendar day: Midnight to 3 a.m., 3 a.m. to 6 a.m., 6 a.m. to 9 a.m., 9 a.m. to noon, noon to 3 p.m., 3 p.m. to 6 p.m., 6 p.m. to 9 p.m., 9 p.m. to midnight.

(32) *Turnaround* means a planned activity involving shutdown and startup of one or several process units for the purpose of performing periodic maintenance, repair, replacement of equipment, or installation of new equipment.

(33) *Valid* means data that are obtained from a monitor or meter serving as a component of a CEMS which meets the applicable specifications, operating requirements, and quality assurance and control requirements of section 6 of ConocoPhillips', CHS Inc.'s, ExxonMobil's, and MSCC's 1998 exhibits, respectively, and this section.

(d) *CHS Inc. emission limits and compliance determining methods.*

(1) *Introduction.* The provisions for CHS Inc. cover the following units:

(i) The flare.

(ii) Combustion sources, which consist of those sources identified in the combustion sources emission limit in section 3(A)(1)(d) of CHS Inc.'s 1998 exhibit.

(2) *Flare requirements.*

(i) *Emission limit.* The total emissions of $SO_2$ from the flare shall not exceed 150.0 pounds per 3-hour period.

(ii) *Compliance determining method.* Compliance with the emission limit in paragraph (d)(2)(i) of this section shall be determined in accordance with paragraph (h) of this section.

(3) *Combustion sources.*

(i) *Restrictions.* Sour water stripper overheads (ammonia ($NH_3$) and $H_2S$ gases removed from the sour water in the sour water stripper) shall not be burned in the main crude heater. At all times, CHS Inc. shall keep a chain and lock on the valve that supplies sour water stripper overheads from the old sour water stripper to the main crude heater and shall keep such valve closed.

(ii) *Compliance determining method.* CHS Inc. shall log and report any noncompliance with the requirements of paragraph (d)(3)(i) of this section.

(4) *Data reporting requirements.*

(i) CHS Inc. shall submit quarterly reports beginning with the first calendar quarter following May 21, 2008. The quarterly reports shall be submitted within 30 days of the end of each calendar quarter. The quarterly reports shall be submitted to EPA at the following address: Air Program Contact, EPA Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626.

The quarterly report shall be certified for accuracy in writing by a responsible CHS Inc. official. The quarterly report shall consist of both a comprehensive electronic-magnetic report and a written hard copy data summary report.

(ii) The electronic report shall be on magnetic or optical media, and such submittal shall follow the reporting format of electronic data being submitted to the MDEQ. EPA may modify the reporting format delineated in this section, and, thereafter, CHS Inc. shall follow the revised format. In addition to submitting the electronic quarterly reports to EPA, CHS Inc. shall also

record, organize, and archive for at least five (5) years the same data, and upon request by EPA, CHS Inc. shall provide EPA with any data archived in accordance with this provision. The electronic report shall contain the following:

(A) Hourly average total sulfur concentrations as $H_2S$ or $SO_2$ in ppm in the gas stream to the flare;

(B) Hourly average $H_2S$ concentrations of the flare pilot and purge gases in ppm;

(C) Hourly average volumetric flow rates in SCFH of the gas stream to the flare;

(D) Hourly average volumetric flow rates in SCFH of the flare pilot and purge gases;

(E) Hourly average temperature (in °F) and pressure (in mm or inches of Hg) of the gas stream to the flare;

(F) Hourly emissions from the flare in pounds per clock hour; and

(G) Daily calibration data for all flare, pilot gas, and purge gas CEMS.

(iii) The quarterly written report shall contain the following information:

(A) The 3-hour emissions in pounds per 3-hour period from each flare;

(B) Periods in which only natural gas or an inert gas was used as flare pilot gas or purge gas or both;

(C) The results of all quarterly Cylinder Gas Audits (CGA), Relative Accuracy Audits (RAA), and annual Relative Accuracy Test Audits (RATA) for all total sulfur analyzer(s) and $H_2S$ analyzer(s), and the results of all annual calibrations and verifications for the volumetric flow, temperature, and pressure monitors;

(D) For all periods of flare volumetric flow rate monitoring system or total sulfur analyzer system downtime, flare pilot gas or purge gas volumetric flow or $H_2S$ analyzer system downtime, or failure to obtain or analyze a grab or integrated sample, the written report shall identify:

(*1*) Dates and times of downtime or failure;

(*2*) Reasons for downtime or failure;

(*3*) Corrective actions taken to mitigate downtime or failure; and

(*4*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(E) For all periods that the range of the flare or any pilot or purge gas volumetric flow rate monitor(s), any flare total sulfur analyzer(s), or any pilot or purge gas $H_2S$ analyzer(s) is exceeded, the written report shall identify:

(*1*) Date and time when the range of the volumetric flow monitor(s), total sulfur analyzer(s), or $H_2S$ analyzer(s) was exceeded; and

(*2*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(F) For all periods that the flare volumetric flow monitor or monitors are recording flow, yet any Flare Water Seal Monitoring Device indicates there is no flow, the written report shall identify:

(*1*) Date, time, and duration when the flare volumetric flow monitor(s) recorded flow, yet any Flare Water Seal Monitoring Device indicated there was no flow;

(G) For each 3-hour period in which the flare emission limit is exceeded, the written report shall identify:

(*1*) The date, start time, and end time of the excess emissions;

(*2*) Total hours of operation with excess emissions, the hourly emissions, and the 3-hour emissions;

(*3*) All information regarding reasons for operating with excess emissions; and

(*4*) Corrective actions taken to mitigate excess emissions;

(H) The date and time of any noncompliance with the requirements of paragraph (d)(3)(i) of this section; and

(I) When no excess emissions have occurred or the continuous monitoring system(s) or manual system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(e) *ConocoPhillips emission limits and compliance determining methods.*

(1) *Introduction.* The provisions for ConocoPhillips cover the following units:

(i) The main flare, which consists of two flares—the north flare and the south flare—that are operated on alternating schedules. These flares are referred to herein as the north main flare

and south main flare, or generically as the main flare.

(ii) The Jupiter Sulfur SRU flare, which is the flare at Jupiter Sulfur, ConocoPhillips' sulfur recovery unit.

(2) *Flare requirements.*

(i) *Emission limits.*

(A) Combined emissions of $SO_2$ from the main flare (which can be emitted from either the north or south main flare, but not both at the same time) shall not exceed 150.0 pounds per 3-hour period.

(B) Emissions of $SO_2$ from the Jupiter Sulfur SRU flare and the Jupiter Sulfur SRU/ATS stack (also referred to as the Jupiter Sulfur SRU stack) shall not exceed 75.0 pounds per 3-hour period, 600.0 pounds per calendar day, and 219,000 pounds per calendar year.

(ii) *Compliance determining method.*

(A) Compliance with the emission limit in paragraph (e)(2)(i)(A) of this section shall be determined in accordance with paragraph (h) of this section. In the event that a single monitoring location cannot be used for both the north and south main flare, ConocoPhillips shall monitor the flow and measure the total sulfur concentration at more than one location in order to determine compliance with the main flare emission limit. ConocoPhillips shall log and report any instances when emissions are vented from the north main flare and south main flare simultaneously.

(B) Compliance with the emission limits and requirements in paragraph (e)(2)(i)(B) of this section shall be determined by summing the emissions from the Jupiter Sulfur SRU flare and SRU/ATS stack. Emissions from the Jupiter Sulfur SRU flare shall be determined in accordance with paragraph (h) of this section and the emissions from the Jupiter Sulfur SRU/ATS stack shall be determined pursuant to ConocoPhillips' 1998 exhibit (see section 4(A) of the exhibit).

(3) *Data reporting requirements.*

(i) ConocoPhillips shall submit quarterly reports on a calendar year basis, beginning with the first calendar quarter following May 21, 2008. The quarterly reports shall be submitted within 30 days of the end of each calendar quarter. The quarterly reports shall be submitted to EPA at the following address: Air Program Contact, EPA Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626.

The quarterly report shall be certified for accuracy in writing by a responsible ConocoPhillips official. The quarterly report shall consist of both a comprehensive electronic-magnetic report and a written hard copy data summary report.

(ii) The electronic report shall be on magnetic or optical media, and such submittal shall follow the reporting format of electronic data being submitted to the MDEQ. EPA may modify the reporting format delineated in this section, and, thereafter, ConocoPhillips shall follow the revised format. In addition to submitting the electronic quarterly reports to EPA, ConocoPhillips shall also record, organize, and archive for at least five (5) years the same data, and upon request by EPA, ConocoPhillips shall provide EPA with any data archived in accordance with this provision. The electronic report shall contain the following:

(A) Hourly average total sulfur concentrations as $H_2S$ or $SO_2$ in ppm in the gas stream to the ConocoPhillips main flare and Jupiter Sulfur SRU flare;

(B) Hourly average $H_2S$ concentrations of the ConocoPhillips main flare and Jupiter Sulfur SRU flare pilot and purge gases in ppm;

(C) Hourly average volumetric flow rates in SCFH of the gas streams to the ConocoPhillips main flare and Jupiter Sulfur SRU flare;

(D) Hourly average volumetric flow rates in SCFH of the ConocoPhillips main flare and Jupiter Sulfur SRU flare pilot and purge gases;

(E) Hourly average temperature (in °F) and pressure (in mm or inches of Hg) of the gas streams to the ConocoPhillips main flare and Jupiter Sulfur SRU flare;

(F) Hourly emissions in pounds per clock hour from the ConocoPhillips main flare and Jupiter Sulfur SRU flare; and

(G) Daily calibration data for all flare, pilot gas, and purge gas CEMS.

(iii) The quarterly written report shall contain the following information:

(A) The 3-hour emissions in pounds per 3-hour period from the ConocoPhillips main flare and the sum of the combined 3-hour emissions from the Jupiter Sulfur SRU/ATS stack and Jupiter Sulfur SRU flare in pounds per 3-hour period;

(B) Periods in which only natural gas or an inert gas was used as flare pilot gas or purge gas or both;

(C) The results of all quarterly Cylinder Gas Audits (CGA), Relative Accuracy Audits (RAA), and annual Relative Accuracy Test Audits (RATA) for all total sulfur analyzer(s) and $H_2S$ analyzer(s), and the results of all annual calibrations and verifications for the volumetric flow, temperature, and pressure monitors;

(D) For all periods of flare volumetric flow rate monitoring system or total sulfur analyzer system downtime, flare pilot gas or purge gas volumetric flow or $H_2S$ analyzer system downtime, or failure to obtain or analyze a grab or integrated sample, the written report shall identify:

(*1*) Dates and times of downtime or failure;

(*2*) Reasons for downtime or failure;

(*3*) Corrective actions taken to mitigate downtime or failure; and

(*4*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(E) For all periods that the range of the flare or any pilot or purge gas volumetric flow rate monitor(s), any flare total sulfur analyzer(s), or any pilot or purge gas $H_2S$ analyzer(s) is exceeded, the written report shall identify:

(*1*) Date and time when the range of the volumetric flow monitor(s), total sulfur analyzer(s), or $H_2S$ analyzer(s) was exceeded, and

(*2*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(F) For all periods that the flare volumetric flow monitor or monitors are recording flow, yet any Flare Water Seal Monitoring Device indicates there is no flow, the written report shall identify:

(*1*) Date, time, and duration when the flare volumetric flow monitor(s) recorded flow, yet any Flare Water Seal Monitoring Device indicated there was no flow;

(G) Identification of dates, times, and duration of any instances when emissions were vented from the north and south main flares simultaneously;

(H) For each 3-hour period in which a flare emission limit is exceeded, the written report shall identify:

(*1*) The date, start time, and end time of the excess emissions;

(*2*) Total hours of operation with excess emissions, the hourly emissions, and the 3-hour emissions;

(*3*) All information regarding reasons for operating with excess emissions; and

(*4*) Corrective actions taken to mitigate excess emissions; and

(I) When no excess emissions have occurred or the continuous monitoring system(s) or manual system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(f) *ExxonMobil emission limits and compliance determining methods.*

(1) *Introduction.* The provisions for ExxonMobil cover the following units:

(i) The Primary process flare and the Turnaround flare. The Primary process flare is the flare normally used by ExxonMobil. The Turnaround flare is the flare ExxonMobil uses for about 30 to 40 days every 5 to 6 years when the facility's major $SO_2$ source, the fluid catalytic cracking unit, is not normally operating.

(ii) The following refinery fuel gas combustion units: The FCC CO Boiler, F–2 crude/vacuum heater, F–3 unit, F–3X unit, F–5 unit, F–700 unit, F–201 unit, F–202 unit, F–402 unit, F–551 unit, F–651 unit, standby boiler house (B–8 boiler), and Coker CO Boiler (only when the Yellowstone Energy Limited Partnership (YELP) facility is receiving ExxonMobil Coker unit flue gas or whenever the ExxonMobil Coker is not operating).

(iii) Coker CO Boiler stack.

(2) *Flare requirements.*

(i) *Emission limit.* The total combined emissions of $SO_2$ from the Primary process and Turnaround refinery flares shall not exceed 150.0 pounds per 3-hour period.

(ii) *Compliance determining method.* Compliance with the emission limit in

paragraph (f)(2)(i) of this section shall be determined in accordance with paragraph (h) of this section. If volumetric flow monitoring device(s) installed and concentration monitoring methods used to measure the gas stream to the Primary Process flare cannot measure the gas stream to the Turnaround flare, ExxonMobil may apply to EPA for alternative measures to determine the volumetric flow rate and total sulfur concentration of the gas stream to the Turnaround flare. Before EPA will approve such alternative measures, ExxonMobil must agree that the Turnaround flare will be used only during refinery turnarounds of limited duration and frequency—no more than 60 days once every five (5) years—which restriction shall be considered an enforceable part of this FIP. Such alternative measures may consist of reliable flow estimation parameters to estimate volumetric flow rate and manual sampling of the gas stream to the flare to determine total sulfur concentrations, or such other measures that EPA finds will provide accurate estimations of $SO_2$ emissions from the Turnaround flare.

(3) *Refinery fuel gas combustion requirements.*

(i) *Emission limits.* The applicable emission limits are contained in section 3(A)(1) of ExxonMobil's 2000 exhibit and section 3(B)(2) of ExxonMobil's 1998 exhibit.

(ii) *Compliance determining method.* For the limits referenced in paragraph (f)(3)(i) of this section, the compliance determining methods specified in section 4(B) of ExxonMobil's 1998 exhibit shall be followed except when the $H_2S$ concentration in the refinery fuel gas stream exceeds 1200 ppmv as measured by the $H_2S$ CEMS required by section 6(B)(3) of ExxonMobil's 1998 exhibit (the $H_2S$ CEMS.) When such value is exceeded, the following compliance monitoring method shall be employed:

(A) ExxonMobil shall measure the $H_2S$ concentration in the refinery fuel gas according to the procedures in paragraph (f)(3)(ii)(B) of this section and calculate the emissions according to the equations in paragraph (f)(3)(ii)(C) of this section.

(B) Within four (4) hours after the $H_2S$ CEMS measures an $H_2S$ concentration in the refinery fuel gas stream greater than 1200 ppmv, ExxonMobil shall initiate sampling of the refinery fuel gas stream at the fuel header on a once-per-hour frequency using length-of-stain detector tubes pursuant to ASTM Method D4810–06, ''Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes'' (incorporated by reference, see paragraph (j) of this section) with the appropriate sample tube range. If the results exceed the tube's range, another tube of a higher range must be used until results are in the tube's range. ExxonMobil shall continue to use the length-of-stain detector tube method at this frequency until the $H_2S$ CEMS measures an $H_2S$ concentration in the refinery fuel gas stream equal to or less than 1200 ppmv continuously over a 3-hour period.

(C) When the length-of-stain detector tube method is required, $SO_2$ emissions from refinery fuel gas combustion shall be calculated as follows: the Hourly emissions shall be calculated using equation 1, 3-hour emissions shall be calculated using equation 2, and the Daily emissions shall be calculated using equation 3.

Equation 1: $E_H = K * C_H * Q_H$

Where:

$E_H$ = Refinery fuel gas combustion hourly emissions in pounds per hour, rounded to the nearest tenth of a pound;

$K = 1.688 \times 10^{-7}$ in (pounds/standard cubic feet (SCF))/parts per million (ppm);

$C_H$ = Hourly refinery fuel gas $H_2S$ concentration in ppm determined by the length-of-stain detector tube method as required by paragraph (f)(3)(ii)(B) of this section; and

$Q_H$ = actual fuel gas firing rate in standard cubic feet per hour (SCFH), as measured by the monitor required by section 6(B)(8) of ExxonMobil's 1998 exhibit.

Equation 2: (Refinery fuel gas combustion 3-hour emissions) = Σ (Hourly emissions within the 3-hour period as determined by equation 1).

Equation 3: (Refinery fuel gas combustion daily emissions) = Σ (3-hour emissions within the day as determined by equation 2).

(4) *Coker CO Boiler stack requirements.*

(i) *Emission limits.* When ExxonMobil's Coker unit is operating and Coker unit flue gases are burned in the Coker CO Boiler, the applicable emission limits

are contained in section 3(B)(1) of ExxonMobil's 2000 exhibit.

(ii) *Compliance determining method.*

(A) Compliance with the emission limits referenced in paragraph (f)(4)(i) of this section shall be determined by measuring the $SO_2$ concentration and flow rate in the Coker CO Boiler stack according to the procedures in paragraphs (f)(4)(ii)(B) and (C) of this section and calculating emissions according to the equations in paragraph (f)(4)(ii)(D) of this section.

(B) Beginning on May 21, 2008, ExxonMobil shall operate and maintain a CEMS to measure sulfur dioxide concentrations in the Coker CO Boiler stack. Whenever ExxonMobil's Coker unit is operating and Coker unit flue gases are exhausted through the Coker CO Boiler stack, the CEMS shall be operational and shall achieve a temporal sampling resolution of at least one (1) concentration measurement per minute, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, and meet the CEMS Performance Specifications contained in section 6(C) of ExxonMobil's 1998 exhibit, except that ExxonMobil shall perform a Cylinder Gas Audit (CGA) or Relative Accuracy Audit (RAA) which meets the requirements of 40 CFR part 60, Appendix F, within eight (8) hours of when the Coker unit flue gases begin exhausting through the Coker CO Boiler stack. ExxonMobil shall perform an annual Relative Accuracy Test Audit (RATA) on the CEMS and notify EPA in writing of each annual RATA a minimum of 25 working days prior to actual testing.

(C) Beginning on May 21, 2008, ExxonMobil shall operate and maintain a continuous stack flow rate monitor to measure the stack gas flow rates in the Coker CO Boiler stack. Whenever ExxonMobil's Coker unit is operating and Coker unit flue gases are exhausted through the Coker CO Boiler stack, this CEMS shall be operational and shall achieve a temporal sampling resolution of at least one (1) flow rate measurement per minute, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, and meet the Stack Gas Flow Rate Monitor Performance Specifications of section 6(D) of ExxonMobil's 1998 exhibit, except that ExxonMobil shall perform an annual Relative Accuracy Test Audit (RATA) on the CEMS and notify EPA in writing of each annual RATA a minimum of 25 working days prior to actual testing.

(D) $SO_2$ emissions from the Coker CO Boiler stack shall be determined in accordance with the equations in sections 2(A)(1), (8), (11)(a), and (16) of ExxonMobil's 1998 exhibit.

(5) *Data reporting requirements.*

(i) ExxonMobil shall submit quarterly reports beginning with the first calendar quarter following May 21, 2008. The quarterly reports shall be submitted within 30 days of the end of each calendar quarter. The quarterly reports shall be submitted to EPA at the following address: Air Program Contact, EPA Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626.

The quarterly report shall be certified for accuracy in writing by a responsible ExxonMobil official. The quarterly report shall consist of both a comprehensive electronic-magnetic report and a written hard copy data summary report.

(ii) The electronic report shall be on magnetic or optical media, and such submittal shall follow the reporting format of electronic data being submitted to the MDEQ. EPA may modify the reporting format delineated in this section, and, thereafter, ExxonMobil shall follow the revised format. In addition to submitting the electronic quarterly reports to EPA, ExxonMobil shall also record, organize, and archive for at least five (5) years the same data, and upon request by EPA, ExxonMobil shall provide EPA with any data archived in accordance with this provision. The electronic report shall contain the following:

(A) Hourly average total sulfur concentrations as $H_2S$ or $SO_2$ in ppm in the gas stream to the flare(s);

(B) Hourly average $H_2S$ concentrations of the flare pilot and purge gases in ppm;

(C) Hourly average $SO_2$ concentrations in ppm from the Coker CO Boiler stack;

(D) Hourly average volumetric flow rates in SCFH of the flare pilot and purge gases;

(E) Hourly average volumetric flow rates in SCFH in the gas stream to the flare(s) and in the Coker CO Boiler stack;

(F) Hourly average $H_2S$ concentrations in ppm from the refinery fuel gas system;

(G) Hourly average refinery fuel gas combustion units' actual fuel firing rate in SCFH;

(H) Hourly average temperature (in °F) and pressure (in mm or inches of Hg) of the gas stream to the flare(s);

(I) Hourly emissions in pounds per clock hour from the flare(s), Coker CO Boiler stack, and refinery fuel gas combustion system; and

(J) Daily calibration data for the CEMS described in paragraphs (f)(2)(ii), (f)(3)(ii) and (f)(4)(ii) of this section.

(iii) The quarterly written report shall contain the following information:

(A) The 3-hour emissions in pounds per 3-hour period from the flare(s), Coker CO Boiler stack, and refinery fuel gas combustion system;

(B) Periods in which only natural gas or an inert gas was used as flare pilot gas or purge gas or both;

(C) Daily emissions in pounds per calendar day from the Coker CO Boiler stack and refinery fuel gas combustion system;

(D) The results of all quarterly or other Cylinder Gas Audits (CGA), Relative Accuracy Audits (RAA), and annual Relative Accuracy Test Audits (RATA) for the CEMS described in paragraphs (f)(2)(ii) (flare total sulfur analyzer(s); pilot gas or purge gas $H_2S$ analyzer(s)), (f)(3)(ii), and (f)(4)(ii) of this section, and the results of all annual calibrations and verifications for the volumetric flow, temperature, and pressure monitors;

(E) For all periods of flare volumetric flow rate monitoring system or total sulfur analyzer system downtime, Coker CO Boiler stack CEMS downtime, refinery fuel gas combustion system CEMS downtime, flare pilot gas or purge gas volumetric flow or $H_2S$ analyzer system downtime, or failure to obtain or analyze a grab or integrated sample, the written report shall identify:

(*1*) Dates and times of downtime or failure;

(*2*) Reasons for downtime or failure;

(*3*) Corrective actions taken to mitigate downtime or failure; and

(*4*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(F) For all periods that the range of the flare or any pilot or purge gas volumetric flow rate monitor(s), any flare total sulfur analyzer(s), or any pilot or purge gas $H_2S$ analyzer(s) is exceeded, the written report shall identify:

(*1*) Date and time when the range of the volumetric flow monitor(s), total sulfur analyzer(s), or $H_2S$ analyzer(s) was exceeded, and

(*2*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(G) For all periods that the range of the refinery fuel gas CEMS is exceeded, the written report shall identify:

(*1*) Date, time, and duration when the range of the refinery fuel gas CEMS was exceeded;

(H) For all periods that the flare volumetric flow monitor or monitors are recording flow, yet any Flare Water Seal Monitoring Device indicates there is no flow, the written report shall identify:

(*1*) Date, time, and duration when the flare volumetric flow monitor(s) recorded flow, yet any Flare Water Seal Monitoring Device indicated there was no flow;

(I) For each 3-hour period and calendar day in which the flare emission limits, the Coker CO Boiler stack emission limits, or the fuel gas combustion system emission limits are exceeded, the written report shall identify:

(*1*) The date, start time, and end time of the excess emissions;

(*2*) Total hours of operation with excess emissions, the hourly emissions, the 3-hour emissions, and the daily emissions;

(*3*) All information regarding reasons for operating with excess emissions; and

(*4*) Corrective actions taken to mitigate excess emissions; and

(J) When no excess emissions have occurred or the continuous monitoring system(s) or manual system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(g) *Montana Sulphur & Chemical Company (MSCC) emission limits and compliance determining methods.*

(1) *Introduction.* The provisions for MSCC cover the following units:

(i) The flares, which consist of the 80-foot west flare, 125-foot east flare, and 100-meter flare.

(ii) The SRU 100-meter stack.

(iii) The auxiliary vent stacks and the units that can exhaust through the auxiliary vent stacks, which consist of the Railroad Boiler, the H–1 Unit, the H1–A unit, the H1–1 unit and the H1–2 unit.

(iv) The SRU 30-meter stack and the units that can exhaust through the SRU 30-meter stack. The units that can exhaust through the SRU 30-meter stack are identified in section 3(A)(2)(d) and (e) of MSCC's 1998 exhibit.

(2) *Flare requirements.*

(i) *Emission limit.* Total combined emissions of $SO_2$ from the 80-foot west flare, 125-foot east flare, and 100-meter flare shall not exceed 150.0 pounds per 3-hour period.

(ii) *Compliance determining method.* Compliance with the emission limit in paragraph (g)(2)(i) of this section shall be determined in accordance with paragraph (h) of this section. In the event MSCC cannot monitor all three flares from a single location, MSCC shall establish multiple monitoring locations.

(3) *SRU 100-meter stack requirements.*

(i) *Emission limits.* Emissions of $SO_2$ from the SRU 100-meter stack shall not exceed:

(A) 2,981.7 pounds per 3-hour period;

(B) 23,853.6 pounds per calendar day; and

(C) 9,088,000 pounds per calendar year.

(ii) *Compliance determining method.*

(A) Compliance with the emission limits contained in paragraph (g)(3)(i) of this section shall be determined by the CEMS and emission testing methods required by sections 6(B)(1) and (2) and section 5, respectively, of MSCC's 1998 exhibit.

(B) MSCC shall notify EPA in writing of each annual source test a minimum of 25 working days prior to actual testing.

(C) The CEMS referenced in paragraph (g)(3)(ii)(A) of this section shall achieve a temporal sampling resolution of at least one (1) concentration and flow rate measurement per minute, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, and meet the ''CEM Performance Specifications'' in sections 6(C) and (D) of MSCC's 1998 exhibit, except that MSCC shall also notify EPA in writing of each annual Relative Accuracy Test Audit at least 25 working days prior to actual testing.

(4) *Auxiliary vent stacks.*

(i) *Emission limits.*

(A) Total combined emissions of $SO_2$ from the auxiliary vent stacks shall not exceed 12.0 pounds per 3-hour period;

(B) Total combined emissions of $SO_2$ from the auxiliary vent stacks shall not exceed 96.0 pounds per calendar day;

(C) Total combined emissions of $SO_2$ from the auxiliary vent stacks shall not exceed 35,040 pounds per calendar year; and

(D) The $H_2S$ concentration in the fuel burned in the Railroad Boiler, the H–1 Unit, the H1–A unit, the H1–1 unit, and the H1–2 unit, while any of these units is exhausting to the auxiliary vent stacks, shall not exceed 160 ppm per 3-hour period and 100 ppm per calendar day.

(ii) *Compliance determining method.*

(A) Compliance with the emission limits in paragraph (g)(4)(i) of this section shall be determined by measuring the $H_2S$ concentration of the fuel burned in the Railroad Boiler, the H–1 Unit, the H1–A unit, the H1–1 unit, and the H1–2 unit (when fuel other than natural gas is burned in one or more of these units) according to the procedures in paragraph (g)(4)(ii)(C) of this section.

(B) Beginning June 20, 2008, MSCC shall maintain logs of:

(*1*) The dates and time periods that emissions are exhausted through the auxiliary vent stacks,

(*2*) The heaters and boilers that are exhausting to the auxiliary vent stacks during such time periods, and

(*3*) The type of fuel burned in the heaters and boilers during such time periods.

(C) Beginning June 20, 2008, MSCC shall measure the $H_2S$ content of the fuel burned when fuel other than natural gas is burned in a heater or boiler that is exhausting to an auxiliary vent stack. MSCC shall begin measuring the $H_2S$ content of the fuel at the fuel header within one (1) hour from when a heater or boiler begins exhausting to an auxiliary vent stack and on a once-per-3-hour period frequency until no heater or boiler is exhausting to an auxiliary vent stack. To determine the $H_2S$ content of the fuel burned, MSCC shall use length-of-stain detector tubes pursuant to ASTM Method D4810–06, ''Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes'' (incorporated by reference, see paragraph (j) of this section) with the appropriate sample tube range. If the results exceed the tube's range, another tube of a higher range must be used until results are in the tube's range.

(5) *SRU 30-meter stack.*

(i) *Emission limits.*

(A) Emissions of $SO_2$ from the SRU 30-meter stack shall not exceed 12.0 pounds per 3-hour period;

(B) Emissions of $SO_2$ from the SRU 30-meter stack shall not exceed 96.0 pounds per calendar day;

(C) Emissions of $SO_2$ from the SRU 30-meter stack shall not exceed 35,040 pounds per calendar year; and

(D) The $H_2S$ concentration in the fuel burned in the heaters and boilers described in paragraph (g)(1)(iv) of this section, while any of these units is exhausting to the SRU 30-meter stack, shall not exceed 160 ppm per 3-hour period and 100 ppm per calendar day.

(ii) *Compliance determining method.*

(A) Compliance with the emission limits in paragraph (g)(5)(i) of this section shall be determined by measuring the $H_2S$ concentration of the fuel burned in the heaters and boilers described in paragraph (g)(1)(iv) of this section (when fuel other than natural gas is burned in one or more of these heaters or boilers) according to the procedures in paragraph (g)(5)(ii)(C) of this section.

(B) Beginning June 20, 2008, MSCC shall maintain logs of:

(*1*) The dates and time periods that emissions are exhausted through the SRU 30-meter stack,

(*2*) The heaters and boilers that are exhausting to the SRU 30-meter stack during such time periods, and

(*3*) The type of fuel burned in the heaters and boilers during such time periods.

(C) Beginning June 20, 2008, MSCC shall measure the $H_2S$ content of the fuel burned when fuel other than natural gas is burned in a heater or boiler that is exhausting to the SRU 30-meter stack. MSCC shall begin measuring the $H_2S$ content of the fuel at the fuel header within one (1) hour from when any heater or boiler begins exhausting to the SRU 30-meter stack and on a once-per-3-hour period frequency until no heater or boiler is exhausting to the SRU 30-meter stack. To determine the $H_2S$ content of the fuel burned, MSCC shall use length-of-stain detector tubes pursuant to ASTM Method D4810–06, ''Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes'' (incorporated by reference, see paragraph (j) of this section) with the appropriate sample tube range. If the results exceed the tube's range, another tube of a higher range must be used until results are in the tube's range.

(6) Data reporting requirements:

(i) MSCC shall submit quarterly reports beginning with the first calendar quarter following May 21, 2008. The quarterly reports shall be submitted within 30 days of the end of each calendar quarter. The quarterly reports shall be submitted to EPA at the following address: Air Program Contact, EPA Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626.

The quarterly report shall be certified for accuracy in writing by a responsible MSCC official. The quarterly report shall consist of both a comprehensive electronic-magnetic report and a written hard copy data summary report.

(ii) The electronic report shall be on magnetic or optical media, and such

submittal shall follow the reporting format of electronic data being submitted to the MDEQ. EPA may modify the reporting format delineated in this section, and, thereafter, MSCC shall follow the revised format. In addition to submitting the electronic quarterly reports to EPA, MSCC shall also record, organize, and archive for at least five (5) years the same data, and upon request by EPA, MSCC shall provide EPA with any data archived in accordance with this provision. The electronic report shall contain the following:

(A) Hourly average total sulfur concentrations as $H_2S$ or $SO_2$ in ppm, in the gas stream to the flare(s);

(B) Hourly average $H_2S$ concentrations of the flare pilot and purge gases in ppm;

(C) Hourly average $SO_2$ concentrations in ppm from the SRU 100-meter stack;

(D) Hourly average volumetric flow rates in SCFH in the gas stream to the flare(s) and in the SRU 100-meter stack;

(E) Hourly average volumetric flow rates in SCFH of the flare pilot and purge gases;

(F) Hourly average temperature (in (F) and pressure (in mm or inches of Hg) in the gas stream to the flare(s);

(G) Hourly emissions in pounds per clock hour from the flare(s) and SRU 100-meter stack;

(H) Daily calibration data for all flare CEMS, all pilot gas and purge gas CEMS, and the SRU 100-meter stack CEMS;

(iii) The quarterly written report shall contain the following information:

(A) The 3-hour emissions in pounds per 3-hour period from the flare(s) and SRU 100-meter stack, and 3-hour $H_2S$ concentrations in the fuel burned in the heaters and boilers described in paragraphs (g)(1)(iii) and (iv) of this section while any of these units is exhausting to the SRU 30-meter stack or auxiliary vent stacks and burning fuel other than natural gas;

(B) Periods in which only natural gas or an inert gas was used as flare pilot gas or purge gas or both;

(C) Daily emissions in pounds per calendar day from the SRU 100-meter stack;

(D) Annual emissions of $SO_2$ in pounds per calendar year from the SRU 100-meter stack;

(E) The results of all quarterly Cylinder Gas Audits (CGA), Relative Accuracy Audits (RAA) and annual Relative Accuracy Test Audits (RATA) for all total sulfur analyzer(s), all $H_2S$ analyzer(s), and the SRU 100-meter stack CEMS, and the results of all annual calibrations and verifications for the volumetric flow, temperature, and pressure monitors;

(F) For all periods of flare volumetric flow rate monitoring system or total sulfur analyzer system downtime, SRU 100-meter CEMS downtime, flare pilot gas or purge gas volumetric flow or $H_2S$ analyzer system downtime, failure to obtain or analyze a grab or integrated sample, or failure to obtain an $H_2S$ concentration sample as required by paragraphs (g)(4)(ii)(C) and (g)(5)(ii)(C) of this section, the written report shall identify:

(*1*) Dates and times of downtime or failure;

(*2*) Reasons for downtime or failure;

(*3*) Corrective actions taken to mitigate downtime or failure; and

(*4*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(G) For all periods that the range of the flare or any pilot or purge gas volumetric flow rate monitor(s), any flare total sulfur analyzer(s), or any pilot or purge gas $H_2S$ analyzer(s), is exceeded, the written report shall identify:

(*1*) Date and time when the range of the volumetric flow monitor(s), total sulfur analyzer(s), or $H_2S$ analyzer(s) was exceeded; and

(*2*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(H) For all periods that the flare volumetric flow monitor or monitors are recording flow, yet any Flare Water Seal Monitoring Device indicates there is no flow, the written report shall identify:

(*1*) Date, time, and duration when the flare volumetric flow monitor(s) recorded flow, yet any Flare Water Seal Monitoring Device indicated there was no flow;

(I) For each 3-hour period and calendar day in which the flare emission limit, the SRU 100-meter stack emission limits, the SRU 30-meter stack emission limits, or auxiliary vent stack emission limits are exceeded, the written report shall identify:

(1) The date, start time, and end time of the excess emissions;

(*2*) Total hours of operation with excess emissions, the hourly emissions, the 3-hour emissions, and the daily emissions;

(*3*) All information regarding reasons for operating with excess emissions; and

(*4*) Corrective actions taken to mitigate excess emissions;

(J) For instances in which emissions are exhausted through the auxiliary vent stacks or 30-meter stack, the quarterly written report shall identify:

(*1*) The dates and time periods that emissions were exhausted through the auxiliary vent stacks or the 30-meter stack;

(*2*) The heaters and boilers that were exhausting to the auxiliary vent stacks or 30-meter stack during such time periods; and

(*3*) The type of fuel burned in the heaters and boilers during such time periods; and

(K) When no excess emissions have occurred or the continuous monitoring system(s) or manual system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(h) *Flare compliance determining method.*

(1) Compliance with the emission limits in paragraphs (d)(2)(i), (e)(2)(i), (f)(2)(i) and (g)(2)(i) of this section shall be determined by measuring the total sulfur concentration and volumetric flow rate of the gas stream to the flare(s) (corrected to one (1) atmosphere pressure and 68 °F) and using the methods contained in the flare monitoring plan required by paragraph (h)(5) of this section. The volumetric flow rate of the gas stream to the flare(s) shall be determined in accordance with the requirements in paragraph (h)(2) of this section and the total sulfur concentration of the gas stream to the flare(s) shall be determined in accordance with paragraph (h)(3) of this section.

(2) *Flare flow monitoring:*

(i) Within 365 days after receiving EPA approval of the flare monitoring plan required by paragraph (h)(5) of this section, each facility named in paragraph (a) of this section shall install and calibrate, and, thereafter, calibrate, maintain and operate, a continuous flow monitoring system capable of measuring the volumetric flow of the gas stream to the flare(s) in accordance with the specifications contained in paragraphs (h)(2)(iii) through (vi) of this section. The flow monitoring system shall require more than one flow monitoring device or flow measurements at more than one location if one monitor cannot measure the total volumetric flow to each flare.

(ii) Volumetric flow monitors meeting the proposed volumetric flow monitoring specifications below should be able to measure the majority of volumetric flow in the gas streams to the flare. However, in rare events (e.g., upset conditions) the flow to the flare may exceed the range of the monitor. In such cases, or when the volumetric flow monitor or monitors are not working, other methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section shall be used to determine the volumetric flow rate to the flare, which shall then be used to calculate $SO_2$ emissions. In quarterly reports, sources shall indicate when these other methods are used.

(iii) The flare gas stream volumetric flow rate shall be measured on an actual wet basis, converted to Standard Conditions, and reported in SCFH. The minimum detectable velocity of the flow monitoring device(s) shall be 0.1 feet per second (fps). The flow monitoring device(s) shall continuously measure the range of flow rates corresponding to velocities from 0.5 to 275 fps and have a manufacturer's specified accuracy of ±5% of the measured flow over the range of 1.0 to 275 fps and ±20% of the measured flow over the range of

0.1 to 1.0 fps. The volumetric flow monitor(s) shall feature automated daily calibrations at low and high ranges. The volumetric flow monitor(s) shall be calibrated annually according to manufacturer's specifications.

(iv) For correcting flow rate to standard conditions (defined as 68 °F and 760 mm, or 29.92 inches, of Hg), temperature and pressure shall be monitored continuously. Temperature and pressure shall be monitored in the same location as volumetric flow, and the temperature and pressure monitors shall be calibrated prior to installation according to manufacturer's specifications and, thereafter, annually to meet accuracy specifications as follows: The temperature monitor shall be calibrated to within ± 2.0% at absolute temperature and the pressure monitor shall be calibrated to within ± 5.0 mmHg;

(v) The flow monitoring device(s) shall be calibrated prior to installation to demonstrate accuracy of the measured flow to within 5.0% at flow rates equivalent to 30%, 60%, and 90% of monitor full scale.

(vi) Each volumetric flow device shall achieve a temporal sampling resolution of at least one (1) flow rate measurement per minute, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, and be installed in a manner and at a location that will allow for accurate measurements of the total volume of the gas stream going to each flare. Each temperature and pressure monitoring device shall achieve a temporal sampling resolution of at least one (1) measurement per minute, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, and be installed in a manner that will allow for accurate measurements.

(vii) In addition to the continuous flow monitors, facilities may use flare water seal monitoring devices to determine whether there is flow going to the flare. If used, owners or operators shall install, calibrate, operate, and maintain these devices according to manufacturer's specifications. The devices shall include a continuous monitoring system that:

(A) Monitors the status of the water seal to indicate when flow is going to the flare;

(B) Automatically records the time and duration when flow is going to the flare; and

(C) Verifies that the physical seal has been restored after flow has been sent to the flare.

If the water seal monitoring devices indicate that there is no flow going to the flare, yet the continuous flow monitor is indicating flow, the presumption will be that no flow is going to the flare.

(viii) Each facility named in paragraph (a) of this section, that does not certify that only natural gas or an inert gas is used for both the pilot gas and purge gas, shall determine the volumetric flow of each pilot gas and purge gas stream for which natural gas or inert gas is not used by one of the following methods:

(A) Measure the volumetric flow of the gas using continuous flow monitoring devices on an actual wet basis, converted to Standard Conditions, and reported in SCFH. Each flow monitoring device shall achieve a temporal sampling resolution of at least one (1) flow rate measurement per minute, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, and be installed in a manner and at a location that will allow for accurate measurements of the total volume of the gas. Gas flow rate monitor accuracy determinations shall be required at least once every 48 months or more frequently at routine refinery turnaround. In cases when the flow monitoring device or devices are not working or the range of the monitoring device(s) is exceeded, other methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section shall be used to determine volumetric flow of the gas which shall then be used to calculate $SO_2$ emissions. In quarterly reports, sources shall indicate when other methods are used; or

(B) Use parameters and methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section to calculate the volumetric flows of the gas, in SCFH.

(3) *Flare concentration monitoring:*

(i) Within 365 days after receiving EPA approval of the flare monitoring plan required by paragraph (h)(5) of this section, each facility named in paragraph (a) of this section shall determine the total sulfur concentration of the gas stream to the flare(s) using either continuous total sulfur analyzers or grab or integrated sampling with lab analysis, as described in the following paragraphs:

(A) Continuous total sulfur concentration monitoring. If a facility chooses to use continuous total sulfur concentration monitoring, the following requirements apply:

(*1*) The facility shall install and calibrate, and, thereafter, calibrate, maintain and operate, a continuous total sulfur concentration monitoring system capable of measuring the total sulfur concentration of the gas stream to each flare. Continuous monitoring shall occur at a location or locations that are representative of the gas combusted in the flare and be capable of measuring the normally expected range of total sulfur in the gas stream to the flare. The concentration monitoring system shall require more than one concentration monitoring device or concentration measurements at more than one location if one monitor cannot measure the total sulfur concentration to each flare. Total sulfur concentration shall be reported as $H_2S$ or $SO_2$ in ppm. In cases when the total sulfur analyzer or analyzers are not working or the concentration of the total sulfur exceeds the range of the analyzer(s), other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, shall be used to determine total sulfur concentrations, which shall then be used to calculate $SO_2$ emissions. In quarterly reports, sources shall indicate when these other methods are used.

(*2*) The total sulfur analyzer(s) shall achieve a temporal sampling resolution of at least one (1) concentration measurement per 15 minutes, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, be installed, certified (on a concentration basis), and operated in accordance with 40 CFR part 60, Appendix B, Performance Specification 5, and be subject to and meet the quality assurance and quality control requirements (on a concentration basis) of 40 CFR part 60, Appendix F.

(*3*) Each affected facility named in paragraph (a) of this section shall notify the Air Program Contact at EPA's Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626, in writing of each Relative Accuracy Test Audit a minimum of 25 working days prior to the actual testing.

(B) Grab or integrated total sulfur concentration monitoring: If a facility chooses grab or integrated sampling instead of continuous total sulfur concentration monitoring, the facility shall comply with the methods specified in either paragraph (h)(3)(i)(B)(*1*) (''Grab Sampling'') or (h)(3)(B)(i)(B)(*2*) (''Integrated Sampling''), and the requirements of paragraphs (h)(3)(i)(B)(*3*) (''Sample Analysis''), (h)(3)(i)(B)(*4*) (''Exemptions''), and (h)(3)(i)(B)(*5*) (''Missing or Unanalyzed Sample'') of this section, as follows:

(*1*) Grab Sampling. Each facility that chooses to use grab sampling shall meet the following requirements: if the flow rate of the gas stream to the flare in any consecutive 15-minute period continuously exceeds 0.5 feet per second (fps) and the water seal monitoring device, if any, indicates that flow is going to the flare, a grab sample shall be collected within 15 minutes. The grab sample shall be collected at a location that is representative of the gas combusted in the flare. Thereafter, the sampling frequency shall be one (1) grab sample every three (3) hours, which shall continue until the velocity of the gas stream going to the flare in any consecutive 15-minute period is continuously 0.5 fps or less. Samples shall be analyzed according to paragraph (h)(3)(i)(B)(*3*) of this section. The requirements of this paragraph (h)(3)(i)(B)(*1*) shall apply to each flare at a facility for which the sampling threshold is exceeded.

(*2*) Integrated Sampling. Each facility that chooses to use integrated sampling shall meet the following requirements: if the flow rate of the gas stream to the flare in any consecutive 15-minute period continuously exceeds

0.5 feet per second (fps) and the water seal monitoring device, if any, indicates that flow is going to the flare, a sample shall be collected within 15 minutes. The sample shall be collected at a location that is representative of the gas combusted in the flare. The sampling frequency, thereafter, shall be a minimum of one (1) aliquot for each 15-minute period until the sample container is full, or until the end of a 3-hour period is reached, whichever comes sooner. Within 30 minutes thereafter, a new sample container shall be placed in service, and sampling on this frequency, and in this manner, shall continue until the velocity of the gas stream going to the flare in any consecutive 15-minute period is continuously 0.5 fps or less. Samples shall be analyzed according to paragraph (h)(3)(i)(B)(*3*) of this section. The requirements of this paragraph (h)(3)(i)(B)(*2*) shall apply to each flare at a facility for which the sampling threshold is exceeded.

(*3*) Samples shall be analyzed using ASTM Method D4468–85 (Reapproved 2000) ''Standard Test Method for Total Sulfur in Gaseous Fuels by Hydrogenolysis and Rateometric Colorimetry,'' (incorporated by reference, see paragraph (j) of this section) ASTM Method D5504–01 (Reapproved 2006) ''Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Chemiluminescence,'' (incorporated by reference, see paragraph (j) of this section) or 40 CFR part 60, Appendix A–5, Method 15A ''Determination of Total Reduced Sulfur Emissions From the Sulfur Recovery Plants in Petroleum Refineries.'' Total sulfur concentration shall be reported as $H_2S$ or $SO_2$ in ppm.

(*4*) Exemptions. For facilities using a sampling method specified in either paragraph (h)(3)(i)(B)(*1*) (''Grab Sampling'') or (h)(3)(i)(B)(*2*) (''Integrated Sampling'') of this section, obtaining a sample is not required if flaring is a result of a catastrophic or other unusual event, including a major fire or an explosion at the facility, such that collecting a sample at the EPA-approved location during the relevant period is infeasible or constitutes a safety hazard, provided that the owner or operator shall collect a sample at an alternative location if feasible, safe, and representative of the flaring event. The owner or operator shall demonstrate to EPA that it was infeasible or unsafe to collect a sample or to collect a sample at the sampling location approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section. The owner or operator shall also demonstrate to EPA that any sample collected at an alternative location is representative of the flaring incident. If a facility experiences ongoing difficulties collecting grab or integrated samples in accordance with its flare monitoring plan approved by EPA pursuant to paragraph (h)(5) of this section, EPA may require the facility to revise its flare monitoring plan and use continuous total sulfur concentration monitoring as described in paragraph (h)(3)(i)(A) of this section or other reliable method to determine total sulfur concentrations of the gas stream to the flare.

(*5*) Missing or Unanalyzed Samples. For facilities using a sampling method specified in either paragraph (h)(3)(i)(B)(*1*) (''Grab Sampling'') or (h)(3)(i)(B)(*2*) (''Integrated Sampling'') of this section, if a required sample is not obtained or analyzed for any reason, other methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section shall be used to determine total sulfur concentrations, which shall then be used to calculate $SO_2$ emissions. In quarterly reports, sources shall indicate when these other methods are used.

(*6*) Reporting. For facilities using a sampling method specified in either paragraph (h)(3)(i)(B)(*1*) (''Grab Sampling'') or (h)(3)(i)(B)(*2*) (''Integrated Sampling'') of this section, since normally only one (1) sample per flare will be analyzed for a 3-hour period, the total sulfur concentration of a sample obtained during a given 3-hour period shall be substituted for each hour of such 3-hour period. If integrated sampling for a flare produces more than one (1) sample container during a 3-hour period, and the gas in each container is analyzed separately, the concentrations for the containers shall be averaged. For that flare, the resulting average shall be substituted for each

hour of the 3-hour period during which the sampling occurred. The substituted hourly total sulfur concentrations determined per this paragraph shall be used to determine hourly emissions from the flare.

(ii) Each facility named in paragraph (a) of this section that does not certify that only natural gas or an inert gas is used for both the pilot gas and purge gas shall determine the $H_2S$ concentration of each pilot gas and purge gas stream for which natural gas or inert gas is not used by one of the following methods:

(A) Measure the $H_2S$ concentration of the gas by continuous $H_2S$ analyzer. The $H_2S$ concentration analyzer(s) shall achieve a temporal sampling resolution of at least one (1) concentration measurement per three (3) minutes, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, be installed, certified (on a concentration basis), and operated in accordance with 40 CFR part 60, Appendix B, Performance Specification 2, and be subject to and meet the quality assurance and quality control requirements (on a concentration basis) of 40 CFR part 60, Appendix F. In cases where the $H_2S$ analyzer or analyzers are not working or the $H_2S$ concentration exceeds the range of the analyzer(s), other methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section shall be used to determine the $H_2S$ concentration of the gas, which shall then be used to calculate $SO_2$ emissions. In quarterly reports, sources shall indicate when other methods are used; or

(B) Use methods approved by EPA as part of the facility's flare monitoring plan required by paragraph (h)(5) of this section to estimate the $H_2S$ concentration of the gas.

(4) *Calculation of $SO_2$ emissions from flares*. Methods for calculating hourly and 3-hour $SO_2$ emissions from flares shall be submitted to EPA as part of the flare monitoring plan required by paragraph (h)(5) of this section. Following approval by EPA, such methods shall be followed for calculating hourly and 3-hour $SO_2$ emissions from a facility's flare(s).

(5) By October 20, 2008, each facility named in paragraph (a) of this section shall submit a flare monitoring plan. Each flare monitoring plan shall include, at a minimum, the following:

(i) A facility plot plan showing the location of each flare in relation to the general plant layout;

(ii) Drawing(s) with dimensions, preferably to scale, and an as-built process flow diagram of the flare(s) identifying major components, such as flare header, flare stack, flare tip(s) or burner(s), purge gas system, pilot gas system, water seal, knockout drum, and molecular seal;

(iii) A representative flow diagram showing the interconnections of the flare system(s) with vapor recovery system(s), process units, and other equipment as applicable;

(iv) A complete description of the gas flaring process for an integrated gas flaring system that describes the method of operation of the flares;

(v) A complete description of the vapor recovery system(s) which have interconnection to a flare, such as compressor description(s); design capacities of each compressor and the vapor recovery system; and the method currently used to determine and record the amount of vapors recovered;

(vi) A complete description of the proposed method to monitor, determine, and record the total volume and total sulfur concentration of gases combusted in the flare, including drawing(s) with dimensions, preferably to scale, showing the following information for the proposed flare gas stream monitoring systems:

(A) The locations to be used for all monitoring and sampling, including, but not limited to: Flare flow monitors, total sulfur analyzers, concentration integrated sampling, concentration grab sampling, water seal monitoring devices, pilot and purge gas flow monitors, and pilot and purge gas concentration monitors;

(vii) A description of the method(s) used to determine, and reasoning behind, all monitoring and sampling locations;

(viii) The following information regarding pilot gas and purge gas for each flare:

(A) Type(s) of gas used;

(B) A complete description of the monitor(s) to be used, or the other parameters that will be used and monitored, to determine volumetric flows of the pilot gas and purge gas streams for which natural gas or inert gas is not used; and

(C) A complete description of the analyzer(s) to be used to determine, or other methods that will be used to estimate, the $H_2S$ concentrations in the pilot gas and purge gas streams for which natural gas or inert gas is not used;

(ix) A detailed description of manufacturer's specifications, including, but not limited to, make, model, type, range, precision, accuracy, calibration, maintenance, quality assurance procedure, and any other relevant specifications and information referenced in paragraphs (h)(2) and (3) of this section for all existing and proposed flow monitoring devices and total sulfur analyzers;

(x) The following information if grab or integrated sampling is used:

(A) A complete description of proposed analytical and sampling methods if grab or integrated sampling methods will be used for determining the total sulfur concentration of the gas stream going to the flare;

(B) A detailed description of manufacturer's specifications, including, but not limited to, make, model, type, maintenance, and quality assurance procedures for the integrated sampling device, if used; and

(C) A complete description of the proposed method to alert personnel designated to collect samples that the trigger for collecting a sample has occurred;

(xi) A complete description of the methods to be used to estimate flare emissions when any flare, pilot gas, or purge gas volumetric flow monitoring devices, total sulfur analyzers, or grab or integrated sampling methods, or pilot gas or purge gas $H_2S$ analyzers are not working or available, or the operating range of the monitors or analyzers is exceeded;

(xii) A complete description of the proposed data recording, collection, and management system and any other relevant specifications and information referenced in paragraphs (h)(2) and (3) of this section for each flare monitoring system;

(xiii) The following information for each flare using a water seal monitoring device:

(A) A detailed description of manufacturer's specifications, including, but not limited to, make, model, type, maintenance, and quality assurance procedures;

(B) A complete description of the proposed methods to determine that the water seal is no longer intact and flow is going to the flare, and the data used to establish, and reasoning behind, these methods;

(xiv) A schedule for the installation and operation of each flare monitoring system consistent with the deadline in paragraphs (h)(2) and (h)(3) of this section; and

(xv) A complete description of the methods to be used for calculating hourly and 3-hour $SO_2$ emissions from flares.

(6) Thirty (30) days prior to installing any continuous monitor or integrated sampler pursuant to paragraphs (h)(2) and (3) of this section, each facility named in paragraph (a) of this section shall submit for EPA review a quality assurance/quality control (QA/QC) plan for each monitor or sampler being installed.

(i) *Affirmative defense provisions for exceedances of flare emission limits during malfunctions, startups, and shutdowns.*

(1) In response to an action to enforce the emission limits in paragraphs (d)(2)(i), (e)(2)(i), (f)(2)(i), and (g)(2)(i) of this section, owners and/or operators of the facilities named in paragraph (a) of this section may assert an affirmative defense to a claim for civil penalties for exceedances of such limits during periods of malfunction, startup, or shutdown. To establish the affirmative defense and to be relieved of a civil penalty in any action to enforce such a limit, the owner or operator of the facility must meet the notification requirements of paragraph (i)(2) of this section in a timely manner and prove by a preponderance of evidence that:

(i) For claims of malfunction:

(A) The excess emissions were caused by a sudden, unavoidable breakdown of equipment, or a sudden, unavoidable failure of a process to operate in the

normal or usual manner, beyond the control of the owner or operator;

(B) The excess emissions:

(*1*) Did not stem from any activity or event that could have been foreseen and avoided, or planned for; and

(*2*) Could not have been avoided by better operation and maintenance practices;

(C) Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded. Off-shift and overtime labor were used, to the extent practicable;

(D) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;

(ii) For claims of startup or shutdown:

(A) All or a portion of the facility was in startup or shutdown mode, resulting in the need to route gases to the flare;

(B) The periods of excess emissions that occurred during startup and shutdown were short and infrequent and could not have been prevented through careful planning and design or better operation and maintenance practices; and

(C) The frequency and duration of operation in startup or shutdown mode were minimized to the maximum extent practicable;

(iii) For claims of malfunction, startup, or shutdown:

(A) If the excess emissions resulted from a bypass of control equipment or a process, then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality;

(C) All emissions monitoring systems were kept in operation if at all possible;

(D) The owner or operator's actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs;

(E) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;

(F) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions; and

(G) During the period of excess emissions, there were no exceedances of the $SO_2$ NAAQS that could be attributed to the emitting source.

(2) Notification. The owner or operator of the facility experiencing an exceedance of its flare emission limit(s) during startup, shutdown, or malfunction shall notify EPA verbally as soon as possible, but no later than noon of EPA's next working day, and shall submit written notification to EPA within 30 days of the initial occurrence of the exceedance. The written notification shall explain whether and how the elements set forth in paragraph (i)(1) of this section were met, and include all supporting documentation.

(3) Injunctive relief. The Affirmative Defense Provisions contained in paragraph (i)(1) of this section shall not be available to claims for injunctive relief.

(j) *Incorporation by reference*. (1) The materials listed in this paragraph are incorporated by reference in the corresponding paragraphs noted. These incorporations by reference are approved by the Director of the 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 the approval, and notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the National Archives and Records Administration (NARA) and at the Air Program, EPA, Region 8, 1595 Wynkoop Street, Denver, CO. 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*.

(2) The following materials are available for purchase from the following address: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959, *www.astm.org*, or by calling (610) 832–9585.

(i) ASTM Method D4468–85 (Reapproved 2000), Standard Test Method for Total Sulfur in Gaseous Fuels by Hydrogenolysis and Rateometric Colorimetry, IBR approved for paragraph (h)(3)(i)(B)(*3*) of this section.

(ii) ASTM Method D4810–06, Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes, IBR approved for paragraphs (f)(3)(ii)(B), (g)(4)(ii)(C), and (g)(5)(ii)(C) of this section.

(ii) ASTM Method D5504–01 (Reapproved 2006), Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography IBR approved for paragraph (h)(3)(i)(B)(*3*) of this section.

[73 FR 21454, Apr. 21, 2008]

### § 52.1393 Interstate Transport Declaration for the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

The State of Montana added the Interstate Transport Rule Declaration to the State SIP, State of Montana Air Quality Control Implementation Plan, Volume I, Chapter 9, to satisfy the requirements of Clean Air Act Section 110(a)(2)(D)(i) for the 8-hour ozone and $PM_{2.5}$ NAAQS promulgated in July 1997. The Montana Interstate Transport Rule Declaration, adopted and effective on the same date of February 12, 2007, was submitted to EPA on April 16, 2007. The April 16, 2007 Governor's letter included as an attachment a set of dated replacement pages for the Montana Interstate Transport Rule Declaration. The new set of pages were sent as replacement for the set of undated pages submitted earlier with the February 12, 2007 Record of Adoption package. In a May 10, 2007 e-mail to Domenico Mastrangelo, EPA, Debra Wolfe, of the Montana Department of Environmental Quality, confirmed February 12, 2007 as the adoption/effective date for the Montana Interstate Transport Rule Declaration.

[73 FR 10154, Feb. 26, 2008]

## Subpart CC—Nebraska

### § 52.1420 Identification of Plan.

(a) *Purpose and scope.* This section sets forth the applicable SIP for Nebraska 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 July 1, 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) and (d) of this section with EPA approval dates after July 1, 2009, 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 July 1, 2009.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; at the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (913) 551–7659; for material from a docket in EPA Headquarters Library, please call the Office of Air and Radiation Docket 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/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA-approved regulations.*

EPA-APPROVED NEBRASKA REGULATIONS

| Nebraska citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| | **STATE OF NEBRASKA Department of Environmental Quality** | | | |
| | **Title 129—Nebraska Air Quality Regulations** | | | |
| 129–1 | Definitions | 1/9/2011 | 3/22/2011, 76 FR 15852. | |
| 129–2 | Definition of Major Source | 3/14/2006 | 3/22/2011, 76 FR 15852. | |
| 129–3 | Region and Subregions | 6/26/94 | 1/4/95, 60 FR 372. | |
| 129–4 | Ambient Air Quality Standards | 4/1/02<br>7/10/02 | 7/8/03, 68 FR 40528. | |
| 129–5 | Operating Permit | 11/20/02 | 9/5/03, 68 FR 52691 | Section 001.02 is not SIP approved. |
| 129–6 | Emissions Reporting | 11/20/02 | 9/5/03, 68 FR 52691. | |
| 129–7 | Operating Permits—Application | 8/22/00 | 5/29/02, 67 FR 37325. | |
| 129–8 | Operating Permit Content | 8/22/00 | 5/29/02, 67 FR 37325. | |
| 129–9 | General Operating Permits for Class I and II Sources. | 6/26/94 | 1/4/95, 60 FR 372. | |
| 129–10 | Operating Permits for Temporary Sources. | 9/7/97 | 1/20/00, 65 FR 3130. | |
| 129–11 | Operating Permits—Emergency; Defense. | 6/26/94 | 1/4/95, 60 FR 372. | |
| 129–12 | Operating Permit Renewal and Expiration. | 5/29/95 | 2/9/96, 61 FR 4899. | |
| 129–13 | Class I Operating Permit—EPA Review; Affected States Review; Class II Permit. | 6/26/94 | 1/4/95, 60 FR 372. | |
| 129–14 | Permits: Public Participation | 2/6/2008 | 3/22/2011, 76 FR 15852. | |
| 129–15 | Permit Revisions; Reopening for Cause. | 2/6/2008 | 3/22/2011, 76 FR 15852. | |
| 129–16 | Stack Heights; Good Engineering Practice (GEP). | 12/15/98 | 5/29/02, 67 FR 37325. | |
| 129–17 | Construction Permits—When Required. | 2/06/2008 | 3/22/2011, 76 FR 15852 | Approval does not include Nebraska's revisions to sections 001.02T and 013.04T pertaining to ethanol production facilities, which were not submitted by the State. |
| 129–19 | Prevention of Significant Deterioration of Air Quality. | 2/06/2008 | 0/22/2011, 76 FR 15852. | |
| 129–20 | Particulate Emissions; Limitations and Standards (Exceptions Due to Breakdowns or Scheduled Maintenance: See Chapter 35). | 2/7/04 | 3/31/05, 70 FR 16426. | |
| 129–21 | Controls for Transferring, Conveying, Railcar and Truck Loading at Rock Processing Operations in Cass County. | 7/10/02 | 7/8/03, 68 FR 40528. | |
| 129–22 | Incinerators; Emission Standards | 9/7/97 | 1/20/00, 65 FR 3130. | |
| 129–24 | Sulfur Compound Emissions, Existing Sources Emission Standards. | 6/26/94 | 1/4/95, 60 FR 372. | |
| 129–25 | Nitrogen Oxides (Calculated as Nitrogen Dioxide); Emissions Standards for Existing Stationary Sources. | 9/7/97 | 1/20/00, 65 FR 3130. | |
| 129–30 | Open Fires, Prohibited; Exceptions. | 9/25/05 | 8/11/10, 75 FR 48582.. | |
| 129–32 | Dust; Duty to Prevent Escape of | 6/26/94 | 1/4/95, 60 FR 372. | |
| 129–33 | Compliance; Time Schedule for | 6/26/94 | 1/4/95, 60 FR 372. | |
| 129–34 | Emission Sources; Testing; Monitoring. | 5/7/05 | 7/10/06, 71 FR 38776. | |
| 129–35 | Compliance; Exceptions Due to Startup, Shutdown, or Malfunction. | 9/7/97 | 1/20/00, 65 FR 3130. | |

EPA-APPROVED NEBRASKA REGULATIONS—Continued

| Nebraska citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| 129–36 | Control Regulations; Circumvention, When Excepted. | 6/26/94 | 1/4/95, 60 FR 372. | |
| 129–37 | Compliance; Responsibility | 6/26/94 | 1/4/95, 60 FR 372. | |
| 129–38 | Emergency Episodes; Occurrence and Control, Contingency Plans. | 6/26/94 | 1/4/95, 60 FR 372. | |
| 129–39 | Visible Emissions from Diesel-powered Motor Vehicles. | 6/26/94 | 1/4/95, 60 FR 372. | |
| 129–40 | General Conformity | 5/29/95 | 2/12/96, 61 FR 5297. | |
| 129–41 | General Provisions | 12/15/98 | 5/29/02, 67 FR 37325. | |
| 129–42 | Permits-By-Rule | 11/20/02<br>4/8/03<br>5/7/05 | 7/10/06, 71 FR 38776. | |
| 129–43 | Consolidated with Chapter 41 | 5/29/95 | 2/9/96, 61 FR 4899. | |
| 129–44 | Consolidated with Chapter 41 | 5/29/95 | 2/9/96, 61 FR 4899. | |
| Appendix I | Emergency Emission Reductions | 6/26/94 | 1/4/95, 60 FR 372. | |
| Appendix II | Hazardous Air Pollutants (HAPS). | 5/7/05 | 7/10/06, 71 FR 38776. | |
| **Title 115—Rules of Practice and Procedure** | | | | |
| 115–1 | Definitions of Terms | 8/8/93 | 1/4/95, 60 FR 372. | |
| 115–2 | Filing and Correspondence | 8/8/93 | 1/4/95, 60 FR 372. | |
| 115–3 | Public Records Availability | 8/8/93 | 1/4/95, 60 FR 372. | |
| 115–4 | Public Records Confidentiality | 8/8/93 | 1/4/95, 60 FR 372. | |
| 115–5 | Public Hearings | 8/8/93 | 1/4/95, 60 FR 372. | |
| 115–6 | Voluntary Compliance | 8/8/93 | 1/4/95, 60 FR 372. | |
| 115–7 | Contested Cases | 8/8/93 | 1/4/95, 60 FR 372. | |
| 115–8 | Emergency Proceeding Hearings | 8/8/93 | 1/4/95, 60 FR 372. | |
| 115–9 | Declaratory Rulings | 8/8/93 | 1/4/95, 60 FR 372. | |
| 115–10 | Rulemaking | 8/8/93 | 1/4/95, 60 FR 372. | |
| 115–11 | Variances | 8/8/93 | 1/4/95, 60 FR 372. | |
| **Lincoln-Lancaster County Air Pollution Control Program<br>Article 1—Administration and Enforcement** | | | | |
| Section 1 | Intent | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 2 | Unlawful Acts—Permits Required. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 3 | Violations—Hearings—Orders | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 4 | Appeal Procedure | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 5 | Variance | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 7 | Compliance—Actions to Enforce—Penalties for Non-Compliance. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 8 | Procedure for Abatement | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 9 | Severability | 5/16/95 | 2/14/96, 61 FR 5699. | |
| **Article 2—Regulations and Standards** | | | | |
| Section 1 | Definitions | 8/11/98 | 1/20/00, 65 FR 3130. | |
| Section 2 | Major Sources—Defined | 8/11/98 | 1/20/00, 65 FR 3130. | |
| Section 4 | Ambient Air Quality Standards | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 5 | Operating Permits—When Required. | 8/11/98 | 1/20/00, 65 FR 3130. | |
| Section 6 | Emissions Reporting—When Required. | 8/11/98 | 1/20/00, 65 FR 3130. | |
| Section 7 | Operating Permit—Application | 8/11/98 | 1/20/00, 65 FR 3130. | |
| Section 8 | Operating Permit—Content | 8/11/98 | 1/20/00, 65 FR 3130. | |
| Section 9 | General Operating Permits for Class I and II Sources. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 10 | Operating Permits for Temporary Services. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 11 | Emergency Operating Permits—Defense. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 12 | Operating Permit Renewal and Expiration. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 14 | Permits—Public Participation | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 15 | Operating Permit Modifications—Reopening for Cause. | 8/11/98 | 1/20/00, 65 FR 3130. | |
| Section 16 | Stack—Heights—Good Engineering Practice (GEP). | 5/16/95 | 2/14/96, 61 FR 5699. | |

EPA-APPROVED NEBRASKA REGULATIONS—Continued

| Nebraska citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 17 | Construction Permits—When Required. | 8/11/98 | 1/20/00, 65 FR 3130. | |
| Section 19 | Prevention of Significant Deterioration of Air Quality. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 20 | Particulate Emissions—Limitations and Standards. | 3/31/97 | 1/20/00, 65 FR 3130. | |
| Section 22 | Incinerator Emissions | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 24 | Sulfur Compound Emissions—Existing Sources—Emission Standards. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 25 | Nitrogen Oxides (Calculated as Nitrogen Dioxide)—Emissions Standards for Existing Stationary Sources. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 32 | Dust—Duty to Prevent Escape of. | 3/31/97 | 1/20/00, 65 FR 3130. | |
| Section 33 | Compliance—Time Schedule for | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 34 | Emission Sources—Testing—Monitoring. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 35 | Compliance—Exceptions Due to Startup Shutdown or Malfunction. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 36 | Control Regulations—Circumvention—When Expected. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 37 | Compliance—Responsibility of Owner/Operator Pending Review by Director. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Section 38 | Emergency Episodes—Occurrence and Control—Contingency Plans. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| Appendix I | Emergency Emission Reduction Regulations. | 5/16/95 | 2/14/96, 61 FR 5699. | |
| **City of Omaha Chapter 41—Air Quality Control Article I In General** | | | | |
| 41–2 | Adoption of State Regulations with Exceptions. | 4/1/98 | 1/20/00, 65 FR 3130. | |
| 41–4 | Enforcement—Generally | 5/29/95 | 2/14/96, 61 FR 5699. | |
| 41–5 | Same Health Department | 5/29/95 | 2/14/96, 61 FR 5699. | |
| 41–6 | Residential Exemptions | 5/29/95 | 2/14/96, 61 FR 5699. | |
| 41–9 | Penalties | 5/29/95 | 2/14/96, 61 FR 5699. | |
| 41–10 | Civil Enforcement | 5/29/95 | 2/14/96, 61 FR 5699. | |
| **Article II—Permitting of Air Contaminant Sources** | | | | |
| 41–23 | Prerequisite to Approval | 5/29/95 | 2/14/96, 61 FR 5699. | |
| 41–27 | Signature Required; Guarantee | 5/29/95 | 2/14/96, 61 FR 5699. | |
| 41–38 | Funds | 5/29/95 | 2/14/96, 61 FR 5699. | |
| 41–40 | Fees—When Delinquent | 5/29/95 | 2/14/96, 61 FR 5699. | |
| **Article IV—Waste Incinerators Division 1. Generally** | | | | |
| 41–60 | Definitions | 5/29/95 | 2/14/96, 61 FR 5699. | |
| 41–61 | Violations | 5/29/95 | 2/14/96, 61 FR 5699. | |
| **Article IV—Waste Incinerators Division 2. Emissions** | | | | |
| 41–70 | New or Modified Facilities | 5/29/95 | 2/14/96, 61 FR 5699. | |
| 41–71 | Existing Facilities | 5/29/95 | 2/14/96, 61 FR 5699. | |
| 41–72 | Emission Testing | 5/29/95 | 2/14/96, 61 FR 5699. | |
| **Article IV—Waste Incinerators Division 3. Design** | | | | |
| 41–80 | New or Modified Waste Incinerators. | 5/29/95 | 2/14/96, 61 FR 5699. | |
| 41–81 | Existing Incinerators | 5/29/95 | 2/14/96, 61 FR 5699. | |

(d) *EPA-approved state source-specific permits.*

EPA-APPROVED NEBRASKA SOURCE-SPECIFIC PERMITS

| Name of source | Permit No. | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| (1) Gould, Inc | 677 | 11/9/83 | 1/31/85, 50 FR 4510. | |
| (2) Asarco, Inc | 1520 | 6/6/96 | 3/20/97, 62 FR 13329 | The EPA did not approve paragraph 19. |

(e) *EPA-approved nonregulatory provisions and quasi-regulatory measures.*

EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| (1) Air Quality Implementation Plan | Statewide | 1/28/72 | 5/31/72, 37 FR 10842. | |
| (2) Confirmation That the State Does Not Have Air Quality Control Standards Based on Attorney General's Disapproval. | Statewide | 4/25/72 | 5/31/72, 37 FR 10842. | |
| (3) Request for Two-Year Extension to Meet the Primary $NO_X$ Standard. | Omaha | 1/24/72 | 7/27/72, 37 FR 15080. | |
| (4) Clarification of Section 11 of the State's Plan. | Statewide | 2/16/72 | 7/27/72, 37 FR 15080. | |
| (5) Letters Clarifying the Application of the State's Emergency Episode Rule. | Omaha | 10/2/72 | 5/14/73, 38 FR 12696. | |
| (6) Analysis of Ambient Air Quality in Standard Metropolitan Statistical Areas and Recommendations for Air Quality Maintenance Areas. | Omaha, Lincoln, Sioux City. | 5/9/74 | 6/2/75, 40 FR 23746. | |
| (7) Amended State Law (LB1029) Giving the Department of Environmental Quality Authority to Require Monitoring of Emissions, Reporting of Emissions and Release of Emissions Data. | Statewide | 2/10/76 | 6/23/76, 41 FR 25898. | |
| (8) Air Monitoring Plan | Statewide | 6/19/81 | 10/6/81, 46 FR 49122. | |
| (9) TSP Nonattainment Plan | Douglas and Cass Counties. | 9/25/80<br>8/9/82 | 3/28/83, 48 FR 12715. | |
| (10) Plan for Intergovernmental Consultation and Coordination and for Public Notification. | Statewide | 8/9/82 | 7/5/83, 48 FR 30631. | |
| (11) Lead Plan | Statewide except Omaha. | 1/9/81<br>8/5/81<br>1/11/83 | 11/29/83, 48 FR 53697. | The plan was approved except that portion pertaining to Omaha. |
| (12) Lead Nonattainment Plan | Omaha | 7/24/84<br>11/17/83<br>8/1/84 | 1/31/85, 50 FR 4510. | |
| (13) CO Nonattainment Plan | Omaha | 4/3/85 | 9/15/86, 51 FR 32640. | |
| (14) CO Nonattainment Plan | Lincoln | 4/3/85 | 9/19/86, 51 FR 33264. | |
| (15) Revised Lead Nonattainment Plan | Omaha | 2/2/87 | 8/3/87, 52 FR 28694. | |
| (16) Letter Pertaining to $NO_X$ Rules and Analysis Which Certifies the Material Became Effective on February 20, 1991. | Statewide | 3/8/91 | 7/2/91, 56 FR 30335. | State submittal date is date of the letter. |
| (17) Small Business Assistance Program | Statewide | 11/12/92 | 8/30/93, 58 FR 45452. | |
| (18) Class II Operating Permit Program Including Letter Committing to Submit Information to RACT/BACT/LAER Clearinghouse, Letter Regarding Availability of State Operating Permits to the EPA and Specified Emissions Limits in Permits, and Letter Regarding the Increase in New Source Review Thresholds. | Statewide | 2/16/94 | 1/4/95, 60 FR 372. | |
| (19) Letter from City of Omaha Regarding Authority to Implement Section 112(l) and Letter from the State Regarding Rule Omissions and PSD Program Implementation. | Omaha, Lincoln | 9/13/95<br>11/9/95 | 2/14/96, 61 FR 5725. | State submittal dates are dates of letters. |

EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| (20) Lincoln Municipal Code, Chapter 8.06.140 and 8.06.145. | City of Lincoln | 2/5/99 | 1/20/00, 65 FR 3130. | |
| (21) Lancaster Co. Resolution 5069, Sections 12 and 13. | Lancaster County | 2/5/99 | 1/20/00, 65 FR 3130. | |
| (22) Nebraska Lead Maintenance SIP | Omaha | 1/18/01 | 4/20/01, 66 FR 20196. | |
| (23) CAA 110(1)(2)(D)(i) SIP—Interstate Transport. | Statewide | 5/18/07 | 12/17/07, 72 FR 71245. | |

[64 FR 7103, Feb. 12, 1999, as amended at 65 FR 3133, Jan. 20, 2000; 66 FR 20199, Apr. 20, 2001; 67 FR 37327, May 29, 2002; 68 FR 40530, July 8, 2003; 68 FR 52694, Sept. 5, 2003; 68 FR 67046, Dec. 1, 2003; 70 FR 16429, Mar. 31, 2005; 71 FR 38779, July 10, 2006; 72 FR 71247, Dec. 17, 2007; 74 FR 37940, July 30, 2009; 75 FR 48584, Aug. 11, 2010; 76 FR 15855, Mar. 22, 2011]

### § 52.1421 Classification of regions.

The Nebraska 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) |
| Metropolitan Omaha-Council Bluffs Interstate | I | II | III | III | III |
| Lincoln-Beatrice-Fairbury Intrastate | II | III | III | III | III |
| Metropolitan Sioux City Interstate | III | III | III | III | III |
| Nebraska Intrastate | III | III | III | III | III |

[37 FR 10877, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

### § 52.1422 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Nebraska's plan for the attainment and maintenance of the national standards. No action is taken on the new source review regulations to comply with section 172(b)(6) and section 173 of the Clean Air Act as amended in 1977, and 40 CFR 51.18(j).

[37 FR 10877, May 31, 1972, as amended at 48 FR 12717, Mar. 28, 1983]

### § 52.1423 $PM_{10}$ State implementation plan development in group II areas.

The state of Nebraska committed to conform to the $PM_{10}$ regulations as set forth in 40 CFR part 51. In a letter to Morris Kay, EPA, dated February 5, 1988, Mr. Dennis Grams, Director, Nebraska Department of Environmental Control, stated:

(a) An area in the City of Omaha and the area in and around the Village of Weeping Water have been classified as Group II areas for the purpose of $PM_{10}$ State Implementation Plan (SIP) development. The specific boundaries of these areas are identified in our letter of October 6, 1987, to Carl Walter. In accordance with the requirements for $PM_{10}$ SIP development, the State of Nebraska commits to perform the following $PM_{10}$ monitoring and SIP development activities for these Group II areas:

(1) Gather ambient $PM_{10}$ data, at least to the extent consistent with minimum EPA requirements and guidance.

(2) Analyze and verify the ambient $PM_{10}$ data and report 24-hour exceedances of the National Ambient Air Quality Standard for $PM_{10}$ to the

Regional Office within 45 days of each exceedance.

(3) When an appropriate number of verifiable exceedances of the 24-hour standard occur, calculated according to section 2.0 of the $PM_{10}$ SIP Development Guideline, or when an exceedance of the annual $PM_{10}$ standard occurs, acknowledge that a nonattainment problem exists and immediately notify the Regional Office.

(4) Within 30 days of the notification referred to in paragraph (a)(3) of this section, or within 37 months of promulgation of the $PM_{10}$ standards, whichever comes first, determine whether measures in the existing SIP will assure timely attainment and maintenance of the $PM_{10}$ standards and immediately notify the Regional Office.

(5) Within 6 months of the notification referred to in paragraph (a)(4) of this section, adopt and submit to EPA a $PM_{10}$ control strategy that assures attainment as expeditiously as practicable but no later than 3 years from approval of the committal SIP.

An emission inventory will be compiled for the identified Group II areas. If either area is found to be violating the $PM_{10}$ standards, the inventory will be completed as part of the $PM_{10}$ SIP for that area on a schedule consistent with that outlined in paragraphs 3, 4, and 5. If the $PM_{10}$ standards are not violated, the inventory will be completed not later than July 1, 1989, and submitted to EPA not later than August 31, 1990, as part of the determination of adequacy of the current SIP to attain and maintain the $PM_{10}$ air quality standards.

(b) We request that the total suspended particulate nonattainment areas in Omaha and Weeping Water (all secondary nonattainment) and Louisville (Primary nonattainment) be redesignated to unclassifiable.

[54 FR 21063, May 16, 1989]

### § 52.1424 Operating permits.

Emission limitations and related provisions which are established in Nebraska operating permits as Federally enforceable conditions shall be enforceable by EPA. The 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 requirement which do not conform with the operating permit program requirements or the requirements of EPA underlying regulations.

[61 FR 4901, Feb. 9, 1996]

### § 52.1425 Compliance schedules.

(a) 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.

NEBRASKA—COMPLIANCE SCHEDULES

| Source | Location | Regulation involved | Date adopted | Variance expiration date | Final compliance date |
|---|---|---|---|---|---|
| ASARCO, Inc | Omaha, NE | Nebraska DEC Second Amended Administrative Order No. 753. | Nov. 12, 1986 | Not applicable | Feb. 1, 1988 |

[41 FR 22350, June 3, 1976, as amended at 41 FR 52456, Nov. 30, 1976; 42 FR 16140, Mar. 25, 1977; 50 FR 4512, Jan. 31, 1985; 51 FR 40675, 40676, Nov. 7, 1986; 52 FR 28696, Aug. 3, 1987; 54 FR 25259, June 14, 1989]

### § 52.1426 Original identification of plan section.

(a) This section identifies the original ''Nebraska Air Quality Implementation Plan'' and all revisions submitted by Nebraska 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) Request submitted by the Governor on January 24, 1972, for a two-year extension in order to meet the primary standard for NOx in the Omaha-Council Bluffs AQCR. (Non-regulatory)

(2) Clarification of section 11 of the State plan submitted on February 16, 1972 by the Nebraska Department of Environmental Control. (Non-regulatory)

(3) A confirmation that the State does not have air quality control standards based on the enclosed disapproval of the State Attorney General was submitted on April 25, 1972 by the Nebraska Department of Environmental Control. (Non-regulatory)

(4) Revision of Rules 3 through 18 and Rule 21 and 22 submitted on June 9, 1972, by the Governor.

(5) Amendments to the Omaha Air Pollution Control Ordinance 26350 submitted on June 29, 1972, by the Governor.

(6) Letters submitted September 26 and 27, 1972, from the State Department of Environmental Control revising Rule 3 and Rule 5 of the State Rules and Regulations.

(7) Letters clarifying the application of the State emergency episode, rule 22(a), submitted October 2, 1972, by the State Department of Environmental Control. (Non-regulatory).

(8) Revision of the State air regulations to expand emission limitations to apply State-wide, change procedures for preconstruction review of new sources, change procedures for disapproving construction permits for new or modified sources and add new sulfur oxide emission standards was submitted on February 27, 1974, by the Nebraska Department of Environmental Control.

(9) Copy of the State's analysis of ambient air quality in Standard Metropolitan Statistical Areas in the State and recommendations for designation of Air Quality Maintenance Areas submitted by the Department of Environmental Control on May 9, 1974. (Non-regulatory)

(10) Compliance schedules were submitted by the Department of Environmental Control on September 13, 1974.

(11) Compliance schedules were submitted by the Department of Environmental Control on February 21, 1975.

(12) Compliance schedules were submitted by the Department of Environmental Control on May 23, 1975.

(13) Revision of regulations to include the second group of New Source Performance Standards and provide for granting of post-attainment variances and releasing of emission data was submitted on August 5, 1975, by the Governor.

(14) Compliance schedules were submitted by the Governor on August 27, 1975.

(15) Compliance schedules were submitted by the Governor on January 1, 1976.

(16) Compliance schedules were submitted by the Department of Environmental Control on January 15, 1976.

(17) Amended State law (LB1029) giving the Department of Environmental Control authority to require monitoring of emissions, require reporting of emissions and release emission data was submitted by the Governor on February 10, 1976.

(18) Compliance schedules were submitted by the Governor on April 23, 1976.

(19) Compliance schedules were submitted by the Governor on October 27, 1976.

(20) Revised Rule 17, requiring continuous opacity monitoring by power plants, was submitted on November 2, 1976, by the Governor.

(21) A plan revision to meet the requirements of 40 CFR 58.20, dealing with statewide air quality monitoring and data reporting, was submitted by the Governor on June 19, 1981.

(22) Revised Rule 13, granting an increase in the visible emission limitations for existing teepee waste wood burners and alfalfa dehydrators, was submitted by the Governor on December 29, 1977.

(23) Revision to the SIP concerning the adoption of the Lancaster County Air Pollution Control Resolution was submitted by the Governor on April 4, 1977.

(24) Revision to the SIP concerning the adoption of the revised local air pollution control ordinances for the

cities of Omaha and Lincoln was submitted by the Governor on December 27, 1977.

(25) State plan revisions and corrections thereto to attain the National Ambient Air Quality Standards for total suspended particulate in Douglas and Cass Counties, designated as nonattainment under section 107 of the Clean Air Act Amendments of 1977, were submitted by the Governor on September 25, 1980, and on August 9, 1982. Included in the plan are revised Rule 6, and new Rule 5A.

(26) New Rule 18, ''Compliance; Exceptions Due to Startup, Shutdown, or Malfunction,'' was submitted by the Governor on August 9, 1982.

(27) A plan revision to provide for Intergovernmental Consultation and Coordination and for Public Notification was submitted to EPA by the Governor of Nebraska on August 9, 1982.

(28) A plan revision for attaining and maintaining the National Ambient Air Quality Standard for Lead in the State of Nebraska was submitted to EPA on January 9, 1981, by the Governor. Additional material was submitted by the State on August 5, 1981 and January 11, 1983. All portions of the submittals are approved except the control strategy for Omaha and the request for a two year extension to attain the lead standard in Omaha.

(29) Revisions to Rule 1, ''Definitions,'' and to Rule 4, ''New and Complex Sources; Standards of Performance, Application for Permit, When Required;'' and a new regulation: Rule 4.01, ''Prevention of Significant Deterioration of Air Quality,'' were submitted by the Governor on May 23, 1983; clarifying letter dated May 30, 1984.

(30) On July 24, 1984, Nebraska submitted a lead SIP for Omaha. Additional portions of the Omaha lead SIP were submitted by the State on November 17, 1983, and August 1, 1984. EPA withheld action on the enforceable control measures contained in the Omaha lead SIP, but approved all other portions.

(31) Revisions to Chapter 10 ''Incinerators; Emission Standards;'' Chapter 12 ''Sulfur Compound Emissions; Emission Standards;'' Chapter 14 ''Open Fires, Prohibited; Exceptions;'' and Chapter 20 ''Emission Sources; Testing: Monitoring'' were submitted by the Governor on October 6, 1983.

(32) Revisions to Chapter 1, ''Definitions''; Chapter 4, ''Reporting and Operating Permits for Existing Sources; When Required''; and Chapter 5, ''New, Modified, and Reconstructed Sources; Standards of Performance, Application for Permit, When Required'', were submitted by the Governor on October 6, 1983. These revisions deleted the review requirements for complex sources of air pollution for the entire State. These review requirements were adopted by the State on February 22, 1974 (submitted on February 27, 1974) and were approved by EPA on September 9, 1975. See paragraph (c)(8) above. Approval action was taken on the deletion of these requirements except as they pertain to the Lincoln and Omaha CO nonattainment areas.

(33) A State Implementation Plan revision to provide for attainment of the carbon monoxide standard in Omaha was submitted by Governor Kerrey on April 3, 1985. Action was also taken to delete review requirements for complex sources of air pollution in Omaha; see paragraph (c)(32) of this section.

(i) Incorporation by reference.

(A) An RFP curve from page 27 of the Carbon Monoxide State Implementation Plan for Omaha, Nebraska, dated January 18, 1985.

(ii) Additional material.

(A) Narrative submittal entitled ''Carbon Monoxide State Implementation Plan for Omaha, Nebraska'', including an attainment demonstration.

(B) Emission Inventory for carbon monoxide sources.

(34) A State Implementation Plan revision to provide for attainment of the carbon monoxide standard in Lincoln was submitted by Governor Kerrey on April 3, 1985. Action was also taken to delete review requirements for complex sources of air pollution in Lincoln; see paragraph (c)(32) of this section.

(i) Incorporation by reference.

(A) An RFP table from page 18 of the State Implementation Plan Revision for Carbon Monoxide for Lincoln, Nebraska, adopted on March 1, 1985.

(ii) Additional material.

(A) Narrative submittal entitled, ''State Implementation Plan Revision

for Carbon Monoxide for Lincoln, Nebraska'', including an attainment demonstration.

(B) Emission Inventory for carbon monoxide sources.

(35) On February 2, 1987, Nebraska submitted revisions to the lead SIP for Omaha. The revisions contained a revised demonstration of attainment of the lead standard in Omaha, a revised control strategy to provide the lead emission reductions claimed in the demonstration of attainment, and Administrative Order No. 753 dated August 22, 1985, as amended by Amended Administrative Order No. 753 dated May 9, 1986, and by Second Amended Administrative Order No. 753 dated November 12, 1986. All items in the revisions were approved.

(i) Incorporation by reference.

(A) Administrative Order 753 dated August 22, 1985, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(B) Amended Administrative Order 753 dated May 9, 1986, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(C) Second Amended Administrative Order 753 dated November 12, 1986, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(ii) Additional material.

(A) 1986 Revised Demonstration of Attainment and Control Measures for the Nebraska State Implementation Plan for Lead—Omaha, submitted by ASARCO Incorporated, October 3, 1986.

(36) Revisions to Chapter 1, ''Definitions'', paragraphs 024, 025, 030, 037, 049; and Chapter 5, ''Stack Heights: Good Engineering Practice (GEP)'', were submitted by the Governor on May 6, 1986.

(i) Incorporation by reference.

(A) Revisions to Chapter 1, ''Definitions'', paragraphs 024, 025, 030, 037, 049; and Chapter 5, ''Stack Heights: Good Engineering Practice (GEP)'', effective May 5, 1986.

(ii) Additional material.

(A) None.

(37) Revised Title 129 of Nebraska Air Pollution Control rules and regulations pertaining to $PM_{10}$ and other rule revisions submitted by the Governor of Nebraska on June 15, 1988.

(i) Incorporation by reference.

(A) Nebraska Department of Environmental Control Title 129—Nebraska Air Pollution Control rules and regulations adopted by the Nebraska Environmental Control Council February 5, 1988, effective June 5, 1988. The following Nebraska rules are not approved: Chapter 1, definition at *013*, ''Best Available Control Technology''; Chapter 4, section *004.01G*, except as it applies to lead; Chapter 6, section *002.04* and section 007; Appendix III except for lead; Chapter 6, section *001* pertaining to NSPS; and Chapter 12 pertaining to NESHAP.

(B) Nebraska Department of Environmental Control Title 115—Rules of Practice and Procedure, amended effective July 24, 1987.

(ii) Additional information.

(A) None.

(38) Plan revisions were submitted by the Nebraska Department of Environmental Control on March 8, 1991, which implement EPA's October 17, 1988, PSD $NO_X$ requirements.

(i) Incorporation by reference.

(A) Revisions to title 129, chapter 7, entitled ''Prevention of Significant Deterioration of Air Quality,'' were adopted by the Nebraska Enviromental Control Council on December 7, 1990, and became effective February 20, 1991.

(ii) Additional material.

(A) Letter from the state submitted March 8, 1991, pertaining to $NO_X$ rules and analysis which certifies the material became effective on February 20, 1991.

(39) Plan revisions were submitted by the Governor of Nebraska on March 8, 1991.

(i) Incorporation by reference.

(A) Revisions to Nebraska Department of Environmental Control Title 129—Nebraska Air Pollution Control Rules and Regulations adopted by the Nebraska Environmental Control Council December 7, 1990, effective February 20, 1991. Revisions to the following sections are approved in this action: Chapter 1 (deletion of section 068), chapter 3 (deletion of ''National'' from the chapter title), chapter 4 (section 004.02), chapter 7 (section 001), chapter 10 (section 002), chapter 11 (section 002 and section 005), chapter 15 (section

002.07C), and chapter 16 (sections 001, 002.01, 002.02, and 002.03.)

(40) The Nebraska Department of Environmental Quality submitted the Small Business Assistance program State Implementation Plan revision on November 12, 1992.

(i) Incorporation by reference.

(A) Revision to the Nebraska State Implementation Plan for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program was adopted by the state of Nebraska on November 12, 1992, and became effective on the same date.

(41) On February 16, 1994, the Director of the Nebraska Department of Environmental Quality submitted revisions to the State Implementation Plan (SIP) to create a Class II operating permit program, Part D NSR rule changes, $SO_2$ rule corrections, and the use of enhanced monitoring.

(i) Incorporation by reference.

(A) Revised rules ''Title 129—Nebraska Air Quality Regulations,'' effective December 17, 1993. This revision approves all chapters except for parts of Chapters 5, 7, 8, 9, 10, 11, 12, 13, 14, and 15 that pertain to Class I permits; Chapter 17 as it relates to hazardous air pollutants; and excludes Chapters 23, 25, 26, 27, 28, 29, and 31.

(B) ''Title 115—Rules of Practice and Procedure,'' effective August 8, 1993, and submitted as an SIP revision on February 16, 1994.

(ii) Additional material.

(A) Letter from Nebraska to EPA Region VII dated February 16, 1994, regarding a commitment to submit information to the RACT/BACT/LAER Clearinghouse as required in section 173(d) of the Clean Air Act.

(B) Letter from Nebraska to EPA Region VII dated June 10, 1994, regarding the availability of state operating permits to EPA and specified emissions limitations in permits.

(C) Letter from Nebraska to EPA Region VII dated November 7, 1994, regarding the increase in New Source Review (NSR) permitting thresholds.

(42) A Plan revision was submitted by the Nebraska Department of Environmental Quality on June 14, 1995, which incorporates by reference EPA's regulations relating to determining conformity of general Federal actions to State or Federal Implementation Plans.

(i) Incorporation by reference.

(A) A revision to title 129, adding chapter 40, entitled ''General Conformity'' was adopted by the Environmental Quality Council on December 2, 1994, and became effective on May 29, 1995.

(43) On June 14, 1995, the Director of the Nebraska Department of Environmental Quality submitted revisions to the State Implementation Plan (SIP) to modify the Class II operating permit program.

(i) Incorporation by reference.

(A) Revised rules ''Title 129—Nebraska Air Quality Regulations,'' effective May 29, 1995. This revision applies to chapters 5, 7, 12, 17, 19, 25, 41 and deletes chapters 42, 43 and 44.

(ii) Additional material.

(A) None.

(44) On May 31 and June 2, 1995, the Director of the Nebraska Department of Environmental Quality (NDEQ) submitted revisions to the SIP to update the local ordinances of the Lincoln-Lancaster County Health Department and city of Omaha, respectively, and to create Federally enforceable Class II operating permit programs for these agencies.

(i) Incorporation by reference.

(A) 1993 Lincoln-Lancaster County Air Pollution Control Program, Version March 1995, effective May 16, 1995. This includes the following citations: Article I (except Section 6); Article II, Sections 1–12, 14–17, 19–20, 22, 24–25, 32–38; and Appendix I.

(B) Ordinance No. 33102 dated November 2, 1993, which adopts Chapter 41, Article I, Sections 41–4 through 41–6; 41–9; 41–10; Article II, Sections 41–23; 41–27; 41–38; and 41–40 and Article IV of the Omaha Municipal Code. Ordinance No. 33506 dated March 21, 1995, amends Chapter 41, Article I, Sections 41–2 and 41–9 of the Omaha Municipal Code and adopts Title 129, Nebraska Air Quality Regulations, approved December 2, 1994.

(ii) Additional material.

(A) Letter from the city of Omaha dated September 13, 1995, regarding adequate authority to implement section 112(l).

(B) Letter from the NDEQ dated November 9, 1995, regarding rule omissions and PSD.

(45) A revision to the Nebraska SIP to reduce lead emissions in the Omaha lead nonattainment area sufficient to bring that area back into attainment with the lead National Ambient Air Quality Standard.

(i) Incorporation by reference.

(A) Amended Complaint and Compliance Order Case No. 1520, signed June 6, 1996, except for paragraph 19 and accompanying work practice manual in Appendix A.

(ii) Additional material.

(A) Supplemental document entitled, ''Methods for Determining Compliance'' submitted by the state to provide additional detail regarding the compliance methods for this Order.

[37 FR 10877, May 31, 1972. Redesignated and amended at 64 FR 7103, Feb. 12, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1426, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1427 Operating permits.

Emission limitations and related provisions which are established in the city of Omaha and Lincoln-Lancaster operating permits as Federally enforceable conditions shall be enforceable by EPA. The 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 requirement which do not conform with the operating permit program requirements or the requirements of EPA underlying regulations.

[61 FR 5701, Feb. 14, 1996]

### §§ 52.1428–52.1435 [Reserved]

### § 52.1436 Significant deterioration of air quality.

The requirements of sections 160 through 165 of the Clean Air Act are met except as noted in paragraphs (a) and (b) of this section. The EPA is retaining § 52.21 except paragraph (a)(1) as part of the Nebraska SIP for the following types of sources:

(a) Sources proposing to construct on Indian lands in Nebraska; and,

(b) Enforcement of permits issued by EPA prior to the July 28, 1983, delegation of authority to Nebraska.

[49 FR 29599, July 23, 1984, as amended at 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

## Subpart DD—Nevada

### § 52.1470 Identification of plan.

(a) Title of plan: ''Air Quality Implementation Plan for the State of Nevada.''

(b) The plan was officially submitted on January 28, 1972.

(1) Previously approved on May 31, 1972 and now deleted without replacement Rules 2.8 and 2.11.

(2) Previously approved on May 31, 1972 in paragraph (b) and now deleted without replacement: Articles 2.10.1, 2.10.1.1, 3.3.4, 4.3.4, and Section 13, Nos. 15 and 19 of Senate Bill No. 275.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Errata sheet to the plan was submitted on April 26, 1972, by the Division of Health.

(2) Washoe County regulations submitted on June 12, 1972, by the Governor.

(i) Previously approved on July 27, 1972 in paragraph (c)(2) of this section and now deleted from the SIP without replacement Washoe County Air Quality Regulations: Rules 020.020, 020.030, 020.075, and 040.055.

(3) Compliance schedules submitted on July 14, 1972, by the Governor.

(4) Legal opinions concerning the plan submitted on November 17, 1972, by the Office of the Attorney General.

(5) Amended Clark County regulations submitted on January 19, 1973, by the Governor.

(i) Previously approved on May 14, 1973 in paragraph (c)(5) of this section and now deleted without replacement: Section 15 (Prohibition of Nuisance Conditions) and Section 29 (Odors in the Ambient Air).

(6) Amendments to the Nevada Air Quality Regulations NAQR to regulate construction of complex sources (Article 13) submitted on April 1, 1974, by the Governor.

(7) Amendments to the NAQR to regulate sulfur emissions from nonferrous smelters; (Article 8.1); to regulate and monitor visible emissions from stationary sources (Article 4); and to allow supplementary control systems (Article 14); submitted on June 14, 1974, by the Governor.

(i) Previously approved on February 6, 1975 in paragraph (7) and now deleted without replacement: Article 8.1.

(8) Amendments to the NAQR to regulate open burning (Article 5.2.3 and 5.2.4), and to regulate the construction of complex sources (Article 13), submitted on November 12, 1974, by the Governor.

(9) Administrative procedures for the review of complex sources submitted on December 11, 1974, by the Governor's representative.

(10) Amendments to the Nevada Revised Statutes (NRS) (1975 Legislative Session) on motor vehicle inspection and testing (NRS 445.640, 445.700, 482.640 and 169.125), public availability of emission data (NRS 445.576), organization (NRC 445.481 and 481.——). (Section 1 of 1975 Assembly Bill 326), stack testing (NRS 445.447), and alleged violations (NRS 445.526) submitted on September 10, 1975 by the Governor.

(11) Amendments to the NAQR, as amended through September 18, 1975, submitted on October 31, 1975, by the Governor, as follows:

Article 1—Definitions: 1.6–1.13, 1.15–1.33, 1.35–1.69;
Article 2—General Provisions: 2.4.1–2.4.4, 2.5.1, 2.5.2, 2.5.4, 2.6.1–2.6.4, 2.7.1, 2.8.1, 2.8.4, 2.8.5.1, 2.9.1–2.9.3, 2.9.5–2.9.7, 2.10.1.2, 2.10.2–2.10.4, 2.11.4.2;
Article 3—Registration Certificates and Operating Permits: 3.1.3, 3.1.5, 3.1.6, 3.1.8a & d-i, 3.1.9, 3.2.2–3.2.6, 3.3.2, 3.3.5, 3.4.1, 3.4.6–3.4.14;
Article 4—Visible Emissions From Stationary Sources: 4.1, 4.2, 4.3.5, 4.4–4.4.2;
Article 5—Open Burning: 5.2.3, 5.2.4;
Article 6—Incinerator Burning: 6.3–6.6.2;
Article 7—Particulate Matter: 7.1.3, 7.2.1–7.2.3, 7.3.1–7.3.3;
Article 8—Sulfur Emissions: 8.1.1, 8.1.2, 8.1.4, 8.2.2.1, 8.3–8.4;
Article 9—Organic Solvent, Other Volatile Compounds: 9.1, 9.2–9.2.1.1, 9.2.2, 9.2.3;
Article 10—Odors: 10.2.1.1, 10.2.1.2;
Article 11—Mobile Equipment: 11.3–11.7.1, 11.7.4–11.7.5, 11.10, 11.10.1, 11.11–11.14.17.

(i) Previously approved on January 9, 1978 in paragraph (11) and now deleted without replacement: Articles 2.10.1.2, 2.10.2, 2.10.3, 8.1.1, 8.1.2, and 8.1.4.

(12) Amendments to miscellaneous Nevada air quality control regulations and to other sections of the State plan submitted on December 10, 1976, by the Governor, as follows:

Article 1—Definitions: 1.1–1.213;
Article 2—General Provisions: 2.5.3, 2.6.2–2.6.9, 2.7.1–2.7.4, 2.8.5.2, 2.16, 2.17;
Article 3—Registration Certificates and Operating Permits, 3.1.9.1, 3.2.1;
Article 7—Particulate Matter: 7.2.4;
Article 8—Sulfur Emissions: 8.2.2–8.2.4;
Article 11—Mobile Equipment: 11.7.6, 11.8, 11.9, 11.10.2;
Section 3—Air quality data: 3.2;
Section 4—Emissions summary: 4.2;
Section 5—Control strategy: 5.1, table 5.1, table 5.2;
Section 10—Air quality surveillance network: Monitoring network table, sampling sites modification table.

(i) Previously approved on August 21, 1978 in paragraph (12) and now deleted without replacement: Article 2.7.4.

(13) Amendments to the NAQR and the control strategy submitted on October 7, 1976, by the Governor.

(i) Article 7—Particulate Matter: 7.2.7; Table 4.2—Emissions Inventory Summary for Particulates.

Table 5.2—Summary of Control Strategy Analysis for Particulates.

(14) The following amendments to the plan were submitted on December 29, 1978, by the Governor.

(i) Nevada State Emergency Episode Plan Sections: 6.1.4, 6.1.5, 6.5.2.2; Tables: 6.1, 6.2 (Stages 1, 2, and 3), 6.3; Air Pollution Episode Notice; Episode Communication Checklist.

(ii) Nevada Revised Statutes Policy Declarations; Definitions:

445.401, 445.406, 445.411, 445.416, 445.421, 445.424, 445.427, 445.431, 445.441, 445.446; State Environmental Commission: 445.451, 445.456, 445.461, 445.466, 445.471, 445.472, 445.473, 445.474, 445.476; Local Hearing Boards: 445.486; Enforcement Provisions: 445.491, 445.496, 445.497, 445.498, 445.499, 445.501; Variances: 445.506, 445.511, 445.516, 445.521; Hearings, Orders Respecting Violations: 445.529; Local Air Pollution Control Programs: 445.546, 445.551, 445.556, 445.561, 445.566; Miscellaneous Provisions: 445.571, 445.581, 445.586, 445.596, 445.598; Penalties: 445.601; Deletions: Senate Bill 275, Sections 8.5, 17(1–4, 6, 7), 27, 38.

(A) Previously approved on July 10, 1980 and now deleted without replacement Statutes 445.506, 445.511, 445.516, and 445.521.

(iii) Nonattainment area plans for Mason Valley/Fernley Area, Lander County, Carson Desert, Winnemucca Segment, Truckee Meadows, and Las Vegas Valley.

(iv) Nevada Revised Statutes, Engine Emission Controls:

445.610, 445.620, 445.625, 445.630, 445.640, 445.650, 445.660, 445.670, 445.680, 445.690, 445.700, 445.705, and 445.710.

(v) Nevada Air Quality Regulations for Mobile Equipment:

Article 1—Sections 1.1 to 1.38; Article 2—Sections 2.1 to 2.2; Article 3—Sections 3.1 to 3.14.6; and Article 4—Sections 4.1 to 4.20.

(vi) Nevada Revised Statute 445.493, Limitations on Enforcement of Regulations as to Indirect Sources and Authority to Review New Indirect Sources.

(vii) Amendments to the Nevada Air Quality Regulations:

Article 1, Rules 1.44, 1.53, 1.60, 1.98.1; Article 2, Rules 2.2.2, 2.11.7, 2.17.3.2 a/b, 2.17.4, 2.17.4.1, 2.17.9.8, 2.17.10, 2.17.10.1; Article 3, Rules 3.1.1, 3.1.2, 3.1.3, 3.4.11; Article 4, Rule 4.3.[6]4; Article 5, Rule 5.2.4; Article 6, Rule 6.3; Article 7 Rules 7.1.[3]2, 7.3.3; Article 8, Rules 8.2.1.1, 8.2.1.2, 8.2.2, and Article 12, Rule 12.1.

(A) Previously approved on August 27, 1981 in paragraph (c)(14)(vii) of this section and now deleted from the SIP without replacement Nevada Air Quality Regulations: Rule 2.11.7.

(viii) Amendments to the Nevada Air Quality Regulations:

Article 1; Article 7, Rules 7.2.8.1—7.2.8.3; Article 16, Rules 16.3.1.2—16.3.3 and Rules 16.15.1—16.15.4.

(ix) Previously approved on June 18, 1982 in paragraph (14)(viii) and now deleted without replacement: Article 16: Rules 16.3.1.2, 16.3.2, 16.3.2.1, 16.3.2.2, 16.15, 16.15.1, 16.15.1.1, 16.15.1.2, 16.15.2, 16.15.2.1, 16.15.2.2, 16.15.3, 16.15.3.1, 16.15.3.2, and 16.15.4.

(x) Previously approved on June 18, 1982 in paragraph (c)(14)(viii) of this section and now deleted without replacement: Article 16: Rules 16.3.3.1.

(xi) Previously approved on July 10, 1980 in paragraph (14)(ii) and now deleted without replacement: Nevada Revised Statutes (NRS) sections: 445.401, 445.466, and 445.497.

(15) Redesignation of the Clark-Mohave Interstate AQCR submitted on March 23, 1979, by the Governor.

(16) The following amendments to the plan were submitted on July 24, 1979, by the Governor.

(i) Amendments to the Nevada Air Quality Regulations:

Article I—Definition: No. 2—LAER.

(ii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 15—Source Registration, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 15.10, 15.11, and 15.12; Section 50—Storage of Petroleum Products; Section 51—Petroleum Product Loading into Tank Trucks, and Trailers; and Section 52—Handling of Gasoline at Service Stations, Airports and Storage Tanks.

(iii) Amendments to the Washoe County District Board of Health Air Pollution Control Regulations:

Definitions, Sections 010.011, 010.014, 010.028, 010.057, 010.059, 010.071, 010.072, 010.091, 010.106, 010.107B, 010.108, 010.116, 010.117, 010.136, 010.148, 010.149, 010.151, 010.166, 010.197, and 010.1751; Source Registration and Operation, Sections 030.000, 030.005, 030.010, 030.015, 030.025, 030.030, 030.110, 030.115 (1 and 5)B, 030.120, 030.1201, 030.205, 030.210, 030.215, 030.245, and 030.250; Section 040.070—Storage of Petroleum Products; Section 040.075—Gasoline Loading into Tank Trucks and Trailers; Section 040.080—Gasoline unloading from Tank Trucks and Trailers into Storage Tanks; Section 040.085—Organic Solvents; and Section 040.090—Cut-Back Asphalt.

(iv) Paving schedules for the following Nonattainment Area Plans: Mason Valley/Fernley Area, Carson Desert, Winnemucca Segment, and Lander County.

(v) Amendments to the Las Vegas Valley Nonattainment Area Plan: Two memoranda of understanding between Clark County, the Health District, and the Transportation Policy Committee.

(vi) Nevada Revised Statutes, Engine Emission Control: 445.632, 445.634, 445.635, and 445.644.

(vii) Lake Tahoe Basin Nonattainment Area Plan.

(viii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 2, Rules 2.1, 2.2, 2.3; Section 3, Rule 3.1; Section 4, Rules 4.1—4.11; Section 5, Rule 5.1; Section 6, Rule 6.1; Section 7, Rules 7.1—7.19; Section 8, Rules 8.1, 8.2, 8.7 (deletion); Section 9, Rules 9.1—9.3; Section 10; Section 16, Rules 16.1,—16.5, 16.6 (Operating Permits), 16.6 (Emission of Visible Air Contaminants) (deletion), 16.7—16.9; Section 17, Rules 17.1—17.8; Section 18, Rules 18.1—18.12; Section 23, Rules 23.1—23.5; Section 24, Rules 24.1—24.5; Section 25, Rules 25.1, 25.2, 25.4 (deletion); Section 26, Rules 26.1—26.3; Section 27, Rules 27.1, 27.2, 27.3, 27.4; Section 28, Rules 28.1, 28.2; Section 29; Section 30, Rules 30.1—30.7; Section 31; Section 32, Rules 32.1, 32.2; Section 40, Rule 40.1; Section 41, Rules 41.1—41.4; Section 42, Rules 42.1—42.4; Section 43, Rule 43.1; Section 70, Rules 70.1—70.6; Sections 80, and 81.

(A) Previously approved on August 27, 1981 and now deleted without replacement Section 9, Rules 9.2 to 9.3.

(B) Previously approved on August 27, 1981 at (c)(16)(viii) and now deleted Section 17, Rules 17.1–17.8.

(C) Previously approved on August 27, 1981 in paragraph (c)(16)(viii) of this section and now deleted without replacement: Section 40, Rule 40.1 (Prohibition of Nuisance Conditions); Section 42, Rule 42.2 (open burning); and Section 43, Rule 43.1 (Odors in the Ambient Air).

(D) Previously approved on August 27, 1981 in paragraph (c)(16)(viii) of this section and now deleted from the SIP without replacement Nevada Air Quality Regulations: Clark County District Board of Health Air Pollution Control Regulations: Section 3, Rule 3.1.

EDITORIAL NOTE: At 47 FR 27071, June 23, 1982, the following paragraph (c)(16)(viii) was added to § 52.1470.

(viii) Repeal and removal of all references to Indirect (Complex) Sources in the following rules or portions of rules in the Nevada Air Quality Regulations.

Article 1—Definitions: 1.12, 1.95, 1.147(b), and 1.202. Article 2—Registration Certificates and Operating Permits: 3.1.9, 3.2.1, 3.2.2, and 3.2.5. Article 13—Point Sources: 13.1.1, 13.1.2, 13.2, and 13.2.1 to 13.5.3.

(ix) Amendments to the Washoe County District Board of Health Air Pollution Control Regulations:

Sections 020.055, 030.300, 030.305, 030.310, 030.3101–030.3105, 030.3107, and 030.3108 and the following deletions: 010.115, 050.005, 050.010, 050.015, 050.020, 050.025, 050.030, and 050.035.

(A) Previously approved on August 27, 1981 in paragraph (c)(16)(ix) of this section and now deleted from the SIP without replacement Washoe County Air Quality Regulations: Rules 030.3105, 030.3107, and 030.3108.

(x) Amendments to the Nevada Air Quality Regulations: Article 12, Lead (Pb).

(17) The following amendments to the plan were submitted on September 18, 1979, by the Governor.

(i) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 1—Definitions (except 1.14, 1.15, 1.79, and 1.94); Section 15.14—Source Registration Requirements for Areas Exceeding Air Quality Standards; and Section 60—Evaporation and Leakage.

(ii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 1, Rules 1.79, 1.94; Section 11, Rules 11.1, 11.1.1–11.1.8, 11.2, 11.2.1–11.2.3, 11.3, 11.3.1, 11.3.2, 11.4, and Section 13, Rule 13.5 (deletion).

(A) Previously approved on August 27, 1981 in paragraph (c)(17)(ii) of this section and now deleted without replacement: Section 1, Rules 1.79, 1.94.

(18) Amendments to the Nevada Air Quality Regulations submitted on March 17, 1980, by the Governor.

(i) Article 13.1.3—Point Sources and Registration Certificates.

(A) Previously approved on April 14, 1981 in paragraph (c)(18)(i) of this section and now deleted without replacement: Nevada Air Quality Regulations (NAQR) article 13.1.3(3).

(19) The following amendments to the plan were submitted on June 24, 1980, by the Governor.

(i) Section 10—State of Nevada Ambient Air Quality Monitoring and Surveillance.

(ii) Amendment to the Nevada Air Quality Regulations: Article 4, Rule 4.3.6.

(iii) Clark County, Nevada Lead SIP.

(20) The following amendment to the plan was submitted on August 19, 1980 by the Governor.

(i) Request for Extension of the Carbon Monoxide Attainment Date for the Truckee Meadows Nonattainment Area.

(21) The following amendments to the plan were submitted on October 13, 1980, by the Governor.

(i) Amendments to the Nevada Revised Statutes: 704.820 through 704.900 (Utility Environmental Protection Act).

(ii) Rule 25, of General Order No. 3, Nevada Public Service Commission.

(22) The following amendments to the plan were submitted on November 5, 1980, by the Governor.

(i) Amendments to the Clark County District Board of Health Air Pollution Control Regulations: Section 4, Rules 4.12, 4.12.1–4.12.3.

(ii) Amendments to the Nevada Air Quality Regulations: Article 7, Rules 7.2.5, 7.2.5.1, 7.2.9; and Article 8, Rule 8.3.4.

(iii) Previously approved on June 18, 1982 in paragraph (22)(ii) and now deleted without replacement: Articles 7.2.5, 7.2.9, and 8.3.4.

(23) The following amendments to the plan were submitted on March 4, 1981, by the Governor:

(i) Las Vegas Valley Air Quality Implementation Plan (excluding Clark County Air Pollution Control Regulations).

(24) The following amendments to the plan were submitted on November 17, 1981 by the Governor.

(i) Amendments to the Nevada Air Quality Regulations: Article 14.1.

(ii) Resolution of the Washoe Council of Governments adopted August 28, 1981 and Endorsement of the State Environmental Commission dated October 15, 1981.

(iii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 1—Definitions 1.7, 1.13, 1.14, 1.15, 1.32, 1.48, 1.50, 1.52, 1.57, 1.67, 1.72, 1.90 and the addition of the following unnumbered definitions: ''Emission Unit,'' ''Criteria Pollutant,'' ''Non-Criteria Pollutant,'' ''Baseline Area,'' ''Begin Actual Construction,'' ''Building, Structure, Facility, or Installation,'' ''Particulate Precursor,'' ''Secondary Emissions,'' and ''Significant.''

Section 15—Source Registration, 15.1, 15.1.1, 15.1.2, 15.1.3, 15.1.4, 15.1.5, 15.1.6, 15.1.7, 15.1.8, 15.2; 15.2.1, 15.2.2, 15.3, 15.4, 15.5; Preconstruction Review for New and Modified Sources, 15.6, 15.6.1, 15.6.1.1, 15.6.1.2 (deleted), 15.6.1.6, 15.6.2, 15.6.2.1 (deleted), 15.6.2.2, 15.6.2.3, 15.6.2.4, 15.6.2.5, 15.6.3, 15.6.3.1, 15.6.3.2 to 15.6.3.5 (added), 15.6.6, 15.7, 15.8, 15.9, 15.10, 15.10.1, 15.10.2, 15.10.3, 15.10.4, 15.11, 15.12; Prevention of Significant Deterioration, 15.13 (added); Preconstruction Review Requirements for New or Modified Sources in Areas Exceeding Air Quality Standards (''Offset'' Rules), 15.14.1, 15.14.1.2, 15.14.1.3 (added), 15.14.3.1, 15.14.3.2, 15.14.4, 15.14.4.1, 15.14.4.3, 15.14.3.3 (added), 15.14.4.3.4 (added), 15.14.4.3.5 (added) and, 15.14.4.4 (deleted).

(iv) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 4, Rule 4.7.3; Section 7; Section 9, Rules 9.1; Section 16; Section 17, Rules 17.2.1 and 17.6.1; Section 18, Rules 18.1—18.5.2; Section 23, Rules 23.2.1—23.3.1.2 and Rules 23.3.4—23.3.5; Section 27; Section 30, Rules 30.4 and 30.8; Section 52, Rules 52.4.2.3 and 52.7.2; and Section 60, Rules 60.4.3.

(A) Previously approved on June 18, 1982 and now deleted without replacement Section 7, Rules 7.1 to 7.19 and Section 9, Rule 9.1.

(B) Previously approved on June 18, 1982 at (c)(24)(iv) and now deleted Section 17, Rules 17.2.1 and 17.6.1.

(v) Nevada State Lead SIP Revision submitted by the State on November 5, 1981.

(vi) Amendment to the Clark County District Board of Health Air Pollution Control Regulations: Section 60, Rule 60.4.2.

(25) The following amendments to the plan were submitted on October 26, 1982, by the Governor.

(i) Amendments of Chapter 445 of the Nevada Administrative Code.

(A) New or amended sections 445.430–445.437, 445.439–445.447, 445.451, 445.453–445.472, 445.474–445.477, 445.480–445.504, 445.509–445.519, 445.522–445.537, 445.539, 445.542–445.544, 445.546–445.549, 445.551, 445.552, 445.554–445.568, 445.570, 445.572–445.587, 445.589–445.605, 445.608–445.612, 445.614–445.622, 445.624, 445.626, 445.627, 445.629–445.655, 445.660, 445.662–445.667, 445.682, 445.685–445.700, 445.704–445.707, 445.712–445.716, 445.721, 445.723, 445.729–445.732, 445.734, 445.742, 445.743, 445.746, 445.753, 445.754, 445.764, 445.844, and 445.845.

(ii) Previously approved on March 27, 1984, in paragraph (25)(i)(A) and now deleted without replacement: Nevada Administrative Code (NAC) sections: 445.447, 445.554, 445.596, 445.662, 445.695, 445.698, 445.700, and 445.844.

(iii) Previously approved on March 27, 1984, in paragraph (25)(i)(A) and now deleted without replacement: Nevada Administrative Code (NAC) sections:

445.440, 445.442–445.443, 445.446, 445.451, 445.453–445.456, 445.459–445.463, 445.465–445.469, 445.474–445.476, 445.481, 445.483–445.485, 445.487, 445.489–445.491, 445.493–445.498, 445.502–445.503, 445.509–445.511, 445.514–445.515, 445.518–445.519, 445.522–445.524, 445.526–445.532, 445.534, 445.539, 445.543–445.544, 445.546, 445.547, 445.551, 445.566–445.568, 445.572–445.573, 445.576–445.580, 445.582–445.583, 445.586–445.587, 445.591, 445.593–445.595, 445.598, 445.600, 445.602–445.605, 445.608–445.611, 445.614–445.616, 445.619–445.620, 445.626, 445.629, 445.631–445.632, 445.634–445.646, 445.648, 445.652, 445.654, and 445.723.

(iv) Previously approved on March 27, 1984 in paragraph (c)(25)(i)(A) of this section and now deleted without replacement: Nevada Administrative Code (NAC) section: 445.535.

(v) Previously approved on March 27, 1984, in paragraph (c)(25)(i)(A) of this section and now deleted without replacement: Nevada Administrative Code (NAC) section: 445.655.

(vi) Previously approved on March 27, 1984, in paragraph (c)(25)(i)(A) of this section and now deleted without replacement: Nevada Administrative Code (NAC) section 445.706(2).

(26) The following amendments to the plan were submitted on September 14, 1983 by the Governor.

(i) Amendments to Chapter 445 of the Nevada Administrative Code.

(A) New or amended Sections 445.732, 445.808 (paragraphs (1), (2)(a-c), and (3)–(5)), 445.815 (paragraphs (1), (2)(a)(1 and 2), and (3)–(5)), 445.816 (paragraphs (1), (2)(a-i), and (3)–(5)), 445.843, and 445.846 (paragraphs (1), (3), and (4)).

(B) Previously approved on March 27, 1984, in paragraph (26)(i)(A) and now deleted without replacement: Nevada Administrative Code (NAC) sections 445.815 (paragraphs (1), (2)(a)(1)–(2), and (3)–(5)) and 445.816 (paragraph (2)(a)–(c) and (e)–(i)).

(ii) The Truckee Meadows Air Quality Implementation Plan 1982 Update except for the attainment and RFP demonstrations and Legally Enforceable Measures portions of the plan.

(iii) Amendments related to Nevada's inspection and maintenance (I/M) program.

(A) State legislation (AB 677) which defers the start-up of the annual I/M program from July 1, 1983 to October 1, 1983.

(B) An I/M public education plan.

(C) Revisions to the Engine Emission Control Regulations (Nevada Administrative Code 455.851 to 445.945).

(27) The following amendments to the plan were submitted on December 9, 1982, by the State:

(i) Emission reduction estimates and/or changes in vehicular activity for the adopted control measures.

(ii) A modeling analysis indicating 1982 attainment.

(iii) Documentation of the modeling analysis including air quality, traffic and meteorological data:

(iv) Evidence of implementation and/or future commitments for the adopted control measures.

(v) Appendix of previous reports, measured data and other official correspondence including:

(A) Resource commitments from the responsible agencies for implementing the RFP,

(B) 1979 and 1980 Annual Reports for the Lake Tahoe Air Basin, and

(C) 1981 Nevada Air Quality Report.

(28) The following amendments to the plan were submitted on December 16, 1982 by the State:

(i) Additional evidence of commitment to the control evidence by the responsible state and/or local agencies,

(ii) Additional supporting documentation for the 1982 attainment modeling analysis which included revised technical data on measured and modeled CO traffic volumes, and a revised narrative on the calibration constant and the impacts to the model.

(29) The following amendments to the plan were submitted on January 28, 1983 by the State:

(i) Response to EPA's preliminary evaluation, specifying documentation for calibrating the model, the mobile source emission factors, and additional traffic data.

(ii) Conversion factors for the model.

(iii) A revised 1982 attainment modeling analysis and supporting documentation including:

(A) 1979, 1980–82 traffic data for the Stateline Area, (Appendix A);

(B) Stateline Cold Start/Hot Start Analysis, (Appendix B);

(C) Portions of the Highway 50 Corridor Study, June 1979 (Appendix C);

(D) Reference from Transportation and Traffic Engineering Handbook, (1979), (Appendix D); and

(E) Revised Caline 3 and Mobile 2 modeling analysis using both 27% and 50% cold start factors, (Appendix E).

(30) The following amendments to the plan were submitted on May 5, 1983 by the State:

(i) ''Stateline, Nevada, 1983 Carbon Monoxide Study''—a traffic, ambient air monitoring and predictive modeling report, and

(ii) A revised analysis of the Caline 3 model verifying 1982 attainment, based on data collected in February and March 1983.

(31) The following amendments to the plan were submitted on May 30, 1984, by the Governor.

(i) Washoe County, Nevada Lead SIP Revision.

(32) The Las Vegas Valley 1982 Air Quality Implementation Plan (AQIP) Update for carbon monoxide submitted by the Governor on June 23, 1982.

(33) On January 11, 1985, the following amendments to the plan were submitted by the State.

(i) Incorporation by reference.

(A) Las Vegas Valley Air Quality Implementation Plan, Post 1982 Update for Ozone adopted on October 16, 1984 (including section 33 (Chlorine in Chemical Processes)), adopted May 18, 1984).

(ii) Additional material.

(A) Emissions Inventory for 1995, transmitted by a letter dated March 14, 1986.

(34) Program elements were submitted on June 28, 1994 by the Governor's designee.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted on June 28, 1994.

(35) Program elements were submitted on July 5, 1995 by the Governor's designee.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted on July 5, 1995.

(36)–(37) [Reserved]

(38) On August 7, 1998, regulations for the following Health District were submitted by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Health District.

(*1*) Section 53 adopted on September 25, 1997.

(39) The following plan was submitted on February 14, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) Redesignation Request and Maintenance Plan for the National Sulfur Dioxide Standard—Central Steptoe Valley, adopted by Nevada Division of Environmental Protection on February 14, 1995.

(40) The following plan supplement was submitted on February 27, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Supplement to the Maintenance Plan for the National Sulfur Dioxide Standard—Central Steptoe Valley (Letter from Allen Biaggi, Administrator, Nevada Division of Environmental Protection, to Wayne Nastri, Regional Administrator, EPA Region IX, dated February 27, 2002).

(41) Regulations for the following agencies were submitted on November 19, 2002 by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Air Quality Management Board.

(*1*) Clark County Building Code, section 3708, adopted on November 20, 1990.

(*2*) City of Las Vegas Building Code, section 3708, adopted on November 21, 1990.

(*3*) City of North Las Vegas Building Code, section 13.16.150, adopted on September 18, 1991.

(*4*) City of Henderson Building Code, section 15.40.010, adopted on October 15, 1996.

(42) The following plan was submitted on July 23, 2001, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(*1*) PM–10 State Implementation Plan for Clark County including: Chapter 3, Chapter 4 (excluding pages 4–125 and 4–126), Chapters 5 through 7, Appendices A through E, Appendix G (excluding pages 90–1 through 90–10, 91–1 through 91–9, 92–1 through 92–7, 93–1 through 93–

8, and the following paragraphs of pages 0–1 through 0–46: 0.1–0.24, 0.26–0.32, 0.34, 0.35, 0.38–0.42, 0.44, 0.49, 0.50, 0.52–0.57, 0.59–0.64, 0.66–0.69, 0.71–0.80, 0.82, 0.83, 0.85–0.109, 0.112, 0.113, 0.115, 0.116, 0.118, 0.119, 0.121–0.126, 0.128–0.131, 0.134–0.139, 0.142–0.146, 0.148–0.161, 0.163, 0.165, and 0.167–0.172), Appendix J, and Appendices L through N adopted on June 19, 2001.

(43) The following regulations were submitted on October 24, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(*1*) Sections 90, 91, 92 and 93 adopted on November 20, 2001.

(44) The following plan amendments were submitted on November 19, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(*1*) Pages 4–125 and 4–126 and Appendix R adopted on November 19, 2002.

(45) The following plan was submitted on October 27, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Carbon Monoxide Redesignation Request and Limited Maintenance Plan for the Nevada Side of the Lake Tahoe Basin, dated October 2003, adopted by the State Environmental Commission on September 18, 2003.

(*1*) Attainment year (2001) emissions inventory, monitoring network and verification of continued attainment, and contingency plan, including commitments to follow maintenance plan contingency procedures by the Nevada Division of Environmental Protection, the Tahoe Metropolitan Planning Organization, the Nevada Department of Transportation, and the Washoe County District Health Department.

(B) Letter of October 27, 2003, from the Nevada Division of Environmental Protection, transmitting the redesignation request and maintenance plan for the Lake Tahoe Nevada CO nonattainment area and including a State commitment to track CO concentrations and to adopt, submit as a SIP revision, and implement expeditiously any and all measures to achieve the level of CO emissions reductions needed to maintain the CO NAAQS in the event that an exceedance of the CO NAAQS is monitored, and to work with the involved jurisdictions to ensure that sufficient measures are adopted and implemented in a timely fashion to prevent a violation.

(C) Additional material—Addendum to the October 27, 2003 letter of transmittal of the redesignation request and maintenance plan: emissions projections for on-road motor vehicles through 2016.

(46) The following plan revision was submitted on March 20, 1996, by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) State of Nevada State Implementation Plan for an Enhanced Program for the Inspection and Maintenance of Motor Vehicles for Las Vegas Valley and Boulder City, Nevada, revised March 1996, transmitted by letter dated March 20, 1996, including the cover page through page 15, appendix 1 (only the Nevada attorney general's opinion and memorandum dated November 15, 1993 and June 29, 1994, respectively), and appendices 2 through 9.

(47) The following plan revision was submitted on August 9, 2000, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(*1*) Carbon Monoxide State Implementation Plan, Las Vegas Valley Nonattainment Area, Clark County, Nevada, August 2000, adopted on August 1, 2000, including the following sections within which certain exceptions are noted but excluding all sections not specifically cited: chapters 1 through 8 (with the exception of chapter 7, subsection 7.2.2, ''Contingency Measures''); appendix A, ''Emissions Inventory'', sections 1 through 7, and section 8—''Annexes'' (with the exception of appendix E, ''Quality Assurance/Quality Control''); appendix B, ''Transportation Documentation'', section 1; appendix D, ''Regulations, Policies and Public Participation Documentation'', section 1— ''Cleaner Burning Gasoline (CBG) Regulations and Supporting Documentation'' (with the exception of District Board of Health of Clark County

Air Pollution Control Regulations section 54 as adopted on April 22, 1999), section 2, section 3, section 4—''Nevada Administrative Code, Chapter 445B: Technician Training and Licensing'' (with the exception of NAC 445B.485–445B.487, 445B.489–445B.493, and 445B.495–445B.498), and sections 5 through 9; and appendix E, ''Supplemental Technical Support Documentation'', sections 1 through 4, and 7.

(48) The following plan revision was submitted on January 30, 2002 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) New or amended regulations implementing Nevada's vehicle inspection and maintenance program in Las Vegas Valley and Boulder City: Nevada Administrative Code, chapter 445B, sections 445B.400–445B.774 (*i.e.*, ''Emissions from Engines''), including the sections under the subheadings ''General Provisions,'' ''Facilities for Inspection and Maintenance,'' ''Inspectors,'' ''Exhaust Gas Analyzers,'' ''Control of Emissions: Generally'' [excluding sections 445B.576–445B.578, and excluding section 445B.594 (''Inspections required in Washoe County'')], ''Restored Vehicles,'' ''Miscellaneous Provisions,'' but excluding the sections under the subheading ''Control of Emissions: Heavy-Duty Motor Vehicles'' (*i.e.*, sections 445B.737–445B.774), codification as of February 2002 by the Legislative Counsel Bureau.

(*2*) Previously approved on September 21, 2004, in paragraph (c)(48)(i)(A)(1) of this section and now deleted from the SIP without replacement: Nevada Administrative Code (NAC) sections: 445B.461(3)(d) and 445B.595(2)(d).

(ii) Additional material.

(A) Nevada Division of Environmental Protection.

(*1*) NV2000 Analyzer Electronic Data Transmission Equipment Specifications (June 15, 2000), revision 5, November 8, 2000.

(49) The following plan revisions were submitted on June 4, 2002 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) New or amended statutes related to Nevada's vehicle inspection and maintenance program in Las Vegas Valley and Boulder City, as amended through the 2001 Legislative sessions: Nevada Revised Statutes, title 40, chapter 445B, sections 445B.210, 445B.700, 445B.705, 445B.710, 445B.715, 445B.720, 445B.725, 445B.730, 445B.735, 445B.740, 445B.745, 445B.750, 445B.755, 445B.758, 445B.760, 445B.765, 445B.770, 445B.775–445B.778, 445B.780, 445B.785, 445B.790, 445B.795, 445B.798, 445B.800, 445B.805, 445B.810, 445B.815, 445B.820, 445B.825, 445B.830, 445B.832, 445B.834, 445B.835, 445B.840, and 445B.845, and title 43, chapter 482, section 482.461, transmitted by letter dated June 4, 2002.

(*2*) New regulation establishing the State's low Reid Vapor Pressure wintertime requirement for gasoline sold in Clark County: Nevada Administrative Code, chapter 590, section 590.065 as adopted on October 28, 1998 (made effective December 14, 1998) by the State Board of Agriculture.

(*3*) Regulation R017–02, adopted on March 8, 2002 by the Nevada State Environmental Commission: New or amended rules in Chapter 445B of the Nevada Administrative Code removing the limitation on applicability of, and removing the restrictive trigger for effectuating the implementation of, the on-board diagnostics systems test for Nevada's vehicle inspection and maintenance program.

(ii) Additional material.

(A) Nevada Division of Environmental Protection.

(*1*) Contract between Nevada Department of Motor Vehicles and MD LaserTech for on-road testing services, dated January 15, 2002.

(50) The following plan revision was submitted on September 9, 2003 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) New or amended statutes related to Nevada's vehicle inspection and maintenance program in Las Vegas Valley and Boulder City, as amended through the 2001 Legislative sessions: Nevada Revised Statutes, title 43, chapter 481, sections 481.019, 481.023, 481.027, 481.031, 481.035, 481.043, 481.047,

481.0473, 481.0475, 481.0477, 481.048, 481.0481, 481.051, 481.052, 481.055, 481.057, 481.063, 481.065, 481.079, 481.081, 481.082, 481.083, 481.085, and 481.087; title 43, chapter 482, sections 482.155, 482.160, 482.162, 482.165, 482.170, 482.171, 482.173, 482.175, 482.180, 482.1805, 482.181, 482.183, 482.186–482.188, 482.205, 482.206, 482.208, 482.210, 482.215, 482.216, 482.220, 482.225, 482.230, 482.235, 482.240, 482.245, 482.255, 482.260, 482.265–482.268, 482.270, 482.2703, 482.2705, 482.271, 482.2715, 482.2717, 482.272, 482.274, 482.275, 482.280, 482.2805, 482.2807, 482.281, 482.283, 482.285, 482.290, 482.385, and 482.565; and title 43, chapter 484, sections 484.644 and 484.6441, transmitted by letter dated September 9, 2003.

(51) The following plan revision was submitted on September 24, 2003 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) Regulation R178–01, adopted on July 11, 2002 by the Nevada Department of Motor Vehicles (and made effective August 21, 2002): New or amended rules in Chapter 445B of the Nevada Administrative Code establishing on-board diagnostics systems test procedures for Nevada's vehicle inspection and maintenance program.

(52) The following plan revision was submitted on November 10, 2003 by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(*1*) New or amended Section 53—Oxygenated Gasoline Program, and Section 54—Cleaner Burning Gasoline (CBG): Wintertime Program, adopted on May 20, 2003 (made effective June 3, 2003).

(53) The following plan revision was submitted on October 23, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(*1*) New or amended rules adopted on October 7, 2003 by the Clark County Board of County Commissioners: Clark County Air Quality Regulations section 0 (Definitions), section 11 (Ambient Air Quality Standards), section 12 (Preconstruction Review for New or Modified Stationary Sources), excluding subsection 12.2.18 and 12.2.20, section 58 (Emission Reduction Credits), and section 59 (Emission Offsets), excluding subsection 59.2 (''Local Offset Requirements'').

(54) The following plan revision was submitted on November 20, 2003 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) Nevada Administrative Code section 445B.22083, adopted March 3, 1994 (effective March 29, 1994), by the State Environmental Commission.

(55) The following plan revision and regulations were submitted on August 5, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Board of Health.

(*1*) Rules 040.031 and 040.032, adopted on February 27, 2002.

(*2*) Regulation 040.030 adopted on July 26, 2002.

(56) The following regulations and statutes were submitted on January 12, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) The following sections of the Nevada Air Quality Regulations were adopted on the dates listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(*i*) September 16, 1976: 445B.002, 445B.009, 445B.022, 445B.042, 445B.047, 445B.053, 445B.080, 445B.086, 445B.091, 445B.095, 445B.106, 445B.121, 445B.122, 445B.127, 445B.129, 445B.144, 445B.161, 445B.163, 445B.167, 445B.174, 445B.176, 445B.185, 445B.198, 445B.205, 445B.207, 445B.2204, and 445B.2209.

(*ii*) November 8, 1977: 445B.168.

(*iii*) September 12, 1978: 445B.125.

(*2*) The following sections of Chapter 445 of the Nevada Administrative Code were adopted on the dates listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(*i*) August 19, 1982: 445B.004 and 445B.060.

(*ii*) September 3, 1987: 445B.018, 445B.030, 445B.051, 445B.072, 445B.097, 445B.119, 445B.151, and 445B.209.

(*iii*) August 29, 1990: 445B.073.

(*iv*) November 18, 1991: 445B.135.

(*v*) November 3, 1993: 445B.055, 445B.056, and 445B.061.

(*vi*) March 3, 1994: 445B.075, 445B.103, 445B.109, and 445B.182.

(*3*) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on the dates listed below:

(*i*) October 3, 1995: 445B.005, 445B.059, 445B.077, 445B.112, 445B.116, 445B.130, 445B.145, 445B.152, 445B.177, 445B.180, 445B.22037, and 445B.227.

(*ii*) January 22, 1998: 445B.011, 445B.0425, 445B.058, 445B.22027, and 445B.22033.

(*iii*) September 9, 1999: 445B.2203 and 445B.22047.

(*iv*) May 10, 2001: 445B.113 and 445B.1135.

(*v*) September 18, 2001: 445B.006.

(*vi*) February 26, 2004: 445B.22067, 445B.2207, and 445B.22097.

(*vii*) August 19, 2004: 445B.001, 445B.211, 445B.22043, 445B.2205, and 445B.230.

(*viii*) October 4, 2005: 445B.22017 (effective April 1, 2006) and 445B.2202 (effective April 1, 2006).

(*4*) Title 40, Chapter 445B of Nevada Revised Statutes (2003): Sections 445B.105, 445B.110, 445B.115, 445B.120, 445B.125, 445B.130, 445B.135, 445B.140, 445B.145, 445B.150, 445B.155, 445B.210, 445B.220, 445B.225, 445B.235, 445B.245, 445B.275, 445B.280, 445B.300, 445B.320, 445B.500, 445B.510, 445B.520, 445B.530, 445B.540, 445B.560, and 445B.595.

(*5*) The following sections of the Nevada Air Quality Regulations were adopted on the dates listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(*i*) September 16, 1976: 445B.134, 445B.257, 445B.258, 445B.259, 445B.260, 445B.261, and 445B.263.

(*6*) The following sections of Chapter 445 of the Nevada Administrative Code were adopted on the dates listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(*i*) April 26, 1984: 445B.265.

(*ii*) November 3, 1993: 445B.084.

(*iii*) March 3, 1994: 445B.202.

(*7*) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on the dates listed below:

(*i*) October 3, 1995: 445B.015, 445B.062, and 445B.256.

(*ii*) August 22, 2000: 445B.264.

(*iii*) September 18, 2003: 445B.262 and 445B.267.

(*iv*) October 4, 2005: 445B.063, 445B.153, and 445B.22093.

(*8*) Title 40, Chapter 445B of Nevada Revised Statutes (NRS)(2003): Sections 445B.200, 445B.205, 445B.230, 445B.240, 445B.340, 445B.350, 445B.360, 445B.450, 445B.460, 445B.570, 445B.580, 445B.600, 445.610, and 445.640.

(*9*) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on the dates listed in paragraph (c)(56)(i)(A)(*9*) of this section:

(*i*) September 18, 2003: 445B.252.

(57) The following plan revision was submitted on February 14, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(1) Carbon Monoxide State Implementation Plan Revision, Las Vegas Valley Nonattainment Area, Clark County, Nevada, adopted on October 4, 2005 by the Clark County Board of Commissioners (with the exception of section 7.3 (page 7–2), ''Mobile Source Emissions Budget'').

(58) The following plan revision was submitted on May 12, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(1) Section 7.3 (page 7–2), ''Mobile Source Emissions Budget'' of the Carbon Monoxide State Implementation Plan Revision, Las Vegas Valley Nonattainment Area, Clark County, Nevada, adopted on May 2, 2006 by the Clark County Board of Commissioners.

(59) The following statute was submitted on March 24, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) Title 0, Preliminary Chapter-General Provisions, of Nevada Revised

Statutes: Section 0.039, effective April 29, 1985.

(60) The following plan revision was submitted on January 23, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(*1*) Sections 90 and 92, adopted June 22, 2000 by the Clark County Board of Commissioners, and amended on December 17, 2002.

(61) The following plan revision was submitted on March 26, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(*1*) Section 93, adopted on June 22, 2000 by the Clark County Board of Commissioners and amended on March 4, 2003; Section 94, adopted on June 22, 2000 by the Clark County Board of Commissioners and amended on March 18, 2003; and, the ''Construction Activities Dust Control Handbook'', adopted June 22, 2000 by the Clark County Board of Commissioners and amended on March 18, 2003.

(62) The following plan revision was submitted on December 8, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on September 6, 2006: 445B.134, 445B.230, 445B.258, 445B.259, and 445B.260.

(63) New or amended regulations were submitted on May 5, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Health Department.

(*1*) Rules 010.117, 040.005, and 040.051, revised on February 23, 2006, and Rule 050.001, adopted on March 23, 2006.

(64) The following plan was submitted on February 5, 2007 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) Nevada State Implementation Plan for Interstate Transport to Satisfy the Requirements of Clean Air Act 110(a)(2)(D)(i) for the 8-hour Ozone and $PM_{2.5}$ NAAQS Promulgated in July 1997 (January 31, 2007), adopted by the Nevada Division of Environmental Protection on February 5, 2007.

(65) The following plan was submitted on May 30, 2007 by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Health Department, Air Quality Management Division.

(1) Maintenance Plan for the Washoe County 8-Hour Ozone Attainment Area (April 2007), Washoe County District Health Department, excluding appendices.

(66) The following plan revision was submitted on June 26, 2007 by the Governor's designee. All section citations listed below refer to the January 2007 codification of chapter 445B of the Nevada Administrative Code as published by the Nevada Legislative Counsel Bureau.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) The following section of the Nevada Air Quality Regulations was adopted on the date listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(*i*) September 16, 1976, effective date December 4, 1976: 445B.172, ''Six-Minute Period defined.''

(*2*) The following section of Chapter 445 of the Nevada Administrative Code was adopted on the date listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(*i*) November 3, 1993: 445B.190, ''Stop order defined.''

(*3*) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on the dates listed below:

(*i*) October 3, 1995: 445B.225, ''Prohibited conduct: Concealment of emissions;'' and 445B.229, ''Hazardous emissions: Order for reduction or discontinuance.''

(*ii*) August 19, 2004, effective date September 24, 2004: 445B.001, ''Definitions;'' 445B.22043, ''Sulfur emissions: Exceptions for stationary sources;''

and 445B.2205, ''Sulfur emissions: Other processes which emit sulfur.''

(*iii*) October 4, 2005: 445B.063, ''Excess emissions defined;'' 445B.153, ''Regulated air pollutant defined;'' 445B.22017, ''Visible emissions: Maximum opacity; determination and monitoring of opacity;'' 445B.2202, ''Visible emissions: Exceptions for stationary sources;'' and 445B.22093, ''Organic solvents and other volatile compounds.''

(*iv*) March 8, 2006: 445B.275, ''Violations: Acts constituting; notice;'' and 445B.277, ''Stop orders.''

(*v*) September 6, 2006: 445B.220, ''Severability.''

(*4*) Nevada Revised Statutes (NRS) (2003), chapter 445B, section 445B.310 (''Limitations on enforcement of federal and state regulations concerning indirect sources'').

(67) New or amended regulations were submitted on August 20, 2007 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) Nevada Administrative Code (January 2007 codification by the Legislative Counsel Bureau) section 445B.22083, ''Construction, major modification or relocation of plants to generate electricity using steam produced by burning of fossil fuels;'' and section 445B.250, ''Notification of Director: Construction, reconstruction and initial start-up; demonstration of continuous monitoring system performance;'' adopted by the State Environmental Commission on October 4, 2005.

(68) The following plan revision was submitted on June 3, 1994 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) State Implementation Plan for a Basic Program for the Inspection and Maintenance of Motor Vehicles for the Truckee Meadows Planning Area, Nevada (June 1994), including the cover page through page 9.

(ii) Additional material.

(A) Nevada Division of Environmental Protection.

(*1*) State Implementation Plan for a Basic Program for the Inspection and Maintenance of Motor Vehicles for the Truckee Meadows Planning Area, Nevada (June 1994), appendix 1, appendix 2 (only the certificate of compliance and Nevada attorney general's opinion), and appendices 3, 6, 8, and 10.

(69) The following plan revision was submitted on November 4, 2005 by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Health Department.

(*1*) Rule 040.095, ''Oxygen content of motor vehicle fuel,'' revised on September 22, 2005.

(*i*) Washoe County District Board of Health Meeting, September 22, 2005, Public Hearing—Amendments—Washoe County District Board of Health Regulations Governing Air Quality Management; to Wit: Rule 040.095 (Oxygen Content of Motor Vehicle Fuel).

(*2*) Redesignation Request and Maintenance Plan for the Truckee Meadows Carbon Monoxide Non-Attainment Area (September 2005), excluding appendices B, C, and D.

(70) The following plan revision was submitted on November 2, 2006 by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Health Department.

(*1*) Basic I/M Performance Standard, excluding appendices A through D.

(*i*) Washoe County District Board of Health Meeting, September 28, 2006, Public Hearing—State Implementation Plan (SIP)—''Basic Program—Inspection and Maintenance (I/M) of Motor Vehicles—Truckee Meadows Planning Area, Nevada;'' to Wit: Basic Inspection and Maintenance (I/M) Performance Standard.

(ii) Additional material.

(A) Washoe County District Health Department.

(*1*) Basic I/M Performance Standard, appendices A through D.

(71) The following plan revision was submitted on May 11, 2007 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) New or amended statutes related to mobile sources, including Nevada's vehicle inspection and maintenance program in Las Vegas Valley/Boulder

City and Truckee Meadows: Nevada Revised Statutes (2005), chapter 365, section 365.060, ''Motor vehicle fuel defined;'' chapter 366, section 366.060, ''Special fuel defined;'' chapter 445B, sections 445B.210, ''Powers of Commission,'' 445B.700, ''Definitions,'' 445B.705, ''Approved inspector defined,'' 445B.710, ''Authorized inspection station defined,'' 445B.715, ''Authorized maintenance station defined,'' 445B.720, ''Authorized station defined,'' 445B.725, ''Commission defined,'' 445B.730, ''Evidence of compliance defined,'' 445B.735, ''Fleet station defined,'' 445B.737, ''Heavy-duty motor vehicle defined,'' 445B.740, ''Light-duty motor vehicle defined,'' 445B.745, ''Motor vehicle defined,'' 445B.747, ''Motor vehicle fuel defined,'' 445B.750, ''Passenger car defined,'' 445B.755, ''Pollution control device defined,'' 445B.757, ''Special fuel defined,'' 445B.758, ''Used motor vehicle defined,'' 445B.759, ''Inapplicability to military tactical vehicles,'' 445B.760, ''Authority of Commission to prescribe standards for emissions from mobile internal combustion engines; trimobiles; standards pertaining to motor vehicles to be approved by Department of Motor Vehicles,'' 445B.765, ''Information concerning program for control of emissions from motor vehicles: Collection, interpretation and correlation; public inspection,'' 445B.770, ''Regulations of Commission: Control of emissions from motor vehicles; program for inspection and testing of motor vehicles,'' 445B.775, ''Regulations of Commission: Requirements for licensing of stations by Department of Motor Vehicles,'' 445B.780, ''Program for regulation of emissions from heavy-duty motor vehicles; equipment used to measure emissions; waiver from requirements of program,'' 445B.785, ''Regulations of Department of Motor Vehicles: Licensing of stations; performance of inspection and issuance of evidence of compliance; diagnostic equipment; fee, bond or insurance; informational pamphlet; distribution,'' 445B.790, ''Regulations concerning inspection of stations; grounds for denial, suspension or revocation of license of inspector or station,'' 445B.795, ''Compulsory program for control of emissions: Limitations,'' 445B.798, ''Authority of Department of Motor Vehicles, in larger counties, to conduct test of emissions from motor vehicle being operated on highway,'' 445B.800, ''Evidence of compliance: Requirements for registration, sale or long-term lease of used vehicles in certain counties,'' 445B.805, ''Evidence of compliance: Exemptions from requirements,'' 445B.810, ''State Department of Conservation and Natural Resources to provide assistance,'' 445B.815, ''Evidence of compliance: Duty of employees and agents of Department of Motor Vehicles; submission by owner or lessee of fleet,'' 445B.820, ''Installation and inspection of pollution control device,'' 445B.825, ''Exemption of certain classes of motor vehicles; waiver from provisions of NRS 445B.770 to 445B.815, inclusive,'' 445B.830, ''Fees to be paid to Department of Motor Vehicles; Pollution Control Account; expenditure of money in Account; quarterly distributions to local governments; annual reports by local governments; grants; creation and duties of advisory committee; submission and approval of proposed grants,'' 445B.832, ''Surcharge for electronic transmission of information: Authority to impose; inclusion as separate entry on form certifying emission control compliance; definition,'' 445B.834, ''Additional fee for form certifying emission control compliance: Retention of portion of fee by station performing inspection; definition,'' 445B.835, ''Administrative fine; hearing; additional remedies to compel compliance,'' 445B.840, ''Unlawful acts,'' and 445B.845, ''Criminal penalty; enforcement of provisions by peace officer; mitigation of offense;'' chapter 481, sections 481.019, ''Creation; powers and duties,'' 481.023, ''Administration of laws by Department; exceptions,'' 481.027, ''General functions of Department of Motor Vehicles and Department of Transportation respecting state highways,'' 481.031, ''Office of Director of Department created,'' 481.035, ''Director of Department: Appointment; classification; other employment prohibited; employment of deputies and staff,'' 481.047, ''Appointment of personnel,'' 481.0473, ''Divisions of Department,'' 481.0475, ''Duties of Administrative Services Division,'' 481.048, ''Division of Compliance Enforcement: Appointment and duties of investigators,''

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(*2*) New or amended rules related to mobile sources, including Nevada's vehicle inspection and maintenance program in Las Vegas Valley/Boulder City and Truckee Meadows: Nevada Administrative Code, chapter 445B (January 2007 revision by the Legislative Counsel Bureau), sections 445B.400, ''Scope,'' 445B.401, ''Definitions,'' 445B.403, ''Approved inspector defined,'' 445B.4045, ''Authorized inspection station defined,'' 445B.405, ''Authorized station defined,'' 445B.408, ''Carbon monoxide defined,'' 445B.409, ''Certificate of compliance defined,'' 445B.4092, ''Certified on-board diagnostic system defined,''

445B.4096, ''Class 1 approved inspector defined,'' 445B.097, ''Class 1 fleet station defined,'' 445B.098, ''Class 2 approved inspector defined,'' 445B.4099, ''Class 2 fleet station defined,'' 445B.410, ''$CO_2$ defined,'' 445B.411, ''Commission defined,'' 445B.413, ''Department defined,'' 445B.415, ''Director defined,'' 445B.416, ''Emission defined,'' 445B.418, ''EPA defined,'' 445B.419, ''Established place of business defined,'' 445B.420, ''Evidence of compliance defined,'' 445B.421, ''Exhaust emissions defined,'' 445B.422, ''Exhaust gas analyzer defined,'' 445B.424, ''Fleet station defined,'' 445B.4247, ''Gross vehicle weight rating defined,'' 445B.426, ''Heavy-duty motor vehicle defined,'' 445B.427, ''Hydrocarbon defined,'' 445B.428, ''Hz defined,'' 445B.432, ''Light-duty motor vehicle defined,'' 445B.433, ''Mini motor home defined,'' 445B.434, ''Motor home defined,'' 445B.435, ''Motor vehicle defined,'' 445B.440, ''New motor vehicle defined,'' 445B.442, ''Opacity defined,'' 445B.443, ''Person defined,'' 445B.444, ''ppm defined,'' 445B.449, ''Smoke defined,'' 445B.450, ''Special mobile equipment defined,'' 445B.451, ''Standard defined,'' 445B.4515, ''State electronic data transmission system defined,'' 445B.452, ''Tampering defined,'' 445B.4525, ''Test station defined,'' 445B.453, ''Truck defined,'' 445B.454, ''Used motor vehicle defined,'' 445B.455, ''Van conversion defined,'' 445B.4553, ''Vehicle inspection report defined,'' 445B.4556, ''Vehicle inspection report number defined,'' 445B.456, ''Severability,'' 445B.460, ''Test station: License required to operate; expiration of license; ratings; performance of certain services; prohibited acts; location,'' 445B.461, ''Compliance by Federal Government, state agencies and political subdivisions,'' 445B.462, ''Test station: Application for license to operate; inspection of premises; issuance of license,'' 445B.463, ''Test station: Grounds for denial, revocation or suspension of license; reapplication; permanent revocation of license,'' 445B.464, ''Test station: Hearing concerning denial, suspension or revocation of license,'' 445B.465, ''Authorized station or authorized inspection station: Requirements for bond or deposit,'' 445B.466, ''Authorized station or authorized inspection station: Liability under bond or deposit; suspension and reinstatement of licenses,'' 445B.467, ''Authorized station or authorized inspection station: Disbursement, release or refund of bond or deposit,'' 445B.468, ''Authorized stations and authorized inspection stations: Scope of coverage of bond or deposit,'' 445B.469, ''Authorized station or authorized inspection station: Posting of signs and placards,'' 445B.470, ''Test station: Display of licenses; availability of reference information,'' 445B.471, ''Test station: Advertising; provision by Department of certain informational material for public,'' 445B.472, ''Test station: Records of inspections and repairs; inspection of place of business; audit of exhaust gas analyzers,'' 445B.473, ''Test station: Notice of wrongfully distributed or received vehicle inspection reports; inventory of vehicle inspection reports,'' 445B.474, ''Test station: Failure to employ approved inspector,'' 445B.475, ''Authorized station or class 2 fleet station: Requirements for employees,'' 445B.476, ''Test station: Willful failure to comply with directive; suspension of license; reapplication after revocation of license,'' 445B.478, ''Fleet station: Licensing; powers and duties,'' 445B.480, ''Test station: Requirements concerning business hours,'' 445B.485, ''Prerequisites to licensing,'' 445B.486, ''Examination of applicants for licensing,'' 445B.487, ''Denial of license,'' 445B.489, ''Grounds for denial, suspension or revocation of license,'' 445B.490, ''Hearing on suspension or revocation of license,'' 445B.491, ''Temporary suspension or refusal to renew license,'' 445B.492, ''Duration of suspension; surrender of license,'' 445B.493, ''Limitation on reapplication after revocation or denial or license; surrender of revoked license; permanent revocation of license,'' 445B.495, ''Contents of license,'' 445B.496, ''Expiration of license,'' 445B.497, ''Requirements for renewal of license,'' 445B.498, ''Performance of emission inspection without license prohibited; expiration of license; license ratings,'' 445B.4983, ''Issuance of access code to approved inspector; use of access code and identification number,'' 445B.4985, ''Violations,'' 445B.499, ''Fees,'' 445B.501, ''Report of change in place of employment or termination of

employment,'' 445B.502, ''Submission of certificate of employment to report change,'' 445B.5049, ''Connection to state electronic data transmission system,'' 445B.505, ''Availability of list of approved analyzers and their specifications,'' 445B.5052, ''Approved analyzer: Use and equipment; deactivation by Department,'' 445B.5055, ''Revocation of approval of analyzer,'' 445B.5065, ''Manufacturer of approved analyzer: Required warranty,'' 445B.5075, ''Manufacturer of approved analyzer: Required services; administrative fine for violations,'' 445B.575, ''Device to control pollution: General requirement; alteration or modification,'' 445B.576, ''Vehicles powered by gasoline or diesel fuel: Restrictions on visible emissions and on idling of diesel engines,'' 445B.577, ''Devices used on stationary rails: Restrictions on visible emissions,'' 445B.578, ''Exceptions to restrictions on visible emissions,'' 445B.579, ''Inspection of vehicle: Devices for emission control required,'' 445B.580, ''Inspection of vehicle: Procedure for certain vehicles with model year of 1995 or older and heavy-duty vehicles with model year of 1996 or newer,'' 445B.5805, ''Inspection of vehicle: Procedure for light-duty vehicles with model year of 1996 or newer,'' 445B.581, ''Inspection of vehicle: Place and equipment for performance,'' 445B.5815, ''Inspection of vehicle: Certified on-board diagnostic systems,'' 445B.582, ''Repair of vehicle; reinspection or testing,'' 445B.583, ''Evidence of compliance: Purpose; records,'' 445B.584, ''Evidence of compliance: Purchase of vehicle inspection report numbers,'' 445B.585, ''Evidence of compliance: Issuance by approved inspector,'' 445B.586, ''Evidence of compliance: Return of fee,'' 445B.587, ''Test of light-duty motor vehicles powered by diesel engines: Equipment for measurement of smoke opacity,'' 445B.588, ''Testing of light-duty motor vehicles powered by diesel engines: List of approved equipment,'' 445B.589, ''Testing of light-duty motor vehicles powered by diesel engines: Procedure; certificate of compliance; effect of failure; lack of proper fuel cap,'' 445B.5895, ''Dissemination of list of authorized stations,'' 445B.590, ''Waiver of standards for emissions,'' 445B.591, ''Form for registration of vehicle in area where inspection of vehicle not required,'' 445B.5915, ''Requirements for registration of vehicle temporarily being used and maintained in another state,'' 445B.592, ''Applicability of certain standards for emissions and other requirements,'' 445B.593, ''Evidence of compliance required for certain vehicles based in Clark County,'' 445B.594, ''Evidence of compliance required for certain vehicles based in Washoe County,'' 445B.595 (excluding subsection(2)), ''Inspections of vehicles owned by State or political subdivisions or operated on federal installations,'' 445B.596, ''Standards for emissions,'' 445B.598, ''Imposition and statement of fee for inspection and testing; listing of stations and fees,'' 445B.599, ''Prescription and notice of maximum fees for inspections and testing,'' 445B.600, ''Procedure for setting new fee,'' 445B.601, ''Concealment of emissions prohibited,'' 445B.6115, ''Exemption of vehicle from certain provisions,'' 445B.6125, ''Certification of vehicle for exemption,'' 445B.7015, ''Annual and additional inspections,'' 445B.7025, ''Alteration of emission control system of vehicle used to conduct inspection,'' 445B.7035, ''Preliminary written notice of violation; reinspection of vehicle,'' 445B.7045, ''Administrative fines and other penalties for certain violations,'' 445B.727, ''Administrative fines and other penalties,'' and 445B.735, ''Program for licensure to install, repair and adjust devices for control of emissions.''

(*3*) Previously approved on July 3, 2008, in paragraph (c)(71)(i)(A)(2) of this section and now deleted from the SIP without replacement: Nevada Administrative Code (NAC) section: 445B.461(3)(d).

(*4*) New or amended rules related to mobile sources, including Nevada's vehicle inspection and maintenance program in Las Vegas Valley/Boulder City and Truckee Meadows: Nevada Administrative Code, chapter 445B (January 2007 revision by the Legislative Counsel Bureau), paragraphs (a), (b), and (c) of subsection (2) of section 445B.595, ''Inspections of vehicles owned by State or political subdivisions or operated on federal installations.''

(ii) Additional material.

(A) Nevada Division of Environmental Protection.

(*1*) Correspondence dated March 6, 2007 from the Nevada Department of Motor Vehicles to the Nevada Division of Environmental Protection describing an upgrade to the NV2000 emission analyzer to make emissions testing possible on motor vehicles containing a certified on-board diagnostic system which uses controller area network communication.

(72) The following plan revision was submitted on April 1, 2008, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(*1*) Clark County Transportation Conformity Plan (January 2008), adopted by the Clark County Board of County Commissioners on January 15, 2008.

(73) The following plan revision was submitted on September 18, 2008, by the Governor's designee.

(i) [Reserved]

(ii) Additional material.

(A) Resolution of the Clark County Board of Commissioners Adopting the Clark County Carbon Monoxide Redesignation Request and Maintenance Plan, adopted by the Clark County Board of Commissioners on September 2, 2008.

(B) Carbon Monoxide Redesignation Request and Maintenance Plan, Las Vegas Valley Nonattainment Area, Clark County, Nevada (September 2008), adopted by the Clark County Board of Commissioners on September 2, 2008 (excluding the appendices).

(74) The following plan revision was submitted on March 26, 2010 by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(*1*) Clark County Board of County Commissioners, Ordinance No. 3809, ''An Ordinance to Suspend the Applicability and Enforceability of All Provisions of Clark County Air Quality Regulation Section 54, the Cleaner Burning Gasoline Wintertime Program; and Provide for Other Matters Properly Relating Thereto,'' adopted September 15, 2009, effective (for state purposes) on September 29, 2009.

(B) Nevada Department of Agriculture.

(*1*) Nevada Board of Agriculture, Adopted Regulation of the State Board of Agriculture LCB File No. R111–08, including an amended version of Nevada Administrative Code (NAC) section 590.065, effective (for state purposes) on January 28, 2010, (excluding newly designated subsection (7) of NAC section 590.065).

(75) The following plan revision was submitted on August 30, 2010, by the Governor's designee.

(i) [Reserved]

(ii) Additional material.

(A) Letter from Anthony Lesperance, Director, Nevada Department of Nevada, to Lewis Wallenmeyer, Director, Clark County Department of Air Quality and Environmental Management, dated June 22, 2010, setting forth the Nevada Department of Agriculture's commitment to seek reinstatement of the Low RVP wintertime gasoline requirement in Clark County if necessary under the Las Vegas Valley Carbon Monoxide Maintenance Plan to address future carbon monoxide violations.

[37 FR 10878, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1470, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### §52.1471 Classification of regions.

The Nevada plan is evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Las Vegas Intrastate | I | IA | III | I | I |
| Northwest Nevada Intrastate | I | III | III | III | III |
| Nevada Intrastate | IA | IA | III | III | III |

[45 FR 7545, Feb. 4, 1980]

**§ 52.1472 Approval status.**

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

(1) Mason Valley/Fernley Area for TSP.

(2) Lower Reese River Valley/Clovers Area for TSP.

(3) Carson Desert for TSP.

(4) Winnemucca Segment for TSP.

(5) Truckee Meadows for TSP and CO.

(6) Las Vegas Valley for TSP and CO.

(7) Lake Tahoe Basin for CO.

(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 the 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) Truckee Meadows for $O_3$.

(2) Las Vegas Valley for $O_3$.

[46 FR 21766, Apr. 14, 1981, as amended at 47 FR 27069, June 23, 1982]

**§ 52.1473 General requirements.**

(a) The requirements of § 51.116(c) of this chapter are not met in Washoe County, since the plan does not provide procedures for making emission data, as correlated with allowable emissions, available to the public. In addition, Chapter 020.065 of the ''Air Pollution Control Regulations'' of the District Board of Health of Washoe County in the Northwest Nevada Intrastate Region is disapproved since it contains provisions which restrict the public availability of emission data as correlated with applicable emission limitations and other control measures.

(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 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–June 30 and July 1–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.

[37 FR 10878, May 31, 1972, as amended at 37 FR 15086, July 27, 1972; 38 FR 12708, May 14, 1973; 40 FR 55331, Nov. 28, 1975; 43 FR 1342, Jan. 24, 1978; 51 FR 40676, Nov. 7, 1986]

### § 52.1474 Part D conditional approval.

(a) The following portions of the Nevada SIP contain deficiencies with respect to Part D of the Clean Air Act which must be corrected within the time limit indicated.

(1)–(4) [Reserved]

[46 FR 21766, Apr. 14, 1981, as amended at 47 FR 15792, Apr. 13, 1982; 47 FR 27069, June 23, 1982; 49 FR 6900, Feb. 24, 1984]

### § 52.1475 Control strategy and regulations: Sulfur oxides.

(a) The requirements of subpart G of this chapter are not met since the plan does not adequately provide for attainment and maintenance of the National Ambient Air Quality Standards for sulfur oxides in the Nevada Intrastate Region.

(b) Article 8.1.3 of Nevada's ''Air Quality Regulations'' (emission limitation for sulfur from existing copper smelters), which is part of the sulfur oxides control strategy, is disapproved since it does not provide the degree of control needed to attain and maintain the National Ambient Air Quality Standards for sulfur oxides in the Nevada Intrastate Region.

[40 FR 5511, Feb. 6, 1975, as amended at 51 FR 40676, Nov. 7, 1986; 72 FR 32531, June 13, 2007]

### § 52.1476 Control strategy: Particulate matter.

(a) The requirements of subpart G of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards for particulate matter in the Northwest Nevada and Nevada Intrastate Regions.

(b) The following rule and portions of the control strategy are disapproved since they do not provide the degree of control needed to attain and maintain the National Ambient Air Quality Standards for particulate matter.

(1) NAQR Article 7.2.7, *Particulate Matter;* Table 4.2, *Emissions Inventory Summary for Particulates* and Table 5.2, *Summary of Control Strategy Analysis for Particulates*, from the Nevada Control Strategy, submitted on October 7, 1976.

(c) The following rules are disapproved because they relax the emission limitation on particulate matter.

(1) Clark County District Board of Health, Table 27.1, (Particulate Matter from Process Matter), submitted on July 24, 1979.

(2) Nevada Air Quality Regulations, Article 4, Rule 4.34, (Visible Emission from Stationary Sources), submitted on December 29, 1978, and Rule 4.3.6, (Visible Emission from Stationary Sources), submitted on June 24, 1980.

[37 FR 10877, May 31, 1972, as amended at 45 FR 8011, Feb. 6, 1980; 46 FR 43142, Aug. 27, 1981; 51 FR 40676, Nov. 7, 1986]

### § 52.1477 Nevada air pollution emergency plan.

Section 6.1.5 of the Emergency Episode Plan submitted on December 29, 1978 is disapproved since termination of the episode is left to the discretion of the Control Officer and not specified criteria and it does not meet the requirements of 40 CFR 51.16 and Appendix L. The old rule 6.1.5 submitted on January 28, 1972 is retained.

[45 FR 46385, July 10, 1980]

### § 52.1478 Extensions.

The Administrator, by the 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 Clark County (Las Vegas Valley), Nevada carbon monoxide nonattainment area.

[61 FR 57333, Nov. 6, 1996]

### § 52.1479 Source surveillance.

(a) The requirements of § 51.211 of this chapter are not met, except in Clark County, since the plan does not provide adequate legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report, information on the nature and amount of emissions.

(b) The requirements of § 51.214 of this chapter are not met since the plan does not provide adequate legally enforceable procedures to require stationary sources subject to emission standards to submit information relating to emissions and operation of the emission monitors to the State as specified in Appendix P of part 51.

[37 FR 10878, May 31, 1972, as amended at 38 FR 12709, May 14, 1973; 40 FR 55331, Nov. 28, 1975; 43 FR 36933, Aug. 21, 1978; 51 FR 40677, Nov. 7, 1986]

### §§ 52.1480–52.1481 [Reserved]

### § 52.1482 Compliance schedules.

(a)–(b) [Reserved]

(c) The compliance schedule revisions submitted for the sources identified below are disapproved as not meeting the requirement of subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

| Source | Location | Regulation involved | Date of adoption |
|---|---|---|---|
| Jack N. Tedford, Inc | Fallon | Not given | Aug. 14, 1972. |
| Basic, Inc | Gabbs | Article 4 | Feb. 13, 1973. |
| | | Article 7 | June 26, 1973. |
| Duval Corp | Battle Mountain | Article 5 | Feb. 13, 1973. |
| Mohave Generating Station, Southern California Edison Co. | Laughlin | Clark County, Section 16. | Jan. 11, 1973. |
| | | Section 26 | July 17, 1973. |

[39 FR 14209, Apr. 22, 1974, as amended at 40 FR 3995, Jan. 27, 1975; 51 FR 40676, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

### § 52.1483 Malfunction regulations.

(a) The following regulations are disapproved because they would permit the exemption of sources from applicable emission limitations under certain situations and therefore they do not satisfy the enforcement imperatives of section 110 of the Clean Air Act.

(1) Clark County District Board of Health

(i) Previously approved on May 14, 1973 and deleted without replacement on August 27, 1981: Section 12 (Upset, Breakdown, or Scheduled Maintenance).

(ii) Section 25, Rule 25.1, submitted by the Governor on July 24, 1979.

(iii) Section 25, Rules 25.1–25.1.4, submitted by the Governor on November 17, 1981.

[49 FR 10259, Mar. 20, 1984, as amended at 69 FR 54019, Sept. 7, 2004]

### § 52.1484 [Reserved]

### § 52.1485 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan, except as it applies to the Clark County Health District, does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulation for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are incorporated and made a part of the applicable State plan for the State of Nevada except for that portion applicable to the Clark County Health District.

(c) All applications and other information required pursuant to § 52.21 from sources located in the jurisdiction of the State of Nevada shall be submitted to the Director, Department of Conservation and Natural Resources, 201 South Fall Street, Carson City, Nevada instead of the EPA Region 9 Office.

[47 FR 26621, June 21, 1982, as amended at 48 FR 28271, June 21, 1983; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

### § 52.1486 Control strategy: Hydrocarbons and ozone.

(a) The requirements of subpart G of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standard for ozone in the Las Vegas Intrastate Region (§ 81.80 of this chapter).

[45 FR 67347, Oct. 10, 1980, as amended at 51 FR 40676, Nov. 7, 1986]

**§52.1487 Public hearings.**

(a) The requirements of §51.102 (a) and (e) of this chapter are not met since NAQR, Article 2.11.4.2 allows variances (compliance schedules), to be renewed without a public hearing, thus allowing further postponement of the final compliance date for sources whose emissions contribute to violations of the national standards. Therefore, NAQR, Article 2.11.4.2 is disapproved.

[43 FR 1343, Jan. 24, 1978, as amended at 51 FR 40675, Nov. 7, 1986]

**§52.1488 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) Regulation for visibility monitoring and new source review. The provisions of §52.26 are hereby incorporated and made a part of the applicable plan for the State of Nevada. The provisions of §52.28 are hereby incorporated and made a part of the applicable plan for the State of Nevada except for that portion applicable to the Clark County Department of Air Quality and Environmental Management.

(c) *Long-term strategy*. The provisions of §52.29 are hereby incorporated and made part of the applicable plan for the State of Nevada.

(d) This paragraph (d) is applicable to the Mohave Generating Station located in the Las Vegas Intrastate Air Quality Control Region (§81.80 of this chapter).

(1) *Definitions*.

*Administrator* means the Administrator of EPA or her/his designee.

*Boiler-operating-day* shall mean any calendar day in which coal is combusted in the boiler of a unit for more than 12 hours. If coal is combusted for more than 12 but less than 24 hours during a calendar day, the calculation of that day's sulfur dioxide ($SO_2$) emissions for the unit shall be based solely upon the average of hourly Continuous Emission Monitor System data collected during hours in which coal was combusted in the unit, and shall not include any time in which coal was not combusted.

*Coal-fired* shall mean the combustion of any coal in the boiler of any unit. If the Mohave Generating Station is converted to combust a fuel other than coal, such as natural gas, it shall not emit pollutants in greater amounts than that allowed by paragraph (d) of this section.

*Current owners* shall mean the owners of the Mohave Generating Station on December 15, 1999.

*Owner or operator* means the owner(s) or operator(s) of the Mohave Generating Station to which paragraph (d) of this section is applicable.

*Rolling average* shall mean an average over the specified period of boiler-operating-days, such that, at the end of the first specified period, a new daily average is generated each successive boiler-operating-day for each unit.

(2) *Emission controls and limitations*. The owner or operator shall install the following emission control equipment, and shall achieve the following air pollution emission limitations for each coal-fired unit at the Mohave Generating Station, in accordance with the deadlines set forth in paragraphs (d) (3) and (4) of this section.

(i) The owner or operator shall install and operate lime spray dryer technology on Unit 1 and Unit 2 at the Mohave Generating Station. The owner or operator shall design and construct such lime spray dryer technology to comply with the $SO_2$ emission limitations, including the percentage reduction and pounds per million BTU in the following requirements:

(A) $SO_2$ emissions shall be reduced at least 85% on a 90-boiler-operating-day rolling average basis. This reduction efficiency shall be calculated by comparing the total pounds of $SO_2$ measured at the outlet flue gas stream after the baghouse to the total pounds of $SO_2$ measured at the inlet flue gas stream to the lime spray dryer during the previous 90 boiler-operating-days.

(B) $SO_2$ emissions shall not exceed .150 pounds per million BTU heat input on a 365-boiler-operating-day rolling average basis. This average shall be calculated by dividing the total pounds of $SO_2$ measured at the outlet flue gas stream after the baghouse by the total heat input for the previous 365 boiler-operating-days.

(C) Compliance with the $SO_2$ percentage reduction emission limitation above shall be determined using continuous $SO_2$ monitor data taken from the inlet flue gas stream to the lime spray dryer compared to continuous $SO_2$ monitor data taken from the outlet flue gas stream after the baghouse for each unit separately. Compliance with the pounds per million BTU limit shall be determined using continuous $SO_2$ monitor data taken from the outlet flue gas stream after each baghouse. The continuous $SO_2$ monitoring system shall comply with all applicable law (e.g., 40 CFR Part 75, or such other provisions as may be enacted). The inlet $SO_2$ monitor shall also comply with the quality assurance-quality control procedures in 40 CFR part 75, appendix B.

(D) For purposes of calculating rolling averages, the first boiler-operating-day of a rolling average period for a unit shall be the first boiler-operating-day that occurs on or after the specified compliance date for that unit. Once the unit has operated the necessary number of days to generate an initial 90 or 365 day average, consistent with the applicable limit, each additional day the unit operates a new 90 or 365 day (''rolling'') average is generated. Thus, after the first 90 boiler-operating-days from the compliance date, the owner or operator must be in compliance with the 85 percent sulfur removal limit based on a 90-boiler-operating-day rolling average each subsequent boiler-operating-day. Likewise, after the first 365 boiler-operating-days from the compliance date, the owner or operator must be in compliance with the .150 sulfur limit based on a 365-boiler-operating-day rolling average each subsequent boiler-operating-day.

(E) Nothing in this paragraph (d) shall prohibit the owner or operator from substituting equivalent or superior control technology, provided such technology meets applicable emission limitations and schedules, upon approval by the Administrator.

(ii) The owner or operator shall install and operate fabric filter dust collectors (also known as FFDCs or baghouses), without a by-pass, on Unit 1 and Unit 2 at the Mohave Generating Station. The owner or operator shall design and construct such FFDC technology (together with or without the existing electrostatic precipitators) to comply with the following emission limitations:

(A) The opacity of emissions shall be no more than 20.0 percent, as averaged over each separate 6-minute period within an hour, beginning each hour on the hour, measured at the stack.

(B) In the event emissions from the Mohave Generating Station exceed the opacity limitation set forth in paragraph (d) of this section, the owner or operator shall not be considered in violation of this paragraph if they submit to the Administrator a written demonstration within 15 days of the event that shows the excess emissions were caused by a malfunction (a sudden and unavoidable breakdown of process or control equipment), and also shows in writing within 15 days of the event or immediately after correcting the malfunction if such correction takes longer than 15 days:

(*1*) To the maximum extent practicable, the air pollution control equipment, process equipment, or processes were maintained and operated in a manner consistent with good practices for minimizing emissions;

(*2*) Repairs were made in an expeditious fashion when the operator knew or should have known that applicable emission limitations would be exceeded or were being exceeded. Individuals working off-shift or overtime were utilized, to the maximum extent practicable, to ensure that such repairs were made as expeditiously as possible;

(*3*) The amount and duration of excess emissions were minimized to the maximum extent practicable during periods of such emissions;

(*4*) All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality; and

(*5*) The excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

(C) Notwithstanding the foregoing, the owner or operator shall be excused from meeting the opacity limitation during cold startup (defined as the startup of any unit and associated FFDC system after a period of greater than 48 hours of complete shutdown of

that unit and associated FFDC system) if they demonstrate that the failure to meet such limit was due to the breakage of one or more bags caused by condensed moisture.

(D) Compliance with the opacity emission limitation shall be determined using a continuous opacity monitor installed, calibrated, maintained and operated consistent with applicable law (e.g., 40 CFR Part 60, or such other provisions as may be enacted).

(iii) The owner or operator shall install and operate low-$NO_X$ burners and overfire air on Unit 1 and Unit 2 at the Mohave Generating Station.

(3) *Emission control construction deadlines.* The owner or operator shall meet the following deadlines for design and construction of the emission control equipment required by paragraph (d)(2) of this section. These deadlines and the design and construction deadlines set forth in paragraph (d)(4)(iii) of this section are not applicable if the emission limitation compliance deadlines of paragraph (d)(4) of this section are nonetheless met; or coal-fired units at the Mohave Generating Station are not in operation after December 31, 2005; or coal-fired units at the Mohave Generating Station are not in operation after December 31, 2005 and thereafter recommence operation in accordance with the emission controls and limitations obligations of paragraph (d)(2) of this section.

(i) Issue a binding contract to design the $SO_2$, opacity and $NO_X$ control systems for Unit 1 and Unit 2 by March 1, 2003.

(ii) Issue a binding contract to procure the $SO_2$, opacity and $NO_X$ control systems for Unit 1 and Unit 2 by September 1, 2003.

(iii) Commence physical, on-site construction of $SO_2$ and opacity equipment for Unit 1 and Unit 2 by April 1, 2004.

(iv) Complete construction of $SO_2$, opacity and $NO_X$ control equipment and complete tie in for first unit by July 1, 2005.

(v) Complete construction of $SO_2$, opacity and $NO_X$ control equipment and complete tie in for second unit by December 31, 2005.

(4) *Emission limitation compliance deadlines.* (i) The owner's or operator's obligation to meet the $SO_2$ and opacity emission limitations and $NO_X$ control obligations set forth in paragraph (d)(2) of this section shall commence on the dates listed below, unless subject to a force majeure event as provided for in paragraph (d)(7) of this section:

(A) For one unit, January 1, 2006; and

(B) For the other unit, April 1, 2006.

(ii) The unit that is to meet the emission limitations by April 1, 2006 may only be operated after December 31, 2005 if the control equipment set forth in paragraph (d)(2) of this section has been installed on that unit and the equipment is in operation. However, the control equipment may be taken out of service for one or more periods of time between December 31, 2005 and April 1, 2006 as necessary to assure its proper operation or compliance with the final emission limits.

(iii) If the current owners' entire (*i.e.*, 100%) ownership interest in the Mohave Generating Station is sold either contemporaneously, or separately to the same person or entity or group of persons or entities acting in concert, and the closing date or dates of such sale occurs on or before December 30, 2002, then the emission limitations set forth in paragraph (d)(2) of this section shall become effective for one unit three years from the date of the last closing, and for the other unit three years and three months from the date of the last closing. With respect to interim construction deadlines, the owner or operator shall issue a binding contract to design the $SO_2$, opacity and $NO_X$ control systems within six months of the last closing, issue a binding contract to procure such systems within 12 months of such closing, commence physical, on-site construction of $SO_2$ and opacity control equipment within 19 months of such closing, and complete installation and tie-in of such control systems for the first unit within 36 months of the last closing and for the second unit within 39 months of the last closing.

(5) *Interim emission limits.* (i) For the period of time between the date of the consent decree (December 15, 1999) and the date on which each unit must commence compliance with the final emission limitations set forth in paragraph (d)(2) of this section (''interim period''), the following $SO_2$ and opacity emission limits shall apply:

(i) $SO_2$: $SO_2$ emissions shall not exceed 1.0 pounds per million BTU of heat input calculated on a 90-boiler-operating-day rolling average basis for each unit;

(ii) Opacity: The opacity of emissions shall be no more than 30 percent, as averaged over each separate 6-minute period within an hour, beginning each hour on the hour, measured at the stack, with no more than 375 exceedances of 30 percent allowed per calendar quarter (including any pro rated portion thereof), regardless of reason. If the total number of excess opacity readings from the date of the consent decree (December 15, 1999) to the time the owner or operator demonstrates compliance with the final opacity limit in paragraph (d)(2) of this section, divided by the total number of quarters in the interim period (with a partial quarter included as a fraction), is equal to or less than 375, the owner or operator shall be in compliance with this interim limit.

(6) *Reporting*. (i) Commencing on January 1, 2001, and continuing on a bi-annual basis through April 1, 2006, or such earlier time as the owner or operator demonstrates compliance with the final emission limits set forth in paragraph (d)(2) of this section, the owner or operator shall provide to the Administrator a report that describes all significant events in the preceding six month period that may or will impact the installation and operation of pollution control equipment described in this paragraph, including the status of a full or partial sale of the Mohave Generating Station based upon nonconfidential information. The owner's or operator's bi-annual reports shall also set forth for the immediately preceding two quarters: all opacity readings in excess of 30 percent, and all $SO_2$ 90-boiler-operating-day rolling averages in BTUs for each unit for the preceding two quarters.

(ii) Within 30 days after the end of the first calendar quarter for which the emission limitations in paragraph (d)(2) of this section first take effect, but in no event later than April 30, 2006, the owner or operator shall provide to the Administrator on a quarterly basis the following information:

(A) The percent $SO_2$ emission reduction achieved at each unit during each 90-boiler-operating-day rolling average for each boiler-operating-day in the prior quarter. This report shall also include a list of the days and hours excluded for any reason from the determination of the owner's or operator's compliance with the $SO_2$ removal requirement.

(B) All opacity readings in excess of 20.0 percent, and a statement of the cause of each excess opacity reading and any documentation with respect to any claimed malfunction or bag breakage.

(C) Each unit's 365-boiler-operating-day rolling average for each boiler-operating-day in the prior quarter following the first full 365 boiler-operating-days after the .150 pound $SO_2$ limit in paragraph (d)(2) of this section takes effect.

(7) *Force majeure provisions*. (i) For the purpose of this paragraph (d), a ''force majeure event'' is defined as any event arising from causes wholly beyond the control of the owner or operator or any entity controlled by the owner or operator (including, without limitation, the owner's or operator's contractors and subcontractors, and any entity in active participation or concert with the owner or operator with respect to the obligations to be undertaken by the owner or operator pursuant to paragraph (d)), that delays or prevents or can reasonably be anticipated to delay or prevent compliance with the deadlines in paragraphs (d)(3) and (4) of this section, despite the owner's or operator's best efforts to meet such deadlines. The requirement that the owner or operator exercise ''best efforts'' to meet the deadline includes using best efforts to avoid any force majeure event before it occurs, and to use best efforts to mitigate the effects of any force majeure event as it is occurring, and after it has occurred, such that any delay is minimized to the greatest extent possible.

(ii) Without limitation, unanticipated or increased costs or changed financial circumstances shall not constitute a force majeure event. The absence of any administrative, regulatory, or legislative approval shall not

constitute a force majeure event, unless the owner or operator demonstrates that, as appropriate to the approval: they made timely and complete applications for such approval(s) to meet the deadlines set forth in paragraph (d)(3) of this section or paragraph (d)(4) of this section; they complied with all requirements to obtain such approval(s); they diligently sought such approval; they diligently and timely responded to all requests for additional information; and without such approval, the owner or operator will be required to act in violation of law to meet one or more of the deadlines in paragraph (d)(3) of this section or paragraph (d)(4) of this section.

(iii) If any event occurs which causes or may cause a delay by the owner or operator in meeting any deadline in paragraphs (d) (3) or (4) of this section and the owner or operator seeks to assert the event is a force majeure event, the owner or operator shall notify the Administrator in writing within 30 days of the time the owner or operator first knew that the event is likely to cause a delay (but in no event later than the deadline itself). The owner or operator shall be deemed to have notice of any circumstance of which their contractors or subcontractors had notice, provided that those contractors or subcontractors were retained by the owner or operator to implement, in whole or in part, the requirements of paragraph (d) of this section. Within 30 days of such notice, the owner or operator shall provide in writing to the Administrator a report containing: an explanation and description of the reasons for the delay; the anticipated length of the delay; a description of the activity(ies) that will be delayed; all actions taken and to be taken to prevent or minimize the delay; a timetable by which those measures will be implemented; and a schedule that fully describes when the owner or operator proposes to meet any deadlines in paragraph (d) of this section which have been or will be affected by the claimed force majeure event. The owner or operator shall include with any notice their rationale and all available documentation supporting their claim that the delay was or will be attributable to a force majeure event.

(iv) If the Administrator agrees that the delay has been or will be caused by a force majeure event, the Administrator and the owner or operator shall stipulate to an extension of the deadline for the affected activity(ies) as is necessary to complete the activity(ies). The Administrator shall take into consideration, in establishing any new deadline(s), evidence presented by the owner or operator relating to weather, outage schedules and remobilization requirements.

(v) If the Administrator does not agree in her sole discretion that the delay or anticipated delay has been or will be caused by a force majeure event, she will notify the owner or operator in writing of this decision within 20 days after receiving the owner's or operator's report alleging a force majeure event. If the owner or operator nevertheless seeks to demonstrate a force majeure event, the matter shall be resolved by the Court.

(vi) At all times, the owner or operator shall have the burden of proving that any delay was caused by a force majeure event (including proving that the owner or operator had given proper notice and had made ''best efforts'' to avoid and/or mitigate such event), and of proving the duration and extent of any delay(s) attributable to such event.

(vii) Failure by the owner or operator to fulfill in any way the notification and reporting requirements of this Section shall constitute a waiver of any claim of a force majeure event as to which proper notice and/or reporting was not provided.

(viii) Any extension of one deadline based on a particular incident does not necessarily constitute an extension of any subsequent deadline(s) unless directed by the Administrator. No force majeure event caused by the absence of any administrative, regulatory, or legislative approval shall allow the Mohave Generating Station to operate after December 31, 2005, without installation and operation of the control equipment described in paragraph (d)(2) of this section.

(ix) If the owner or operator fails to perform an activity by a deadline in paragraphs (d)(3) or (4) of this section due to a force majeure event, the owner or operator may only be excused from

performing that activity or activities for that period of time excused by the force majeure event.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987; 67 FR 6133, Feb. 8, 2002; 69 FR 54019, Sept. 7, 2004]

### § 52.1489 Particulate matter (PM–10) Group II SIP commitments.

(a) On March 29, 1989, the Air Quality Officer for the State of Nevada submitted a revision to the State Implementation Plan for Battle Mountain that contains commitments, 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 Nevada Division of Environmental Protection has committed to comply with the PM–10 Group II, State Implementation Plan (SIP) requirements.

[55 FR 18111, May 1, 1990]

## Subpart EE—New Hampshire

### § 52.1519 Identification of plan—conditional approval.

(a) The following plan revisions were submitted on the dates specified.

(1) On January 12, 1993, the New Hampshire Department of Environmental Services submitted a small business stationary source technical and environmental compliance assistance program (PROGRAM). On May 19, 1994, New Hampshire submitted a letter deleting portions of the January 12, 1993 submittal. In these submissions, the State commits to designate a state agency to house the small business ombudsman and to submit adequate legal authority to establish and implement a compliance advisory panel and a small business ombudsman. Additionally, the State commits to have a fully operational PROGRAM by November 15, 1994.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Department of Environmental Services dated January 12, 1993 submitting a revision to the New Hampshire State Implementation Plan.

(B) State Implementation Plan Revision for a Small Business Technical and Environmental compliance Assistance Program dated January 12, 1993.

(C) Letter from the New Hampshire Department of Environmental Services dated May 19, 1994 revising the January 12, 1993 submittal.

(ii) Additional materials.

(A) Non-regulatory portions of the State submittal.

(2) [Reserved]

(b)–(c) [Reserved]

[59 FR 50506, Oct. 4, 1994, as amended at 59 FR 51517, Oct. 12, 1994; 60 FR 47290, Sept. 12, 1995; 66 FR 1871, Jan. 10, 2001]

### § 52.1520 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for New Hampshire 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 August 18, 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 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 August 18, 2009, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 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 August 18, 2009.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, New England Regional Office, One Congress Street, Suite 1100, Boston, MA 02114–2023; Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460; and the National Archives and Records Administration

(NARA). If you wish to obtain materials from the EPA Regional Office, please call (617) 918–1668; for materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket 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/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA approved regulations.*

EPA-APPROVED NEW HAMPSHIRE REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date[1] | Explanations |
|---|---|---|---|---|
| Env-A 100 | Organizational Rules: Definitions. | 12/24/1990 | 8/14/1992, 57 FR 36603 | Sections Env-A 101.21; .27; .33; .51; .53; .58; .63; .98; and Parts Env-A 102 and 103 are not part of the approved SIP. |
| Env-A 200 | Procedural Rules | 7/23/2001 | 10/28/2002, 67 FR 65710 | Parts Env-A 206; 208; and Sections Env-A 209.01 through 209.04 are not part of the approved SIP. |
| Env-A 300 | Ambient Air Quality Standards. | 4/21/1989 | 8/19/1994, 59 FR 42766 | Part Env-A 304 is not part of the approved SIP. |
| Env-A 400 | Sulfur Content Limits in Fuels. | 12/24/1990 | 8/14/1992, 57 FR 36603 | Section Env-A 405.05 (c) and (d); and Part Env-A 406 are not part of the SIP. |
| Env-A 600 | Statewide Permit System | 7/23/2001 | 10/28/2002, 67 FR 65710 | Sections Env-A 603.02(p), 603.03(f) and 603.03(g) are not part of the SIP. Parts Env-A 615 through 621 are not part of the SIP. Sections Env-A 622.01(a)(2)(a) and 622.01(a)(2)(b); 622.03; 622.04(a) through 622.04(c); 622.05; 622.07 and 623.02 are not part of the SIP. |
| Env-A 700 | Permit Fee System | 12/24/1990 | 8/14/1992, 57 FR 36603 | Approved Parts Env-A 701 through 705. |
| Env-A 800 | Testing and Monitoring Procedures. | 8/21/1995 | 3/10/1998, 63 FR 11600 | Approved Parts Env-A 801 through 807. |
| Env-A 900 | Owner or Operator Obligations. | 8/21/1995 | 3/10/1998, 63 FR 11600 | Approved Sections Env-A 901 through 903. |
| Env-A 1000 | Prevention, Abatement, and Control of Open Source Air Pollution. | 5/19/1989 | 8/19/1994, 59 FR 42766 | Approved Part Env-A 1001. |
| Env-A 1200 | Prevention, Abatement, and Control of Stationary Source Air Pollution. | 8/21/1995 | 7/23/2002, 67 FR 48033 | Approved Parts Env-A 1201 through 1208; and 1211. Approval of 1201.05 shall not be construed to supersede New Source Performance Standards; National Emission Standards for Hazardous Air Pollutants; and the regulations controlling emissions from major new or modified stationary sources in attainment and non-attainment areas. |
| Env-A 1500 | Conformity of General Federal Actions. | 4/19/1996 | 8/16/1999, 64 FR 44417 | Approved Part Env-A 1502. |
| Env-A 3200 | NOx Budget Trading Program. | 7/27/1998 | 11/14/2000, 65 FR 68078 | Approved Parts Env-A 3201 through 3218. |

EPA-APPROVED NEW HAMPSHIRE REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date[1] | Explanations |
|---|---|---|---|---|
| Env-A 3600 ..... | National Low Emission Vehicle (National LEV) Program. | 7/21/1999 | 3/9/2000, 65 FR 12476 ... | Approved Parts Env-A 3601 through 3603 |
| NHCAR, Part Saf-C 3221A | Emission Amendments to Official Motor Vehicle Inspection Requirements.. | 11/17/1998 | 1/10/2001, 66 FR 1868 ... | Part Saf-C 3221A ''Emission Amendments to Official Motor Vehicle Inspection Requirements'' adopted on November 17, 1998. |
| NHCAR, Part Saf-C 5800 | Roadside Diesel Opacity Inspection Program Rules. | 11/17/1998 | 1/10/2001, 66 FR 1868 ... | Part Saf-C 5800 ''Roadside Diesel Opacity Inspection Program Rules'' adopted on November 17, 1998. |

[1] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

(d) *EPA-approved State Source specific requirements.*

EPA-APPROVED NEW HAMPSHIRE SOURCE SPECIFIC REQUIREMENTS

| Name of source | Permit No. | State effective date | EPA approval date[2] | Additional explanations/ § 52.1535 citation |
|---|---|---|---|---|
| The James River—Berlin/ Gorham, Inc. Berlin, NH. | ..... | 5/2/1984 | 9/27/1984, 49 FR 38104 | See 52.1535(c)(33). Administrative order issued May 2, 1984 to the James River Corporation. |
| Operating limits for boilers at Dartmouth College. | Permit Number PO–B–1501, condition 5. | 1/6/1986 | 2/2/1987, 52 FR 3117 ..... | See 52.1535(c)(35). |
| Operating limits for boilers at Dartmouth College. | Permit Number PO–B–1502, condition 5. | 1/6/1986 | 2/2/1987, 52 FR 3117 ..... | See 52.1535(c)(35). |
| Operating limits for boilers at Dartmouth College. | Permit No. PO–B–1503, condition 5. | 1/6/1986 | 2/2/1987, 52 FR 3117 ..... | See 52.1535(c)(35). |
| Operating limits for boilers at Dartmouth College. | Temporary Permit TP–B–150, condition 2, 3 and 4. | 1/6/1986 | 2/2/1987, 52 FR 3117 ..... | See 52.1535(c)(35). |
| The James River Corporation, Groveton, NH. | Permit Number PO–B–1550, Conditions 5B, 5C, and 5D. | 9/6/1985 | 12/14/1987, 52 FR 47392 | See 52.1535(c)(38). The air permit conditions limit sulfur-in-fuel content to 2.2% sulfur by weight at the James River Corporation, Groveton, NH. |
| The James River Corporation, Groveton, NH. | Permit Number PO–B–213, Conditions 2 and 5A. | 9/6/1985 | 12/14/1987, 52 FR 47392 | See 52.1535(c)(38). The air permit conditions limit sulfur-in-fuel content to 2.2% sulfur by weight at the James River Corporation, Groveton, NH. |
| The James River Corporation, Groveton, NH. | Permit No. PO–B–214, Conditions 2 and 5A. | 9/6/1985 | 12/14/1987, 52 FR 47392 | See 52.1535(c)(38). The air permit conditions limit sulfur-in-fuel content to 2.2% sulfur by weight at the James River Corporation, Groveton, NH. |
| The James River Corporation, Groveton, NH. | Permit No. PO–B–215, Conditions 2 and 5A. | 9/6/1985 | 12/14/1987, 52 FR 47392 | See 52.1535(c)(38). The air permit conditions limit sulfur-in-fuel content to 2.2% sulfur by weight at the James River Corporation, Groveton, NH. |

EPA-APPROVED NEW HAMPSHIRE SOURCE SPECIFIC REQUIREMENTS—Continued

| Name of source | Permit No. | State effective date | EPA approval date [2] | Additional explanations/ § 52.1535 citation |
|---|---|---|---|---|
| The James River Corporation, Groveton, NH. | Permit No. PO–BP–2240, Condition 5B. | 9/6/1985 | 12/14/1987, 52 FR 47392 | See 52.1535(c)(38). The air permit conditions limit sulfur-in-fuel content to 2.2% sulfur by weight at the James River Corporation, Groveton, NH. |
| Source specific $NO_X$ RACT order for Groveton Paperboard Corp., Groveton, NH. | Order ARD–95–001 ..... | 5/10/1995 | 4/9/1997, 62 FR 17087 ... | See 52.1535(c)(50). |
| Source specific $NO_X$ RACT order for Plymouth Cogeneration Ltd. Partnership, Plymouth, NH. | Order ARD–95–002 ..... | 9/12/1995 | 4/9/1997, 62 FR 17087 ... | See 52.1535(c)(50). |
| Source specific $NO_X$ RACT order for Waterville Valley Ski Area Ltd., Waterville Valley, NH. | Order ARD–95–003 ..... | 9/19/1995 | 4/9/1997, 62 FR 17087 ... | See 52.1535(c)(50). |
| VOC RACT for L.W. Packard and Company, Inc. Ashland, NH. | Order ARD–94–001 ..... | 5/5/1995 | 3/10/1998, 63 FR 11600 | See 52.1535(c)(51). |
| VOC RACT for Kalwall Corporation, Manchester, NH. | Order ARD–95–010 ..... | 9/10/1996 | 3/10/1998, 63 FR 11600 | See 52.1535(c)(51). |
| VOC RACT for Textile Tapes Corporation, Gonic, NH. | Order ARD–96–001 ..... | 10/4/1996 | 3/10/1998, 63 FR 11600 | See 52.1535(c)(51). |
| Source specific $NO_X$ RACT order for Public Service of New Hampshire, Bow, NH. | Order ARD–97–001 ..... | 4/14/1997 | 5/13/1998, 63 FR 26455 | See 52.1535(c)(54). |
| Source specific $NO_X$ RACT order for Hampshire Chemical Corporation, Nashua, NH. | Order ARD–95–011 ..... | 5/6/1997 | 5/13/1998, 63 FR 26455 | See 52.1535(c)(54). |
| Source specific $NO_X$ RACT order for Crown Vantage, Berlin, NH. | Order ARD–97–003 ..... | 9/24/1997 | 5/13/1998, 63 FR 26455 | See 52.1535(c)(54). |
| Source-specific $NO_X$ RACT order and discrete emission reduction protocols for Public Service of New Hampshire. | Order ARD–98–001 ..... | 7/17/1998 | 11/14/2000, 65 FR 68078 | See 52.1535(c)(64). |
| VOC RACT for Anheuser-Busch, Merrimack, NH. | Order ARD–00–001 ..... | 4/15/2002 | 7/23/2002, 67 FR 48033 | See 52.1535(c)(68). |

[2] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

(e) *Nonregulatory.*

NEW HAMPSHIRE NONREGULATORY

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date [3] | Explanations |
|---|---|---|---|---|
| ''State of New Hampshire Implementation Plan''. | Statewide ..... | 1/27/1972 | 5/31/1972, 37 FR 10842 | The plan was officially submitted on January 27, 1972. |
| Miscellaneous non-regulatory additions to the plan correcting minor deficiencies. | Statewide ..... | 2/23/1972 | 7/27/1972, 37 FR 15080 | See 52.1535(c)(1). |
| Non-regulatory provisions for retention and availability of air quality data. | Statewide ..... | 3/23/1972 | 7/27/1972, 37 FR 15080 | See 52.1535(c)(2). |

NEW HAMPSHIRE NONREGULATORY—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date [3] | Explanations |
|---|---|---|---|---|
| Attainment dates of national primary and secondary air quality standards. | Statewide | 8/8/1972 | 9/22/1972, 37 FR 19806 | See 52.1535(c)(3). |
| Compliance schedules | Statewide | 2/14/1973 | 6/20/1973, 38 FR 16144 | See 52.1535(c)(5). |
| Compliance schedules | Statewide | 3/22/1973 | 6/20/1973, 38 FR 16144 | See 52.1535(c)(6). |
| Revision exempting steam locomotives from the plan. | Statewide | 4/3/1973 | 12/14/1973, 38 FR 34476 | See 52.1535(c)(7). |
| AQMA identification material. | Statewide | 5/20/1974 | 6/2/1975, 40 FR 23746 | See 52.1535(c)(9). |
| Attainment plans to meet the requirements of Part D for carbon monoxide for Metropolitan Manchester and ozone for AQCR 121, programs for the review of construction and operation of new and modified major stationary sources of pollution in both attainment and non-attainment areas and certain miscellaneous provisions. | Statewide | 5/29/1979 | 4/11/1980, 45 FR 24869 | See 52.1535(c)(12). |
| November 6, 1979 letter from New Hampshire Assistant Attorney General. | Statewide | 11/6/1979 | 4/11/1980, 45 FR 24869 | See 52.1535(c)(12). |
| March 17, 1980 letter addressing external emission offsets. | Statewide | 3/17/1980 | 4/11/1980, 45 FR 24869 | See 52.1535(c)(12). |
| Attainment plans to meet the requirements of Part D for total suspended particulates and sulfur dioxide in Berlin, NH. | Areas designated non-attainment for one or more pollutants. | 9/19/1979 | 6/23/1980, 45 FR 41942 | See 52.1535(c)(13). |
| A plan to provide comprehensive public participation and an analysis of the effects of the New Hampshire 1979 SIP revisions. | Statewide | 2/28/1980 | 9/9/1980, 45 FR 59313 | See 52.1535(c)(15). |
| A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR Part 58. | Statewide | 1/30/80 | 12/18/1980, 45 FR 83227 | See 52.1535(c)(17). |
| A plan to attain and maintain the National Ambient Air Quality Standard for lead and to amend the state's air quality standards. | Statewide | 4/15/1980 | 7/15/1981, 46 FR 36699 | See 52.1535(c)(18). |
| A letter further explaining the state procedures for review of new major sources of lead emissions and confirming the use of reference methods. | Statewide | 12/9/1980 | 7/15/1981, 46 FR 36699 | See 52.1535(c)(18). |
| Revisions to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, for attaining carbon monoxide standards in the City of Manchester. | City of Manchester | 1/12/1981 | 1/7/1982, 47 FR 763 | See 52.1535(c)(19). These revisions supplement the 1979 CO attainment plan. |

NEW HAMPSHIRE NONREGULATORY—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date [3] | Explanations |
|---|---|---|---|---|
| Revision to the January 12, 1981 CO Attainment Plan for Manchester, NH. | City of Manchester | 2/18/1981 | 1/7/1982, 47 FR 763 | See 52.1535(c)(19). |
| Carbon monoxide attainment plan revisions for the City of Manchester which meet the requirements of Part D of the Act for 1982 SIP revisions. | City of Manchester | 10/5/1982 | 6/27/1983, 48 FR 29479 | See 52.1535 (c)(23). |
| Revision to the October 5, 1982 CO Attainment Plan for Manchester, NH. | City of Manchester | 12/20/1982 | 6/27/1983, 48 FR 29479 | See 52.1535(c)(23). |
| The TSP Plan to attain primary standards in Berlin, New Hampshire. | Berlin, NH | 5/9/1984 | 9/27/1984, 49 FR 38104 | See 52.1535(c)(33). |
| Letter from the New Hampshire Air Resources Commission submitting revisions to the SIP. | Statewide | 4/26/1985 | 9/17/1987, 52 FR 35081 | See 52.1535(c)(37). |
| Letter interpreting NH's regulation for Continuous Emission Monitoring Systems. | Statewide | 1/20/1986 | 9/17/1987, 52 FR 35081 | See 52.1535(c)(37). |
| NH Letter of intent to implement applicable emission limits required by EPA's New Source Performance Standard (NSPS). | Statewide | 5/12/1987 | 9/17/1987, 52 FR 35081 | See 52.1535(c)(37). |
| Letter submitting a revision to the CO Attainment Plan for the City of Nashua, NH. | Nashua and 11 surrounding towns. | 9/12/1985 | 8/25/1988, 53 FR 32391 | See 52.1535(c)(39). Attainment plans for carbon monoxide for the City of Nashua including an extension of the attainment date to December 31, 1990. |
| Narrative submittals, including an attainment demonstration for carbon monoxide for the City of Nashua. | Nashua and 11 surrounding towns. | 2/26/1985 | 8/25/1988, 53 FR 32391 | See 52.1535(c)(39). |
| Letter identifying extensions to the Nashua intersection-specific measures (Build I). | Nashua and 11 surrounding area. | 12/3/1985 | 8/25/1988, 53 FR 32391 | See 52.1535(c)(39). |
| Letter submitting final motor vehicle emissions inspection (I&M) program for the Nashua, NH area. | Nashua and 11 surrounding towns. | 10/7/1986 | 8/25/1988, 53 FR 32391 | See 52.1535(c)(39). |
| Letter from Governor John H. Sununu to Michael R. Deland committing to take legislative measures to convert the Inspection/Maintenance program in the Nashua area to the use of computerized emission analyzers in the event that the program is found to not be achieving the necessary emission reductions. | Nashua and 11 surrounding towns. | 3/6/1987 | 8/25/1988, 53 FR 32391 | See 52.1535(c)(39). |

NEW HAMPSHIRE NONREGULATORY—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date [3] | Explanations |
|---|---|---|---|---|
| Letter from NH DES, Air Resources Division providing additional information on Nashua intersection-specific traffic flow improvements in Nashua, NH CO Attainment Plan. | Nashua and 11 surrounding towns. | 5/12/1987 | 8/25/1988, 53 FR 32391 | See 52.1535(c)(39). |
| Letter from NH DES, Air Resources Division submitting additions to the Nashua, NH CO Attainment Plan. | Nashua and 11 surrounding towns. | 10/15/1987 | 8/25/1988, 53 FR 32391 | See 52.1535(c)(39). |
| Letter from the New Hampshire Air Resources Division dated July 6, 1989 submitting revisions to the NH SIP. | Statewide | 7/6/1989 | 8/19/1994, 59 FR 42766 | See 52.1535(c)(40). |
| Letter from the New Hampshire Air Resources Division dated February 12, 1991 submitting a revision to the NH SIP. | Statewide | 2/12/1991 | 8/14/1991, 56 FR 40252 | See 52.1535(c)(41). |
| Nonregulatory portions of the State submittal. | Statewide | 2/12/1991 | 8/14/1991, 56 FR 40252 | See 52.1535(c)(41). |
| Letter from the New Hampshire Air Resources Division dated November 21, 1989 submitting a revision to the NH SIP. | Statewide | 11/21/1989 | 6/13/1991, 56 FR 27197 | See 52.1535(c)(43). |
| Letter from Robert W. Varney, Commissioner of the Department of Environmental Services of New Hampshire, to John B. Hammond, Acting Director of the New Hampshire Office of Legislative Services, dated November 15, 1989, adopting final rules. | Statewide | 11/21/1989 | 6/13/1991, 56 FR 27197 | See 52.1535(c)(43). |
| Letter from the New Hampshire Air Resources Division dated September 12, 1990 submitting a revision to the NH SIP that withdraws nine source-specific operating permits incorporated by reference at 40 CFR 52.1535(c)(21), (c)(25) and (c)(32). | Statewide | 9/12/1990 | 12/12/1991, 56 FR 64703 | See 52.1535(c)(44). |
| Letter from the New Hampshire Air Resources Division dated July 2, 1991 submitting documentation of a public hearing. | Statewide | 7/2/1991 | 12/12/1991, 56 FR 64703 | See 52.1535(c)(44). |
| Letter from the New Hampshire Air Resources Division dated February 12, 1991 submitting revisions to the NH SIP. | Statewide | 2/12/1991 | 8/14/1992, 57 FR 36603 | See 52.1535(c)(45). |

NEW HAMPSHIRE NONREGULATORY—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date [3] | Explanations |
|---|---|---|---|---|
| Letter from the New Hampshire Air Resources Division dated May 7, 1991 withdrawing certain portion of the February 12, 1991 SIP submittal. | Statewide | 5/7/1991 | 8/14/1992, 57 FR 36603 | See 52.1535(c)(45). |
| Letter from the New Hampshire Air Resources Division dated August 20, 1991 withdrawing certain portion of the February 12, 1991 SIP submittal. | Statewide | 8/20/1991 | 8/14/1992, 57 FR 36603 | See 52.1535(c)(45). |
| Letter from the New Hampshire Air Resources Division dated August 26, 1991 withdrawing certain portion of the February 12, 1991 SIP submittal. | Statewide | 8/26/1991 | 8/14/1992, 57 FR 36603 | See 52.1535(c)(45). |
| Letter from the New Hampshire Air Resources Division dated March 6, 1992 withdrawing certain portion of the February 12, 1991 SIP submittal. | Statewide | 3/6/1992 | 8/14/1992, 57 FR 36603 | See 52.1535(c)(45). |
| Letter from the New Hampshire Air Resources Division dated May 6, 1992 withdrawing certain portion of the February 12, 1991 SIP submittal. | Statewide | 5/6/1992 | 8/14/1992, 57 FR 36603 | See 52.1535(c)(45). |
| Letter from the New Hampshire Air Resources Division dated May 15, 1992 submitting a revision to the NH SIP. | Statewide | 5/15/1992 | 1/19/1993, 58 FR 4902 | See 52.1535(c)(46). Revisions to the SIP consisting of amendments to Emission Control Methods for Cutback and Emulsified Asphalt. |
| Letter from the New Hampshire Air Resources Division dated May 15, 1992 submitting a revision to the NH SIP. | Statewide | 5/15/1992 | 5/25/1993, 58 FR 29973 | See 52.1535(c)(47). |
| Letter from the New Hampshire Air Resources Division dated December 21, 1992, submitting revisions to the NH SIP. | Statewide | 12/21/1992 | 4/9/1997, 62 FR 17087 | See 52.1535(c)(49). |
| Letter from the New Hampshire Air Resources Division dated June 17, 1994 submitting revisions to the NH SIP. | Statewide | 6/17/1994 | 4/9/1997, 62 FR 17087 | See 52.1535(c)(49). |
| Letter from the New Hampshire Air Resources Division dated July 7, 1995 submitting revisions to the NH SIP. | Statewide | 7/7/1995 | 4/9/1997, 62 FR 17087 | See 52.1535(c)(50). |
| Letter from the New Hampshire Air Resources Division dated September 18, 1995 submitting revisions to the NH SIP. | Statewide | 9/18/1995 | 4/9/1997, 62 FR 17087 | See 52.1535(c)(50). |

NEW HAMPSHIRE NONREGULATORY—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date [3] | Explanations |
|---|---|---|---|---|
| Letter from the New Hampshire Air Resources Division dated October 18, 1995, submitting revisions to the NH SIP. | Statewide | 10/18/1995 | 4/9/1997, 62 FR 17087 | See 52.1535(c)(50). |
| Letter from the New Hampshire Air Resources Division dated December 9, 1996 submitting revisions to the NH SIP. | Gonic, NH | 12/9/1996 | 3/10/1998, 63 FR 11600 | See 52.1535(c)(51). |
| Letter from the New Hampshire Air Resources Division dated June 28, 1996 submitting revisions to the NH SIP. | Statewide | 6/28/1996 | 3/10/1998, 63 FR 11600 | See 52.1535(c)(51). |
| Letter from the New Hampshire Air Resources Division dated October 24, 1996 submitting revisions to the NH SIP. | Manchester, NH | 10/24/1996 | 3/10/1998, 63 FR 11600 | See 52.1535(c)(51). |
| Letter from the New Hampshire Air Resources Division dated July 10, 1995 submitting revisions to the NH SIP. | Statewide | 7/10/1995 | 3/10/1998, 63 FR 11600 | See 52.1535(c)(51). |
| Letter from the New Hampshire Air Resources Division dated December 21, 1992 submitting revisions to the NH SIP. | Statewide | 12/21/1992 | 3/10/1998, 63 FR 11600 | See 52.1535(c)(51). |
| Letter dated November 21, 1997 withdrawing Env-A 1204.06 from the SIP submittal. | Statewide | 11/21/1997 | 3/10/1998, 63 FR 11600 | See 52.1535(c)(51). |
| NH–DES letter dated December 13, 1994, and signed by Thomas M. Noel, Acting Director, NH DES. | Statewide | 12/13/1994 | 10/27/1997, 62 FR 55521 | See 52.1535(c)(52). |
| State of New Hampshire Photochemical Assessment Monitoring Stations—Network Plan—Network Overview. | Statewide | 12/13/1994 | 10/27/1997, 62 FR 55521 | See 52.1535(c)(52). |
| Letter from the New Hampshire Air Resources Division dated August 29, 1996 submitting a revision to the NH SIP. | Portsmouth-Dover-Rochester serious ozone nonattainment area, and the NH portion of the Boston-Lawrence-Worcester serious ozone nonattainment area. | 8/29/1996 | 10/27/1997, 62 FR 55521 | See 52.1533. Revisions to the SIP for the purpose of satisfying the rate-of-progress requirement of section 182(b) and the contingency measure requirement of section 172(c)(9) of the Clean Air Act. |
| Letter from the New Hampshire Air Resources Division dated April 14, 1997 submitting revisions to the NH SIP. | Statewide | 4/14/1997 | 5/13/1998, 63 FR 26455 | See 52.1535(c)(54). |
| Letter from the New Hampshire Air Resources Division dated May 6, 1997 submitting revisions to the NH SIP. | Nashua, NH | 5/6/1997 | 5/13/1998, 63 FR 26455 | See 52.1535(c)(54). |

NEW HAMPSHIRE NONREGULATORY—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date [3] | Explanations |
|---|---|---|---|---|
| Letter from the New Hampshire Air Resources Division dated September 24, 1997 submitting revisions to the NH SIP. | Statewide | 9/24/1997 | 5/13/1998, 63 FR 26455 | See 52.1535(c)(54). |
| Letter from the New Hampshire Air Resources Division dated July 27, 1998 submitting a revision to the NH SIP. | Statewide | 7/27/1998 | 11/14/2000, 65 FR 68078 | See 52.1535(c)(57). |
| Letter from the New Hampshire Air Resources Division dated November 24, 1992 submitting a revision to the New Hampshire State Implementation Plan. | Statewide | 11/24/1992 | 12/7/1998, 63 FR 67405 | See 52.1535(c)(58). |
| New Hampshire Department of Environmental Services ''Stage II Equivalency Demonstration,'' dated November 1992. | Statewide | 11/24/1992 | 12/7/1998, 63 FR 67405 | See 52.1535(c)(58). |
| Nonregulatory portions of the submittal. | Statewide | 7/2/1993 | 12/7/1998, 63 FR 67405 | See 52.1535(c)(58). NH's Gasoline Vapor Recovery Testing Procedures and Inspection Manual. |
| Letter from the New Hampshire Air Resources Division dated November 20, 1998 submitting a revision to the NH SIP. | Statewide | 11/20/1998 | 1/10/2001, 66 FR 1868 | See 52.1535(c)(59). |
| Letter from the New Hampshire Air Resources Division dated September 4, 1998 submitting a revision to the NH SIP. | Statewide | 9/4/1998 | 1/10/2001, 66 FR 1868 | See 52.1535(c)(59). |
| Document entitled ''Alternative New Hampshire Motor Vehicle Inspection/Maintenance State Implementation Plan Revision'' dated September 4, 1998. | Statewide | 9/4/1998 | 1/10/2001, 66 FR 1868 | See 52.1535(c)(59). |
| Letter from the New Hampshire Air Resources Division dated August 6, 2001 submitting a revision to the NH SIP. | Statewide | 8/9/2001 | 10/28/2002, 67 FR 65710 | See 52.1535(c)(60). |
| Letter from the New Hampshire Air Resources Division dated April 26, 1995 submitting a revision to the NH SIP. | Statewide | 4/26/1995 | 10/28/2002, 67 FR 65710 | See 52.1535(c)(60). |
| Nonregulatory portions of the State submittal.. | Statewide | 4/26/1995 | 10/28/2002, 67 FR 65710 | See 52.1535(c)(60). |
| Document entitled ''New Hampshire Stage II Comparability Analysis,'' prepared by the New Hampshire Department of Environmental Services, dated July 1, 1998. | Statewide | 7/9/1998 | 9/29/1999, 64 FR 52434. | See 52.1535(c)(61). |

NEW HAMPSHIRE NONREGULATORY—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date [3] | Explanations |
|---|---|---|---|---|
| Letter from the New Hampshire Department of Environmental Services dated June 7, 1994 submitting a revision to the NH SIP. | Statewide | 6/7/1994 | 9/29/1999, 64 FR 52434. | See 52.1535(c)(62). |
| Document entitled "Clean Fuel Fleet Equivalency Demonstration," prepared by the New Hampshire Department of Environmental Services, dated May, 1994. | Statewide | 6/7/1994 | 9/29/1999, 64 FR 52434. | See 52.1535(c)(62). |
| Letter from the New Hampshire Department of Environmental Services dated July 10, 1996 submitting a revision to the NH SIP. | Statewide | 7/10/1996 | 8/16/1999, 64 FR 44417 | See 52.1535(c)(63). |
| Letter from the New Hampshire Air Resources Division dated July 17, 1998 submitting Final RACT Order 98–001 as a revision to the NH SIP. | Statewide | 7/17/1998 | 11/14/2000, 65 FR 68078 | See 52.1535(c)(64). |
| Letter from the New Hampshire Department of Environmental Services dated August 16, 1999 submitting the Low Emission Vehicle program as a revision to the NH SIP. | Statewide | 8/16/1999 | 3/9/2000, 65 FR 12476 ... | See 52.1535(c)(65). |
| Letter from the New Hampshire Air Resources Division dated July 29, 1993 submitting a revision to the New Hampshire State Implementation Plan. | Statewide | 7/29/1993 | 7/27/2001, 66 FR 39100 | See 52.1535(c)(66). |
| Letter from the New Hampshire Air Resources Division dated July 2, 1999 submitting a revision to the New Hampshire State Implementation Plan. | Statewide | 7/2/1999 | 7/27/2001, 66 FR 39100 | See 52.1535(c)(66). |
| Letter from the New Hampshire Department of Environmental Services dated September 11, 1998 stating a negative declaration for the aerospace coating operations Control Techniques Guideline category. | Statewide | 9/11/1998 | 7/10/2000, 65 FR 42290 | See 52.1535(c)(67). |
| Letter from the DES, dated April 15, 2002, submitting revised Anheuser-Busch order to EPA as a SIP revision and withdrawing previous submittal for this facility dated June 20, 2000. | Merrimack, NH | 4/15/2002 | 7/23/2002, 67 FR 48033 | See 52.1535(c)(68). |

NEW HAMPSHIRE NONREGULATORY—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date [3] | Explanations |
|---|---|---|---|---|
| Letter from the DES, dated March 22, 2002, containing information on New Filcas of America. | Nashua, NH | 3/22/2002 | 7/23/2002, 67 FR 48033 | See 52.1535(c)(68). |

[3] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

[74 FR 50120, Sept. 30, 2009]

### § 52.1521 Classification of regions.

The New Hampshire plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Androscoggin Valley Interstate | IA | IA | III | III | III |
| Central New Hampshire Intrastate | III | III | III | III | III |
| Merrimack Valley-Southern New Hampshire Interstate | I | I | III | III | III |

[37 FR 10879, May 31, 1972, as amended at 45 FR 24876, Apr. 11, 1980]

### § 52.1522 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves New Hampshire's plan as identified in § 52.1520 of this subpart 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.

(b) To insure Federal approval of State issued new source review permits pursuant to section 173 of the Clean Air Act, the provisions of Section V of the emission offset interpretative rule published January 16, 1979, (44 FR 3274) must be met.

(c)(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 (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 $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 $CO_2$ equivalent emissions ($CO_2e$) 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 $CO_2e$.

(iii) the term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 40 CFR 52.21(a)(2)(iv)) and a significant net emissions increase (as defined in paragraphs 40 CFR 52.21(b)(3) and (b)(23)(i)) occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in 40 CFR 52.21(b)(23)(ii).

[45 FR 24876, Apr. 11, 1980, as amended at 48 FR 50078, Oct. 31, 1983; 75 FR 82557, ≤Dec. 30, 2010]

### § 52.1523 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 New Hampshire's plan.

| Air quality control region | $SO_2$ | | $PM_{10}$ | $NO_2$ | CO | $O_3$ |
|---|---|---|---|---|---|---|
| | Primary | Secondary | | | | |
| NH portion Andoscoggin Valley Interstate AQCR 107 | a | b | a | a | a | a |
| Central NH Intrastate AQCR 149 | a | b | a | a | a | a |
| NH portion Merrimack Valley-Southern NH Interstate 121: | | | | | | |
| Belknap County | a | b | a | a | a | a |
| Sullivan County | a | b | a | a | a | a |
| Cheshire County | a | b | a | a | a | d |
| Portmouth-Dover-Rochester area (See 40 CFR 81.330) | a | b | a | a | a | e |
| NH portion Boston-Lawrence-Worcester area (See 40 CFR 81.330) | a | b | a | a | a | f |
| Manchester area (See 40 CFR 81.330) | a | b | a | a | a | c |

a. Air quality levels presently below primary standards or area is unclassifiable.
b. Air quality levels presently below secondary standards or area is unclassifiable.
c. November 15, 1993.
d. November 15, 1995.
e. November 15, 1999.
f. November 15, 2007.

[45 FR 24876, Apr. 11, 1980, as amended at 50 FR 51250, Dec. 16, 1985; 51 FR 21550, June 13, 1986; 65 FR 71065, Nov. 29, 2000; 67 FR 72575, Dec. 6, 2002]

### § 52.1524 Compliance schedules.

(a) Compliance schedules for the sources identified below are approved as meeting the requirements of subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

| Source | Location | Regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Markem Corporation | Keene, NH | No. 1204.05 | Feb. 10, 1984 | Feb. 19, 1981 | July 1, 1985. |

(b) 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.

(c) 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.

| Source | Location | Regulation involved | Date of adoption |
|---|---|---|---|
| Brown Co ..... | Berlin, N.H ... | No. 15 ..... | May 14, 1973. |

(d) Federal compliance schedules. The compliance schedules for the sources identified below are promulgated herein in satisfaction of the requirements of subpart N of this chapter. All regulations cited are air pollution control regulations ofthe State, unless otherwise noted.

| Source | Location | Regulation involved | Effective date | Final compliance date |
|---|---|---|---|---|
| Brown Co.: | | | | |
| (a) No. 11 Kraft recovery ..... | Berlin, N.H. ..... | 15 | Immediately ..... | Jan. 1973. |
| (b) No. 11 Kraft recovery ..... | .....do ..... | 15 | .....do ..... | Jan. 1974. |
| (c) No. 8 Kraft recovery boiler main stack ..... | .....do ..... | 15 | .....do ..... | July 1974. |
| (d) No. 8 Kraft recovery smelt tank vent ..... | .....do ..... | 15 | .....do ..... | Dec. 1974. |
| (e) Heavy black liquor oxidation ..... | .....do ..... | 15 | .....do ..... | June 1974. |
| (f) No. 1 lime kiln stack ..... | .....do ..... | 15 | .....do ..... | Jan. 1973. |
| (g) No. 2 lime kiln stack ..... | .....do ..... | 15 | .....do ..... | Dec. 1974. |

[38 FR 12713, May 14, 1973, as amended at 38 FR 16145, June 20, 1973; 38 FR 22744, Aug. 23, 1973; 49 FR 38102, Sept. 27, 1984; 51 FR 40676, 40677, Nov. 7, 1986; 54 FR 25259, June 14, 1989]

## § 52.1525 EPA-approved new Hampshire state regulations.

The following table identifies that State regulations which have been submitted to and approved by EPA as revisions to the New Hampshire 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 § 52.1520. To the extent that this table conflicts with § 52.1520, § 52.1520 governs.

TABLE 52.1525—EPA-APPROVED RULES AND REGULATIONS [1]—NEW HAMPSHIRE

| Title/subject | State citation chapter [2] | Date adopted State | Date approved EPA | FEDERAL REGISTER citation | 52.1520 | Explanation |
|---|---|---|---|---|---|---|
| Organizational Rules: Definitions. | CH Air 100 ..... | 12/17/81 | 3/15/83 .. | 48 FR 10830 | (c)(22) | Sections Air 101.01–.03; .27; .31; .50; .52; .57; .63; .70–.73; .76; .78; .90; .97 and PARTs Air 102 and 103 are not part of the approved SIP. |
| | | 7/21/83 | 2/01/84 .. | 49 FR 3989 .. | (c)(28) | Approved Section Air 101.74, Def. of 'process weight.' |
| | Env-A 100 ..... | 11/16/89 | 6/13/91 .. | 56 FR 27197 | (c)(43) | Approved Sections Env-A 101.79, Def. of 'Reasonable Available Control Technology' and Env-A 101.98, Def. of 'Volatile Organic Compound.' |
| | | 12/24/90 | 8/14/92 .. | 57 FR 36605 | (c)(45) | Part Env-A 101 renumbered and completely replaced; Sections Env-A 101.21; .27; .33; .51; .53; .58; .63; .98; and Parts Env-A 102 and 103 are not part of the approved SIP. |
| Procedural Rules ..... | CH Air 200 ..... | 12/17/81 | 3/15/83 .. | 48 FR 10830 | (c)(22) | Parts Air 201–204 and Parts Air 206–210 are not part of the approved SIP. |
| | | 10/21/82 | 4/21/83 .. | 48 FR 17077 | (c)(24) | Section Air 205.10 added. |

TABLE 52.1525—EPA-APPROVED RULES AND REGULATIONS [1]—NEW HAMPSHIRE—Continued

| Title/subject | State citation chapter [2] | Date adopted State | Date approved EPA | FEDERAL REGISTER citation | 52.1520 | Explanation |
|---|---|---|---|---|---|---|
| | Env-A 200 | 12/24/90 | 8/14/92 | 57 FR 36605 | (c)(45) | Parts Env-A 206 and 208 and Sections Env-A 209.01–04 are not part of the approved SIP. |
| Procedural Rules | Env-A 200 | 2/17/95 & 7/23/01 | 10/28/02 | 67 FR 65710 | (c)(60) | Approving Env-A 205.03 & Env-A 205.04 as amended 7/23/01. |
| Ambient Air Quality Standards. | CH Air 300 | 12/17/81 | 3/15/83 | 48 FR 10830 | (c)(22) | Part Air 304 is not part of the approved SIP. |
| | Env-A 300 | 12/24/90 | 8/14/92 | 57 FR 36605 | (c)(45) | Part Env-A 304 is not part of the approved SIP. |
| Particulate matter | Env-A 303 | 4/21/89 | 8/19/94 | 59 FR 42768 | (c)(40) | 303.01<br>303.015 |
| Sulfur Content Limits in Fuels. | CH Air 400 | 12/17/81 | 3/15/83 | 48 FR 10830 | (c)(22) | Section Air 402.02 is not part of the approved SIP. |
| | | 2/20/75 | 3/23/84 | 49 FR 11094 | (c)(26) | Section Air 402.02 added, raising allowable sulfur-in-oil limit for but 10 sources. |
| | | 10/20/83 | 8/07/84 | 49 FR 31415 | (c)(29) | Revision to Section Air 402.02, raises allowable sulfur-in-oil limit for 5 source excluded at (c)(26) above. |
| | | 12/15/83 | 8/01/84 | 49 FR 30695 | (c)(31) | Revision to Section Air 402.02, raises allowable sulfur-in-oil limit for 2 sources excluded at (c)(26) above. |
| | | 4/17/86 | 2/02/87 | 52 FR 3117 | (c)(35) | Revision restricting emission limits for Dartmouth College. |
| | | 1/17/85 | 4/15/87 | 52 FR 12164 | (c)(36) | Revision to Section Air 402.02, raises allowable sulfur-in-oil limit for James River Corp.—Cascade. |
| | | 9/09/85 | 12/14/87 | 52 FR 47392 | (c)(38) | Revision to Section Air 402.02, raises allowable sulfur-in-oil limit for James River Corp.—Groveton. |
| | Env-A 400 | 12/24/90 | 8/14/92 | 57 FR 36605 | (c)(45) | Part Env-A 405 renumbered and completely replaced; Section Env-A 405.05 (c) and (d); and Part Env-A 406 are not part of the approved SIP. |
| Statewide Permit System. | CH Air 600 | 12/17/81 | 3/15/83 | 48 FR 10830 | (c)(22) | Part Air 609 repealed at (c)(16). |
| | | 1/26/84 | 3/13/85 | 50 FR 10004 | (c)(36) | Revisions to Part Air 610. |
| | Env-A 600 | 12/24/90 | 8/14/92 | 57 FR 36606 | (c)(45) | Part Env-A 603 renumbered and completely replaced; Sections Env-A 603.02(p), 603.03(f) and 603.03(g) are not part of the approved SIP. |
| Statewide Permit System. | Env-A 600 | 5/21/93<br>6/26/97<br>1/29/99 | 7/27/01 | FR 39104 | (c)(66) | Part Env-622 (formally 610) Adopted NSR CAA requirements Adopted plantwide definition Adopted CAA sections 173(a)(4) & (5). |
| Statewide Permitting System. | Env-A 600 | 7/23/01 | 10/28/02 | 67 FR 65710 | (c)(60) | Adding Part Env-A 623: New Hampshire's PSD permit requirements. |
| Permit Fee System | CH Air 700 | 12/17/81 | 3/15/83 | 48 FR 10830 | (c)(22) | |
| | | 12/20/84 | 9/17/87 | 52 FR 35082 | (c)(37) | Revisions to Sections Air 704.01–.02 and Air 706.01–.02. |
| | Env-A 700 | 12/24/90 | 8/14/92 | 57 FR 36605 | (c)(45) | |
| Testing and Monitoring | CH Air 800 | 12/17/81 | 3/15/83 | 48 FR 10830 | (c)(22) | Part Air 803 is not part of the approved SIP. |
| | Env-A 800 | 11/16/89 | 6/13/91 | 56 FR 27197 | (c)(43) | Part Env-A 804 added; Revision to Section Env-A 802.07. |
| | | 12/24/90 | 8/14/91 | 56 FR 40253 | (c)(41) | Sections Env-A 802.09–.10 added. |

TABLE 52.1525—EPA-APPROVED RULES AND REGULATIONS [1]—NEW HAMPSHIRE—Continued

| Title/subject | State citation chapter [2] | Date adopted State | Date approved EPA | FEDERAL REGISTER citation | 52.1520 | Explanation |
|---|---|---|---|---|---|---|
| | | 12/24/90 | 8/14/92 .. | 57 FR 36605 | (c)(45) | Part Env-A 803 is not part of the approved SIP. |
| Testing Requirements | CH Air 800 ..... | 1/17/92 | 5/25/93 .. | 58 FR 29974 | (c)(47) | Part Env-A 805 Capture Efficiency Test Procedures |
| Purpose ..... | CH air 800, Part Env-A 801. | 11/13/92 | 3/10/98 .. | 63 FR 11600 | (c)(51) | Adds testing and monitoring procedures. |
| Testing and Monitoring for Stationary Sources: General Requirements. | CH air 800, Part Env-A 802. | 11/13/92 | 3/10/98 .. | 63 FR 11600 | (c)(51) | Adds testing and monitoring procedures. |
| VOC Testing ..... | CH air 800, Part Env-A 803. | 8/21/95 | 3/10/98 .. | 63 FR 11600 | (c)(51) | Adds testing and monitoring procedures. |
| Capture Efficiency ..... | CH air 800, Part Env-A 804. | 8/21/95 | 3/10/98 .. | 63 FR 11600 | (c)(51) | Adds testing and monitoring procedures. |
| Continuous Emission Monitoring. | CH air 800, Part Env-A 805. | 11/13/92 | 3/10/98 .. | 63 FR 11600 | (c)(51) | Adds testing and monitoring procedures. |
| Testing for Diesel Engines and Motor Vehicles. | CH air 800, Part Env-A 806. | 11/13/92 | 3/10/98 .. | 63 FR 11600 | (c)(51) | Adds testing and monitoring procedures. |
| Approval of Alternate Methods. | CH air 800, Part Env-A 807. | 11/13/92 | 3/10/98 .. | 63 FR 11600 | (c)(51) | Adds testing and monitoring procedures. |
| Owner or Operator Obligations. | CH Air 900 ..... | 12/17/81 | 3/15/83 .. | 48 FR 10830 | (c)(22) | |
| | Env-A 900 ..... | 11/16/89 | 6/13/91 .. | 56 FR 27197 | (c)(43) | Sections Env-A 901.021–.022 and 901.05 added; Revision to Section Env-A 901.02. |
| | | 12/24/90 | 8/14/92 .. | 57 FR 36605 | (c)(45) | |
| Recordkeeping requirements. | CH Air 900, Part Env-A 901, section Env-A 901.06. | 11/13/92 | 4/9/97 .... | 62 FR 17092 | (c)(49) | Adds $NO_X$ recordkeeping requirements. |
| | CH Air 900, Part Env-A 901, section Env-A 901.07. | 11/13/92 | 4/9/97 .... | 62 FR 17092 | (c)(49) | Adds $NO_X$ reporting requirements. |
| Recordkeeping and Reporting by Sources. | CH air 900, Part Env-A 901, sections 901.01, 901.03, 901.09. | 11/13/92 | 3/10/98 .. | 63 FR 11600 | (c)(51) | Adds recordkeeping and reporting requirements. |
| Recordkeeping and Reporting by Sources. | CH air 900, Part Env-A 901, sections 901.02, 901.04, 901.05, and 901.08. | 8/21/95 | 3/10/98 .. | 63 FR 11600 | (c)(51) | Adds recordkeeping and reporting requirements. |
| Malfunctions and Breakdowns of Air Pollution Control Equipment. | CH air 900, Part Env-A 902. | 11/13/92 | 3/10/98 .. | 63 FR 11600 | (c)(51) | Adds recordkeeping and reporting requirements. |
| Compliance Schedules | CH air 900, Part Env-A 903. | 11/13/92 | 3/10/98 .. | 63 FR 11600 | (c)(51) | Adds recordkeeping and reporting requirements. |
| Prevention, Abatement, and Control of Open Source Air Pollution. | CH Air 1000 ..... | 12/17/81 | 3/15/83 .. | 48 FR 10830 | (c)(22) | Part Air 1002 is not part of the approval SIP. |
| | Env-A 1000 ..... | 12/24/90 | 8/14/92 .. | 57 FR 36605 | (c)(45) | Part Env-A 1002 is not part of the approval SIP. |
| Open-Air Burning ..... | Env-A 1001 ..... | 5/19/89 | 8/19/94. | 59 FR 42768 | (c)(40) | 1001.02 |
| Prevention, Abatement, and Control of Stationary Source Air Pollution Part. | CH Air 1200 ..... | 6/17/82 | 3/15/83 .. | 48 FR 10830 | (c)(22) | Section Air 1201.07 and Part Air 1206 are not part of the approved SIP. |
| | | 2/19/80 | 10/31/83 | 48 FR 50077 | (c)(27) | Revisions to Section 1204.02(c) and 1204.21(j); Section 1204.17 added. |
| | | 7/21/83 | 2/01/84 .. | 49 FR 3989 .. | (c)(28) | Revision to Section Air 1204.01. |
| | | 2/16/84 | 6/01/84 .. | 49 FR 24724 | (c)(30) | Section Air 1201.05(e) added. |

TABLE 52.1525—EPA-APPROVED RULES AND REGULATIONS [1]—NEW HAMPSHIRE—Continued

| Title/subject | State citation chapter [2] | Date adopted State | Date approved EPA | FEDERAL REGISTER citation | 52.1520 | Explanation |
|---|---|---|---|---|---|---|
| | | 12/20/84 | 9/17/87 .. | 52 FR 35082 | (c)(37) | Revisions to Sections Air 1202.07–.09; Section Air 1202.10 added. |
| Prevention, Abatement and Control of Stationary Source Air Pollution. | CH Air 1200 ..... | 1/17/92 | 5/25/93 .. | 58 FR 29974 | (c)(47) | Part Env-A Sections 1204.02; 1204.04; 1204.05 through 1204.08; 1204.14 through 1204.15. |
| | Env-A 1200 ..... | 11/16/89 | 6/13/91 .. | 56 FR 27197 | (c)(43) | Revisions to Sections Env-A 1204.01–.16; Section Env-A 1204.19 added. |
| | | 12/24/90 | 8/14/92 .. | 57 FR 36605 | (c)(45) | Section Env-A 1206.03 is not part of the approved SIP. |
| | Env-A 1200 ..... | 1/17/92 | 1/19/93 .. | 58 FR 4904 .. | (c)(46) | Revisions to Section Env-A 1204.12. |
| Nitrogen oxides emission limits. | CH Air 1200 Part Env-A 1211. | 5/20/94 | 4/9/97 .... | 62 FR 17092 | (c)(49) | Adds $NO_X$ RACT requirements. |
| Stationary Sources of Volatile Organic Compounds. | CH air 1204, Part Env-A 1204 (except 1204.09). | 8/21/95 | 3/10/98 .. | 63 FR 11600 | c(51) | Adds VOC RACT requirements. Limited approval only of Env-A 1204.27 |
| Applicability Criteria and Compliance Options for Miscellaneous and Multi-category Stationary VOC Sources. | Env-A 1204.27 .. | 8/21/95 | 7/23/02 .. | 67 FR 48036 | (c)(68) | Rule fully approved for the New Hampshire portion of the eastern Massachusetts serious ozone nonattainment area. |
| Source Specific Order | Order ARD–94–001. | 5/5/95 | 3/10/98 .. | 63 FR 11600 | (c)(51) | VOC RACT for L.W. Packard. |
| Source specific order .. | Order ARD–95–001. | 5/10/95 | 4/9/97 .... | 62 FR 17092 | (c)(52) | Source specific $NO_X$ RACT order for Groveton Paperboard Corp., in Groveton, NH. |
| | Order ARD–95–002. | 9/12/95 | 4/9/97 .... | 62 FR 17093 | (c)(50) | Source specific $NO_X$ RACT order for Plymouth Cogeneration Ltd. Partnership, in Plymouth, NH. |
| | Order ARD–95–003. | 9/19/95 | 4/9/97 .... | 62 FR 17093 | (c)(50) | Source specific $NO_X$ RACT order for Waterville Valley Ski Area Ltd., in Waterville Valley, NH. |
| Source Specific Order | Order ARD–95–010. | 9/10/96 | 3/10/98 .. | 63 FR 11600 | (c)(51) | VOC RACT for Kalwall, Manchester. |
| Source Specific Order | Order ARD–96–001. | 10/4/96 | 3/10/98 .. | 63 FR 11600 | (c)(51) | VOC RACT for Textile Tapes. |
| Source specific order .. | Order ARD–97–001. | 04/14/97 | 5/13/98 .. | 63 FR 26460 | (c)(54) | Source specific $NO_X$ RACT order for Public Service of New Hampshire in Bow, NH. |
| Source specific order .. | Order ARD–95–011. | 05/06/97 | 5/13/98 .. | 63 FR 26460 | (c)(54) | Source specific $NO_X$ RACT order for Hampshire Chemical Corporation in Nashua, NH. |
| Source specific order .. | Order ARD–97–003. | 9/24/97 | 5/13/98 .. | 63 FR 26460 | (c)(54) | Source specific $NO_X$ RACT order for Crown Vantage in Berlin, NH. |
| Source specific order .. | Order ARD 98–001. | 7/17/98 | 11/14/00 | 65 FR 68082 | (c)(64) | Source-specific $NO_X$ RACT order and discrete emission reduction protocols for Public Service of New Hampshire. |
| Source Specific Order | Order ARD–00–001. | 4/15/02 | 7/23/02 .. | 67 FR 48036 | (c)(68) | VOC RACT for Anheuser-Busch. |
| Conformity of General Federal Actions. | CH Env-A 1500, Part Env-A 1502. | 4/19/96 | 8/16/99 .. | 64 FR 44420 | (c)(63) | None. |
| National Low Emission Vehicle Program. | CH air 3600 ..... | 7/21/99 | 3/9/00 .... | 65 FR 12480 | (c)(65) | Approval of commitment to National Low Emission Vehicle Program. |
| $NO_X$ Budget Trading Program. | Part Env-A 3200 | 7/27/98 | 11/14/00 | 65 FR 68082 | (c)(57) | Approval of OTC $NO_X$ budget and allowance trading program. |

TABLE 52.1525—EPA-APPROVED RULES AND REGULATIONS [1]—NEW HAMPSHIRE—Continued

| Title/subject | State citation chapter [2] | Date adopted State | Date approved EPA | FEDERAL REGISTER citation | 52.1520 | Explanation |
|---|---|---|---|---|---|---|
| Emission Amendments to Official Motor Vehicle Inspection Req. | NHCAR, Part Saf-C 3221A. | 11/17/98 | 1/10/01 .. | 66 FR 1871 | (c)(59) | Part Saf-C 3221A "Emission Amendments to Official Motor Vehicle Inspection Requirements" adopted on November 17, 1998; |
| Roadside Diesel Opacity Inspection Program Rules. | NHCAR, Part Saf-C 5800. | 11/17/98 | 1/10/01 .. | 66 FR 1871 | (c)(59) | Part Saf-C 5800 "Roadside Diesel Opacity Inspection Program Rules" adopted on November 17, 1998. |

[1] These regulations are applicable statewide unless otherwise noted in the Explanation section.
[2] When the New Hampshire Department of Environmental Services was established in 1987, the citation chapter title for the air regulations changed from CH Air to Env-A.

[50 FR 767, Jan. 7, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1525, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### §52.1526 [Reserved]

### §52.1527 Rules and regulations.

(a) [Reserved]

(b) The following elements are not part of the approved SIP:

(1) Intergovernmental consultations

(2) Public notification

(3) Conflict of Interest

(4) Non-SIP regulations' numbers listed below:

- Chapter Env-A 100: Sections Env-A 101.21, .27, .33, .51, .53, .58., .63 and
- 98; and Parts Env-A 102–103
- Chapter Env-A 200: Part Env-A 206; Part Env-A 208; and Sections 209.01–.04
- Chapter Env-A 300: Part Env-A 304
- Chapter Env-A 400: Section Env-A 405.05(c)–(d) and Part Env-A 406
- Chapter Env-A 500: Parts Env-A 501–506
- Chapter Env-A 600: Sections Env-A 603.02(p), 603.03(f)–(g)
- Chapter Env-A 800: Part Env-A 803
- Chapter Env-A 1000: Part Env-A 1002
- Chapter Env-A 1100:Part Env-A 1101
- Chapter Env-A 1200: Sections Env-A 1206.03
- Chapter Env-A 1300; Parts Env-A 1301–1305

[48 FR 10833, Mar. 15, 1983, as amended at 48 FR 48665, Oct. 20, 1983; 50 FR 51250, Dec. 16, 1985; 57 FR 36607, Aug. 14, 1993]

### §52.1528 Control strategy: Carbon monoxide.

(a) Approval—On February 1, 1999, the New Hampshire Department of Environmental Services submitted a revision to the State Implementation Plan to remove the Nashua Inspection/Maintenance program for carbon monoxide that ceased operating on January 1, 1995. The Nashua Inspection/Maintenance was originally approved at §52.1520(c)(39). The Nashua Inspection/Maintenance program was replaced with controls consisting of the existing federal Tier 1 emission standards for new vehicles and the federal reformulated gasoline program.

(b) Approval—On February 2, 1999, the New Hampshire Department of Environmental Services submitted a request to redesignate the City of Manchester carbon monoxide nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1990 attainment year) emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide NAAQS with projected emission inventories to the year 2010 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit additional information in eight years acknowledging that the maintenance plan will remain in effect through the year 2020, as required by the Clean Air Act. If the area records a violation of the carbon monoxide NAAQS (which must be confirmed by the State), New Hampshire

will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes the enhanced safety inspection program and New Hampshire's low emission vehicle program (NLEV) as contingency measures. The redesignation request establishes a motor vehicle emissions budget of 55.83 tons per day for carbon monoxide to be used in determining transportation conformity for the Manchester area. The redesignation request and 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 February 2, 1999, the New Hampshire Department of Environmental Services submitted a request to redesignate the City of Nashua carbon monoxide nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1990 attainment year) emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide NAAQS with projected emission inventories to the year 2010 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit additional information in eight years acknowledging that the maintenance plan will remain in effect through the year 2020, as required by the Clean Air Act. If the area records a violation of the carbon monoxide NAAQS (which must be confirmed by the State), New Hampshire will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes the enhanced safety inspection program and New Hampshire's low emission vehicle program (NLEV) as contingency measures. The redesignation request establishes a motor vehicle emissions budget of 60.13 tons per day for carbon monoxide to be used in determining transportation conformity for the Nashua area. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

(d) Approval—On May 30, 2007, the New Hampshire Department of Environmental Services submitted a modification to the Nashua maintenance plan approved in paragraph (c) of this section. New Hampshire will not conduct CO monitoring in Nashua, but instead commits to continue to collect and review CO monitoring data from nearby Manchester, NH on an on-going basis. In the event the second highest CO concentration in any calendar year monitored in Manchester reaches 75 percent of the federal 1-hour or 8-hour national ambient air quality standard for CO, New Hampshire will, within 9 months of recording such concentrations, re-establish a CO monitoring site in Nashua consistent with EPA siting criteria, and resume analyzing and reporting those data. New Hampshire commits to implement its contingency program in Nashua in the event that a CO violation is monitored at the re-established Nashua monitoring site at any time during the maintenance period. If the Manchester CO monitor measures a violation of the either the federal 1-hour or 8-hour NAAQS for CO, contingency measures will be implemented in Nashua as well, until a re-established CO monitor in Nashua shows that the area is in attainment of the CO standard.

[65 FR 71066, Nov. 29, 2000, as amended at 72 FR 51567, Sept. 10, 2007]

### § 52.1529 Significant deterioration of air quality.

New Hampshire's Part Env-A 623, ''Requirements for Prevention of Significant Deterioration Permits,'' as submitted on August 6, 2001, is approved as meeting the requirements of Subpart 1, Part C, Title I, of the Clean Air Act.

[67 FR 65713, Oct. 28, 2002]

### § 52.1530 Requirements for State implementation plan revisions relating to new motor vehicles.

New Hampshire must comply with the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

### § 52.1531 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) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of New Hampshire.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of New Hampshire.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

### § 52.1532 Stack height review.

The State of New Hampshire 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 technique as defined in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on March 21, 1986. The State has further declared in a letter from Dennis Lunderville, dated July 25, 1986, that, ''As part of our new source review activities under the New Hampshire SIP and our delegated PSD authority, the New Hampshire Air Resources Agency will follow EPA's stack height regulation as revised in the FEDERAL REGISTER on July 8, 1985 (50 FR 27892).'' Thus, New Hampshire has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

[52 FR 49407, Dec. 31, 1987]

### § 52.1533 Emission inventories.

(a) The Governor's designee for the State of New Hampshire submitted a 1990 base year emission inventory for the entire state on January 26, 1993 as a revision to the State Implementation Plan (SIP). Subsequent revisions to the State's 1990 inventories were made, the last of which occurred on August 29, 1996. 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 the three nonattainment areas in the State. The three areas are the Portsmouth-Dover-Rochester serious area, the New Hampshire portion of the Boston-Lawrence-Worcester serious area, and the Manchester marginal area.

(b) The inventory is for the ozone precursors which are volatile organic compounds, nitrogen oxides, and carbon monoxide. The inventory covers point, area, non-road mobile, on-road mobile, and biogenic sources.

(c) The Portsmouth-Dover-Rochester serious nonattainment area includes all of Strafford County and part of Rockingham County. The New Hampshire portion of the Boston-Lawrence-Worcester serious area includes portions of Hillsborough and Rockingham Counties. The Manchester marginal area contains all of Merrimack County and portions of Hillsborough and Rockingham Counties.

[62 FR 55525, Oct. 27, 1997]

### § 52.1534 Control strategy: Ozone.

(a) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on September 27, 1996. These revisions are for the purpose of satisfying the rate of progress requirement of section 182(c)(2)(B), and the contingency measure requirements of section 182(c)(9) of the Clean Air Act, for the Portsmouth-Dover-Rochester serious area, and the New Hampshire portion of the Boston-Lawrence-Worcester serious area.

(b) Approval—Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Protection on June 1, 1998. The revisions are for the purpose of satisfying the one-hour ozone attainment demonstration requirements of section 182(c)(2)(A) of the Clean Air Act, for the Boston-Lawrence-Worcester, MA-NH serious ozone nonattainment area. The revision establishes a one-hour attainment date of November 15, 2007 for the Boston-Lawrence-Worcester, MA-NH serious ozone nonattainment area. This revision establishes motor vehicle emissions budgets of 10.72 tons per day of volatile organic compounds (VOC) and 21.37 tons per day of nitrogen oxides ($NO_X$) to be used in transportation conformity in the

New Hampshire portion of the Boston-Lawrence-Worcester, MA-NH serious ozone nonattainment area.

(c) *Determination of Attainment.* Effective March 18, 2008, EPA is determining that the Boston-Manchester-Portsmouth (SE), New Hampshire 8-hour ozone nonattainment area has attained the 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 ozone NAAQS is monitored in the Boston-Manchester-Portsmouth (SE), New Hampshire 8-hour ozone nonattainment area, this determination shall no longer apply.

(d) Approval—Revision to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on May 28, 2008. This revision establishes Year 2009 motor vehicle emission budgets of 15.31 tons per summer day of volatile organic compounds (VOC) and 28.53 tons per summer day of nitrogen oxides ($NO_X$) to be used in transportation conformity in the Boston-Manchester-Portsmouth (SE), New Hampshire moderate 8-hour ozone nonattainment area.

(e) Determination of Attainment. Effective April 18, 2011, EPA is determining that the Boston-Manchester-Portsmouth (SE), New Hampshire 8-hour ozone nonattainment area has attained the 1997 8-hour ozone standard based on 2007–2009 monitoring data. 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 Boston-Manchester-Portsmouth (SE), New Hampshire 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.

[67 FR 18497, Apr. 16, 2002, as amended at 67 FR 72576, Dec. 6, 2002; 73 FR 14388, Mar. 18, 2008; 74 FR 8867, Feb. 27, 2009; 76 FR 14807, March 18, 2011]

### § 52.1535 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of New Hampshire'' and all revisions submitted by New Hampshire that were federally approved prior to August 18, 2009.

(b) The plan was officially submitted on January 27, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions to the plan correcting minor deficiencies submitted on February 23, 1972, by the New Hampshire Air Pollution Control Agency.

(2) Non-regulatory provisions for retention and availability of air quality data submitted on March 23, 1972, by the New Hampshire Air Pollution Control Agency.

(3) Attainment dates of national primary and secondary air quality standards submitted on August 8, 1972, by the New Hampshire Air Pollution Control Agency.

(4) Revision of regulation No. 5, section 111.A, limiting sulfur content of fuels submitted on September 26, 1972, by the New Hampshire Air Pollution Control Agency.

(5) Compliance schedules submitted on February 14, 1973, by the New Hampshire Air Pollution Control Agency.

(6) Compliance schedules submitted on March 22, 1973, by the New Hampshire Air Pollution Control Agency.

(7) Revision exempting steam locomotives from the plan submitted on April 3, 1973, by the New Hampshire Air Pollution Control Agency.

(8) Regulation No. 20 requiring review of indirect sources submitted on December 13, 1973, by New Hampshire Air Pollution Control Agency.

(9) AQMA identification material submitted on May 20, 1974, by the New Hampshire Air Pollution Control Agency.

(10) Miscellaneous revisions to Regulation numbers, 4, 6, 8, 10, 11, 13, 14, and

17 submitted on June 6, 1974, by the New Hampshire Air Pollution Control Agency.

(11) Revision to Regulation 18, ''Requirements for Recordkeeping at Facilities which Discharge Air Contaminants,'' submitted on May 28, 1975, by the New Hampshire Air Pollution Control Agency.

(12) Attainment plans to meet the requirements of Part D for carbon monoxide for Metropolitan Manchester and ozone for AQCR 121, programs for the review of construction and operation of new and modified major stationary sources of pollution in both attainment and non-attainment areas and certain miscellaneous provisions were submitted on May 29, 1979, November 6, 1979, and March 17, 1980.

(13) Attainment plans to meet the requirements of Part D for total suspended particulates and sulfur dioxide in Berlin were submitted by the Governor of New Hampshire on September 19, 1979.

(14) Revisions to Regulation 5, Prevention, Abatement, and Control of Sulfur Emission from Stationary Combustion Equipment, submitted by the Governor of New Hampshire on July 12, 1973 and April 11, 1975.

(15) A plan to provide comprehensive public participation and an analysis of the effects of the New Hampshire 1979 SIP revisions were submitted on February 28, 1980.

(16) Revised regulations to assure reasonable further progress and compliance by owners of proposed new sources with Federal as well as state regulations were submitted on July 8, 1980.

(17) A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58, was submitted by the New Hampshire Air Resource Agency Director on January 30, 1980.

(18) A plan to attain and maintain the National Ambient Air Quality Standard for lead and to amend the state's air quality standards was submitted on April 15, 1980. A letter further explaining the state procedures for review of new major sources of lead emissions and confirming the use of reference methods was submitted on December 9, 1980 by the Director of the Air Resources Agency.

(19) Revisions to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, for attaining carbon monoxide standards in the City of Manchester which were submitted on January 12, 1981 and February 18, 1981. The revisions supplement the 1979 CO attainment plan (§52.1520(c)(12)) and include three air quality-improving transportation projects and a schedule for submitting a plan which will demonstrate attainment by no later than December 31, 1987.

(20) Revisions to meet ozone attainment requirements of Part D (VOC Control Regulations) were submitted on August 17, 1981 and are approved as follows: Regulations Air 1204.03, 1204.11(d), 1204.12, 1204.13, 1204.18 and 1204.21.

(21) Operating permits with compliance schedules for VOC sources were submitted May 2, 1980, May 16, 1980, November 20, 1981 and January 8, 1982. Approved are operating permits for Mobil Oil Corporation; ATC Petroleum, Inc.; Velcro USA, Inc.; and Nashua Corporation's facility at Nashua.

(22) Revisions to (i) provide a new format and renumber the SIP regulations with associated miscellaneous language changes for purposes of consistency; (ii) to delete redundant regulations and definitions; (iii) amend several regulations; and (iv) to add additional regulations submitted by the New Hampshire Air Resources Commission on June 17, 1982 and August 31, 1982. The federally-approved regulations of the New Hampshire SIP are as follows:

- CHAPTER 100, PART Air 101, Sections Air 101.04–101.26, 101.28–101.30, 101.32–101.49, 101.51, 101.53–101.56, 101.58–101.62, 101.64–101.69, 101.74–101.75, 101.77, 101.79–101.89, 101.91–101.96, 101.98.
- CHAPTER Air 200, PART Air 205.
- CHAPTER Air 300, PARTs Air 301–303.
- CHAPTER Air 400, PARTs Air 401; 402, Sections Air 402.01, 402.03, 402.04; PARTs Air 403–405.
- CHAPTER Air 600, PARTs Air 601–616.
- CHAPTER Air 700, PARTs Air 701–706.
- CHAPTER Air 800, PARTs Air 801–802.
- CHAPTER Air 900, PARTs Air 901–903.
- CHAPTER Air 1000, PART Air 1001.
- CHAPTER Air 1200, PART Air 1201, Sections 1201.01–1201.06, 1201.08–1201.11; PARTs

Air 1202; 1203; 1204, Sections 1204.01–1204.16, 1204.18–1204.21; PARTs Air 1205; 1207; 1208.

(23) Carbon monoxide attainment plan revisions for the City of Manchester which meet the requirements of Part D of the Act for 1982 SIP revisions. The revisions were submitted on October 5, 1982 and December 20, 1982 by the New Hampshire Air Resources Agency.

(24) A revision specifying the State will follow Federal permit notice and hearing procedures for applications subject to PSD requirements was submitted by the Air Resources Commission on November 19, 1982.

(25) Revisions to the State Implementation Plan for ozone, consisting of emission limits and compliance schedules for Oak Materials Group, Ideal Tape Co., Markem Corp., Essex Group, and Nashua Corp.'s Merrimack Facility, were submitted on December 23, 1982, December 30, 1982, January 19, 1983, and March 18, 1983.

(26) Revisions to CHAPTER Air 400, Section Air 402.02 (formerly Regulation 5). raising the allowable sulfur-in-oil limit for all but ten sources, were submitted by New Hampshire on July 12, 1973, April 11, 1975, December 21, 1982 and March 29, 1983. The excluded sources are:

1. International Packings Corp., Bristol.
2. Dartmouth College, Hanover.
3. Hinsdale Products Co., Inc., Hinsdale.
4. Groveton Paper Co., Northumberland.
5. James River Corp./Cascade Division, Gorham.
6. Velcro USA, Inc., Manchester.
7. ATC Petroleum, Newington.
8. Anheuser-Busch, Inc., Merrimack.
9. Hoague-Sprague Corp., West Hopkinton.
10. Public Service Co., Manchester Steam, Manchester.

(27) Amendments to Regulation Air 1204.02(c), defining ''equivalent'' to include ''solids-applied basis'' and Air 1204.21(j), altering the maximum time for compliance schedule extensions from December 31, 1987 to July 1, 1985 were submitted on August 9, 1983. An additional regulation, Air 1204.17, ''Emission Standards for Miscellaneous Metal Parts and Products'' was submitted on August 17, 1981.

(28) Revisions to Air 1204.01, updating the list of volatile organic compounds exempted from PART Air 1204, and a revision to Air 101.74, 'Process weight' were submitted on November 10, 1983.

(29) Revisions raising the allowable sulfur-in-oil limit to 2.0% for five sources excluded from revisions to CHAPTER Air 400, Section 402.02 (identified at subparagraph (c)(26) above), submitted on November 1, 1983. The five sources, and the source specific emission limits where applicable, are:

1. International Packings Corp., Bristol.
2. Velcro USA, Inc., Manchester.
3. Dartmouth College, Hanover (Limited to a maximum allowable hourly production of 164,000 pounds of steam.).
4. Sprague Energy-Atlantic Terminal Corp., Newington (Limited to firing any three of four boilers, or if all four boilers are fired, the sulfur content is limited 1.5%.).
5. Hoague-Sprague Corp., Hopkinton (Limited to firing any one of two boilers.)

(30) Revisions to Air 1201.05 adding paragraph (e), concerning hazardous waste incinerators, was submitted on April 9, 1984. Approval of this regulation shall not be construed to supercede New Source Performance Standards; National Emission Standards for Hazardous Air Pollutants; and the regulations controlling emissions from major new or modified stationary sources in attainment and non-attainment areas.

(31) Revisions raising the allowable sulfur-in-oil limit to 2.0% for two sources excluded from revisions to CHAPTER Air 400, Section 402.02 (identified at paragraph (c)(26) of this section), submitted on January 13, 1984. The two sources, and the source specific restrictions at each, are:

(i) Manchester Steam Station, Public Service Company of N.H., Manchester (The auxiliary boiler is allowed to burn 2.0% sulfur oil as long as the main boilers remain inactive. If either or both of the main boilers are reactivated, the maximum sulfur content of oil burned in any boiler shall not exceed 1.7% by weight. In addition, each main boiler shall not operate until its stack height is increased to 45 m.)

(ii) Hinsdale Products Co., Inc., Hinsdale (Limited to a maximum hourly fuel firing rate of 213 gallons.)

(32) A revision submitted on December 22, 1983 which requires Markem Corporation to install an incinerator. The installation of the incinerator must be completed by July 1, 1985.

(33) The TSP plan to attain primary standards in Berlin, New Hampshire and the administrative order issued May 2, 1984 to the James River Corporation which were submitted by the Air Resources Agency on May 9, 1984.

(34) Revisions to Part (Air) 610 of Chapter 600, ''Statewide Permit System'' for the preconstruction permitting of new major sources and major modifications in nonattainment areas submitted on April 9, 1984 and September 10, 1984 by the New Hampshire Air Resources Commission.

(35) A revision to approve operating limits for boilers at Dartmouth College, submitted on May 19, 1986 by the Director of the New Hampshire Air Resources Agency.

(i) Incorporation by reference.

(A) Permits to Operate issued by the State of New Hampshire Air Resources Agency to Dartmouth College, No. PO–B–1501.5, No. PO–B–1502.5, and No. PO–B–1503.5, and Temporary Permit TP–B–150.2, 3, and 4, dated January 6, 1986.

(36) Approval of a revision to allow the James River Corporation (Cascade Mill), Gorham, to burn oil having a 2.2% sulfur-by-weight limit in accordance with previously approved SIP regulation Chapter Air 400, Section Air 402.02, submitted on February 11, 1985. This sources was excluded from revisions pertaining to New Hampshire regulation Chapter Air 400, Section Air 402.02 (identified at paragraph (c)(26) of this section), but New Hampshire has now submitted adequate technical support for approval.

(37) Revisions to the State Implementation Plan submitted on April 26, 1985, January 20, 1986 and May 12, 1987 by the Air Resources Commission.

(i) Incorporation by reference.

(A) Letter dated April 26, 1985 from the New Hampshire Air Resources Commission submitting revisions to the State Implementation Plan for EPA approval.

(B) Revisions to New Hampshire Code of Administrative Rules, Part Air 704.01, ''Permit Review Fee for Large Fuel Burning Devices,'' Part Air 704.02, ''Permit Review Fee for All Other Devices,'' Part Air 706.01, ''Renewal Review Fee For Large Fuel Burning Devices,'' Part Air 706.02, ''Renewal Review Fee For All Other Devices,'' Part Air 1202, ''Fuel Burning Devices,'' effective on December 27, 1984.

(C) Certification from the State of New Hampshire dated April 26, 1985.

(D) Letter from the State of New Hampshire dated January 20, 1986.

(E) Letter from the State of New Hampshire dated May 12, 1987.

(38) Approval of a revision to allow the James River Corporation, Groveton, to burn oil having a 2.2% sulfur-by-weight limit in accordance with previously approved SIP regulation CHAPTER Air 400, Section Air 402.02, submitted on January 22, 1986. This source was previously excluded from revisions pertaining to New Hampshire regulation CHAPTER Air 400, Section Air 402.02 (identified at paragraph (c)(26) of this section), but New Hampshire has now submitted adequate technical support for approval.

(i) Incorporation by reference.

(A) The conditions in the following five Permits to Operate issued by the State of New Hampshire Air Resources Agency on September 6, 1985, to the James River Corporation—Groveton Group: Permit No. PO–B–1550, Conditions 5B, 5C, and 5D; Permit No. PO–B–213, Conditions 2 and 5A; Permit No. PO–B–214, Conditions 2 and 5A; Permit No. PO–B–215, Conditions 2 and 5A; and Permit No. PO–BP–2240, Condition 5B. These conditions limit the sulfur-in-fuel content at the James River Corporation, Groveton, to 2.2% sulfur by weight.

(39) Attainment plans for carbon monoxide for the City of Nashua including an extension of the attainment date to December 31, 1990 as submitted on September 12, 1985, December 3, 1985, October 7, 1986, March 6, 1987, May 12, 1987 and October 15, 1987.

(i) Incorporation by reference.

(A) The New Hampshire Code of Administrative Rules, Department of Safety, Chapter 900, Emission Inspections, Part Saf–M, 901, Part Saf–M 902, Part Saf–M 903, Part Saf–M 904, Part Saf–M 905, Part Saf–M 906,Part Saf–M 907, Part Saf–M 908, Part Saf–M 909, and Part Saf–M 910, effective October 6, 1986.

(B) Section 715.02 Introductory Text and paragraph (1) of Part Saf–M–715, and §716.01 Introductory Text and paragraph (g) of Part Saf–M–716, submitted

to New Hampshire Department of Safety by the State of New Hampshire on August 14, 1985.

(ii) Additional material.

(A) A letter from Governor John H. Sununu to Michael R. Deland, dated March 6, 1987, committing to take legislative measures to convert the Inspection/Maintenance program in the Nashua area to the use of computerized emission analyzers in the event that the program is found to not be achieving the necessary emission reductions.

(B) Narrative submittals, including an attainment demonstration.

(40) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on July 6, 1989.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated July 6, 1989 submitting revisions to the New Hampshire State Implementation Plan.

(B) Revisions to New Hampshire's Rule Env-A 303.01 entitled ''Particulate Matter,'' effective April 21, 1989.

(C) Revisions to New Hampshire's Rule Env-A 1001.02 entitled ''permissible Open Burning,'' effective May 26, 1989.

(41) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on February 12, 1991.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated February 12, 1991 submitting a revision to the New Hampshire State Implementation Plan.

(B) Env-A 802.09 and Env-A 802.10 of the New Hampshire Administrative Rules Governing the Control of Air Pollution entitled ''Continuous Emission Monitoring'' and ''CEM Recordkeeping Requirements,'' respectively. These regulations were effective on December 27, 1990.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(42) [Reserved]

(43) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on November 21, 1989.

(i) Incorporation by reference.

(A) Letter form the New Hampshire Air Resources Division dated November 21, 1989 submitting a revision to the New Hampshire State Implementation Plan.

(B) Amendments to regulations for the State of New Hampshire's Administrative Rules Governing Air Pollution in Chapters Env-A 100, 800, 900 and 1200 which were effective November 16, 1989.

(C) Letter from Robert W. Varney, Commissioner of the Department of Environmental Services of New Hampshire, to John B. Hammond, Acting Director of the New Hampshire Office of Legislative Services, dated November 15, 1989, adopting final rules.

(44) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on September 12, 1990.

(i) Incorporation by reference.

Letter from the New Hampshire Air Resources Division dated September 12, 1990 submitting a revision to the New Hampshire State Implementation Plan that withdraws nine source-specific operating permits incorporated by reference at 40 CFR 52.1520(c)(21), (c)(25) and (c)(32).

(ii) Additional materials.

Letter from the New Hampshire Air Resources Division dated July 2, 1991 submitting documentation of a public hearing.

(45) Revisions to the State Implementation Plan consisting of a readoption of the Rules Governing the Control of Air Pollution for the State of New Hampshire submitted by the New Hampshire Air Resources Division on February 12, 1991.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated February 12, 1991 submitting revisions to the New Hampshire State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the State of New Hampshire effective on December 27, 1990:

- Chapter Env-A 100: Sections Env-A 101.01–.20, 101.22–.26, 101.28–.32, 101.34–50, 101.52, 101.54–.57, 101.59–.62, 101.64–.97 and 101.99.
- Chapter Env-A 200: Parts Env-A 201–205; Part Env-A 207; Section Env-A 209.05; and Part Env-A 210.
- Chapter Env-A 300: Parts Env-A 301–303.

• Chapter Env-A 400: Part Env-A 401–404; Sections Env-A 401–404; Sections Env-A 405.01–.05(b) and 405.06.

• Chapter Env-A 600: Parts Env-A 601–602; Sections Env-A 603.01–.02(o) and 603.03(a)-(e); and Parts Env-A 604–616.

• Chapter Env-A 700: Parts Env-A 701–705.

• Chapter Env-A 800: Parts Env-A 801–802; and Part Env-A 804.

• Chapter Env-A 900: Parts Env-A 901–903.

• Chapter Env-A 1000: Part Env-A 1001.

• Chapter Env-A 1200: Parts Env-A 1201–1203; Sections 1204.01–.11 and 1204.13–.19; Part Env-A 1205; Sections Env-A 1206.01–.02 and 1206.04–.06; and Parts Env-A 1207–1208.

(ii) Additional materials.

(A) Letters from the New Hampshire Air Resources Division dated May 7, August 20, and August 26, 1991, March 6, and May 6, 1992 withdrawing certain portion of the February 12, 1991 SIP submittal.

(46) Revisions to the State Implementation Plan consisting of amendments to Chapter Env-A 1204.12 *Emission Control Methods for Cutback and Emulsified Asphalt* submitted by the New Hampshire Air Resources Division on May 15, 1992.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated May 15, 1992 submitting a revision to the New Hampshire State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the State of New Hampshire effective on January 17, 1992: Chapter Env-A 1200: PART Env-A 1204.12 *Emission Control Methods for Cutback and Emulsified Asphalt*.

(47) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on May 15, 1992.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated May 15, 1992 submitting a revision to the New Hampshire State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the State of New Hampshire effective on January 17, 1992:

—Chapter Env-A 800: Part Env-A 805

—Chapter Env-A 1200: Sections Env-A 1204.02, 1204.04, 1204.05–1204.08, 1204.14–1204.15.

(48) [Reserved]

(49) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on June 17, 1994, and December 21, 1992.

(i) Incorporation by reference.

(A) Letters from the New Hampshire Air Resources Division dated June 17, 1994, and December 21, 1992, submitting revisions to the New Hampshire State Implementation Plan.

(B) Regulations Chapter Env-A 1200, Part Env-A 1211, ''Nitrogen Oxides ($NO_X$),'' effective on May 20, 1994, and Chapter Env-A 900, Part Env-A 901, sections Env-A 901.06 ''$NO_X$ Recordkeeping Requirements,'' and Env-A 901.07, ''$NO_X$ Reporting Requirements,'' effective on November 13, 1992.

(50) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on July 7, 1995, September 18, 1995, and October 18, 1995.

(i) Incorporation by reference.

(A) Letters from the New Hampshire Air Resources Division dated July 7, 1995, September 18, 1995, and October 18, 1995, submitting revisions to the New Hampshire State Implementation Plan.

(B) New Hampshire $NO_X$ RACT Order ARD–95–001, concerning Groveton Paperboard Corporation, effective on May 10, 1995.

(C) New Hampshire $NO_X$ RACT Order ARD–95–002, concerning Plymouth Cogeneration Limited Partnership, effective September 12, 1995.

(D) New Hampshire $NO_X$ RACT Order ARD–95–003, concerning Waterville Valley Ski Area Limited, effective September 19, 1995.

(51) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on December 9, 1996, June 28, 1996, October 24, 1996, and July 10, 1995.

(i) Incorporation by reference.

(A) Letters from the New Hampshire Air Resources Division dated December 9, 1996, June 28, 1996, October 24, 1996, July 10, 1995 and December 21, 1992 submitting revisions to the New Hampshire State Implementation Plan (SIP), and a letter dated November 21, 1997 withdrawing Env-A 1204.06 from the SIP submittal.

(B) Regulations Part Env-A 801 ''Purpose;'' Part Env-A 802 ''Testing and Monitoring for Stationary Sources:

General Requirements;'' Part Env-A 902 ''Malfunctions and Breakdowns of Air Pollution Control Equipment;'' and Part Env-A 903 ''Compliance Schedules'' all effective November 15, 1992.

(C) Regulations Part Env-A 803 ''VOC Testing;'' Part Env-A 804 ''Capture Efficiency;'' Sections Env-A 901.01 through 901.05, 901.08 and 901.09 of Part Env-A 901 ''Recordkeeping and Reporting by Sources;'' and Part Env-A 1204 ''Stationary Sources of Volatile Organic Compounds (VOCs) (except 1204.06),'' all effective on August 31, 1995.

(D) New Hampshire VOC RACT Order ARD–94–001, concerning L.W. Packard, effective May 5, 1995.

(E) New Hampshire VOC RACT Order ARD–95–010, concerning Kalwall in Manchester, NH, effective September 10, 1996.

(F) New Hampshire VOC RACT Order ARD–96–001, concerning Textile Tapes Corporation, NH, effective October 4, 1996.

(52) A revision to the New Hampshire SIP regarding ozone monitoring. The State of New Hampshire will modify its SLAMS and its NAMS monitoring system to include a PAMS network design and establish monitoring sites. The State's SIP revision satisfies 40 CFR 58.20(f) PAMS requirements.

(i) Incorporation by reference.

(A) State of New Hampshire Photochemical Assessment Monitoring Stations—Network Plan—Network Overview.

(ii) Additional material.

(A) NH-DES letter dated December 13, 1994, and signed by Thomas M. Noel, Acting Director, NH-DES.

(53) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on August 29, 1996. This revision is for the purpose of satisfying the rate-of-progress requirement of section 182(b) and the contingency measure requirement of section 172(c)(9) of the Clean Air Act, for the Portsmouth-Dover-Rochester serious ozone nonattainment area, and the New Hampshire portion of the Boston-Lawrence-Worcester serious ozone nonattainment area.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated August 29, 1996 submitting a revision to the New Hampshire State Implementation Plan.

(54) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on April 14, 1997, May 6, 1997, and September 24, 1997.

(i) Incorporation by reference.

(A) Letters from the New Hampshire Air Resources Division dated April 14, 1997, May 6, 1997, and September 24, 1997 submitting revisions to the New Hampshire State Implementation Plan.

(B) New Hampshire $NO_X$ RACT Order ARD–97–001, concerning Public Service Company of New Hampshire in Bow, effective on April 14, 1997.

(C) New Hampshire $NO_X$ RACT Order ARD–95–011, concerning Hampshire Chemical Corporation, effective on May 6, 1997.

(D) New Hampshire $NO_X$ RACT Order ARD–97–003, concerning Crown Vantage, effective September 24, 1997.

(55)–(56) [Reserved]

(57) Revision to the State Implementation Plan submitted by the New Hampshire Air Resources Division on July 27, 1998.

(i) Incorporation by reference.

(A) Regulation Chapter Env-A 3200 $NO_X$ Budget Trading Program adopted and effective on July 17, 1998.

(ii) Additional materials.

(A) Letter from the New Hampshire Air Resources Division dated July 27, 1998 submitting Chapter Env-A 3200 $NO_X$ Budget Trading Program as a revision to the New Hampshire State Implementation Plan.

(58) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on November 25, 1992.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated November 24, 1992 submitting a revision to the New Hampshire State Implementation Plan.

(B) Part Env-A 1205 ''Volatile Organic Compounds (VOC): Gasoline Dispensing Facilities and Gasoline Tank Trucks,'' effective in the State of New Hampshire on August 17, 1992.

(ii) Additional materials.

(A) New Hampshire Department of Environmental Services ''Stage II

Equivalency Demonstration,'' dated November 1992.

(B) Nonregulatory portions of the submittal.

(59) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on September 4, 1998 and November 20, 1998.

(i) Incorporation by reference.

(A) New Hampshire Code of Administrative Rules, Part Saf-C 3221A ''Emission Amendments to Official Motor Vehicle Inspection Requirements'' as adopted on November 17, 1998; and Part Saf-C 5800 ''Roadside Diesel Opacity Inspection Program Rules'' as adopted on November 17, 1998.

(ii) Additional material.

(A) Document entitled ''Alternative New Hampshire Motor Vehicle Inspection/Maintenance State Implementation Plan Revision'' dated September 4, 1998.

(B) Letters from the New Hampshire Air Resources Division dated September 4, 1998 and November 20, 1998 submitting a revision to the New Hampshire State Implementation Plan.

(60) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division August 6, 2001 and April 26, 1995.

(i) Incorporation by reference.

(A) Section 623.01 and sections 623.03 through 623.06 of New Hampshire's rule PART Env-A 623 rule entitled, ''Prevention of Significant Deterioration (PSD) Of Air Quality Permit Requirements.'' This regulation was adopted in the State of New Hampshire on July 23, 2001.

(B) New Hampshire's rules PART Env-A 205.03, ''Applications Subject to PSD Requirements,'' and PART Env-A 205.04, ''Applications Subject to Nonattainment Requirements.'' These regulations were adopted in the State of New Hampshire on February 22, 1995 and amended on July 23, 2001.

(ii) Additional materials.

(A) Letter from the New Hampshire Air Resources Division dated August 6, 2001 submitting a revision to the New Hampshire State Implementation Plan.

(B) Letter from the New Hampshire Air Resources Division dated April 26, 1995 submitting a revision to the New Hampshire State Implementation Plan.

(C) Nonregulatory portions of the State submittal.

(61) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on July 9, 1998.

(i) Additional materials.

(A) ''New Hampshire Stage II Comparability Analysis,'' prepared by the New Hampshire Department of Environmental Services, dated July 1, 1998.

(62) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on June 7, 1994.

(i) Additional materials.

(A) Letter from the New Hampshire Department of Environmental Services dated June 7, 1994 submitting a revision to the New Hampshire State Implementation Plan.

(B) ''Clean Fuel Fleet Equivalency Demonstration,'' prepared by the New Hampshire Department of Environmental Services, dated May, 1994.

(63) Revisions to the State Implementation Plan Submitted by the New Hampshire Department of Environmental Services on July 10, 1996.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Department of Environmental Services dated July 10, 1996 submitting a revision to the New Hampshire State Implementation Plan.

(B) Part Env-A 1502 of Chapter Env-A 1500 of the New Hampshire Code of Administrative Rules titled ''Conformity of General Federal Actions,'' adopted in the State of New Hampshire on April 25, 1996.

(64) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on July 27, 1998.

(i) Incorporation by reference.

(A) Order ARD 98–001 issued by the New Hampshire Department of Environmental Services to Public Service Company of New Hampshire on July 17, 1998, with attachments: Discrete emission reduction protocol for Public Service of New Hampshire's Schiller Station, Units 4, 5 and 6, submitted to the New Hampshire Department of Environmental Services on April 10, 1998;

and Discrete emission reduction protocol for Public Service of New Hampshire's Newington Station, Unit 1, submitted to the New Hampshire Department of Environmental Services on April 10, 1998.

(ii) Additional materials.

(A) Letter from the New Hampshire Air Resources Division dated July 17, 1998 submitting Final RACT Order 98–001 as a revision to the New Hampshire State Implementation Plan.

(65) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on August 16, 1999.

(i) Incorporation by reference. New Hampshire regulation Chapter Env-A 3600, entitled ''National Low Emission Vehicle (National LEV) Program'' adopted July 21, 1999.

(ii) Additional material. Letter from the New Hampshire Department of Environmental Services dated August 16, 1999 submitting the Low Emission Vehicle program as a revision to the State Implementation Plan.

(66) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on July 29, 1993 and July 2, 1999.

(i) Incorporation by reference.

(A) New Hampshire's PART Env-A 610 ''Additional Requirements in Nonattainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region'' adopted on May 21, 1993.

(B) New Hampshire's PART Env-A 622 (Formally Env-A 610) ''Additional Requirements in Non-attainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region'' incorporating the ''Plant-wide Source,'' adopted on June 26, 1997.

(C) New Hampshire's PART Env-A 622 (Formally Env-A 610) ''Additional Requirements in Non-attainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region,'' addition of the requirements for section 173(a)(4) and (5) of the CAA, adopted on January 29, 1999.

(D) Letter from the New Hampshire Air Resources Division dated July 29, 1993 submitting a revision to the New Hampshire State Implementation Plan.

(E) Letter from the New Hampshire Air Resources Division dated July 2, 1999 submitting a revision to the New Hampshire State Implementation Plan.

(67) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on September 11, 1998.

(i) Additional materials.

(A) Letter from the New Hampshire Department of Environmental Services dated September 11, 1998 stating a negative declaration for the aerospace coating operations Control Techniques Guideline category.

(68) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on June 28, 1996 and April 15, 2002.

(i) Incorporation by reference.

(A) Order ARD–00–001 issued by the New Hampshire DES to Anheuser-Busch Incorporated, effective April 15, 2002.

(B) Env-A 1204.27, ''Applicability Criteria and Compliance Options for Miscellaneous and Multi-category Stationary VOC Sources,'' effective August 21, 1995, is granted full approval for the New Hampshire portion of the eastern Massachusetts serious ozone nonattainment area.

(ii) Additional materials.

(A) Letter from the DES, dated April 15, 2002, submitting revised Anheuser-Busch order to EPA as a SIP revision and withdrawing previous submittal for this facility dated June 20, 2000.

(B) Letter from the DES, dated March 22, 2002, containing information on New Filcas of America.

[37 FR 10879, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1535, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart FF—New Jersey

### § 52.1570 Identification of plan.

(a) Title of plan: ''New Jersey State Implementation Plan to meet National Air Quality Standards.''

(b) The plan was officially submitted on January 26, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions to the plan submitted on April

17, 1972, by the New Jersey Department of Environmental Protection.

(2) List of permits issued to sources allowing them particulate emissions in excess of 25 tons per year submitted on May 15, 1972, by the New Jersey Department of Environmental Protection.

(3) Legal opinion of State Attorney General on State's authority to make available to the public emission data reported by sources submitted on June 23, 1972, by the New Jersey Department of Law and Public Safety.

(4) Copies of the permits and certificates issued to sources exceeding 25 tons per year of particulate emissions submitted on July 6, 1972, by the New Jersey Department of Environmental Protection.

(5) Revisions correcting deficiencies in the new source review procedure submitted on March 22, 1973, by the Governor.

(6) Legal opinion of the State Attorney General on the State's authority to deny a permit to construct or modify a source submitted on April 18, 1973, by the New Jersey Department of Environmental Protection.

(7) Revision to sulfur-in-fuel regulation, section 7:1–3.1 of New Jersey Air Pollution Control Code, submitted on November 20, 1973, by the New Jersey Department of Environmental Protection.

(8) Revision to the control of open burning regulation, section 7:27–2.1 of the New Jersey Air Pollution Control Code, submitted on November 19, 1975, by the New Jersey Department of Environmental Protection.

(9) Letter, dated January 16, 1976, from the New Jersey Department of Environmental Protection stating that there would be no net increase in hydrocarbon emissions as a result of the revisions to N.J.A.C. 7:27–2.1.

(10) Regulation entitled: ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' New Jersey Administrative Code (N.J.A.C.) 7:27–16.1 et seq., submitted on January 8, 1976 by the New Jersey Department of Environmental Protection.

(11) Technical justification supporting N.J.A.C. 7:27–16 et seq. submitted on March 3, 1976.

(12) Revisions consisting of 16 administrative orders issued pursuant to the New Jersey Administrative Code (N.J.A.C.) 7:27–9.5(a) and technical support for these orders received on April 27, 1976 from the New Jersey Department of Environmental Protection.

(13) An administrative order directed to Hunt-Wesson Foods, Inc. in Bridgeton, Cumberland County and issued pursuant to the New Jersey Administrative Code (N.J.A.C.) 7:27–9.5(a), dated June 15, 1976, and technical support for this order received by EPA on April 27, 1976, both from the New Jersey Department of Environmental Protection.

(14) Revision to the Permits and Certificates regulation of the New Jersey Air Pollution Control Code, N.J.A.C. 7:27–8.1 et seq., submitted on June 8, 1976 by the New Jersey Department of Environmental Protection.

(15) Revision consisting of an administrative order issued on September 14, 1976 to Owens Illinois, Inc., Cumberland County, New Jersey pursuant to the New Jersey Administrative Code (N.J.A.C.) 7:27–9.5(a) and submitted on September 17, 1976 by the New Jersey Department of Environmental Protection.

(16) A revision submitted by the New Jersey Department of Environmental Protection consisting of an October 27, 1976 letter indicating the extension, to July 12, 1977, of ''variances'' to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27–9.1 et seq., Sulfur in Fuel, for 18 facilities; and supplemental technical information submitted in a November 22, 1976 letter. The extended ''variances'' including all their terms and conditions are made a part of the New Jersey State Implementation Plan. The facilities affected by these ''variances'', their location and applicable sulfur in fuel oil limitation until July 12, 1977 are as follows:

| Source | Location | Sulfur in fuel oil limitation (percent by weight) |
|---|---|---|
| National Bottle Corp ..... | Salem City, Salem County. | 2.0 |
| E. I. du Pont de Nemours & Co. | Deepwater, Salem County. | 1.5 |
| Heinz-USA ..... | Salem City, Salem County. | 2.0 |

| Source | Location | Sulfur in fuel oil limitation (percent by weight) |
|---|---|---|
| B. F. Goodrich Chemical Co. | Pedricktown, Salem County. | 1.5 |
| Anchor Hocking Corp ... | Salem City, Salem County. | 2.0 |
| Atlantic City Electric Deepwater Station. | Penns Grove, Salem County. | 1.5 |
| E. I. du Pont de Nemours & Co. | Carney's Point, Salem County. | 1.5 |
| Mannington Mills, Inc .... | Salem City, Salem County. | 2.0 |
| Atlantic City Electric B. L. England Station. | Beesley Point, Cape May County. | 2.0 |
| Hunt Wesson Foods, Inc. | Bridgeton City, Cumberland County. | 2.5 |
| Kerr Glass Manufacturing Corp. | Millville City, Cumberland County. | 2.5 |
| Owens Illinois, Inc., Kimble Products Division. | Vineland City, Cumberland County. | 2.5 |
| Leone Industries ..... | Bridgeton City, Cumberland County. | 2.5 |
| Owens Illinois, Inc ..... | .....do ..... | 1.5 |
| Progresso Food Corp ... | Vineland City, Cumberland County. | 2.5 |
| Bridgeton Dying & Finishing Corp. | Bridgeton City, Cumberland County. | 2.5 |
| Whitehead Bros. Co ..... | Haleyville, Cumberland County. | 2.5 |
| Vineland Chemical Co .. | Vineland City, Cumberland County. | 2.5 |

(17) A revision submitted by the New Jersey Department of Environmental Protection consisting of a January 10, 1978 letter indicating the extension, to July 12, 1978, of ''variances'' to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27—9.1 et seq., Sulfur in Fuel, for 17 facilities and accompanying supplemental information. The extended ''variances'' including all their terms and conditions are made a part of the New Jersey State implementation plan. The facilities affected by these ''variances,'' their locations, and applicable sulfur-in-fuel-oil limitations until July 12, 1978 are as follows:

| Source | Location | Sulfur in fuel oil limitation (percent by weight) |
|---|---|---|
| National Bottle Corp ..... | Salem City, Salem County. | 2.0 |
| E. I. du Pont de Nemours & Co. | Deepwater, Salem County. | 1.5 |
| Heinz-U.S.A ..... | Salem City, Salem County. | 2.0 |
| B. F. Goodrich Chemical Co. | Pedricktown, Salem County. | 1.5 |
| Anchor Hocking Corp ... | Salem City, Salem County. | 2.0 |
| Atlantic City Electric, Deepwater Station. | Penns Grove, Salem County. | 1.5 |
| E. I. du Pont de Nemours & Co. | Carney's Point, Salem County. | 1.5 |
| Mannington Mills, Inc .... | Salem City, Salem County. | 2.0 |
| Atlantic City Electric, B. L. England Station. | Beesley Point, Cape May County. | 2.0 |
| Kerr Glass Manufacturing Corp. | Millville City, Cumberland County. | 2.5 |
| Owens Illinois, Inc., Kimble Products Division. | Vineland City, Cumberland County. | 2.5 |
| Leone Industries ..... | Bridgeton, Cumberland County. | 2.5 |
| Progresso Food Corp ... | Vineland City, Cumberland County. | 2.5 |
| Bridgeton Dyeing & Finishing Corp. | Bridgeton City, Cumberland County. | 2.5 |
| Vineland Chemical Co .. | Vineland City, Cumberland County. | 2.5 |
| Hunt-Wesson Foods, Inc. | Bridgeton, Cumberland County. | 2.5 |
| Owens Illinois, Inc ..... | .....do ..... | 1.5 |

(18) A revision submitted by the New Jersey Department of Environmental Protection consisting of a June 26, 1978 letter indicating the extension, to January 12, 1979 or until such time as the State places into effect revised permanent sulfur-in-fuel-oil regulations, of ''variances'' to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27–9.1 *et seq.*, *Sulfur in Fuel*, for 17 facilities and accompanying supplemental information. The extended ''variances'' including all their terms and conditions are made a part of the New Jersey State Implementation Plan. The facilities affected by these ''variances'', their locations, and applicable sulfur-in-fuel-oil limitations until January 12, 1979 or until such time as the State places into effect and EPA approves revised permanent sulfur-in-fuel-oil regulations are as follow:

| Source | Location | Sulfur in fuel oil limitation (percent by weight) |
|---|---|---|
| National Bottle Corp ..... | Salem City, Salem County. | 2.0 |
| E. I. du Pont de Nemours & Co. | Deepwater, Salem County. | 1.5 |
| Heinz—U.S.A ..... | Salem City, Salem County. | 2.0 |
| B. F. Goodrich Chemical Co. | Pedricktown, Salem County. | 1.5 |

| Source | Location | Sulfur in fuel oil limitation (percent by weight) |
|---|---|---|
| Anchor Hocking Corp ... | Salem City, Salem County. | 2.0 |
| Atlantic City Electric, Deepwater Station. | Penns Grove, Salem County. | 1.5 |
| E. I. du Pont de Nemours & Co. | Carney's Point, Salem County. | 1.5 |
| Mannington Mills, Inc .... | Salem City, Salem County. | 2.0 |
| Atlantic City Electric, B. L. England Station. | Beesley Point, Cape May County. | 2.0 |
| Kerr Glass Manufacturing Corp. | Milville City, Cumberland County. | 2.5 |
| Owens Illinois, Inc., Kimble Products Division. | Vineland City, Cumberland County. | 2.5 |
| Leone Industries ..... | Bridgeton, Cumberland County. | 2.5 |
| Progresso Food Corp ... | Vineland City, Cumberland County. | 2.5 |
| Bridgeton Dyeing and Finishing Corp. | Bridgeton City, Cumberland County. | 2.5 |
| Vineland Chemical Co .. | Vineland City, Cumberland County. | 2.5 |
| Hunt-Wesson Foods, Inc. | Bridgeton, Cumberland County. | 2.5 |
| Owens Illinois, Inc ..... | .....do ..... | 1.5 |

(19) A revision submitted by the New Jersey Department of Environmental Protection on July 6, 1978 consisting of amendments to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27–10.1 *et seq.*, *Sulfur in Coal*, and accompanying supplemental information.

(20) A revision consisting of all but one of the sections of the revised regulation, N.J.A.C. 7:27–6.1 *et seq.*, submitted by the New Jersey Department of Environmental Protection with a March 31, 1977 cover letter which also transmitted the basis and background document and the Report of the Public Hearing. The one section that is not approved as submitted by the State is Section 6.5, ''Variances.''

(21) A revision submitted by the New Jersey Department of Environmental Protection on August 10, 1978 consisting of amendments to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27–9.1 *et seq.*, *Sulfur in Fuels*, and accompanying supplemental information.

(22) A comprehensive revision for nonattainment areas entitled, ''Proposed New Jersey State Implementation Plan for the Attainment and Maintenance of Air Quality Standards,'' submitted, as required by Part D of the Clean Air Act, on December 29, 1978 by the New Jersey Department of Environmental Protection.

(23) Supplementary submittals, pertaining to the plan revision for nonattainment areas required by Part D of the Clean Air Act, from the New Jersey Department of Environmental Protection as follows:

A package dated April 17, 1979 from the New Jersey Department of Environmental Protection to EPA entitled, ''N.J. SIP Supplement 1,'' and covering the State's schedule for future actions, expected costs and sources of funding, ongoing consultation process, graphical representation of reasonable further progress, schedule for promulgation of emission offset rule, commitment to adoption of tall stack policy and comments on EPA's proposed tall stack policy, discussion and schedule for resolution of the Bridgeton particulate downwash problem, summary of particulate emissions inventories for non-attainment areas, request for extension for submittal of SIP for secondary TSP standard, and expanded explanation of current I/M program.

A Supplement 2 to the proposed SIP revision consisting of a cover letter dated June 20, 1979 and four attachments from the New Jersey Department of Environmental Protection to EPA covering a proposed version of the State's new source review regulation, a discussion of reasonable further progress with respect to volatile organic substance sources, the design values for ozone in the Metropolitan New York and Metropolitan Philadelphia Interstate Air Quality Control Regions, and a proposed version of the State's regulation for the control of volatile organic substances (VOS).

A submittal dated July 5, 1979 from the New Jersey Department of Environmental Protection to EPA covering the State's draft regulation controlling VOS, operating and maintenance procedures for open top tanks and surface cleaners covered under the State's draft VOS control regulation, and evaporative losses from VOS storage tanks.

A package consisting of a cover letter dated October 3, 1979 from the New Jersey Department of Environmental Protection to EPA and an accompanying report covering an analysis of the Bridgeton particulates downwash problem and the State's effort to execute memoranda of understanding with its Metropolitan Planning Organization.

A cover letter received by EPA dated October 19, 1979 from the New Jersey Department of Environmental Protection together with the State's adopted regulation for control of VOS, N.J.A.C. 7:27–16.1 *et seq.*, and ''Report of Public Hearing and Basis for promulation .

A package consisting of a letter dated January 9, 1980 from the New Jersey Department

of Environmental Protection to EPA covering the conditions on SIP approval which were listed by EPA in the proposed rulemaking notice for the SIP revision and four references covering the October 3, 1979 Bridgeton particulates analysis, an updated Bridgeton particulates analysis, and an energy analysis of certain VOS controls called for in N.J.A.C. 7:27–16.1 *et seq.* justifying the State's position on seasonal variances for certain VOS sources.

(24) A supplementary submittal, dated February 27, 1980 from the New Jersey Department of Environmental Protection consisting of five memoranda of understanding among the New Jersey Departments of Environmental Protection and Transportation and the following metropolitan planning organizations:

Atlantic County Urban Area Transportation Study
Cumberland County Urban Area Transportation Study
Delaware Valley Regional Planning Commission
Philipsburg Urban Area Transportation Study
Wilmington Metropolitan Area Planning Council

(25) Supplementary submittals, dated March 5, April 9 and April 10 from the New Jersey Department of Environmental Protection consisting of test methods to be used in determining compliance with the provisions of N.J.A.C. 7:27–16.1 *et seq.*, ''Control and Prohibition of Air Pollution by Volatile Organic Substances.''

(26) A supplementary submittal, dated April 22, 1980, from the New Jersey Department of Environmental Protection and the New Jersey Department of Transportation consisting of three documents entitled ''The Transportation Planning Process in New Jersey,'' ''Summary of Financial Resources for Transportation-Air Quality Planning,'' and ''Program for Selection of Needed Transportation Control Measures, April 1980.''

(27) A supplementary submittal dated August 5, 1980 from the New Jersey Department of Environmental Protection consisting of revisions to Subchapter 18 of the New Jersey Administrative Code, entitled, ''Control and Prohibitions of Air Pollution from Ambient Air Quality in Nonattainment Areas'' (Emission Offset Rule), N.J.A.C. 7:27–18.1 *et seq.*

(28) A supplementary submittal from the State of New Jersey Department of Environmental Protection, consisting of an Ambient Air Quality Monitoring SIP revision dated August 1.

(29) A June 30, 1980 submittal by the New Jersey Department of Environmental Protection (NJDEP) consisting of an Amended Consent Order entered into by NJDEP and the Atlantic City Electric Company. This revision to the New Jersey State Implementation Plan establishes a construction and testing schedule designed to bring units 1 and 2 at Atlantic City Electric Company's B.L. England Generating Station at Beesley's Point, New Jersey, into compliance with New Jersey Administrative Code (N.J.A.C.) 7:27–3.1 *et seq.*, Control and Prohibition of Smoke from Combustion of Fuel; N.J.A.C. 7:27–4.1 *et seq.*, Control and Prohibition of Particulates from Combustion of Fuel; and N.J.A.C. 7:27–10.1 *et seq.*, Sulfur in Coal, by March 31, 1982 and June 1, 1982, respectively.

(30) A supplementary submittal dated April 27, 1981, from the New Jersey Department of Environmental Protection consisting of newly adopted revisions to a regulation concerning the Control and Prohibition of Open Burning, N.J.A.C. 7:27–21 *et seq.*, an Order of Adoption, the Report of Public Hearing, and the Basis for the Proposed Amendments.

(31) A supplementary submittal dated July 8, 1981, from the New Jersey Department of Environmental Protection consisting of newly adopted revisions to Subchapter 10, Sulfur in Solid Fuels, N.J.A.C. 7:27–10.1 *et seq.*, an Order of Adoption, the Report of Public Hearing, and the Basis for the Proposed Amendments.

(32) Revisions submitted on March 17, 1982 and April 27, 1982 by the New Jersey State Department of Environmental Protection which grant ''cullet variances'' to furnace number 2 of the Anchor Hocking Corporation's Salem plant and furnaces G, Y, J, K, L, M, R of the Owens-Illinois, Inc. Vineland plant. The ''cullet variances'' will remain in effect for up to two years from August 10, 1982.

(33) A revision submitted by the New Jersey Department of Environmental Protection on December 16, 1982 consisting of amendments to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27–9.1 *et seq.*, *Sulfur in Fuels*, to provide for ''sulfur dioxide bubbles'' and ''clean conversion incentives.''

(34) Revisions to the New Jersey State Implementation Plan submitted on November 23, 1982, January 18, 1983, February 14, 1983, July 11, 1983, July 28, 1983 and September 26, 1983 by the New Jersey Department of Environmental Protection.

(35) A supplementary submittal dated July 11, 1983, from the Department of Environmental Protection consisting of adopted revisions to: Subchapter 3—''Control and Prohibition of Smoke from Combustion of Fuel,'' dated October 12, 1977, Subchapter 4—''Control and Prohibition of Particles from Combustion of Fuel,'' dated October 12, 1977, and Subchapter 5—''Prohibition of Air Pollution,'' dated October 12, 1977, of Title 7, Chapter 27 of the New Jersey Administrative Code; the proposed Regulatory Amendments; the Report of the Public Hearing; and the Order of Adoption.

(36) A revision submitted by the New Jersey Department of Environmental Protection to allow U.S. Gypsum Co. temporarily to burn fuel oil with a sulfur content of 2.0 percent, by weight, at either Boiler #1, #2, or #3 at its Clark, New Jersey plant. The New Jersey submittal consists of an April 14, 1983 letter transmitting a State issued February 14, 1983 Public Notice and a letter dated March 14, 1983 transmitting an Administrative consent order detailing procedures to be used by the State to determine compliance. This revision will remain in effect until March 31, 1985 or until Boiler #4 is ready to burn coal, whichever occurs first.

(37) Three permanently adopted regulations were submitted on January 27, 1984 and February 1, 1984 regarding the operation of the inspection and maintenance program. These regulations pertain specifically to operating procedures for private inspection stations (New Jersey Administrative Code (N.J.A.C.) 13:20–33.1, 33.2, 33.50, and 33.51.), mechanic certification requirements (N.J.A.C. 13:20–32.4, 32.14, and 32.15), and specifications for exhaust gas analyzers (N.J.A.C. 7:27–15.1).

(38) The New Jersey State Implementation Plan for attainment and maintenance of the lead standards was submitted on May 1 and August 15, 1984, and on April 22, April 29, May 17, and July 16, 1985 by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference.

(A) Revisions to N.J.A.C. 7:27–8, ''Permits and Certificates,'' effective April 5, 1985.

(B) Revisions to N.J.A.C. 7:27–13, ''Ambient Air Quality Standards,'' effective June 25, 1985.

(C) Revisions to N.J.A.C. 7:27–18, ''Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rule),'' effective March 11, 1985.

(D) A July 16, 1985 letter from the Department of Environmental Protection; with attachment of letter dated July 15, 1985, contains schedules for revising N.J.A.C. 7:27–6, ''Control and Prohibition of Particles from Manufacturing Process,'' to incorporate maximum allowable emission rates for lead and for adopting a new section, N.J.A.C. 7:27–19, to govern the combustion of liquid fuels, if necessary.

(E) ''RACT-plus studies'' to determine strategies to eliminate violation of the lead standards in the vicinity of Heubach, Inc., Newark and Delco Remy, New Brunswick will be completed by November 1, 1985 and control measures will be selected by January 1986.

(ii) Additional material.

(A) Narrative submittal of the Lead SIP, including attainment demonstration, air quality data and summary of both current and projected lead emissions.

(39) A revision to the plan for attainment of the particulate matter standards submitted by the New Jersey Department of Environmental Protection on February 21, March 14, and November 18, 1985.

(i) Incorporation by reference.

(A) Revisions to N.J.A.C. 7:27–14, ''Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles,'' effective July 1, 1985.

(B) Adoption of a new section of N.J.A.C. 7:27B–4 entitled ''Air Test Method 4, Testing Procedures for Motor Vehicles,'' effective July 1, 1985.

(C) The following sections of N.J.A.C. 16:53 ''Autobus Specifications which was effective on October 17, 1983:

*Subchapter 3*, Autobus Specifications
3.23 Certificate of Inspection
3.24 Maintenance and inspection
3.27 Exhaust Systems
*Subchapter 6*, Autobus Specifications for Small Bus
6.15 Exhaust System
6.21 Certificate of Inspection
6.30 Maintenance and inspection
*Subchapter 7, Specifications for Special Autobus Type Recreational Vehicles*
7.14 Exhaust Systems
7.17 Certificate of Inspection
7.23 Maintenance and inspection
*Subchapter 8*, Specifications for Sedan Type Autobuses
8.15 Exhaust System
8.22 Certificate of Inspection
8.25 Maintenance and inspection

(40) A revision to the New Jersey State Implementation Plan for attainment and maintenance of the ozone standards was submitted on April 22, 1985 by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference.

(A) Table 2 in section 18.4(b) of N.J.A.C. 7:27–18, ''Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rule),'' effective March 11, 1985.

(41) A revision to the New Jersey State Implementation Plan (SIP) for lead was submitted on December 1, 1986, by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference.

(A) The following operating permit amendments for the Delco Remy facility in New Brunswick:

| Permit amendment numbers | Permit amendment dates |
|---|---|
| 286–1166 through 286–1184 | All permits effective 9/24/86. |

(B) The following operating permit amendments for the Heubach Inc. facility in Newark:

| Permit amendment numbers | Permit amendment dates |
|---|---|
| 286–0523 through 286–0531 | All permits effective 4/30/86. |
| 286–0286, 286–0287, 286–0289, 286–0290. | All permits effective 2/26/86. |

(ii) Additional material.

(A) Technical documentation of ambient modeling and monitoring for lead in the vicinity of Delco Remy, New Brunswick.

(B) Technical documentation of ambient modeling and monitoring for lead in the vicinity of Heubach Inc., Newark.

(42) A revision to the New Jersey State Implementation Plan (SIP) for lead submitted on July 23, 1987 by the New Jersey Department of Environmental Protection (NJDEP) and finalized on September 25, 1987.

(i) Incorporation by reference.

(A) A March 4, 1986 Administrative Order and Notice of Civil Administrative Penalty Assessment (Log # A860244) from the New Jersey Department of Environmental Protection to the United States Metals Refining Company (USMR).

(B) Letter of March 11, 1987 from Greenberg and Prior, attorneys for USMR, to Anthony J. McMahon, Department of Environmental Protection, Trenton, New Jersey.

(ii) Additional material.

(A) July 1987 Modeling Analysis for the Anchor Abrasives facility.

(B) Summary of public comments and response to comments for the revision of the N.J. SIP for lead in the vicinity of USMR.

(C) USMR's comments on the revised N.J. SIP for lead in the vicinity of USMR.

(43) [Reserved]

(44) A revision to the State Implementation Plan for Ozone submitted on October 13, 1987 by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference.

Subchapter 2A of chapter 26, title 7 of the New Jersey Administrative Code, ''Additional, Specific Disposal Regulations for Sanitary Landfills,'' effective June 1, 1987.

(ii) Additional material.

New Jersey Department of Environmental Protection memorandum on landfill gas emissions and control, dated October 7, 1987.

(45) Revisions to the New Jersey State Implementation Plan (SIP) for ozone submitted on January 27, 1989 by the New Jersey State Department of Environmental Protection (NJDEP) for its state gasoline volatility program, including any waivers that may be granted under the program by the state. In 1989, the control period will begin on June 30.

(i) Incorporation by reference. Subchapter 25 of chapter 27, title 7 of the New Jersey Administrative Code entitled ''Control and Prohibition of Air Pollution by Vehicular Fuels,'' adopted on January 27, 1989 and effective on February 21, 1989.

(ii) Additional material. April 27, 1989 letter from Christopher Daggett, NJDEP, to William Muszynski, EPA Region II.

(46) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning motor vehicle refueling controls dated February 22, 1988, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference: Amendments to sections 16.1 and 16.3 of subchapter 16 of title 7 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' effective January 19, 1988.

(ii) Additional material:

(A) February 22, 1988 letter from Jorge Berkowitz, NJDEP, to Conrad Simon, EPA, requesting EPA approval of the amendments to subchapter 16.

(B) April 18, 1988 letter from Jorge Berkowitz, NJDEP, to Conrad Simon, EPA, providing copies of the test methods and permit approval conditions applicable to Stage II vapor recovery systems in New Jersey.

(47) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the motor vehicle inspection and maintenance (I/M) program dated March 6, 1987, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Amendments to title 7, chapter 27, subchapter 15 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution From Gasoline-Fueled Motor Vehicles,'' effective January 21, 1985.

(B) Amendments to title 13, chapter 20, subchapter 28 of the New Jersey Administrative Code, entitled ''Enforcement Service Inspection of New Passenger Vehicles and New Motorcycles,'' effective January 21, 1985.

(ii) Additional material.

(A) July 24, 1990 letter from David West, NJDEP, to Rudolph Kapichak, EPA, submitting the results of the study by Pacific Environmental Services on the health risks of performing the fuel inlet restrictor inspections.

(B) July 1, 1990 letter from David West, NJDEP, to Rudolph Kapichak, EPA, notifying of the resumption of fuel inlet restrictor inspections.

(48) A revision submitted on June 3, 1988 by the New Jersey Department of Environmental Protection (NJDEP) to revise its implementation plan to include revised testing procedures.

(i) Incorporation by reference: New Jersey Administrative Code 7:27B–3, ''Air Test Method 3—Sampling and Analytical Procedures for the Determination of Volatile Organic Substances from Source Operations,'' effective 9/8/86.

(ii) Additional material: October 15, 1990 letter from William O'Sullivan, NJDEP to William S. Baker, EPA.

(49) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of fugitive gasoline vapors resulting from the loading of marine transport vessels, dated June 20, 1990, submitted by the New Jersey Department of Environmental Protection and Energy (NJDEPE).

(i) Incorporation by reference.

(A) Amendments to Title 7, Chapter 27, Subchapter 16 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' effective February 6, 1989.

(B) Amendment to Title 7, Chapter 27, Subchapter 16 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' effective December 4, 1989.

(ii) Additional material.

(A) June 20, 1990, letter from Anthony J. McMahon, NJDEPE, to Conrad

Simon, EPA, requesting EPA approval of the amendments to subchapter 16.

(50) Regulation entitled ''Volatile Organic Substances in Consumer Products'' N.J.A.C. 7–27–23.1 *et seq.*, dated July 30, 1990, submitted by the New Jersey Department of Environmental Protection and Energy (NJDEPE).

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 23 of the New Jersey Administrative Code, entitled ''Volatile Organic Substances in Consumer Products'' effective February 21, 1989.

(B) Amendment to Title 7, Chapter 27, Subchapter 23 of the New Jersey Administrative Code, entitled ''Volatile Organic Substances in Consumer Products'' effective December 12, 1989.

(C) Amendment to Title 7, Chapter 27, Subchapter 23 of the New Jersey Administrative Code, entitled ''Volatile Organic Substances in Consumer Products'' effective August 9, 1990.

(ii) Additional material:

(A) July 30, 1990 letter from Anthony J. McMahon, NJDEPE, to Conrad Simon, EPA, requesting EPA approval of Subchapter 23.

(51) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from stationary sources, dated March 31, 1987, December 7, 1989, and March 13, 1992, submitted by the New Jersey State Department of Environmental Protection and Energy (NJDEPE).

(i) Incorporation by reference.

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' effective September 22, 1986,

(B) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' effective June 19, 1989,

(C) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code: Subchapter 8, ''Permits and Certificates, Hearings, and Confidentiality,'' effective March 2, 1992; Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds,'' effective March 2, 1992, Subchapter 17, ''Control and Prohibition of Air Pollution by Toxic Substances,'' effective March 2, 1992; Subchapter 23, ''Prevention of Air Pollution by Architectural Coatings and Consumer Products,'' effective March 2, 1992; Subchapter 25, ''Control and Prohibition of Air Pollution from Vehicular Fuels,'' effective March 2, 1992; and Subchapter 3, ''Air Test Method 3: Sampling and Analytic Procedures for the Determination of Volatile Organic Compounds from Source Operations,'' effective March 2, 1992.

(ii) Additional material.

(A) March 31, 1987, letter from Jorge Berkowitz, NJDEP, to Conrad Simon, EPA requesting EPA approval of the amendments to Subchapter 16.

(B) December 7, 1989, letter from Anthony McMahon, NJDEP, to Conrad Simon, EPA requesting EPA approval of the amendments to Subchapter 16.

(C) March 13, 1992, letter from Nancy Wittenberg, NJDEPE, to Conrad Simon, EPA requesting EPA approval of the amendments to Subchapter 16.

(52) Amendments submitted on April 21, 1993 by the New Jersey Department of Environmental Protection and Energy to New Jersey Air Code 7:27–25 revising the testing requirements to gasoline providers in New Jersey are subject.

(i) Incorporation by reference:

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 25, ''Control and Prohibition of Air Pollution from Vehicular Fuels,'' effective September 3, 1991.

(53) A revision to the New Jersey State Implementation Plan (SIP) for an Emission Statement Program dated February 19, 1993, submitted by the New Jersey Department of Environmental Protection and Energy.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 21, of the New Jersey Administrative Code entitled, ''Emission Statements,'' effective March 15, 1993.

(ii) Additional information:

(A) May 24, 1993 letter from John Elston to Conrad Simon, EPA, transmitting supporting documentation necessary for approval of the SIP revisions. These items included:

(*1*) Notice of Adoption, March 15, 1993.

(*2*) Justification of Gasoline Dispensing Facility Exemption.

(B) October 29, 1993 letter from John Elston to Conrad Simon, EPA, transmitting legislative language to reflect change in New Jersey's Air Pollution Control Act regarding confidentiality provisions.

(C) February 3, 1994 letter from John Elston to Conrad Simon, EPA, requesting the use of EPA's Emission Statement waiver provision.

(54) Revisions to the New Jersey State Implementation Plan (SIP) for carbon monoxide concerning the control of carbon monoxide from mobile sources, dated November 15, 1992 and November 21, 1994 submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 18, ''Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rules),'' effective March 15, 1993.

(ii) Additional material.

(A) November 21, 1994, Technical update to the New Jersey Carbon Monoxide SIP.

(55)–(56) [Reserved]

(57) The redesignation and maintenance plan for Camden County and the Nine not-classified areas (the City of Trenton, the City of Burlington, the Borough of Penns Grove (part), the Borough of Freehold, the City of Morristown, the City of Perth Amboy, the City of Toms River, the Borough of Somerville, and the City of Atlantic City) submitted by the New Jersey Department of Environmental Protection on September 28, 1995, as part of the New Jersey SIP. The 1990 Baseline CO Emission Inventory for the State of New Jersey was submitted on November 15, 1992 and a Technical Update was submitted on November 21, 1994.

(i) Incorporation by reference.

(A) ''New Jersey Carbon Monoxide State Implementation Plan Redesignation And Maintenance Plan For Camden County,'' section 5.f, effective date September 28, 1995.

(B) ''New Jersey Carbon Monoxide State Implementation Plan Redesignation and Maintenance Plan for the Nine Not-Classified Nonattainment Areas,'' section 5.f, effective date September 28, 1995.

(ii) Additional material.

(A) ''New Jersey Carbon Monoxide State Implementation Plan Redesignation And Maintenance Plan For Camden County'' with appendices, September 28, 1995.

(B) ''New Jersey Carbon Monoxide State Implementation Plan Redesignation and Maintenance Plan for the Nine Not-Classified Nonattainment Areas'' with appendices, September 28, 1995.

(58) Revisions to the New Jersey State Implementation Plan (SIP) for carbon monoxide concerning the oxygen content of motor vehicle gasoline, dated November 15, 1992 submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Chapter 27, Subchapter 25, ''Control and Prohibition of Air Pollution by Vehicular Fuels,'' effective October 5, 1992 (as limited in §52.1605).

(59) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on May 26, 1995, November 8, 1995, January 10, 1996 and October 10, 1996.

(i) Incorporation by reference.

(A) Conditions of Approval Documents (COAD):

The following facilities have been issued conditions of approval documents by New Jersey:

(*1*) Edgeboro Disposal's landfill gas flares, Middlesex County, NJ COAD approval dated April 13, 1995, revised October 19, 1995 (effective November 6, 1995).

(*2*) E.I. duPont DeNemours and Co.'s carbon regeneration furnace, Salem County, NJ COAD approval dated June 7, 1995.

(*3*) Hoeganaes Corp.'s electric arc furnace and tunnel kiln, Burlington County, NJ COAD approval dated February 3, 1995.

(*4*) E.I. duPont DeNemours and Co.'s hazardous waste incinerator, Salem County, NJ COAD approval dated July 7, 1995.

(*5*) Rollins Environmental Services' hazardous waste incinerator, Gloucester County, NJ COAD approval dated May 25, 1995.

(*6*) American Ref-Fuel's Municipal Waste Incinerator, Essex County, NJ $NO_X$ RACT approval dated February 6, 1995.

(*7*) Union County Utilities Authority's Municipal Waste Incinerator, Union County; NJ $NO_X$ RACT approval dated May 10, 1994 with an attached permit to construct, operate, and a PSD permit dated December 29, 1989.

(*8*) PSE&G's Hudson Station Unit No. 2 utility boiler, Hudson County, NJ COAD approval dated May 9, 1995.

(*9*) Algonquin Gas Transmission Co.'s simple cycle combustion turbines, Morris County, NJ COAD approval dated March 31, 1995.

(*10*) Hoffmann-La Roche's combined cycle combustion turbines, Essex County, NJ COAD approval dated May 8, 1995.

(*11*) International Flavors and Fragrances' non-utility boiler Number 5, Monmouth County, NJ COAD approval dated June 9, 1995.

(*12*) Parsippany-Troy Hills Township Sewer Authority's sewage sludge incinerators, Morris County, NJ COAD approval dated October 13, 1995.

(*13*) Johnson Matthey's multi-chamber metals recovery furnace, Gloucester County, NJ COAD approval dated June 13, 1995.

(*14*) 3M Company's rotary kiln and dryers, Somerset County, NJ COAD approval dated May 4, 1995.

(*15*) Sandoz Pharmaceuticals Corporation's trash fired boiler, Morris County, NJ COAD approval dated March 23, 1995.

(*16*) General Motors Corporation's non-utility boiler (No.4), Mercer County, NJ COAD approval dated June 22, 1995.

(*17*) General Motors Corporation's Topcoat system, Union County, NJ COAD approval dated November 6, 1995.

(*18*) United States Pipe and Foundry Company's cupolas and annealing ovens (No. 2 and No. 3), Burlington County, NJ COAD approval dated October 16, 1995.

(*19*) Griffin Pipe Products Company's cupola and annealing furnace, Burlington County, NJ COAD approval dated December 14, 1995.

(*20*) Texas Eastern Transmission Corporation's internal combustion engines, Hunterdon County, NJ COAD approval dated May 9, 1995.

(*21*) Texas Eastern Transmission Corporation's internal combustion engines, Union County, NJ COAD approval dated May 9, 1995.

(ii) Additional information. Documentation and information to support $NO_X$ RACT facility-specific emission limits or alternative emission limits in four letters addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr. dated:

(A) May 26, 1995 for two SIP revisions;

(B) November 8, 1995 for eight SIP revisions;

(C) January 10, 1996 for ten SIP revisions; and

(D) October 10, 1996 for two SIP revisions.

(60) A revision to the New Jersey State Implementation Plan (SIP) for ozone for adoption of rules for application of reasonably available control technology (RACT) for oxides of nitrogen ($NO_X$ dated November 15, 1993, submitted by the New Jersey Department of Environmental Protection and Energy.

(i) Incorporation by reference.

(A) Title 7, Chapter 27, Subchapter 19, of the New Jersey Administrative Code entitled ''Control and Prohibition of Air Pollution from Oxides of Nitrogen,'' effective December 20, 1993.

(ii) Additional information:

(A) November 15, 1993 letter from Jeanne Fox, NJDEPE, to William J. Muszynski, EPA, requesting EPA approval of Subchapter 19.

(61) [Reserved]

(62) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from consumer and commercial products, dated January 25, 1996 submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Title 7, Chapter 27, Subchapter 24, of the New Jersey Administrative Code entitled ''Control and Prohibition of

Volatile Organic Compounds from Consumer and Commercial Products'' effective November 6, 1995.

(ii) Additional material.

(A) January 25, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of Subchapter 24.

(63) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from stationary sources, dated November 15, 1993 and two revisions dated June 21, 1996 submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) Amendments effective December 20, 1993 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds.''

(B) Amendments effective June 20, 1994 to Title 7, Chapter 27 of the New Jersey Administrative Code: Subchapter 8, ''Permits and Certificates'' (sections 8.1 and 8.2), Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds,'' Subchapter 17, ''Control and Prohibition of Air Pollution by Toxic Substances,'' Subchapter 23, ''Prevention of Air Pollution From Architectural Coatings and Consumer Products,'' and Subchapter 25, ''Control and Prohibition of Air Pollution by Vehicular Fuels.'' Amendments effective June 20, 1994 to Title 7, Chapter 27B, Subchapter 3 of the New Jersey Administrative Code Air Test Method 3—''Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds from Source Operations.''

(C) Amendments effective December 5, 1994 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds.''

(D) Amendments effective May 15, 1995 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds.''

(E) Amendments effective July 17, 1995 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds.''

(ii) Additional material:

(A) November 15, 1993 letter from Jeanne Fox, NJDEP, to William J. Muszynski, EPA, requesting EPA approval of Subchapter 16.

(B) June 21, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of Subchapters 8, 16, 17, 23, 25 and Air Test Method 3.

(C) June 21, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of Subchapter 16.

(64) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on June 18, 1996, July 10, 1996, December 17, 1996 and May 2, 1997.

(i) Incorporation by reference.

(A) *Conditions of Approval Documents (COAD) or Facility Wide Permit*. The following facilities have been issued COADs or facility wide permits by New Jersey:

(*1*) Geon Company's direct-fired dryers, Salem County, NJ facility wide permit dated January 30, 1997. Incorporation by reference includes only the pages with permit limits related to the dryers.

(*2*) PQ Corporation/Industrial Chemicals' Sodium Silicate Furnace, Middlesex County, NJ COAD approval dated December 2, 1994.

(*3*) Air Products and Chemicals' Hazardous Waste Incinerator, Gloucester County, NJ COAD approval dated January 25, 1996.

(*4*) Stony Brook Regional Sewerage Authority's sewage sludge incinerators, Mercer County, NJ COAD approval dated October 27, 1995 and modified on May 16, 1996.

(*5*) Township of Wayne, Mountain View Water Pollution Control Facility's sewage sludge incinerators, Passaic County, NJ COAD approval dated September 20, 1996.

(*6*) Atlantic States Cast Iron Pipe Company's cupola and annealing oven, Warren County, NJ COAD approval dated November 22, 1994.

(*7*) Warren County Resource Recovery Facility's Municipal Waste Incinerators, Warren County, NJ COAD dated August 1, 1996.

(*8*) Hercules Incorporated's Nitration System, Acid Concentrators, and Open Pit Burner, Union County, NJ COAD dated May 1, 1996.

(*9*) US Department of Navy, Naval Air Warfare Center Aircraft Division's jet engine test cells, Mercer County, NJ COAD approval dated October 31, 1995.

(*10*) Atlantic Electric Company's Utility Boiler #8, Salem County, NJ COAD approval dated February 25, 1997.

(*11*) U.S. Generating Company—Carneys Point Generating Plant's auxiliary boiler, Salem County, NJ COAD approval dated February 2, 1996.

(*12*) U.S. Generating Company—Logan Generating Plant's auxiliary boiler, Salem County, NJ COAD approval dated February 2, 1996.

(*13*) Schering Corporation's heat recovery steam generator with duct burner, Union County, NJ COAD approval dated January 5, 1996.

(*14*) [Reserved]

(*15*) Elizabethtown Water Company's internal combustion engines, Somerset County, NJ COAD approval dated May 8, 1996.

(ii) Additional information—Documentation and information to support $NO_X$ RACT facility-specific emission limits, alternative emission limits, or repowering plan in four letters addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr. dated:

(A) June 18, 1996 for four SIP revisions,

(B) July 10, 1996 for three SIP revisions,

(C) December 17, 1996 for five SIP revisions,

(D) May 2, 1997 for three SIP revisions.

(65) Revision to the New Jersey State Implementation Plan (SIP) for ozone, submitting a New Jersey Clean Fleets program with Ozone Transport Commission Low Emission Vehicle (OTC-LEV) program as an effective backstop, substituted for the Clean Fuel Fleet program, dated February 15, 1996, March 29, 1996, and March 6, 1997, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference. Title 7, Chapter 27, Subchapter 26, ''Ozone Transport Commission Low Emission Vehicles Program,'' effective December 18, 1995.

(ii) Additional material.

(A) Letter dated February 15, 1996 from NJDEP Commissioner Shinn to Region 2 Administrator Jeanne M. Fox transmitting first version of NJCF program.

(B) Letter dated March 29, 1996 from NJDEP Commissioner Shinn to Region 2 Administrator Jeanne M. Fox supplementing February 15, 1996 submittal.

(C) ''SIP Revision for the Attainment and Maintenance of the Ozone National Ambient Air Quality Standards, New Jersey Clean Fleets (NJCF) SIP,'' March 6, 1997.

(*1*) NJCF Appendix D: ''New Jersey Clean Fleets (NJCF) Program (1996 Action Plan Recommendations).''

(*2*) NJCF Appendix H: Response to Public Comments, NJCF Program, dated February 14, 1997.

(*3*) February 20, 1998 letter from Sharon Haas, Principal Environmental Specialist, NJDEP, to George Krumenacker, Transportation Services Specialist I, Bureau of Transportation Services, New Jersey Department of Treasury.

(*4*) March 25, 1998 Memo from Colleen Woods, Acting Director, Motor Vehicle Services, to Sharon Haas, Principal Environmental Specialist, NJDEP.

(66) A revision to the New Jersey State Implementation Plan (SIP) for ozone concerning revisions to the rule for requiring reasonably available control technology (RACT) for sources emitting oxides of nitrogen ($NO_X$) dated March 24, 1995, submitted by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 19, of the New Jersey Administrative Code entitled ''Control and Prohibition of Air Pollution from Oxides of Nitrogen,'' effective April 17, 1995.

(ii) Additional information:

(A) June 21, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M.

Fox, EPA, requesting EPA approval of revisions to Subchapter 19.

(67) Revision to the New Jersey State Implementation Plan (SIP) for ozone, submitting amended New Jersey Ozone Transport Commission—Low Emission Vehicle (OTC-LEV) program, Opting into the National Low Emission Vehicle (National LEV) Program, dated February 22, 1999, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference: Title 7, Chapter 27, Subchapter 26, ''Ozone Transport Commission—Low Emission Vehicles Program,'' effective March 1, 1999.

(ii) Additional information: Letter from the New Jersey Department of Environmental Protection Commissioner Shinn, dated February 22, 1999, submitting a revision to the New Jersey State Implementation Plan for the National Low Emission Vehicle program.

(68) Revisions to the New Jersey State Implementation Plan (SIP) for carbon monoxide concerning the oxyfuel program, dated August 7, 1998, submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference: Amendments to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 25, ''Control and Prohibition of Air Pollution by Vehicular Fuels,'' effective August 17, 1998 (as limited in section 52.1605).

(69) A revision to the State Implementation Plan submitted on April 26, 1999 and supplemented on July 31, 2000 by the New Jersey Department of Environmental Protection that establishes the $NO_X$ Budget Trading Program.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 31, of the New Jersey Administrative code entitled ''$NO_X$ Budget Program'' adopted on June 17, 1998, and effective on July 20, 1998.

(ii) Additional information.

(A) Letter from the New Jersey Department of Environmental Protection dated April 26, 1999, submitting the $NO_X$ Budget Trading Program as a revision to the New Jersey State Implementation Plan for ozone.

(B) Letter from the New Jersey Department of Environmental Protection dated July 29, 1999, committing to correcting the violation definition deficiency within one year of EPA's final action.

(C) Letter from the New Jersey Department of Environmental Protection dated July 31, 2000, supplementing the April 26, 1999 SIP submittal with the amended violation provisions.

(D) Guidance for Implementation of Emissions Monitoring Requirements for the $NO_X$ Budget Program, dated January 28, 1997.

(E) $NO_X$ Budget Program Monitoring Certification and Reporting Requirements, dated July 3, 1997.

(F) Electronic Data Reporting, Acid Rain/$NO_X$ Budget Program, dated July 3, 1997.

(G) Measurement Protocol for Commercial, Industrial and Residential Facilities, April 28, 1993.

(70) Revisions to the State Implementation Plan submitted on December 10, 1999 and July 31, 2000 by the State of New Jersey Department of Environmental Protection that establishes the $NO_X$ Budget Trading Program, a 2007 Statewide $NO_X$ emissions budget, and a commitment by New Jersey to comply with the section 51.122 reporting requirements.

(i) Incorporation by reference:

(A) Regulation Subchapter 31 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''$NO_X$ Budget Program,'' adopted on July 31, 2000 and effective on August 21, 2000.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated December 10, 1999, requesting EPA approval of the Ozone SIP, entitled ''State Implementation Plan (SIP) Revision for the Attainment and Maintenance of the Ozone and Carbon Monoxide National Ambient Air Quality Standards; Meeting the Requirements of the Regional $NO_X$ Cap Program and Transportation Conformity Budgets Related to the Attainment of the Ozone and Carbon Monoxide National Ambient Air Quality Standards; December 1, 1999,'' as a revision to the State of New Jersey Implementation Plan for ozone.

(B) Letter from State of New Jersey Department of Environmental Protection dated July 31, 2000, requesting EPA approval of the $NO_X$ Budget Program as a revision to the New Jersey State Implementation Plan for ozone. This submittal also contains 2007 State-wide $NO_X$ emissions budget information that is supplemental to the December 10, 1999 SIP submittal.

(71) Revisions to the New Jersey State Implementation Plan (SIP) concerning the Enhanced Inspection and Maintenance Program, submitted on August 20, 2001 by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) Amendments to Title 7, Chapter 27 of the New Jersey Administrative Code (NJAC) Subchapter 15, ''Control and Prohibition of Air Pollution From Gasoline-Fueled Motor Vehicles,'' effective November 15, 1999.

(B) Amendments to Title 7, Chapter 27B of the NJAC Subchapter 4, ''Air Test Method 4: Testing Procedures for Motor Vehicles,'' effective November 15, 1999.

(C) Amendments to Title 13, Chapter 20 of the NJAC Subchapter 28, ''Inspection of New Motor Vehicles'' (Sections: 28.3, 28.4, 28.6), effective December 6, 1999.

(D) Title 13, Chapter 20 of the NJAC: Subchapter 7, ''Vehicle Inspection'' (Sections: 7.1, 7.2, 7.3, 7.4, 7.5, 7.6); Subchapter 24, ''Motorcycles'' (Section: 24.20); Subchapter 26, ''Compliance With Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles'' (Section: 26.16); Subchapter 29, ''Mobile Inspection Unit'' (Sections: 29.1, 29.2, 29.3); Subchapter 32, ''Inspection Standards and Test Procedures To Be Used By Official Inspection Facilities''; Subchapter 33, ''Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities''; Subchapter 43, ''Enhanced Motor Vehicle Inspection and Maintenance Program''; Subchapter 44, ''Private Inspection Facility Licensing''; and Subchapter 45, ''Motor Vehicle Emission Repair Facility Registration'', effective December 6, 1999.

(E) Title 13, Chapter 21 Subchapter 5, ''Registrations'' (Section: 5.12) and Subchapter 15, ''New Jersey Licensed Motor Vehicle Dealers'' (Section: 15.7), effective December 6, 1999.

(72) Revisions to the New Jersey State Implementation Plan (SIP) concerning the Enhanced Inspection and Maintenance Program, submitted on December 3, 2002 by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) New Jersey Revised Statutes.

(*1*) Public Law 2002, Chapter 34, paragraph 15 amending N.J.S.A. 39:8–2.c, enacted on July 1, 2002.

(73) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on January 21, 1998, June 12, 1998 and April 26, 1999; and a letter which notified EPA of a revised permit limit submitted by the New Jersey Department of Environmental Protection on February 21, 2001.

(i) Incorporation by reference:

(A) Conditions of Approval Documents (COAD) or modified prevention of significant deterioration (PSD) permit: The following facilities have been issued COADs or modified PSD permit by New Jersey:

(*1*) American Ref-Fuel Company/Essex County Resource Recovery Facility, Newark, Essex County, NJ PSD permit modification dated July 29, 1997. Incorporation by reference includes only the $NO_X$ emission limits in section A.6 of the July 29, 1997 PSD permit.

(*2*) Co-Steel Corporation's (formerly New Jersey Steel Corporation) electric arc furnace/melt shop and billet reheat furnace, Sayreville, Middlesex County, NJ COAD approval dated September 3, 1997.

(*3*) Co-Steel Raritan Corporation's electric arc furnace/ladle metallurgy system and billet reheat furnace, Perth Amboy, Middlesex County, NJ COAD approval dated June 22, 1998.

(*4*) Homasote Company's natural gas dryer (wet fibreboard mat dryer), West Trenton, Mercer County, NJ COAD approval dated October 19, 1998.

(*5*) Milford Power Limited Partnership's combined cycle cogeneration facility, Milford, Hunterdon County, NJ COAD approval dated August 21, 1997.

(*6*) University of Medicine and Dentistry of New Jersey's cogeneration units and Cleaver Brooks non-utility boilers, Newark, Essex County, NJ COAD dated June 26, 1997.

(*7*) Roche Vitamins Inc's cogeneration facility and Boiler No. 1, Belvidere, Warren County, NJ COAD dated June 10, 1998. The cogeneration facility consists of one reciprocal engine (21.5 MW) and one heat recovery steam generator (HRSG) equipped with a duct burner (Boiler No. 6).

(*8*) Township of Wayne, Mountain View Water Pollution Control Facility's sewage sludge incinerators, Passaic County, NJ permit revision dated December 21, 2000.

(ii) Additional information—Documentation and information to support $NO_X$ RACT facility-specific emission limits, alternative emission limits, or repowering plan in three SIP revisions addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr. and one letter addressed to Acting Regional Administrator William J. Muszynski from Dr. Iclal Atay, Chief Bureau of Air Quality Engineering dated:

(A) January 21, 1998 SIP revision for two sources,

(B) June 12, 1998 SIP revision for one source,

(C) April 26, 1999 SIP revision for four sources,

(D) February 21, 2001 for a revised permit limit for one source.

(74) Revisions to the State Implementation Plan submitted on June 4, 2003 and January 6, 2004 by the State of New Jersey Department of Environmental Protection that establishes control programs for mobile equipment repair and refinishing operations, solvent cleaning operations and refueling of motor vehicles at gasoline service stations.

(i) Incorporation by reference:

(A) Regulation Subchapter 16 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution from Volatile Organic Compounds,'' adopted on April 30, 2003 and effective on June 29, 2003.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated June 4, 2003, requesting EPA approval of a revision to the Ozone SIP which contains amendments to the Subchapter 16 ''Control and Prohibition of Air Pollution from Volatile Organic Compounds.''

(B) Letter from State of New Jersey Department of Environmental Protection dated January 6, 2004 providing a compiled version of Subchapter 16 which include the amendments.

(75) Revisions to the State Implementation Plan submitted on January 23, 2003 by the State of New Jersey Department of Environmental Protection for the purpose of enhancing an existing Emission Statement Program for stationary sources in New Jersey. The SIP revision was submitted by New Jersey to satisfy the Clean Air Act requirements for stationary sources to report annually to the State on their emissions of volatile organic compounds (VOC), oxides of nitrogen ($NO_X$) and carbon monoxide (CO), in order for the State to make this data available to EPA and the public.

(i) Incorporation by reference:

(A) Amended Regulation Subchapter 21 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Emission Statements,'' adopted on January 23, 2003 and effective on February 18, 2003.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated January 23, 2003, requesting EPA approval of a revision to the Ozone and CO SIP which contains amendments to the Subchapter 21 ''Emission Statements.''

(76) Revisions to the New Jersey State Implementation Plan (SIP) concerning the Enhanced Inspection and Maintenance Program, submitted on August 13, 2003 by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) Title 13, Chapter 20 of the NJAC: Subchapter 7, ''Vehicle Inspections'' (Section: 7.1); Subchapter 26, ''Compliance With Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles'' (Sections: 26.2, 26.16); Subchapter 28, ''Inspection of New

Motor Vehicles'' (Section 28.3); Subchapter 29, ''Mobile Inspection Unit'' (Section: 29.2); Subchapter 32, ''Inspection Standards and Test Procedures To Be Used By Official Inspection Facilities''; Subchapter 33, ''Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities''; Subchapter 43, ''Enhanced Motor Vehicle Inspection and Maintenance Program''; Subchapter 44, ''Private Inspection Facility Licensing''; and Subchapter 45, ''Motor Vehicle Emission Repair Facility Registration,'' effective May 19, 2003.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated August 13, 2003, requesting EPA approval of a revision to the Enhanced Inspection and Maintenance Program SIP which contains amendments to the Subchapter 16 ''Control and Prohibition of Air Pollution from Volatile Organic Compounds.''

(77) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on July 1, 1999 and supplemented on September 12, 2002, September 26, 2002, April 3, 2003 and May 8, 2003.

(i) Incorporation by reference:

Conditions of Approval Document: Conditions of Approval Document issued by New Jersey on July 1, 1999 to Repauno Products, LLC's sodium nitrite manufacturing plant, Gibbstown, Gloucester County.

(ii) Additional information—Documentation and information to support $NO_X$ RACT facility-specific emission limits in SIP revision addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr.:

(A) July 1, 1999 SIP revision,

(B) September 12, 2002, September 26, 2002, April 3, 2003 and May 8, 2003 supplemental information to the SIP revision,

(C) May 14, 2004 commitment letter from New Jersey.

(78) Revisions to the State Implementation Plan submitted on July 28, 2004 by the State of New Jersey Department of Environmental Protection that establishes an expanded control program for architectural coatings.

(i) Incorporation by reference:

(A) Regulation Subchapter 23 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Prevention of Air Pollution From Architectural Coatings,'' adopted on May 21, 2004 and effective on July 20, 2004.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated July 28, 2004, requesting EPA approval of a revision to the Ozone SIP which contains amendments to the Subchapter 23 ''Prevention of Air Pollution From Architectural Coatings.''

(79) Revisions to the State Implementation Plan submitted on June 22, 2004 by the State of New Jersey Department of Environmental Protection that establishes an expanded control program for consumer products including portable fuel containers.

(i) Incorporation by reference:

(A) Regulation Subchapter 24 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Prevention of Air Pollution From Consumer Products,'' adopted on April 7, 2004 and effective on June 6, 2004.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated June 22, 2004, requesting EPA approval of a revision to the Ozone SIP which contains amendments to the Subchapter 24 ''Prevention of Air Pollution From Consumer Products.''

(80) Revision to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of nitrogen oxides from the Schering Corporation's CoGEN II cogeneration facility located in Union County submitted by the New Jersey Department of Environmental Protection (NJDEP), dated March 31, 2005.

(i) Incorporation by reference:

(A) Conditions of Approval, Alternative Maximum Emission Rate For $NO_X$, Schering Corporation, Union, Union County, New Jersey facility identification number 40084 approved March 9, 2005.

(81) Revisions to the State Implementation Plan for ozone dated December 16, 2005 by the State of New Jersey Department of Environmental Protection

(NJDEP) that establishes revised control measures for achieving additional reductions of $NO_X$ emissions from stationary combustion sources.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 19, of the New Jersey Administrative Code entitled ''Control and Prohibition of Air Pollution from Oxides of Nitrogen,'' effective October 17, 2005 and Title 7, Chapter 27, Subchapter 16 of the New Jersey Administrative Code entitled ''Control and Prohibition of Air Pollution by Volatile Organic Compounds,'' effective October 17, 2005.

(ii) Additional information:

(A) December 16, 2005 letter from Commissioner Bradley M. Campbell, NJDEP, to Alan J. Steinberg, EPA, requesting EPA approval of revisions to Subchapters 8, 16, 19, and 22.

(82) Revisions to the State Implementation Plan submitted on June 2, 2006, by the New Jersey Department of Environmental Protection which consists of the adoption of California's second generation Low Emission Vehicle (LEV) program.

(i) Incorporation by reference:

(A) Regulation Subchapter 29 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Low Emission Vehicle (LEV) Program,'' except sections 29.6, 29.7, and 29.13(g) (incorporation by reference of Title 13, Chapter 1, Article 2, Sections 1961.1 and 1962 of the California Code of Regulations only), adopted on November 28, 2005.

(83) Revisions to the State Implementation Plan and submitted on February 6, 2007 as proposed, and subsequently adopted and submitted on July 9, 2007 by the State of New Jersey Department of Environmental Protection (NJDEP) that establishes rules for the allowance allocation of oxides of nitrogen ($NO_X$) for the annual and ozone season Clean Air Interstate Rule (CAIR) $NO_X$ Cap and Trade Programs. The submission also establishes a date when the CAIR $NO_X$ Trading Programs will replace the State's $NO_X$ Budget Program, and satisfies New Jersey's 110(a)(2)(D)(i) obligations to submit a SIP revision that contains adequate provisions to prohibit air emissions from adversely affecting another state's air quality through interstate transport.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 30 of the New Jersey Administrative Code entitled ''Clean Air Interstate Rule (CAIR) $NO_X$ Trading Program,'' effective July 16, 2007 and Title 7, Chapter 27, Subchapter 31, Section 23 of the New Jersey Administrative Code entitled ''$NO_X$ Budget Program,'' effective July 16, 2007.

(ii) Additional information:

(A) February 2, 2007 letter from Commissioner Lisa P. Jackson, NJDEP, to Alan J. Steinberg, EPA, submitting proposed SIP revision, and request for parallel processing.

(B) June 26, 2007 letter from Commissioner Lisa P. Jackson, NJDEP, to Alan J. Steinberg, EPA, submitting SIP revision.

(C) December 29, 2006 letter from Commissioner Lisa P. Jackson, NJDEP, to Alan J. Steinberg, EPA, indicating how New Jersey has addressed the required elements of 110(a)(2)(D)(i).

(84) Revisions to the State Implementation Plan submitted on June 2, 2006, by the New Jersey Department of Environmental Protection which consists of the adoption of California's Zero Emission Vehicle (ZEV) provisions.

(i) Incorporation by reference:

(A) Regulation Subchapter 29 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Low Emission Vehicle (LEV) Program,'' sections 29.6, 29.7, and the incorporation of California Section 1962, ''Zero Emission Vehicle Standards for 2005 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles,'' within section 29.13(g), effective on January 17, 2006.

(85) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of nitrogen oxides from Trigen-Trenton Energy Co., L.P., dated August 7, 2007 submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) a letter from Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection, addressed to Alan J. Steinberg, USEPA, dated August 7, 2007, and Attachment 1 to the letter, titled ''Conditions of Approval, Alternative Maximum Emission Rate for $NO_X$ for Two (2) Cooper

Bessemer Distillate Oil or Dual Fuel Fired 4-Stroke Diesel Internal Combustion Engines,'' Trigen-Trenton Energy Company L.P., Trenton, NJ. APC Plant ID No. 61015, approved January 11, 2007.

(86) Revisions to the New Jersey State Implementation Plan (SIP) for particulate matter granting a variance from Subchapter 6, Control and Prohibition of Particles from Manufacturing Processes for the cooling tower at the PSEG Nuclear LLC Hope Creek and Salem Generating Stations located in Lower Alloways Creek Township, Salem County dated November 2, 2007 submitted by the New Jersey State Department of Environmental Protection (NJDEP) which establishes hourly emission limits for TSP and PM–10 (total) of less than or equal to 42 pounds per hour and annual emission limits for TSP and PM–10 (total) of less than or equal to 65.9 tons per year.

(i) Incorporation by reference:

(A) A letter from Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection, addressed to Alan J. Steinberg, Regional Administrator, EPA, dated November 2, 2007 submitting the variance for PSEG Nuclear LLC Hope Creek and Salem Generating Stations without the attachments.

(B) Section J, Facility Specific Requirements, Emission Unit U24 Cooling Tower, (Significant Modification Approval date August 7, 2007) contained in the Air Pollution Control Operating Permit, Significant Modification and Preconstruction Approval, PSEG Nuclear LLC Hope Creek and Salem Generating Stations, Permit Activity Number: BOP05003.

(d) Plan revisions were submitted on September 26, 1972.

(87) Revisions to the State Implementation Plan submitted on September 13, 2007, by the New Jersey Department of Environmental Protection which consists of the State's revised diesel idling rule.

(i) Incorporation by reference:

(A) Regulation Subchapter 14 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles,'' section 14.1, effective on July 2, 2007, section 14.2, effective on September 15, 1997, and section 14.3, effective on July 2, 2007.

(88) A revision submitted on April 21, 2009, as supplemented on May 7, 2010, by the New Jersey Department of Environmental Protection (NJDEP) that establishes revised control measures for achieving additional reductions of NOx, $SO_2$, fine particulate, and VOC emissions from stationary sources that will help achieve attainment of the national ambient air quality standard for ozone and fine particles, as well as help to reduce regional haze.

(i) Incorporation by reference:

(A) New Jersey Administrative Code, Title 7, Chapter 27 (NJAC 7:27): Subchapter 4 ''Control and Prohibition of Particles from Combustion of Fuel'' with an effective date of April 20, 2009; Subchapter 10 ''Sulfur in Solid Fuels'' with an effective date of April 20, 2009; Subchapter 16 ''Control and Prohibition of Air Pollution by Volatile Organic Compounds'' with an effective date of April 20, 2009; Subchapter 19 ''Control and Prohibition of Air Pollution from Oxides of Nitrogen'' with an effective date of April 20, 2009 (including two Administrative Corrections published in the New Jersey Register on June 15, 2009 and July 6, 2009); and Subchapter 21 ''Emission Statements'' with an effective date of April 20, 2009.

(ii) Additional information:

(A) Letter dated April 21, 2009 from Acting Commissioner Mark N. Mauriello, NJDEP, to George Pavlou, Acting Regional Administrator, EPA Region 2, submitting the SIP revision for Subchapters 4, 8, 10, 16, 19 and 21.

(B) Letter dated May 7, 2010 from Director William O'Sullivan, NJDEP, to Barbara Finazzo, Director, Division of Environmental Planning and Protection, EPA Region 2, submitting supplemental SIP information for Subchapter 19.

(89) A revision submitted on April 9, 2009, by the New Jersey Department of Environmental Protection (NJDEP) that establishes new and revised control measures for achieving additional reductions of VOC emissions that will help achieve attainment of the national ambient air quality standard for ozone.

(i) Incorporation by reference:

(A) New rules contained in New Jersey Administrative Code, Title 7, Chapter 27 (NJAC 7:27) with effective date of December 1, 2008 and Operative date of December 29, 2008:

(*1*) Subchapter 26, ''Prevention of Air Pollution From Adhesives, Sealants, Adhesive Primers and Sealant Primers,'' and

(*2*) Subchapter 34, ''TBAC Emissions Reporting.''

(B) Amendments to NJAC 7:27 with effective date of December 1, 2008 and Operative date of December 29, 2008:

(*1*) Subchapter 23, ''Prevention of Air Pollution From Architectural Coatings,'' 23.2 Definitions;

(*2*) Subchapter 24, ''Prevention of Air Pollution From Consumer Products,'' 24.1 Definitions, 24.2 Applicability, 24.4 Chemically formulated consumer products: standards, 24.5 Chemically formulated consumer products: registration and labeling, 24.6 Chemically formulated consumer products: recordkeeping and reporting, 24.7 Chemically formulated consumer products: testing, 24.8 Portable fuel containers and spill-proof spouts: certification requirements, 24.9 Portable fuel containers and spill proof spouts: labeling, 24.10 Portable fuel containers and spill proof spouts: recordkeeping and reporting, 24.12 Penalties and other requirements imposed for failure to comply; and

(*3*) Subchapter 25, ''Control and Prohibition of Air Pollution by Vehicular Fuels,'' 25.1 Definitions.

(C) Repeal to NJAC 7:27 with effective date of December 1, 2008 and Operative date of December 29, 2008: Subchapter 24, ''Prevention of Air Pollution From Consumer Products,'' section 24.11 Portable fuel containers and spill-proof spouts: testing, repealed without replacement and reserved.

(ii) Additional information.

(A) Letter dated April 9, 2009 from Acting Commissioner Mark N. Mauriello, NJDEP, to George Pavlou Acting Regional Administrator, EPA Region 2, submitting the SIP revision containing Subchapters 23, 24, 25, 26, and 34.

[37 FR 10880, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1570, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1571 Classification of regions.

The New Jersey 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) |
| New Jersey-New York-Connecticut Interstate | I | I | I | I | I |
| Metropolitan Philadelphia Interstate | I | I | III | I | I |
| Northeast Pennsylvania-Upper Delaware Valley Interstate | I | II | III | III | III |
| New Jersey Intrastate | III | IA | III | I | III |

[37 FR 10880, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

### § 52.1572 Extensions.

Pursuant to section 186(a)(4) of the Clean Air Act, as amended in 1990, the Regional Administrator hereby extends for one year (until December 31, 1996) the attainment date for the New York-Northern New Jersey-Long Island Consolidated Metropolitan Statistical Carbon Monoxide nonattainment area.

[61 FR 56900, Nov. 5, 1996]

### § 52.1573 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New Jersey's plans for attainment and maintenance of the national ambient air quality 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 in § 52.1581. 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.

[45 FR 15541, Mar. 11, 1980]

### § 52.1574 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 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.

[39 FR 34537, Sept. 26, 1974, as amended at 40 FR 55331, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

### § 52.1575 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since section 26:2C–9 of the New Jersey Air Pollution Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 26:2C–9 is disapproved.

[39 FR 34537, Sept. 26, 1974, as amended at 51 FR 40676, Nov. 7, 1986]

### § 52.1576 [Reserved]

### § 52.1577 Compliance schedules.

(a) [Reserved]

(b) The requirements of § 51.261 of this chapter are not met since Chapter 7, section 7.1(c) of New Jersey's ''Air Pollution Control Code'' permits certain sources to defer compliance with Chapter 7 until after the required date for attainment of the national standards for particulate matter.

(c) The requirements of § 51.262(a) of this chapter are not met since Chapter 7 of New Jersey's ''Air Pollution Control Code'' does not provide for periodic increments of progress toward compliance for those sources with compliance schedules extending over a period of 18 or more months.

(d) *Regulation for increments of progress.* (1) Except as provided in paragraph (d)(2) of this section, the owner or operator of any stationary source in

the State of New Jersey to which an exception extending beyond January 31, 1974, is applicable under Chapter 7, section 7.1(c) of the New Jersey Air Pollution Control Code 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 emission limitations prescribed by Chapter 7 of the New Jersey Air Pollution Control Code as expeditiously as practicable but no later than July 31, 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: Submittal of the 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 change; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(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 January 31, 1974, no compliance schedule shall be required.

(3) Any owner or operator required to submit 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.

[37 FR 10880, May 31, 1972, as amended at 37 FR 23090, Oct. 28, 1972; 38 FR 12713, May 14, 1973; 40 FR 30962, July 24, 1975; 51 FR 40676, 40677, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

**§52.1578 Review of new sources and modifications.**

(a) Subchapter 18 of the New Jersey Administrative Code, entitled, ''Control and Prohibitions of Air Pollution from Ambient Air Quality in Nonattainment Areas (Emission Offset Rule),'' N.J.A.C. 7:27–18.1 *et seq.*, as submitted to EPA on August 5, 1980 by the New Jersey Department of Environmental Protection, is approved for the entire State of New Jersey, with the following provisions:

(1) The definition of ''significant emission increase'' as it appears in section 7:27–18.1, entitled, ''Definitions,'' is disapproved. The following definition of ''significant emission increase'' is applicable: ''An increase, since December 21, 1976, in the rate of allowable emissions, including fugitive pollutant emissions, at a facility of any criteria pollutant greater than or equal to 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, not including decreases in the rates of allowable emissions except where such decreases are contemporaneous with emission increases. The increase in the rates of allowable emissions shall be the cumulative total of increases from all new or altered equipment for which permits have been issued on or after December 21, 1976 and for which permit applications have been received by the Department, and the fugitive emissions associated with that equipment. The hourly and daily rates shall apply only with respect to a pollutant for which a national ambient air quality standard for a period not exceeding 24 hours has been established.

(2) Subsection (e)(1) under section 7:27–18.2, entitled, ''General Provisions,'' is disapproved and replaced with the following: ''The requirements of paragraphs (c)(3), (c)(4), and (c)(5) of this section shall again become applicable when proposed new construction or alterations at the facility would cause the increase in the rate of allowable emissions of that criteria pollutant to again exceed 50 tons per year, 1,000 pounds per day, or 100 pounds per hour whichever is most restrictive. The accumulation of increases in the rate of allowable emissions shall resume from zero after each application of

paragraphs (c)(3) and (c)(4) of this section.''

[39 FR 7282, Feb. 25, 1974, as amended at 46 FR 21996, Apr. 15, 1981; 51 FR 40677, Nov. 7, 1986; 60 FR 33923, June 29, 1995]

### § 52.1579 Intergovernmental cooperation.

(a) The requirements of subpart M of this chapter are not met since the plan does not adequately describe the responsibilities of local agencies.

[37 FR 10880, May 31, 1972, as amended at 51 FR 40677, Nov. 7, 1986]

### § 52.1580 Conditional approval.

(a) *Enhanced inspection and maintenance.* (1) The State of New Jersey's March 27, 1996 submittal for an enhanced motor vehicle inspection and maintenance (I/M) program, as amended on November 27, 1996 and April 22, 1997, is conditionally approved based on certain contingencies, for an interim period to last 18 months. If New Jersey fails to start its program by November 15, 1997, the interim approval granted under the provisions of the NHSDA, which EPA believes allows the State to take full credit in its 15 percent plan for all of the emission reduction credits in its proposal, will convert to a disapproval after a finding letter is sent to the State by EPA. If the State fails to submit to EPA the final modeling demonstrating that its program will meet the relevant enhanced I/M performance standard by February 1, 1998, the conditional approval will automatically convert to a disapproval as explained under Section 110(k) of the Clean Air Act.

(2) In addition to the above condition, the State must correct eight minor, or de minimus, deficiencies related to the CAA requirements for enhanced I/M. The minor deficiencies are listed in EPA's conditional interim final rulemaking on New Jersey's motor vehicle inspection and maintenance program published on May 14, 1997. Although satisfaction of these deficiencies does not affect the conditional interim approval status of the State's rulemaking, these deficiencies must be corrected in the final I/M SIP revision to be submitted at the end of the 18-month interim period.

(3) EPA is also approving this SIP revision under Section 110(k), for its strengthening effect on the plan.

(b) [Reserved]

[62 FR 26405, May 14, 1997, as amended at 62 FR 35102, June 30, 1997; 64 FR 19916, Apr. 23, 1999]

### § 52.1581 Control strategy: Carbon monoxide.

(a) Approval—The September 28, 1995 revision to the carbon monoxide state implementation plan for Camden County and the Nine not-classified areas (the city of Trenton, the City of Burlington, the Borough of Penns Grove (part), the Borough of Freehold, the City of Morristown, the City of Perth Amboy, the City of Toms River, the Borough of Somerville, and the City of Atlantic City). This revision included a maintenance plan which demonstrated continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2007.

(b) The base year carbon monoxide emission inventory requirement of section 187(a)(1) of the 1990 Clean Air Act Amendments has been satisfied for the entire State. The inventory was submitted on November 15, 1992 and amended on September 28, 1995 by the New Jersey Department of Environmental Protection as a revision to the carbon monoxide State Implementation Plan.

(c) Approval—The November 15, 1992, October 4, 1993, and August 7, 1998 revisions to the carbon monoxide state implementation plan for the New Jersey portion of the New York—Northern New Jersey—Long Island Carbon Monoxide nonattainment area. This included an attainment demonstration and the control measures needed to attain the National Ambient Air Quality Standard for carbon monoxide. The January 15, 2002, request to redesignate the New Jersey portion of the New York—Northern New Jersey—Long Island Carbon Monoxide nonattainment 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 2014.

(d) The 1997 and 2007 carbon monoxide motor vehicle emission budgets for Camden County and the Nine Not Classified Areas included in New Jersey's May 21, 2004 SIP revision are approved.

(e)(1) Approval—The May 18, 2006 revision to the carbon monoxide maintenance plan for Camden County and the Nine Not Classified Areas. 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 2017.

(2) The 2007 and 2014 carbon monoxide conformity emission budgets for five counties in the New York/Northern New Jersey/Long Island carbon monoxide maintenance area included in New Jersey's May 18, 2006 SIP revision are approved.

[67 FR 54579, Aug. 23, 2002, as amended at 69 FR 52836, Aug. 30, 2004; 71 FR 38772, July 10, 2006]

### § 52.1582 Control strategy and regulations: Ozone.

(a) Subchapter 16 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' N.J.A.C. 7:27–16.1 et seq. as revised on December 31, 1981 and effective March 1, 1982, is approved with the following provisions and conditions:

(1) Subsections 16.6(c)(4) and 16.6(c)(5) are approved. The State must comply with the public participation procedures it submitted to EPA on December 19, 1980 and must supply to EPA a copy of each notice of a proposed bubble that it supplies the public. In addition, the State must promptly transmit to EPA notice setting forth each set of emission limits approved by the state pursuant to subsections 16.6(c)(4) and 16.6(c)(5) as well as the emission limitations previously applicable. Finally, the State must transmit any relevant additional material EPA may request, and it must notify the public of an approved set of emission limits at the time it transmits notice of those limits to EPA.

(2) Emission limitations required by subsections 16.5(a), 16.6(a) and 16.6(b) are applicable requirements of the New Jersey SIP for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by citizens in the same manner as other requirements of the SIP; except that emission limitations adopted by the State under and which comply with subsections 16.6(c) (4) and (5) shall be the applicable requirements of the New Jersey SIP in lieu of those contained in subsections 16.5(a), 16.6(a) and 16.6(b) and shall be enforceable by EPA and by citizens, if the State meets the requirements set out in paragraph (d)(1) of this section.

(3) Although EPA approves the variance provisions in subchapter 7:27–16.9 and 7:27–16.10, in order to be considered as part of the SIP, each variance issued under these provisions must be submitted to and approved by EPA as a SIP revision.

(4) The December 17, 1979 version of Subchapter 16 is approved as a part of the SIP only to the extent that it addresses compliance dates for Group I Control Techniques Guideline source categories.

(b) Subchapter 17 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution by Toxic Substances,'' N.J.A.C. 7:27–17.1 et seq. as revised on October 17, 1979 and effective December 17, 1979, is approved for the regulation of perchloroethylene dry cleaners, as further clarified in a New Jersey Department of Environmental Protection memorandum ''Subchapter 17 Requirements for Perchloroethylene Dry Cleaning Systems'' dated October 25, 1982.

(c) The November 15, 1993 SIP revision submitted by the New Jersey Department of Environmental Protection and Energy demonstrates the fulfillment of section 182(b)(2)(B) of the Clean Air Act for states to adopt RACT regulations for all sources for which EPA has issued a CTG before enactment of the 1990 Clean Air Act.

(d)(1) The base year ozone precursor emission inventory requirement of section 182(a)(1) of the 1990 Clean Air Act Amendments has been satisfied for the Atlantic City, New York/ Northern New Jersey/Long Island, Philadelphia/ Wilmington/ Trenton, and Allentown/ Bethlehem/Easton areas of New Jersey.

The inventory was submitted on November 15, 1993 and amended on November 21, 1994 by the New Jersey Department of Environmental Protection as a revision to the ozone State Implementation Plan (SIP). Revisions to the 1990 base year emission inventory dated December 31, 1996 for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas of New Jersey have been approved. Revisions to the 1990 base year emission inventory dated February 10, 1999 for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas of New Jersey have been approved.

(2) [Reserved]

(3) The 1996 and 1999 ozone projection year emission inventories included in New Jersey's July 30, 1998 addendum and February 10, 1999 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

(4) [Reserved]

(5) The photochemical assessment monitoring stations network included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas has been approved.

(6) The demonstration that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions and, therefore, offsetting measures are not necessary which was included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas has been approved.

(7) The enforceable commitments to: participate in the consultative process to address regional transport; adopt additional control measures as necessary to attain the ozone standard, meet rate of progress requirements, and eliminate significant contribution to nonattainment downwind; identify any reductions that are needed from upwind areas for the area to meet the ozone standard; and implement the Ozone Transport Commission $NO_X$ Memorandum of Understanding included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

(e) The State of New Jersey's March 27, 1996 submittal for an enhanced motor vehicle inspection and maintenance (I/M) program, as amended on November 27, 1996 and April 1997, is approved pursuant to section 110 of the Clean Air Act, 42 U.S.C. 7410. However, since New Jersey failed to start its program by November 15, 1997, the interim approval granted under the provisions of Section 348 of the National Highway Systems Designation Act of 1995 (NHSDA), 23 U.S.C. 348, which allowed the State to take full credit in its 15 Percent ROP Plan for all the emission reduction credits in its proposal, converted to a disapproval when EPA sent finding letters to the State on December 12, 1997. The finding letters also informed the state that the underlying enhanced I/M program approval, pursuant to Section 110 of the Act, remained in effect as part of the federally enforceable SIP.

(f) The State of New Jersey's June 5, 1998 submittal for the conversion of the inspection frequency of the current inspection and maintenance (I/M) program from annual to biennial in order to facilitate the upgrade of the existing state lanes to accommodate the testing equipment for the enhanced program has been approved by EPA. The State will be adding a gas cap inspection to the current I/M program, which will result in a net increase in overall emissions reductions.

(g) The 15 Percent Rate of Progress (ROP) Plans and the recalculation of the 9 Percent ROP Plans included in the July 30, 1998 addendum and the February 10, 1999 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

(h)(1) The statewide 1996 periodic emission inventory included in New Jersey's April 11, 2001 State Implementation Plan revision is approved.

(2) The 2002 and 2005 ozone projection year emission inventories for the New

Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area and the 2002, 2005 and 2007 ozone projection year emission inventories for the New Jersey portion of the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's April 11, 2001 State Implementation Plan revision are approved.

(3) The 2002 and 2005 Reasonable Further Progress Plans for the New Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area and the 2002, 2005 and 2007 Reasonable Further Progress Plans for the New Jersey portion of the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's April 11, 2001 State Implementation Plan revision are approved.

(4) The contingency measures for the New Jersey portions of the Philadelphia/Wilmington/Trenton nonattainment area and the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's April 11, 2001 State Implementation Plan revision are approved.

(5) [Reserved]

(6) The Reasonably Available Control Measure Analysis for the New Jersey portion of the Philadelphia/Wilmington/Trenton and New York-Northern New Jersey-Long Island nonattainment areas included in New Jersey's October 16, 2001 State Implementation Plan revision is approved.

(7) The revisions to the State Implementation Plan submitted by New Jersey on August 31, 1998, October 16, 1998, and April 26, 2000 are approved. 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 New Jersey portions of the Philadelphia/Wilmington/Trenton and New York-Northern New Jersey-Long Island severe ozone nonattainment areas. The revisions establish attainment dates of November 15, 2005 for the Philadelphia/Wilmington/Trenton nonattainment area and November 15, 2007 for the New York-Northern New Jersey-Long Island ozone nonattainment area. The revisions include the enforceable commitments for future actions associated with attainment of the 1-hour ozone national ambient air quality:

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

(ii) To submit revised State Implementation Plan and motor vehicle emissions budgets by October 31, 2001 if additional adopted measures affect the motor vehicle emissions inventory;

(i)(1) The revised 1996, 2005 and 2007 motor vehicle emission inventories calculated using MOBILE6 included in New Jersey's April 8, 2003 State Implementation Plan revision is approved.

(2) The 2005 conformity emission budgets for the New Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area included in New Jersey's April 8, 2003 State Implementation Plan revision are approved.

(3) [Reserved]

(4) The revised commitment to perform a mid-course review and submit the results by December 31, 2004 included in the April 8, 2003 SIP revision is approved.

(j)(1) The revised 1997, 2005, 2007 and 2014 motor vehicle emission inventories calculated using MOBILE6 included in New Jersey's May 21, 2004 State Implementation Plan revision is approved.

(2) The 2005 conformity emission budgets for the New Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area and the 2005 and 2007 conformity emission budgets for the New Jersey portion of the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's May 21, 2004 State Implementation Plan revision are approved.

(k)(1) The Statewide 2002 base year ozone precursor emission inventories included in New Jersey's May 18, 2006 State Implementation Plan revision are approved.

(2) The revisions to the 2005 and 2007 motor vehicle emissions budgets for the New Jersey portion of the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's May 18, 2006 State Implementation Plan revision are approved.

(3) The conformity emission budgets for the McGuire Air Force Base included in New Jersey's May 18, 2006 State Implementation Plan revision are approved.

(l) *Attainment Determination.* EPA is determining that the 1-hour ozone nonattainment areas in New Jersey 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.

(1) Philadelphia-Wilmington-Trenton (consisting of Burlington, Camden, Cumberland, Gloucester, Mercer, and Salem Counties) as of November 15, 2005. EPA also has determined, as of November 15, 2005, the Philadelphia-Wilmington-Trenton severe 1-hour ozone nonattainment area is not subject to the imposition of the section 185 penalty fees.

(2) Atlantic City (consisting of Atlantic and Cape May Counties) as of *January 6, 2010.*

(m)(1) The 2008 Reasonable Further Progress Plans and associated 2008 ozone projection year emission inventories for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment areas included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(2) The contingency measures for failure to meet the 2008 RFP Plan milestones for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment areas included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(3) The moderate area Reasonably Available Control Measure Analysis for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment areas included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(4) The 2008 motor vehicle emissions budgets for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment areas included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(5) The general conformity budgets for McGuire AFB and Lakehurst NAS included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(6) The Statewide reasonably available control technology (RACT) analysis for the 8-hour ozone standard included in the August 1, 2007 State Implementation Plan revision is approved based on EPA's approval of the April 9, 2010 and April 21, 2010 SIP revisions.

[46 FR 20556, Apr. 6, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1582 see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1583 Requirements for state implementation plan revisions relating to new motor vehicles.

New Jersey must comply with the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

### § 52.1584 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 Jersey 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 Jersey 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 authorizing 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 Jersey 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 Jersey 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 62351, Nov. 2, 2007]

### § 52.1585 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

The owner and operator of each $SO_2$ source located within the State of New Jersey 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 New Jersey 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.

[72 FR 62352, Nov. 2, 2007]

### §§ 52.1586–52.1600 [Reserved]

### § 52.1601 Control strategy and regulations: Sulfur oxides.

(a) The applicable limitation on the sulfur content of fuel marketed and used in New Jersey until and including March 15, 1974, as set forth in N.J.A.C. subchapter 7:1–3.1 is approved, except that the use of coal in the following utility plants and boiler units is not approved:[1]

| Company | Plant | City | Boiler unit(s) |
|---|---|---|---|
| Atlantic City Electric | Deepwaters | Deepwaters | 5/7, 7/9, 3/5, 4/6. |
| Public Service Electric & Gas | Essex | Newark | All. |
| Do | Sewaren | Woodbridge | Do. |
| Do | Bergen | Bergen | No. 1. |
| Do | Burlington | Burlington | 1–4. |
| Do | Kearney | Kearney | All. |
| Do | Hudson | Jersey City | No. 1. |
| Jersey Central Power & Light | Sayreville | Sayreville | All. |
| Do | E. H. Werner | South Amboy | Do. |

[1] Action by the Administrator regarding coal conversion at the listed plants and units is being held in abeyance until the Administrator determines whether and to what extent that conversion cannot be deferred, based on analysis of fuel allocations for residual oil and coal in the Mid-Atlantic and New England States.

(b) Before any steam or electric power generating facility in Zone 3, as defined in N.J.A.C. 7:27–10.1, burning fuel oil on June 4, 1979, having a rated hourly gross heat input greater than 200,000,000 British Thermal Units (BTU's), and capable of burning coal without major reconstruction or construction, which facility was in operation prior to May 6, 1968, or group of such facilities having a combined rated hourly capacity greater than 450,000,000 BTU's may be permitted by the State to convert to the use of coal, the State shall submit to EPA a copy of the proposed permit together with an air quality analysis employing methodology acceptable to EPA. If EPA determines, on the basis of the submitted analysis, that the proposed coal conversion will not interfere with the attainment or maintenance of air quality standards and will not be the cause for any Prevention of Significant Deterioration (PSD) increment to be exceeded, then the permit authorizing conversion may become effective immediately upon the publication of such a determination (as a Notice) in the FEDERAL REGISTER. If EPA determines that the submitted analysis is inadequate or that it shows that the proposed conversion will interfere with attainment or maintenance of air quality standards or cause any PSD increment to be exceeded, then EPA shall so inform the State of its determination, and the permit authorizing conversion shall not become effective and conversion shall not occur until an adequate analysis is submitted or, if necessary, until a control strategy revision which would require any necessary emission reductions is submitted by the State and placed into effect as an EPA approved revision to the implementation plan. In addition, this same procedure shall apply to any State permit applied for that would authorize a relaxation in the sulfur-in-coal limitation at any such facility, as defined above in this paragraph, having already been granted a permit to convert to coal.

(c) The U.S. Gypsum Co. in Clark, New Jersey is permitted to burn fuel oil with a sulfur content of 2.0 percent, by weight, at either Boiler #1, #2 or #3 until March 31, 1985 or until Boiler #4 is ready to burn coal, whichever occurs first. Such oil burning must conform with New Jersey requirements and conditions as set forth in applicable regulations and administrative orders.

[39 FR 1439, Jan. 9, 1974, as amended at 44 FR 31979, June 4, 1979; 44 FR 38471, July 2, 1979; 49 FR 30179, July 27, 1984]

### § 52.1602 Control strategy and regulations: $PM_{2.5}$.

(a) Approval—On May 18, 2006, New Jersey submitted an early $PM_{2.5}$ implementation plan to set motor vehicle emissions budgets for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, $PM_{2.5}$ nonattainment area. The budgets were allocated by metropolitan planning organization as follows: North Jersey Transportation Planning Authority: 1,207 tons per year of direct $PM_{2.5}$ and 61,676 tons per year of $NO_X$; Delaware Valley Regional Planning Commission: 89 tons per year of direct $PM_{2.5}$ and 4,328 tons per year of $NO_X$.

(b) Approval—On February 25, 2008, New Jersey submitted a revision to its early $PM_{2.5}$ implementation plan to revise the motor vehicle emissions budgets for the Mercer County, New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, $PM_{2.5}$ nonattainment area. The revised budgets, applicable to the Delaware Valley Regional Planning Commission, are as follows: 108 tons per year of direct $PM_{2.5}$ and 5,056 tons per year of $NO_X$.

(c) 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.

[73 FR 24870, June 5, 2008, as amended at 75 FR 69591, Nov. 15, 2010]

### § 52.1603 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 New Jersey.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

### § 52.1604 Control strategy and regulations: Total suspended particulates.

(a) Any variance issued by the Department under N.J.A.C. Title 7, Chapter 27, section 6.5, subsections (a), (b), or (c) shall not exempt any person from the requirements otherwise imposed by N.J.A.C. 7:27–6.1 *et seq.; Provided* that the Administrator may approve such variance as a plan revision when the provisions of this part, section 110(a)(3)(A) of the Act, and 40 CFR, part 51 (relating to approval of and revisions to State implementation plans) have been satisfied with respect to such variance.

(b) Particulates emissions from units 1 and 2 of the Atlantic City Electric Company's B.L. England Generating Station are limited to an emission rate of 0.5 lbs/million BTU until March 31, 1982 and June 1, 1982, respectively. The opacity associated with such emissions from these units during this period shall not exceed 40 percent. On and after March 31, 1982 for unit 1, and June 1, 1982 for unit 2, these units shall be limited to an emission rate of 0.1 lbs/million BTU, and the associated opacity shall not exceed 20 percent.

[44 FR 5427, Jan. 26, 1979 and 46 FR 26305, May 12, 1981]

### § 52.1605 EPA-approved New Jersey regulations.

| State regulation | State effective date | EPA approved date | Comments |
|---|---|---|---|
| Title 7, Chapter 26 | | | |
| Subchapter 2A, "Additional, Specific Disposal Regulations for Sanitary Landfills." | June 1, 1987 | June 29, 1990, 55 FR 26689 | |
| Title 7, Chapter 27 | | | |
| Subchapter 1, "General Provisions". | May 1, 1956 | June 29, 1990, 55 FR 26689 | |
| Subchapter 2, "Control and Prohibition of Open Burning". | June 8, 1981 | Sept. 30, 1981, 46 FR 47779. | |
| Subchapter 3, "pontrol and Prohibition of Smoke from Combustion of Fuel". | Oct. 12, 1977 | Jan. 27, 1984, 49 FR 3465. | |
| Subchapter 4, "Control and Prohibition of Particles from Combustion of Fuel.". | April 20, 2009 | August 3, 2010, 75 FR 45483. | |
| Subchapter 5, "Prohibition of Air Pollution. | Oct. 12, 1977 | .....do. | |
| Subchapter 6, "Control and Prohibition of Particles From Manufacturing Processes" (except section 6.5). | May 23, 1977 | Jan. 26, 1979, 44 FR 5427 | Section 6.5, "Variances," is not approved (40 CFR 52.1570(c)(20) and 52.1604(a)). Any State-issued variances must be formally incorporated as SIP revisions if EPA is to be bound to their provisions (40 CFR 52.1604(a)). |
| Subchapter 7, "Sulfur" | Mar. 1, 1967 | May 31, 1972, 37 FR 10880. | |
| Subchapter 8, "Permits and Certificates, Hearings, and Confidentiality". | Apr. 5, 1985 | Nov. 25, 1986, 51 FR 42573. | |
| Section 8.11 | Mar. 2, 1992 | Apr. 15, 1994, 59 FR 17935. | |
| Sections 8.1 and 8.2 | June 20, 1994 | August 7, 1997, 62 FR 42414. | |

| State regulation | State effective date | EPA approved date | Comments |
|---|---|---|---|
| Subchapter 9, ''Sulfur in Fuels'' ..... | Feb. 4, 1983 ..... | July 8, 1983, 48 FR 31400 ..... | Sulfur dioxide ''bubble'' permits issued by the State pursuant to § 9.2 and not waived under the provisions of § 9.4 become applicable parts of the SIP only after receiving EPA approval as a SIP revision. ''Clean conversion incentive'' permits issued pursuant to § 9.5 must receive EPA approval as a SIP revision to become applicable parts of the SIP. |
| Subchapter 10, ''Sulfur in Solid Fuels.''. | April 20, 2009 .... | August 3, 2010, 2009, 75 FR 45483. | Notification of ''large zone 3 coal conversions'' must be provided to EPA (40 CFR 52.1601(b)). |
| Subchapter 11, ''Incinerators'' ..... | Aug. 15, 1968 .... | May 31, 1972, 37 FR 10880. | |
| Subchapter 12, ''Prevention and Control of Air Pollution Emergencies''. | Mar. 27, 1972 .... | .....do. | |
| Subchapter 13, ''Ambient Air Quality Standards''. | June 25, 1985 ... | Nov. 25, 1986, 51 FR 42573. | |
| Subchapter 14, ''Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles''. | ..... | ..... | On September 15, 1997, section 14.2 was re-numbered to 14.6. The State did not submit this change as a SIP revision. Therefore, the July 1, 1985, version of section 14.2 will continue to be the EPA-approved regulation. |
| Sections 14.1–14.3 ..... | July 1, 1985 ..... | June 13, 1986.. | |
| Section 14.1 ..... | July 2, 2007 ..... | April 17, 2009, 74 FR 17781.. | |
| Section 14.2 ..... | September 15, 1997. | April 17, 2009, 74 FR 17781.. | |
| Section 14.3 ..... | July 2, 2007 ..... | April 17, 2009, 74 FR 17781.. | |
| Subchapter 15, ''Control and Prohibition of Air Pollution From Gasoline-Fueled Motor Vehicles.''. | Nov. 15, 1999 .... | January 22, 2002, 67 FR 2813.. | |
| Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds.''. | April 20, 2009 .... | August 3, 2010, 75 FR 45483. | |
| Subchapter 17, ''Control and Prohibition of Air Pollution by Toxic Substances''. | June 20, 1994 ... | August 7, 1997, 62 FR 42414 ..... | Subchapter 17 is included in the SIP only as it relates to the control of perchloroethylene. |
| Subchapter 18, ''Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rules).''. | Mar. 15, 1993 .... | July 25, 1996 ..... | See July 25, 1996, for items not included in this limited approval. |
| Subchapter 19, ''Control and Prohibition of Air Pollution from Oxides of Nitrogen.''. | April 20, 2009, as corrected on June 15, 2009 and July 6, 2009. | August 3, 2010, 75 FR 45483 ..... | Subchapter 19 is approved into the SIP except for the following provisions: (1) Phased compliance plan through repowering in § 19.21 that allows for implementation beyond May 1, 1999; and (2) phased compliance plan through the use of innovative control technology in § 19.23 that allows for implementation beyond May 1, 1999. |
| Subchapter 21, ''Emission Statements.''. | April 20, 2009 .... | August 3, 2010, 75 FR 45483 ..... | Section 7:27–21.3(b)(1) and 7:27–21.3(b)(2) of New Jersey's Emission Statement rule requires facilities to report on the following pollutants to assist the State in air quality planning needs: hydrochloric acid, hydrazine, methylene chloride, tetrachlorethylene, 1, 1, 1 trichloroethane, carbon dioxide and methane. EPA will not take SIP-related enforcement action on these pollutants. |

| State regulation | State effective date | EPA approved date | Comments |
|---|---|---|---|
| Subchapter 23, ''Prevention of Air Pollution From Architectural Coatings.'' | December 29, 2008. | December 22, 2010, 75 FR 80340. | |
| Subchapter 24, ''Prevention of Air Pollution From Consumer Products.'' | December 29, 2008. | December 22, 2010, 75 FR 80340. | |
| Subchapter 25, ''Control and Prohibition of Air Pollution by Vehicular Fuels.'' | December 29, 2008. | December 22, 2010, 75 FR 80340. | |
| Subchapter 26, ''Prevention of Air Pollution From Adhesives, Sealants, Adhesive Primers and Sealant Primers.'' | December 29, 2008. | December 22, 2010, 75 FR 80340. | |
| Subchapter 29, ''Low Emission Vehicle (LEV) Program''. | January 17, 2006. | February 13, 2008, 73 FR 8202 ... | In Section 29.13(g), Title 13, Chapter 1, Article 2, Section 1961.1 of the California Code of Regulations relating to greenhouse gas emission standards, is not incorporated into the SIP. |
| Subchapter 30, ''Clean Air Interstate Rule (CAIR) $NO_X$ Trading Program.''. | July 16, 2007 ..... | October 1, 2007, 72 FR 55672. | |
| Subchapter 31, ''$NO_X$ Budget Program.''. | July 16, 2007 ..... | October 1, 2007, 72 FR 55672. | |
| Subchapter 34, ''TBAC Emissions Reporting.''. | December 29, 2008. | December 22, 2010, 75 FR 80340. | |
| Title 7, Chapter 27B | | | |
| Subchapter 3, ''Air Test Method 3: Sampling and Analytic Procedures for the Determination of Volatile Organic Compounds from Source Operations''. | June 20, 1994 ... | August 7, 1997, 62 FR 42414 ..... | |
| Subchapter 4, ''Air Test Method 4: Testing Procedures for Motor Vehicles.''. | Nov. 15, 1999 .... | January 22, 2002, 67 FR 2813. | |
| Title 13, Chapter 20: | | | |
| Subchapter 7, ''Vehicle Inspection.''. | May 19, 2003 .... | May 21, 2004, 69 FR 29235. | |
| Sections: 7.1, 7.2, 7.3, 7.4, 7.5, 7.6.. | | | |
| Subchapter 24, ''Motorcycles.'' ..... | Dec. 6, 1999 ..... | January 22, 2002, 67 FR 2813. | |
| Section: 24.20.. | | | |
| Subchapter 26, ''Compliance With Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles.''. | May 19, 2003 .... | May 21, 2004, 69 FR 29235. | |
| Section: 26.2, 26.16.. | | | |
| Subchapter 28, ''Inspection of New Motor Vehicles.''. | May 19, 2003 .... | May 21, 2004, 69 FR 29235. | |
| Sections: 28.3, 28.4, 28.6.. | | | |
| Subchapter 29, ''Mobile Inspection Unit.''. | May 19, 2003 .... | May 21, 2004, 69 FR 29235. | |
| Sections: 29.1, 29.2, 29.3.. | | | |
| Subchapter 32, ''Inspection Standards and Test Procedures To Be Used By Official Inspection Facilities.''. | May 19, 2003 .... | May 21, 2004, 69 FR 29235. | |
| Subchapter 33, ''Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities.''. | May 19, 2003 .... | May 21, 2004, 69 FR 29235. | |
| Subchapter 43, ''Enhanced Motor Vehicle Inspection and Maintenance Program.''. | May 19, 2003 .... | May 21, 2004, 69 FR 29235. | |
| Subchapter 44, ''Private Inspection Facility Licensing.''. | May 19, 2003 .... | May 21, 2004, 69 FR 29235. | |
| Subchapter 45, ''Motor Vehicle Emission Repair Facility Registration.''. | May 19, 2003 .... | May 21, 2004, 69 FR 29235. | |

| State regulation | State effective date | EPA approved date | Comments |
|---|---|---|---|
| Chapter 21 | | | |
| Subchapter 5, "Registrations." Section: 5.12.. | Dec. 6, 1999 | January 22, 2002, 67 FR 2813. | |
| Subchapter 15, "New Jersey Licensed Motor Vehicle Dealers.". Section: 15.7.. | Dec. 6, 1999 | January 22, 2002, 67 FR 2813. | |
| Title 16, Chapter 53 | | | |
| "Autobus Specifications" | Sept. 26, 1983 | June 13, 1986 | Only Sections 3.23, 3.24, 3.27, 6.15, 6.21, 6.30, 7.14, 7.17, 7.23, 8.15, 8.22, 8.25 are approved. |

[46 FR 57677, Nov. 25, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1605, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

EDITORIAL NOTE: At 72 FR 55672, Oct. 1, 2007, § 52.1605 was amended by revising the entry in the table for Subchapter 31 under Title 7, Chapter 27; the amendment was incorporated, however there was no Subchapter 31 of that portion of the table to revise.

### § 52.1606 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 monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made part of the applicable plan for the State of New Jersey.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of New Jersey.

[51 FR 23759, July 1, 1986, as amended at 52 FR 45137, Nov. 24, 1987]

### § 52.1607 Small business technical and environmental compliance assistance program.

On January 11, 1993, the New Jersey Department of Environmental Protection and Energy submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the New Jersey state implementation plan. This plan satisfies the requirements of section 507 of the Clean Air Act, and New Jersey must implement the program as approved by EPA.

[59 FR 34386, July 5, 1994]

## Subpart GG—New Mexico

### § 52.1620 Identification of plan.

(a) *Purpose and scope*. This section sets forth the applicable State Implementation Plan (SIP) for New Mexico 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 July 1, 1999, 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 July 1, 1999, 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) 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, 1999.

(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 NEW MEXICO REGULATIONS

| State citation | Title/subject | State approval/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 2—Air Quality** | | | | |
| Part 1 | General Provisions | 4/8/2010 | 8/12/2010, 75 FR 48860. | |
| Part 2 | Definitions | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 3 | Ambient Air Quality Standards | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 5 | Source Surveillance | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 7 | Excess Emissions | 7/10/2008 | 9/14/2009, 74 FR 46910. | |
| Part 8 | Emissions Leaving New Mexico | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 10 | Woodwaste Burners | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 11 | Asphalt Process Equipment | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 12 | Cement Kilns | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 13 | Gypsum Processing Plants | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 14 | Particulate Emissions From Coal Burning Equipment. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 15 | Pumice, Mica and Perlite Process Equipment. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 16 | Nonferrous Smelters (New and Existing)-Particulate Matter. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 17 | Nonferrous Smelters (Existing)-Particulate Matter. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 18 | Oil Burning Equipment-Particulate Matter. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 19 | Potash, Salt or Sodium Sulfate Processing Equipment-Particulate Matter. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 20 | Lime Manufacturing Plants-Particulate Matter. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 21 | Fugitive Particulate Matter Emissions from Nonferrous Smelters. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 22 | Fugitive Particulate Matter Emissions from Roads within the Town of Hurley. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 30 | Kraft Mills | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 31 | Coal Burning Equipment-Sulfur Dioxide. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 32 | Coal Burning Equipment-Nitrogen Dioxide. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 33 | Gas Burning Equipment-Nitrogen Dioxide. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 34 | Oil Burning Equipment-Nitrogen Dioxide. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 40 | Sulfuric Acid Production Units-Sulfur Dioxide, Acid Mist and Visible Emissions. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 41 | Nonferrous Smelters-Sulfur | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 60 | Open Burning | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 61 | Smoke and Visible Emissions | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 70 | Operating Permits | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 71 | Operating Permit Emission Fees | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 72 | Construction Permits | 11/30/95 | 11/25/97, 62 FR 50514 | Subparts I, II, III, and V in SIP. |
| Part 73 | Notice of Intent and Emissions Inventory Requirements. | 4/25/2005 | 8/12/2010, 75 FR 48860. | |
| Part 74 | Permits—Prevention of Significant Deterioration. | 8/31/2009 | 11/26/2010, 75 FR 72688. | |
| Part 75 | Construction Permit Fees | 11/30/95 | 11/25/97, 62 FR 50514 | |

EPA APPROVED NEW MEXICO REGULATIONS—Continued

| State citation | Title/subject | State approval/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Part 79 | Permits—Nonattainment Areas | 12/06/05 | 09/05/07, 72 FR 50879. | |
| Part 80 | Stack Heights | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 98 | General Conformity | 08/02/96 | 9/9/98, 63 FR 48109 | Conditional approval expires on September 9, 1999. |
| **Part 99—Transportation Conformity** | | | | |
| 20.2.99.1 | Issuing Agency | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.2 | Scope | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.3 | Statutory Authority | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.4 | Duration | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.5 | Effective Date | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.6 | Objective | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.7 | Definitions | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.8 | Documents | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.9 to 20.2.99.108. | [Reserved] | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.109 | Applicability | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.110 | Priority | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.111 | Frequency of Conformity Determinations. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.112 | Frequency of Conformity Determinations—Transportation Plans. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.113 | Frequency of Conformity Determinations—Transportation Improvement Programs. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.114 | Frequency of Conformity Determinations—Projects. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.115 | Frequency of Conformity Determinations—Triggers for Transportation Plan and Tip Conformity Determinations. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.116 | Consultation | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.117 | Agency Roles in Consultation | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.118 | Agency Responsibilities in Consultation. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.119 | General Consultation Procedures. | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.120 | Consultation Procedures for Specific Major Activities. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.121 | Consultation Procedures for Specific Routine Activities. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.122 | Notification Procedures for Routine Activities. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.123 | Conflict Resolution and Appeals to the Governor. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.124 | Public Consultation Procedures | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.125 | Content of Transportation Plans and Timeframes of Conformity Determinations. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.126 | Relationship of Transportation Plan and Tip Conformity to the NEPA Process. | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.127 | Fiscal Constraints for Transportation Plans and TIPs. | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.128 | Criteria and Procedures for Determining Conformity of Transportation Plans, Programs, and Projects—General. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |

EPA APPROVED NEW MEXICO REGULATIONS—Continued

| State citation | Title/subject | State approval/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| 20.2.99.129 .... | Criteria and Procedures—Latest Planning Assumptions. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.130 .... | Criteria and Procedures—Latest Emissions Model. | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.131 .... | Criteria and Procedures—Consultation. | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.132 .... | Criteria and Procedures—Timely Implementation of TCMs. | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.133 .... | Criteria and Procedures—Currently Conforming Transportation Plan and TIP. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.134 .... | Criteria and Procedures—Projects from a Transportation Plan and TIP. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.135 .... | Criteria and Procedures—Localized Co, $PM_{10}$, and $PM_{2.5}$ Violations (Hot Spots). | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.136 .... | Criteria and Procedures—Compliance with $PM_{10}$, and $PM_{2.5}$ Control Measures. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.137 .... | Criteria and Procedures—Motor Vehicle Emissions Budget. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.138 .... | Criteria and Procedures—Interim Emissions in Areas without Motor Vehicle Emissions Budgets. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.139 .... | Consequences of Control Strategy Implementation Plan Failures. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.140 .... | Requirements for Adoption or Approval of Projects by Other Recipients of Funds Designated Under Title 23 U.S.C. or the Federal Transit Laws. | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.141 .... | Procedures for Determining Regional Transportation-Related Pollutant Emissions—General Requirements. | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.142 .... | Procedures for Determining Regional Transportation-Related Pollutant Emissions—Analysis in Serious, Severe, and Extreme Ozone Nonattainment Areas and Serious Carbon Monoxide Areas. | 11/23/1998 | 3/20/2000, 65 FR 14873. | |
| 20.2.99.143 .... | Procedures for Determining Regional Transportation-Related Pollution Emissions—Two-Year Grace Period for Regional Emissions Analysis Requirements in Certain Ozone and Co Areas. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.144 .... | Procedures for Determining Regional Transportation-Related Pollutant Emissions—Areas Which are not Serious, Severe or Extreme Ozone Nonattainment Areas or Serious Carbon Monoxide Areas. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.145 .... | Procedures for Determining Regional Transportation-Related Pollutant Emissions—$PM_{10}$ from Construction-Related Fugitive Dust. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.146 .... | Procedures for Determining Regional Transportation—Related Pollutant Emissions—$PM_{2.5}$ from Construction—Related Fugitive Dust. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |

EPA APPROVED NEW MEXICO REGULATIONS—Continued

| State citation | Title/subject | State approval/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| 20.2.99.147 .... | Procedures for Determining Regional Transportation-Related Pollutant Emissions—Reliance on Previous Regional Emissions Analysis. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.148 .... | Procedures for Determining Localized CO, $PM_{10}$, and $PM_{2.5}$ Concentrations (Hot-Spot Analysis). | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.149 .... | Using the Motor Vehicle Emissions Budget in the SIP (or Implementation Plan Submission). | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.150 .... | Enforceability of Design Concept and Scope and Project-Level Mitigation and Control Measures. | 9/1/2007 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.151 .... | Exemptions ..... | 6/1/2009 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.152 .... | Traffic Signal Synchronization Projects. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.153 .... | Special Exemptions from Conformity Requirements for Pilot Program Areas. | 10/15/2005 | 4/23/2010, 75 FR 21169. | |
| 20.2.99.154 .... | Savings Provision ..... | 10/15/2005 | 4/23/2010, 75 FR 21169. | |

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS

| State citation | Title/subject | State approval/effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Albuquerque/Bernalillo County, Air Quality Control Regulations** | | | | |
| Section 21 ..... | Permit Fees ..... | 01/23/79 | 04/10/80, 45 FR 24460. | |
| **New Mexico Administrative Code (NMAC) Title 20—Environment Protection, Chapter 11—Albuquerque/Bernalillo County Air Quality Control Board** | | | | |
| Part 1 (20.11.1 NMAC) .... | General Provisions ..... | 09/07/04 | 7/21/05, 70 FR 41963. | |
| Part 3 (20.11.3 NMAC) .... | Transportation Conformity ..... | 12/17/08 | 4/22/10, 75 FR 20922. | |
| Part 4 (20.11.4 NMAC) .... | General Conformity ..... | 10/01/02 | 12/30/04, 69 FR 78314. | |
| Part 5 (20.11.5 NMAC) .... | Visible Air Contaminants ..... | 01/01/03 | 12/30/04, 69 FR 78314. | |
| Part 6 (20.11.6 NMAC) .... | Emergency Action Plan ..... | 10/01/02 | 12/30/04, 69 FR 78314. | |
| Part 7 (20.11.7 NMAC) .... | Variance Procedure ..... | 09/07/04 | 05/31/06, 71 FR 30805. | |
| Part 8 (20.11.8 NMAC) .... | Ambient Air Quality Standards. | 09/07/04 | 05/31/06, 71 FR 30805. | |
| Part 20 (20.11.20 NMAC) | Fugitive Dust Control ..... | 3/17/2008 | April 1, 2009, 74 FR 14731. | |
| Part 21 (20.11.21 NMAC) | Open Burning ..... | 10/01/02 | 12/30/04, 69 FR 78314. | |
| Part 22 (20.11.22 NMAC) | Woodburning ..... | 10/01/02 | 12/30/04, 69 FR 78314. | |
| Part 40 (20.11.40 NMAC) | Source Registration ..... | 10/01/02 | 12/30/04, 69 FR 78314. | |
| Part 41 (20.11.41 NMAC) | Authority to Construct ..... | 10/01/02 | 12/30/04, 69 FR 78314. | |
| Part 43 (20.11.43 NMAC) | Stack Height Requirements .. | 10/01/02 | 12/30/04, 69 FR 78314. | |
| Part 49 (20.11.49 NMAC) | Excess Emissions ..... | 9/23/09 | 2/4/10, 75 FR 5698. | |
| Part 60 (20.11.60) ..... | Permitting in Nonattainment Areas. | 12/14/05 | 4/26/07, 72 FR 20728. | |
| Part 61 (20.11.61) ..... | Prevention of Significant Deterioration. | 12/14/05 | 4/26/07, 72 FR 20728. | |
| Part 63 (20.11.63 NMAC) | New Source Performance Standards for Stationary Sources. | 10/01/02 | 12/30/04, 69 FR 78314. | |
| Part 64 (20.11.64 NMAC) | Emission Standards for Hazardous Air Pollutants for Stationary Sources. | 10/01/02 | 12/30/04, 69 FR 78314. | |
| Part 65 (20.11.65 NMAC) | Volatile Organic Compounds | 9/23/09 | 2/4/10, 75 FR 5698. | |
| Part 66 (20.11.66 NMAC) | Process Equipment ..... | 10/01/02 | 12/30/04, 69 FR 78314. | |

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS—Continued

| State citation | Title/subject | State approval/effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Part 67 (20.11.67 NMAC) | Equipment, Emissions, Limitations. | 10/01/02 | 12/30/04, 69 FR 78314. | |
| Part 68 (20.11.68 NMAC) | Incinerators and Crematories | 04/01/02 | 12/30/04, 69 FR 78314. | |
| Part 90 (20.11.90 NMAC) | Source Surveillance, Administration and Enforcement. | 9/23/09 | 2/4/10, 75 FR 5698. | |
| Part 100 (20.11.100 NMAC). | Motor Vehicle Inspection—Decentralized. | 09/07/04 | 7/21/05, 70 FR 41963. | |
| Part 102 (20.11.102 NMAC). | Oxygenated Fuels | 12/11/2005 | 2/11/2010, 75 FR 6813. | |
| Part 103 (20.11.103 NMAC). | Motor Vehicle Visible Emissions. | 10/01/02 | 12/30/04, 69 FR 78314. | |

(d) *EPA-approved State Source-specific requirements.*

EPA-APPROVED NEW MEXICO SOURCE-SPECIFIC REQUIREMENTS

| Name of source | Permit number | State approval/effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| None | | | | |

(e) *EPA approved nonregulatory provisions.*

EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP

| State citation | Title/subject | State Approval/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **NMSA 1978—New Mexico Statutes in the Current New Mexico SIP** | | | | |
| 74–1–4 | Environmental Improvement Board—Creation—Organization. | 04/20/90 | June 1, 1999. | |
| 74–2–1 | Short Title | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–2 | Definitions | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–3 | State Air Pollution Control Agency. | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–4 | Municipal or County Air Quality Control Board. | 04/20/90 | June 1, 1999 | |
| 74–2–5 | Duties and Powers of Board | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–6 | Adoption of Regulations Notice and Hearings. | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–7 | Permits | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–8 | Variances | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–9 | Variances—Judicial Review | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–10 | Emergency Procedure | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–11 | Confidential Information | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–11.1 | Limitations on Regulations | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–12 | Enforcement | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–13 | Inspection | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–14 | Penalties | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–15 | Additional Means of Enforcement. | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–15.1 | Primary Nonferrous Smelter Orders. | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–16 | Declaratory Judgement of Regulation. | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74–2–17 | Continuing Effect of Present Laws, Rules, and Regulations. | 08/11/83 | 11/02/84, 49 FR 44101 | |
| Article 16, Sections 10–16–1 through 10–16–16. | New Mexico Conflict of Interest Act. | 07/16/90 | June 1, 1999. | |
| Article 16, Supplemental. | New Mexico Environmental Improvement Board Code of Conduct. | 07/16/90 | June 1, 1999. | |

EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP—Continued

| State citation | Title/subject | State Approval/ effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **EPA Approved City of Albuquerque and Bernalillo County Ordinances for State Board Composition and Conflict of Interest Provisions** | | | | |
| City of Albuquerque, Chapter 6, Article XVII Sections 6–17–1 to 6–17–3. | Metropolitan Environmental Health Advisory Board. | 11/16/90 | June 1, 1999. | |
| Bernalillo County Commission Ordinance 302. | Metropolitan Environmental Health Advisory Board. | 08/05/74 | June 1, 1999. | |
| Bernalillo County Commission Ordinance 90–19. | Metropolitan Environmental Health Advisory Board. | 08/21/90 | June 1, 1999 ..... | Amended Ordinance 302. |
| City of Albuquerque, Chapter 6, Article XVI Sections 6–16–1 to 6–16–15. | Joint Air Quality Control Board Ordinance. | 08/01/89 | June 1, 1999. | |
| Bernalillo County Commission Ordinance 88–45. | Joint Air Quality Control Board Ordinance. | 12/27/88 | June 1, 1999 ..... | Amended Ordinance 84–44. |
| City of Albuquerque Chapter 1, Article XII Sections 1–12–1 to 1–12–3. | Public Boards, Commissions and Committees. | 07/01/87 | June 1, 1999. | |
| City of Albuquerque Chapter 2, Article III Sections 2–3–1 to 2–3–13. | Conflict of Interest ..... | 07/01/85 | June 1, 1999. | |
| City of Albuquerque Charter, Article XII. | Code of Ethics ..... | 04/01/90 | June 1, 1999. | |
| Bernalillo County Commission Ordinance 85–3. | Code of Ethics ..... | 02/05/85 | June 1, 1999. | |
| City of Albuquerque Code of Conduct. | City Code of Conduct ..... | 02/09/90 | June 1, 1999. | |
| City of Albuquerque request for redesignation. | Carbon monoxide maintenance plan and motor vehicle emission budgets. | 6/22/98 | 5/24/00, 65 FR 33460 ..... | |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| State Attorney Generals Opinion. | Statewide ..... | 09/04/72 ... | 04/09/79, 44 FR 21020 ..... | Ref 52.1640(c)(4). |
| Revisions to New Source Review and Source Surveillance. | Statewide ..... | 01/03/73 ... | 04/09/79, 44 FR 21020 ..... | Ref 52.1640(c)(5). |
| Clarification of State permit and Source Surveillance. | Statewide ..... | 01/18/73 ... | 04/09/79, 44 FR 21020 ..... | Ref 52.1640(c)(6). |
| Revision for Attainment of Standards. | PM in Albuquerque, Grant, Eddy and Lea counties; Ozone in Albuquerque; SO2 in San Juan and Grant counties; and CO in Las Cruces, Farmington, and Santa Fe counties. | 01/23/79 ... | 04/10/80, 45 FR 24468 and 03/26/81, 46 FR 18694. | Ref 52.1640(c)(11). |
| Ordinance for Motor Vehicle Emission I/M program. | Albuquerque ..... | 07/02/79 ... | 04/10/80, 45 FR 24468 ..... | Ref 52.1640(c)(12). |
| TSP Plan, RFP, and Transportation Commitments. | Albuquerque ..... | 08/02/79 ... | 04/10/80, 45 FR 24468 ..... | Ref 52.1640(c)(13). |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Schedule for Albuquerque TSP plan, revising permit regulations, and extension request. | Albuquerque and Grant county. | 09/25/79 ... | 04/10/80, 45 FR 24468 ..... | Ref 52.1640(c)(14). |
| CO Strategies ..... | Farmington and Santa Fe counties. | 01/23/79 ... | 04/10/80, 45 FR 24468 ..... | Ref 52.1640(c)(15). |
| Compliance schedules for several industries. | Eddy, Lea, and Grant counties. | 07/25/79 ... | 12/24/80, 45 FR 85006 ..... | Ref 52.1640(c)(16). |
| Revision for attainment of CO standard. | Bernalillo county ..... | 03/17/80 ... | 03/26/81, 46 FR 18694 ..... | Ref 52.1640(c)(17). |
| Commitment to not issue permits to stationary sources. | Nonattainment areas ..... | 05/20/80 ... | 03/26/81, 46 FR 18694 ..... | Ref 52.1640(c)(18). |
| Commitment to submit I/M enforcement plan. | Albuquerque, Bernalillo county. | 10/10/80 ... | 03/26/81, 46 FR 18694 ..... | Ref 52.1640(c)(19). |
| Revision to ambient monitoring plan. | Statewide ..... | 12/12/79 ... | 08/06/81, 46 FR 40006 ..... | Ref 52.1640(c)(20). |
| Variance to regulation 506 for Phelps Dodge Corp. | Hidalgo Smelter in Playas, NM. | 02/04/80 ... | 08/19/81, 46 FR 42065 ..... | Ref 52.1640(c)(21). |
| Revised SO2 control strategy. | San Juan county ..... | 02/12/81 ... | 08/27/81, 46 FR 43153 ..... | Ref 52.1640(c)(22). |
| Memorandum of understanding between the State and Arizona Public Service Company. | Statewide ..... | 04/16/81 ... | 08/27/81, 46 FR 43153 ..... | Ref 52.1640(c)(22). |
| Compliance schedule for units 4 and 5 of the Arizona Public Service. | Four Corners Power plant | 03/31/80 ... | 03/30/82, 47 FR 13339 ..... | Ref 52.1640(c)(23). |
| Variance to regulation 603 for units 3, 4, and 5 of the Arizona Public Service. | Four Corners Power plant | 07/31/80 ... | 03/30/82, 47 FR 13339 ..... | Ref 52.1640(c)(25). |
| New Mexico plan for Lead | Statewide ..... | 05/19/80 ... | 05/05/82, 47 FR 19334 and 08/14/84, 49 FR 32184. | Ref 52.1640(c)(27). |
| Revision to SO2 control strategy. | Grant county ..... | 05/12/81 and 08/13/81. | 05/05/82, 47 FR 19333 ..... | Ref 52.1640(c)(28). |
| Intergovernmental Consultation program. | N/A ..... | 03/28/80 ... | 03/08/84, 49 FR 08610 ..... | Ref 52.1640(c)(31). |
| Public Information and Participation program. | Statewide ..... | 12/20/79 ... | 08/24/83, 48 FR 38467 ..... | Ref 52.1640(c)(33). |
| Revision for attainment of CO standard. | Bernalillo county ..... | 06/28/82 and 01/26/83. | 07/01/83, 48 FR 30366 ..... | Ref 52.1640(c)(34). |
| Variance to regulation 603.B for units 3, 4, and 5 of the Arizona Public Service. | Four Corners Power Plant | 02/04/87, 10/26/87, and 02/16/88. | 10/27/89, 54 FR 43814 ..... | Ref 52.1640(c)(38). |
| Revision to SIP for moderate PM10 nonattainment areas. | Anthony area; Dona Ana county. | 11/08/91 ... | 09/09/93, 58 FR 47383 ..... | Ref 52.1640(c)(50). |
| Narrative plan addressing CO nonattainment areas. | Albuquerque, Bernalillo county. | 11/05/92 ... | 11/29/93, 58 FR 62535 ..... | Ref 52.1640(c)(52). |
| CO continency measures and proposed Clean Fuel Vehicle fleet demonstration. | Albuquerque, Bernalillo county. | 11/12/93 ... | 05/05/94, 59 FR 23167 ..... | Ref 52.1640(c)(57). |
| Update to supplement to control air pollution. | Bernalillo county ..... | 11/09/94 ... | 06/24/96, 61 FR 32339 ..... | Ref 52.1640(c)(61). |
| Revision approving request for redesignation, a vehicle I/M program, and required maintenance plan. | Albuquerque, Bernalillo nonattainment area. | 05/11/95 ... | 06/13/96, 61 FR 29970 ..... | Ref 52.1640(c)(63). |
| Waiver of $NO_X$ control requirements.. | Doña Ana County (part), marginal ozone nonattainment area. | 10–01–97 | 2/8/02, 67 FR 6152. | |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Revision for Attainment, and Maintenance Plan of SO2 Standards. | Portion of Grant County, this portion is restricted to a 3.5 mile radius around the Kennecott Copper Corporation (now owned by the Phelps Dodge Corporation and called the Hurley smelter) and land above 6470 feet Mean Sea Level within an 8 mile radius of the Hurley Smelter/Concentrator in Hurley. | 02/21/03 ... | 9/18/03, 68 FR 54676 ..... | |
| Contingency Measures Plan | Portion of Grant County, this portion is restricted to a 3.5 mile radius around the Kennecott Copper Corporation (now owned by the Phelps Dodge Corporation and called the Hurley smelter) and land above 6470 feet Mean Sea Level within an 8 mile radius of the Hurley Smelter/Concentrator in Hurley. | 2/21/03 ..... | 9/18/03, 68 FR 54676 ..... | |
| Maintenance plan for carbon monoxide—Albuquerque/Bernalillo County, New Mexico: Update of carbon monoxide budgets using MOBILE6. | Bernalillo County ..... | 2/12/03 ..... | 10/9/03, 68 FR 58280 ..... | |
| Second 10-year maintenance plan (limited maintenance plan) for Albuquerque/Bernalillo County. | Bernalillo County ..... | 9/07/04 ..... | 7/21/05, 70 FR 41963. | |
| Clean Air Action Plan and 8-hour ozone standard attainment demonstration for the San Juan County EAC area. | San Juan County ..... | 12/16/04 ... | 8/17/05, 70 FR 48285. | |
| New Mexico Visibility Protection Plan for Phase I, Part I of the Federal Visibility Requirements, August 8, 1986. | Statewide ..... | 08/21/86 ... | 01/27/06, 71 FR 4490. | |
| New Mexico Visibility Protection Plan for Phase I, Part II of the Federal Visibility Requirements, September 9, 1992. | Statewide ..... | 10/08/92 ... | 01/27/06, 71 FR 4490. | |
| Interstate transport for the 1997 ozone and $PM_{2.5}$ NAAQS. | New Mexico ..... | 9/17/2007 | 6/10/2010 ..... | Revisions to prohibit significant contribution to nonattainment in any other state. Approval for revisions to prohibit interference with maintenance and PSD measures in any other state. |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Interstate transport for the 1997 ozone and $PM_{2.5}$ NAAQS. | New Mexico | 9/17/2007 | 11/26/2010, 75 FR 72688 | Revisions to prohibit interference with maintenance and PSD measures in any other state. |

[63 FR 37495, July 13, 1998]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1620, 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 76 FR 28187, May 16, 2011, § 52.1620 was amended by adding an entry at the end of the second table in (e), effective July 15, 2011. For the convenience of the user, the added text is set forth as follows:

**§ 52.1620 Identification of plan.**

* * * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| * * | * | * | * | * * |
| Sunland Park 1997 8-Hour Ozone Maintenance Plan. | Sunland Park, NM | 5/7/2007 | 5/16/2011 [Insert FR page number where document begins]. | |

## § 52.1621 Classification of regions.

The New Mexico plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Albuquerque-Mid-Rio Grande Intrastate | I | III | III | III | I |
| New Mexico Southern Border Intrastate | IA | IA | III | III | III |
| El Paso-Las Cruces-Alamogordo Interstate | I | IA | III | I | I |
| Four Corners Interstate | IA | IA | III | III | III |
| Northeastern Plains Intrastate | III | III | III | III | III |
| Pecos-Permian Basin Intrastate | III | III | III | III | III |
| Southwestern Mountains-Augustine Plains Intrastate | III | III | III | III | III |
| Upper Rio Grande Valley Intrastate | III | III | III | III | III |

[37 FR 1081, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 42 FR 20131, Apr. 18, 1977; 45 FR 24468, Apr. 10, 1980; 45 FR 67347, Oct. 10, 1980; 52 FR 5965, Feb. 27, 1987]

### § 52.1622 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New Mexico's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Further, the Administrator finds that the plan satisfiesall requirements of the Part D of the Clean Air Act, as amended in 1977, except as noted below.

[45 FR 24468, Apr. 10, 1980]

### § 52.1623 Conditional approval.

(a) *General Conformity*. (1) A letter, dated April 22, 1998, from the Chief of Air Quality Bureau New Mexico Environment Department to the EPA Regional Office, commits the State to remove Section 110.C from its rule for making the State's rule consistent with Federal rule. Specifically, the letter states that:

> This letter is regarding our general conformity rule, 20 NMAC 2.98—Conformity of General Federal Actions to the State Implementation Plan. We have been reviewing paragraph 110.C under Section 110—Reporting Requirements. This is the paragraph in which the Federal Aviation Administration (FAA) had submitted a comment of concern to EPA, during EPA's proposed/final approval period for our rule. This comment caused EPA to withdraw its approval. The FAA had commented that New Mexico was more stringent than EPA, since our rule does not apply to non-Federal agencies. Our analysis has determined that our inclusion of this paragraph may make our rule more stringent than EPA, and should not have been included. The paragraph had originally come from a STAPPA/ALAPCO model rule. New Mexico had never intended to be more stringent than EPA with regards to general conformity. Hence, the State commits to putting 20 NMAC 2.98 on our regulatory agenda and plan to delete this paragraph within one year from the FEDERAL REGISTER publication of final notice of conditional approval to New Mexico's general conformity SIP.

(2) If the State ultimately fails to meet its commitment to remove this section from its rule within one year of publication of this conditional approval, then EPA's conditional action will automatically convert to a final disapproval.

(b) [Reserved]

[63 FR 48109, Sept. 9, 1998]

### §§ 52.1624–52.1626 [Reserved]

### § 52.1627 Control strategy and regulations: Carbon monoxide.

(a) *Part D Approval*. The Albuquerque/Bernalillo County carbon monoxide maintenance plan as adopted on April 13, 1995, meets the requirements of Section 172 of the Clean Air Act, and is therefore approved.

(b) Approval—The Albuquerque/Bernalillo County carbon monoxide limited maintenance plan revision dated September 7, 2004, meets the requirements of section 172 of the Clean Air Act, and is therefore approved.

[61 FR 29973, June 13, 1996, as amended at 70 FR 41967, July 21, 2005]

### §§ 52.1628–52.1633 [Reserved]

### § 52.1634 Significant deterioration of air quality.

(a) The plan submitted by the Governor of New Mexico on February 21, 1984 (as adopted by the New Mexico Environmental Improvement Board (NMEIB) on January 13, 1984), August 19, 1988 (as revised and adopted by the NMEIB on July 8, 1988), and July 16, 1990 (as revised and adopted by the NMEID on March 9, 1990), Air Quality Control Regulation 707—Permits, Prevention of Significant Deterioration (PSD) and its Supplemental document, is approved as meeting the requirements of part C, Clean Air Act for preventing significant deterioration of air quality.

(b) The requirements of section 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.

(c) The plan submitted by the Governor in paragraph (a) of this section for Prevention of Significant Deterioration is not applicable to Bernalillo County. Therefore, the following plan described below is applicable to sources located within the boundaries of Bernalillo County (including the City of Albuquerque). This plan, submitted by the Governor of New Mexico on

April 14, 1989, August 7, 1989, May 1, 1990, and May 17, 1993, and respectively adopted on March 8, 1989, July 12, 1989, April 11, 1990, and February 10, 1993, by the Albuquerque/Bernalillo County Air Quality Control Board, containing Regulation 29—Prevention of Significant Deterioration and its April 11, 1990, Supplemental document, is approved as meeting the requirements of part C of the Clean Air Act for the prevention of significant deterioration of air quality.

(d)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in New Mexico'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 $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 ($CO_2e$) 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 $CO_2e$.

(iii) the term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in the EPA-approved New Mexico Environment Department (NMED) rules at New Mexico Administrative Code (NMAC) 20.2.74.200, Subsection D) and a significant net emissions increase (as defined in the EPA-approved NMED rules at NMAC 20.2.74.7, paragraphs (AK), (AV), and (AW)) occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in the EPA-approved NMED rules at Table 2 of NMAC 20.2.74.502.

(e)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in Bernallilo County/City of Albuquerque'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 $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 ($CO_2e$) 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 $CO_2e$.

(iii) the term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in the EPA-approved Bernallilo County/City of Albuquerque rules at NMAC 20.11.61.11, Subsection D) and a significant net emissions increase (as defined in the EPA-approved Bernanillo County/City of Albuquerque rules at NMAC 20.11.61.7, paragraphs (OO), (YY), and (ZZ)) occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in the EPA-approved Bernallilo County/City of Albuquerque rules at Table 2 of NMAC 20.11.61.27.

[58 FR 67333, Dec. 21, 1993, as amended at 68 FR 11323, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003; 75 FR 82558, Dec. 30, 2010]

### § 52.1635 Rules and regulations.

(a) *Part D disapproval:* The requirements of § 51.281 of this chapter are not met since the measurement provisions of Sections A, B.2, and B.3 of New Mexico Regulation 506 make these sections unenforceable. Therefore, Sections A, B.2, and B.3 of Regulation 506 are disapproved.

(b) *Regulation for measurement of emission limitations (particulate matter from nonferrous smelters).* (1) This regulation applies to new and existing nonferrous smelters as they are defined in New Mexico Regulation 506. The requirements of this paragraph replace the requirements of Sections A, B.2, and B.3 of Regulation 506. All other requirements of Regulation 506 are approved as part of the plan.

(2) No person owning or operating a new nonferrous smelter shall permit, cause, suffer, or allow particulate matter emissions to the atmosphere in excess of 0.03 grains per dry standard cubic foot (as defined in 40 CFR part 60) of discharge gas.

(3) No person owning or operating an existing nonferrous smelter shall permit, cause, suffer, or allow particulate matter to the atmosphere from:

(i) The stack or stacks serving the acid plant in excess of 0.05 grains per dry standard cubic foot of discharge gas.

(ii) The stack or stacks serving the reverberatory feed dryer in excess of 0.05 grains per dry standard cubic foot of discharge gas.

(c) *Regulation for compliance testing (particulate matter from nonferrous smelter).* The requirements of § 60.8(f) of 40 CFR part 60 shall apply to paragraph (b)(2) of this section, and to each operation of Section B.4 of New Mexico Regulation 506.

[45 FR 24469, Apr. 10, 1980, as amended at 51 FR 40677, Nov. 7, 1986]

### §52.1636 [Reserved]

### §52.1637 Particulate Matter ($PM_{10}$) Group II SIP commitments.

(a) On August 19, 1988, the Governor of New Mexico submitted a revision to the State Implementation Plan (SIP) that contained commitments, from the Director of New Mexico Environmental Improvement Division, 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. The New Mexico Environmental Improvement Board adopted this SIP revision on July 7 and 8, 1988.

(b) The State of New Mexico has committed to comply with the $PM_{10}$ Group II State Implementation Plan (SIP) requirements, as articulated in the FEDERAL REGISTER notice of July 1, 1987 (52 FR 24670), for Dona Ana, Grant, Sandoval, Santa Fe, and Taos counties as provided in the New Mexico $PM_{10}$ Group II SIPs. In addition to the SIP, a letter from the Director of New Mexico Environmental Improvement Division, dated July 15, 1988, stated that:

This letter is in reference to $PM_{10}$ Group II State Implementation Plan (SIP) requirements. In response to the requirements of the July 1, 1987 FEDERAL REGISTER, notice on $PM_{10}$, the Environmental Improvement Division has prepared a Committal SIP for Group II areas. As expressed in this SIP revision, the Division is committing to carry out all required actions such as monitoring, reporting, emission inventory development, and other tasks necessary to satisfy the SIP requirements for $PM_{10}$ Group II areas.

[54 FR 20579, May 12, 1989]

### §52.1638 Bernalillo County particulate matter ($PM_{10}$) Group II SIP commitments.

(a) On December 7, 1988, the Governor of New Mexico submitted a revision to the State Implementation Plan (SIP) for Bernalillo County that contained commitments, from the Director of the Albuquerque Environmental Health Department, 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. The City of Albuquerque and Bernalillo County Air Quality Control Board adopted this SIP revision on November 9, 1988.

(b) The Albuquerque Environmental Health Department has committed to comply with the $PM_{10}$ Group II State Implementation Plan (SIP) requirements, as articulated in the FEDERAL REGISTER notice of July 1, 1987 (52 FR 24670), for Bernalillo County as provided in the County's $PM_{10}$ Group II SIP. In addition to the SIP, a letter from the Director of the Albuquerque Environmental Health Department, dated November 17, 1988, stated that:

(1) This letter is in reference to the $PM_{10}$ Group II SIP requirements particularly as pertains to Bernalillo County. In response to the requirements of the July 1, 1987 FEDERAL REGISTER notice on $PM_{10}$, the Albuquerque Environmental Health Department has prepared a Committal SIP for all of Bernalillo County which has been classified Group II for this pollutant.

(2) As expressed in the attached SIP revision, the Department is committing to carry out all required actions such as monitoring, reporting, emission inventory development and other tasks necessary to satisfy the SIP requirements for $PM_{10}$ Group II areas.

[54 FR 23477, June 1, 1989]

### §52.1639 Prevention of air pollution emergency episodes.

(a) The plan submitted by the Governor of New Mexico on August 19, 1988, and as adopted on July 7, 1988, by the New Mexico Environmental Improvement Board, entitled Air Pollution Episode Contingency Plan for New Mexico, is approved as meeting the requirements of section 110 of the Clean Air Act and 40 CFR part 51, subpart H. This plan is only approved for the State of New Mexico outside of the boundaries of Bernalillo County.

(b) The plan submitted by the Governor in (a) for the Air Pollution Episode Contingency Plan is not applicable to Bernalillo County. Therefore, the following plan described below is applicable to sources located within the boundaries of Bernalillo County (including the City of Albuquerque). This plan, submitted by the Governor of New Mexico on April 14, 1989, and

adopted on January 26, 1989, by the Albuquerque/Bernalillo County Air Quality Control Board, entitled Air Pollution Episode Contingency Plan for Bernalillo County, is approved as meeting the requirements of section 110 of the Clean Air Act and 40 CFR part 51, subpart H.

[56 FR 38074, Aug. 12, 1991]

### § 52.1640 Original identification of plan section.

(a) This section identifies the original ''State of New Mexico Implementation Plan'' and all revisions submitted by New Mexico that were federally approved prior to January 1, 1998.

(b) The plan was officially submitted on January 27, 1972.

(c) The Plan revisions listed below are submitted on the dates specified.

(1) The Environmental Improvement Agency submitted revisions of Air Quality Control Regulations 506, 507, 604, 605, 606, 651, and 652 (adopted by the Board on January 10, 1972) on March 7, 1972.

(2) Additions of sections 12–14–1 through 12–14–13 of the State's Air Quality Control Act, and Regulations 504, 602, and 603 were submitted by the Governor on May 9, 1972.

(3) Revisions of Regulations 702, 703, 704, and 705, as adopted by the Board on July 29, 1972, and revisions of Sections IV, V, VII, and VIII, were submitted by the Environmental Improvement Agency on July 31, 1972.

(4) State Attorney General's opinion on legal authority and confidentiality of source data was submitted on September 4, 1972. (Non-regulatory)

(5) Revisions of the New Source Review and Source Surveillance sections of the New Mexico Implementation Plan were submitted by the Environmental Improvement Agency on January 3, 1973. (Non-regulatory)

(6) Clarification of the State permit and source surveillance regulations was submitted by the Environmental Improvement Agency on January 18, 1973. (Non-regulatory)

(7) Regulation 705, Compliance Schedules, was submitted by the Governor on February 12, 1974.

(8) Revisions to Regulation 602, Coal Burning Equipment-Sulfur Dioxide, as adopted by the New Mexico Environmental Improvement Board on December 13, 1974, were submitted by the Governor on October 3, 1975 (see § 52.1624).

(9) Revisions to Regulation 100, Definitions, Regulation 705, Schedules of Compliance, and a new Regulation 706, Air Quality Maintenance Areas, were submitted by the Governor on November 6, 1975 (see § 52.1633).

(10) Revisions to sections 12–14–2, 12–14–6, and 12–14–7 of the New Mexico Air Quality Control Act were submitted by the Governor on November 6, 1975.

(11) Revisions to the plan for attainment of standards for particulate matter in Albuquerque and Grant, Eddy and Lea Counties, sulfur dioxide in San Juan and Grant Counties; ozone in Albuquerque and carbon monoxide in Las Cruces, Farmington and Santa Fe were submitted by the Governor on January 23, 1979.

(12) Ordinance for motor vehicle emissions inspection/maintenance program for Albuquerque submitted by the Governor July 2, 1979.

(13) Commitments regarding the development of a TSP plan for Albuquerque, modifications to the permit regulations and commitments regarding reasonable further progress and commitments to currently planned transportation control measures for Albuquerque were submitted by the Governor on August 2, 1979.

(14) Schedule for Albuquerque TSP plan, request for 18 month extension for submission of a plan for attainment of the TSP standard in Grant County, schedule for revising permit regulations were submitted by the Governor on September 25, 1979.

(15) No action is being taken on the carbon monoxide strategies submitted by the Governor on January 23, 1979 for Farmington and Santa Fe.

(16) Compliance schedules for several industries located in Eddy, Lea and Grant Counties were submitted to EPA by the Governor of New Mexico on July 25, 1979.

(17) Revisions to the plan for attainment of the standard for carbon monoxide in Bernalillo County were submitted by the Governor on March 17, 1980.

(18) A commitment to not issue permits to stationary sources located in

nonattainment areas was submitted by the Governor on May 20, 1980.

(19) A commitment to submit an enforcement plan for the Albuquerque-Bernalillo County inspection/maintenance program was submitted by the Governor on October 10, 1980.

(20) On December 12, 1979, the Governor submitted final revisions to the ambient monitoring portion of plan.

(21) A variance to Regulation 506 for Phelps Dodge Corporation, Hidalgo Smelter in Playas, New Mexico was submitted by the Governor on February 4, 1980.

(22) Revisions to Regulation 602, Coal Burning Equipment-Sulfur Dioxide and a compliance schedule for that regulation were adopted on November 20, 1980 by the New Mexico Environmental Improvement Board and submitted by the Governor on November 24, 1980. A revised sulfur dioxide control strategy demonstration for San Juan County, based on revised Regulation 602 was submitted by the New Mexico Environmental Improvement Division on February 12, 1981. Clarifications of provisions in revised regulation 602, and a memorandum of understanding between the State and Arizona Public Service Company on the procedure to be used by EPA in enforcing power plant station emission limits were submitted by the New Mexico Environmental Improvement Division on April 16, 1981.

(23) A revision to Regulation 504 which extends the final compliance date for Units 4 and 5 of the Arizona Public Service Four Corners Power Plant to December 31, 1982 was submitted by the Governor on June 28, 1978. A compliance schedule for the same units was submitted by the Governor on March 31, 1980.

(24) A revision to Regulation 507, changing the emission limitations was submitted by the Governor on January 23, 1979.

(25) A variance to Regulation 603 for the Arizona Public Service Units 3, 4, and 5 at the Four Corners Generating Station, was submitted by the Governor on July 31, 1980.

(26) Revision to the plan for maintenance of pay for sources subject to nonferrous smelter orders (Section 74–2–11.1B of the New Mexico Air Quality Control Act) was submitted by the Governor on September 26, 1979.

(27) The New Mexico Plan for lead was submitted to EPA on May 19, 1980, by the Governor of New Mexico as adopted by the New Mexico Improvement Board on May 9, 1980. A clarifying letter dated February 10, 1982 also was submitted.

(28) Revisions to Regulation 652, Non-Ferrous Smelters—Sulfur, submitted by the Governor on June 22, 1981. A revised sulfur dioxide control strategy demonstration for Grant County based on the revised Regulation 652 was submitted by the New Mexico Environmental Improvement Division on May 12, 1981 and August 13, 1981.

(29) A revision to Regulation 401, Regulation to Control Smoke and Visible Emissions, was adopted by the Environmental Improvement Board on August 25, 1978 and submitted by the Governor on November 8, 1978.

(30) Revision to New Mexico Regulation 801, Excess Emissions during Malfunction, Startup, Shutdown or Scheduled Maintenance, was submitted by the Governor on May 16, 1981.

(31) Revisions to Section X, Intergovernmental Consultation and Cooperation and Interstate Pollution Abatement, submitted by the Governor on January 23, 1979, the Intergovernmental Consultation Program submitted by the Environmental Improvement Division, March 28, 1980 and copies of letters from the New Mexico Environmental Improvement Division dated November 7, 1977 to the States of Texas, Oklahoma, Arizona, Colorado, and Utah sent in compliance with section 126(a)(2) of the Clean Air Act, as amended in 1977.

(32) Revisions to Air Quality Control Regulation 652, Nonferrous Smelters—Sulfur were adopted by the New Mexico Environmental Improvement Board on June 11, 1982 and submitted to EPA by the Governor of New Mexico on July 26, 1982.

(33) Addition of Public Information and Participation Program, submitted by the Environmental Improvement Division on December 20, 1979.

(34) Revisions to the plan for attainment of the standard for Carbon Monoxide in Bernalillo County were submitted by the Governor on June 28,

1982, and January 26, 1983, which included the Albuquerque/Bernalillo County Air Quality Control Board Regulation Number 28, adopted October 19, 1982. On March 4, 1985, the vehicle inspection and maintenance portion of the SIP providing for attainment of the standard for Carbon Monoxide in Bernalillo County was disapproved.

(35) Revisions to sections 74–2–2 (9/79, 2/82, 4/83); 74–2–5 (9/79, 2/82, 4/83); 74–2–6 (2/82); 74–2–7 (9/79, 2/82, 4/83); 74–2–9 (9/79); 74–2–11 (9/79); 74–2–11.1 (9/79); 74–2–15 (9/79); and 74–2–15.1 (9/79) of the State's Air Quality Control Act were submitted by the New Mexico Secretary for Health and Environment on August 11, 1983.

(36) A revision to Air Quality Control Regulation 402 ''Regulation to Control Wood Waste Burners'' as adopted by the New Mexico Environmental Improvement Board on January 10, 1975, and revised by that Board on December 10, 1982, was submitted by the State on December 23, 1983.

(37) On February 21, 1984, the Governor of New Mexico submitted Air Quality Control Regulation 707—Permits, Prevention of Significant Deterioration (PSD), as adopted by the New Mexico Environmental Improvement Board on January 13, 1984. Regulation 707 provides authority for the State to implement the PSD program in certain areas of the State. On May 14, 1985, the Governor of New Mexico submitted a letter in which he committed the State not to issue PSD permits under Regulation 707 to sources which would require review under EPA's stack height regulations because they would have stack heights over sixty five (65) meters or would use any other dispersion techniques, as defined at 40 CFR 51.1(hh).

(i) Incorporation by reference.

(A) Letter from the Governor of New Mexico dated February 21, 1984 to EPA, and New Mexico Air Quality Control Regulation No. 707—Permits, Prevention of Significant Deterioration of Air Quality, except for sources that locate (or are located) on lands under control of Indian Governing Bodies, or sources that locate (or are located) in Bernalillo County, or sources that require review under EPA's stack height regulations because they have stack heights over sixty five (65) meters or use any other dispersion techniques, as defined at 40 CFR 51.1(hh), adopted on January 13, 1984.

(B) A letter from the Governor of New Mexico dated May 14, 1985, in which he committed the State not to issue PSD permits under Regulation 707 to source which would require review under EPA's stack height regulations because they would have stack heights over sixty five (65) meters or would use any other dispersion techniques, as defined at 40 CFR 51.1(hh).

(ii) Additional material.

(A) A narrative explantion entitled ''Revision to the New Mexico State Implementation Plan—Prevention of Significant Deterioration of Air Quality.''

(38) Revisions to the New Mexico SIP for the Arizona Public Service Units 3, 4 and 5 at the Four Corners Generating Station were submitted by the Governor on February 4, 1987, October 26, 1987, and February 16, 1988.

(i) Incorporation by reference.

(A) An Order dated and effective August 7, 1986, issued by the Chairman of the New Mexico Environmental Improvement Board in the matter of Arizona Public Service Company, Fruitland, New Mexico for Units 3, 4 and 5 of the Four Corners Power Plant granting a variance through May 31, 1987, from Air Quality Control Regulation 603.B.

(B) A Memorandum and Order dated and effective April 10, 1987, issued by the Chairman of the New Mexico Environmental Improvement Board in the matter of Arizona Public Service Company, Fruitland, New Mexico for Units 3, 4 and 5 of the Four Corners Power Plant extending the term of the variance from May 31, 1987 through October 15, 1987.

(C) An Order dated and effective December 18, 1987, issued by the Chairman of the New Mexico Environmental Improvement board in the matter of Arizona Public Service Company, Fruitland, New Mexico for Units 3, 4 and 5 of the Four Corners Power Plant extending the term of the variance through September 30, 1989 for Unit 4, September 30, 1990 for Unit 3, and September 30, 1991 for Unit 5.

(ii) Additional material.

(A) Modeling Protocol, The Four Corners Power Plant, prepared by Bruce

Nicholson of the New Mexico Environmental Improvement Division, November 6, 1987.

(B) Amendment to Modeling Protocol, letter of August 17, 1988, from Bruce Nicholson of the New Mexico Environmental Improvement Division to Gerald Fontenot of EPA Region 6.

(C) Modeling Report, letter of October 27, 1988 to C. V. Mathai (Arizona Public Service Company) and Bruce Nicholson (New Mexico Environmental Improvement Division) from Mark Yocke of Systems Applications Inc.

(D) An air quality impact analysis dated November 16, 1988, submitted by the Governor of New Mexico which demonstrated that the variance would not interfere with attainment or maintenance of the $NO_2$ NAAQS.

(39) On April 26, 1988, the Governor of New Mexico submitted a revision to the State Implementation Plan that contained Air Quality Control Regulation No. 710—Stack Height Requirements, as adopted by the New Mexico Environmental Improvement Board on March 10, 1988. Regulation No. 710 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 that exceeds GEP or by any other dispersion technique.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation No. 710—Stack Height Requirements, effective April 14, 1988.

(ii) Other material—None.

(40) On November 5, 1985, the Governor of New Mexico submitted Air Quality Control Regulation 709, Permits-Nonattainment Areas, as adopted by the New Mexico Environmental Improvement Board on July 26, 1985, and effective on August 25, 1985. On August 19, 1988, the Governor of New Mexico submitted revisions to Air Quality Control Regulation 709, Permits—Nonattainment Areas, as adopted by the New Mexico Environmental Improvement Board on July 8, 1988, and effective on August 31, 1988. These revisions were to Section G.3, H.4.(d), J.1.(b)(iv), and L.32. Regulation 709 establishes a program under which new major source and major modifications may be constructed in areas where a National Ambient Air Quality Standard (NAAQS) is being exceeded, without interfering with the continuing progress toward attainment of that standard. This regulation is part of New Mexico's New Source Review (NSR) program.

(i) Incorporation by reference.

(A) Incorporation of New Mexico Air Quality Control Regulation 709; adopted on July 26, 1985, effective August 25, 1985 and Revisions G.3; H.4.(d); J.1.(b)(iv); and L.32 adopted on July 8, 1988, effective August 31, 1988.

(ii) Additional material.

(A) Letter dated September 29, 1988, from the New Mexico Air Quality Bureau Chief making commitments requested by EPA in the August 31, 1988, FEDERAL REGISTER Proposed Rulemaking (51 FR 33505).

(41) Revisions to the New Mexico State Implementation Plan for particulate matter ($PM_{10}$ Group III): (1) Air Quality Control Regulation (AQCR) 100—Definitions Sections P, Q, R, S, BB; (2) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) Sections C, E(8), I(4), I(9)(a), J, P(19) through P(29), P(34), P(40), Table 2, and Table 3; and (3) AQCR 709—Permits, Nonattainment Areas sections A(1)(b), A(5), and Table 1 as adopted by the New Mexico Environmental Improvement Board (NMEIB) on July 8, 1988, and filed with State Records Center on August 1, 1988; and (4) Air Pollution Episode Contingency Plan for New Mexico, as adopted by the NMEID on July 7, 1988, were submitted by the Governor on August 19, 1988. Approval of the PM10 Group III SIP is partially based on previous approved AQCRs 100, 301, 401, 402, 501, 502, 506, 507, 508, 509, 510, 511, 601, 702, 707, and 709.

(i) Incorporation by reference.

(A) AQCR 100—Definitions Section P, Q, R, S, and BB as filed with State Records Center on August 1, 1988.

(B) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) Sections C, E(8), I(4), I(9)(a), J, P(19) through P(29), P(34), P(40), Table 2, and Table 3, as filed with State Records Center on August 1, 1988.

(C) AQCR 709—Permits, Nonattainment Areas Sections A(1)(b), A(5), and Table 1 as filed with State Records Center on August 1, 1988.

(ii) Additional material.

(A) A letter dated May 25, 1988, from the NMEID General Counsel to EPA's Region 6 Air Programs Chief indicating that the State of New Mexico has sufficient authority to enforce the NAAQS without adopting the Federal NAAQS as State standards.

(42) [Reserved]

(43) A revision to the New Mexico State Implementation Plan (SIP) to include Air Quality Control Regulation 700—Filing and Permit Fees, as filed with the State Records and Archives Center on November 20, 1989, and submitted by the Governor of New Mexico on May 14, 1990.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 700—Filing and Permit Fees, as filed with the State Records and Archives Center on November 20, 1989.

(44) A revision to the New Mexico State Implementation Plan (SIP) to include: Air Quality Control Regulation 110—Confidential Information Protection, and Air Quality Control Regulation 703.1—Notice of Intent and Emissions Inventory Requirements, and revisions to Air Quality Control Regulations 100—Definitions and 709—Permits—Nonattainment Areas, as all filed with the State Records and Archives Center on May 29, 1990, and submitted by the Governor of New Mexico on July 16, 1990; and revisions to Air Quality Control Regulation 702—Permits, as filed with the State Records and Archives Center on August 18, 1987, on October 19, 1988, and on May 29, 1990. Air Quality Control Regulation 702 was first submitted by the Governor of New Mexico to EPA on September 17, 1987. Further revisions to Air Quality Control Regulation 702 were submitted to EPA on October 28, 1988, and on July 16, 1990. The approval of Air Quality Control Regulation 703.1 allows Air Quality Control Regulation 703 to be removed from the New Mexico State Implementation Plan.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 110—Confidential Information Protection, as filed with the State Records and Archives Center on May 29, 1990.

(B) New Mexico Air Quality Control Regulation 703.1—Notice of Intent and Emissions Inventory Requirements, ''Part One—Definitions;'' ''Part Two—Notice of Intent;'' and ''Part Three—Emissions Inventory Requirements,'' as filed with the State Records and Archives Center on May 29, 1990.

(C) New Mexico Air Quality Control Regulation 100—Definitions, sections (B), (C), (D), (E), (F), (G), (H), (I), (J), (N), (O), (T), (U), (V), (W), (X), (Y), (Z), (AA), (CC), (DD), and (EE), as filed with the State Records and Archives Center on May 29, 1990.

(D) New Mexico Air Quality Control Regulation 702—Permits, ''Part One—Definitions,'' first paragraph and sections 1, 2, 3, 4, 5; ''Part Two—Permit Processing and Requirements,'' section A, subsections A(4), A(6); section G, ''Public Notice and Participation,'' subsections G(1) (first paragraph), G(1)(e); section H, ''Permit Decisions and Appeals,'' subsections H(1), H(2), H(3), H(5), H(6), H(7); Section I, ''Basis for Denial of Permit,'' subsections I(1), I(3); Section J, ''Additional Legal Responsibilities on Applicants;'' section K, ''Permit Conditions,'' subsections K(1), K(2), K(3), K(4); section L, ''Permit Cancellations;'' section M, ''Permittee's Notification Requirements to Division,'' subsections M (first paragraph), M(1); Section O, ''Source Class Exemption Process (Permit Streamlining),'' subsections O(1)(a), O(2); and section P, ''Emergency Permit Process,'' subsections P(2), P(3), P(4), as filed with the State Records and Archives Center on August 18, 1987; and further revisions to Air Quality Control Regulation 702, ''Part One—Definitions,'' sections 6, 7, 8, 9, 10, 11; ''Part Two—Permit Processing and Requirements,'' section A, subsection A(1)(b); section H, ''Permit Decisions and Appeals,'' subsection H(4); and section I, ''Basis for Denial of Permit,'' subsection I (first paragraph), as filed with the State Records and Archives Center on October 19, 1988; and further revisions to Air Quality Control Regulation 702, ''Part One—Definitions,'' Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33; ''Part Two—Permit Processing and Requirements,'' section A, ''Application for Construction, Modification, NSPS, and NESHAP—Permits and Revisions,'' Subsections A(1)(a)(i), A(1)(a)(ii),

A(1)(a)(iii), A(1)(a)(v), A(2), A(3), A(5), A(7); Section B, ''New Source Review Coordination;'' section C, ''Permit Revision;'' section D, ''Contents of Applications (except last sentence of section D, subsection D(1)(d));'' section E, ''Confidential Information Protection;'' section F, ''Construction, Modification and Permit Revision in Bernalillo County;'' section G, ''Public Notice and Participation,'' subsections G(1)(a), G(1)(b), G(1)(c), G(1)(d), G(1)(f), G(2); section I, ''Basis for Denial of Permit,'' subsections I(2), I(4), I(5), I(6), I(7); section K, ''Permit Conditions,'' subsection K(5); section M, ''Permittee's Notification Requirements to Division,'' Subsections M(2), M(3), M(4); section N, ''Startup and Followup Testing;'' Section O, ''Source Class Exemption Process (Permit Streamlining),'' subsections O(1) (first paragraph), O(1)(b), O(1)(c), O(3), O(4); section P, ''Emergency Permit Process,'' subsections P(1), P(5); section Q, ''Nonattainment Area Requirements;'' and Table 1, ''Significant Ambient Concentrations,'' as filed with the State Records and Archives Center on May 29, 1990.

(E) New Mexico Air Quality Control Regulation 709—Permits—Nonattainment Areas, section A, ''Applicability,'' subsections A(1), A(3), A(4); section B, ''Source Obligation,'' subsections B(3), B(5), B(6); section C, ''Source Information,'' subsections C (first paragraph), C(1), C(2); section D, ''Source Requirements,'' subsections D(1), D(2), D(3), D(4), D(5); section E, ''Additional Requirements for Sources Impacting Mandatory Federal Class I Areas,'' subsections E(1), E(2), E(5); section H, ''Banking of Emission Reduction,'' subsection H(4)(a); section I, ''Air Quality Benefit,'' subsections I(1), I(2); section J, ''Public Participation and Notification;'' section K, ''Definitions;'' and Table 2, ''Fugitive Emissions Source Categories,'' Title only, as filed with the State Records and Archives Center on May 29, 1990.

(45) On July 11, 1986, the Governor of New Mexico submitted a revision to the State Implementation Plan that contained Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 33—Stack Height Requirements, as filed with the State Records and Archives Center on June 18, 1986. Further, on April 14, 1989, the Governor submitted revisions to AQCR 33, as filed with the State Records and Archives Center on March 16, 1989. In addition, on August 7, 1989, the Governor submitted a commitment found in the July 12, 1989 Supplement to AQCR 33 to include specific caveat language on all affected permits issued in which dispersion credits have been an issue in the permit. AQCR 33 enables Albuquerque/Bernalillo County 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 that exceeds GEP or by any other dispersion technique.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation 33—Stack Height Requirements, as filed with the State Records and Archives Center on June 18, 1986, and as revised on March 16, 1989.

(ii) Additional material.

(A) The Supplement to the State of New Mexico's SIP regarding stack heights in new source review (NSR) for permits issued in Bernalillo County, as adopted by the Albuquerque/Bernalillo County Air Quality Control Board on July 12, 1989. The Board in this Supplement committed to include specific caveat language for all affected permits issued in which dispersion credits have been an issue in the permit.

(46) Revisions to the New Mexico State Implementation Plan for Air Quality Control Regulation (AQCR) 707—Permits, Prevention of Significant Deterioration (PSD) (for PSD nitrogen dioxide increments) Sections O(4), P(7) through P(41), Table 4, and Table 5, as adopted by the New Mexico Environmental Improvement Board (NMEIB) on March 9, 1990, and filed with State Records Center on May 29, 1990, were submitted by the Governor on July 16, 1990.

(i) Incorporation by reference.

(A) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) sections O(4), P(7) through P(41), Table 4, and Table 5, as filed with State Records Center on May 29, 1990.

(ii) Additional Material—None.

(47) A revision to the New Mexico State Implementation Plan (SIP) to include Part Four of Air Quality Control Regulation 702, entitled ''Source Class Permit Streamlining,'' as filed with the State Records and Archives Center on May 12, 1992, and submitted by the Governor of New Mexico by letter dated June 16, 1992.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 702—*Permits*, ''Part Four—Source Class Permit Streamlining,'' Section A, ''Definitions;'' Section B, ''Applicability;'' Section C, ''Contents of Application;'' Section D, ''Public Notice and Participation;'' Section E, ''Permit Decisions;'' Section F, ''General Requirements;'' Section G, ''Source Class Requirements;'' and Table 2, ''Permit Streamlining Source Class Categories,'' as filed with the State Records and Archives Center on May 12, 1992.

(48) A revision to the New Mexico SIP to include revisions to Air Quality Control Regulation 709—*Permits—Nonattainment Areas*, as filed with the State Records and Archives Center on June 25, 1992.

(i) Incorporation by reference.

(A) Revisions to New Mexico Air Quality Control Regulation 709—*Permits—Nonattainment Areas*, Section D, ''Source Requirements,'' Subsections D(2), D(3)(a), D(5), D(6); Section G, ''Emission Offsets,'' Subsection G(5); Section I, ''Air Quality Benefit,'' Subsection I(1); and Section J, ''Public Participation and Notification,'' Subsection J(2) (first paragraph), as filed with the State Records and Archives Center on June 25, 1992.

(49) A revision to the New Mexico State Implementation Plan (SIP) to include revisions to Albuquerque/Bernalillo County Air Quality Control Board Regulation 8—*Airborne Particulate Matter*, as filed with the State Records and Archives Center on February 17, 1983, and submitted by the Governor of New Mexico by letter dated June 16, 1992.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Board Regulation 8—*Airborne Particulate Matter*, Section 8.03, ''Soil Disturbance,'' Subsections 8.03.1, 8.03.2, 8.03.3, 8.03.4, 8.03.5, 8.03.6, 8.03.7, and 8.03.8, as filed with the State Records and Archives Center on February 17, 1983.

(50) A revision to the New Mexico State Implementation Plan (SIP) addressing moderate PM–10 nonattainment area requirements for Anthony was submitted by the Governor of New Mexico by letter dated November 8, 1991. The SIP revision included, as per section 188(f) of the Clean Air Act, a request for a waiver of the attainment date for Anthony.

(i) Incorporation by reference.

(A) Revision to New Mexico Air Quality Control Regulation 301—Regulation to Control Open Burning, section I (definition of ''open burning''), as filed with the State Records and Archives Center on February 7, 1983.

(ii) Additional material.

(A) November 8, 1991, narrative plan addressing the Anthony moderate PM–10 nonattainment area, including emission inventory, modeling analyses, and control measures.

(B) A letter dated October 29, 1991, from Judith M. Price, Dona Ana County Planning Director and Assistant County Manager, to Judith M. Espinosa, Secretary of the New Mexico Environment Department, in which the County committed to implement and enforce all Dona Ana County rules, regulations, policies and practices, including those identified in the draft PM–10 SIP which reduce airborne dust in the Anthony area. The Dona Ana County rules, regulations, policies and practices identified in the draft Anthony PM–10 SIP are identical to those identified in the final Anthony PM–10 SIP.

(C) A letter dated November 21, 1991, from Cecilia Williams, Chief, New Mexico Air Quality Bureau, to Gerald Fontenot, Chief, Air Programs Branch, EPA Region 6, expressing satisfaction with the October 29, 1991, commitment letter from Judith Price to Judith Espinosa.

(D) Anthony PM–10 SIP narrative from page 10 that reads as follows: ''The State remains committed to the dust control measures implemented by Dona Ana County, moderate area control strategies as agreed to in this SIP submittal and to the established air quality monitoring schedule.''

(51) A revision to the New Mexico SIP addressing the nonattainment new source review program for Albuquerque/Bernalillo County, outside the boundaries of Indian lands, was submitted by the Governor of New Mexico on April 14, 1989, August 7, 1989, and May 17, 1993. The revision included visibility protection new source review and stack height provisions.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation 32—Construction Permits—Nonattainment Areas, Section A, ''Applicability,'' Subsection A(2); Section B, ''Source Obligation,'' Subsections B(1), B(2), B(4); Section C, ''Source Information,'' Subsection C(3); Section G, ''Emission Offsets,'' Subsections G(first paragraph), G(1), G(2), G(4), G(6), G(7), G(8), G(9)(first paragraph), G(9)(a), G(9)(b), G(10); Section J, ''Public Participation and Notification,'' Subsections J(1), J(2)(a), J(2)(d), J(2)(f), J(2)(g), J(2)(h); Section K, ''Definitions,'' Subsections K(first paragraph), K(1), K(2), K(4), K(5), K(6), K(8), K(9), K(10), K(11), K(12), K(13), K(15), K(16)(first paragraph), K(16)(b), K(16)(c)(first paragraph), K(16)(c)(i), K(16)(c)(ii), K(16)(c)(iii), K(16)(c)(iv), K(16)(c)(v)(first paragraph), K(16)(c)(v)(a), K(16)(c)(vi), K(16)(c)(vii), K(16)(d), K(16)(e), K(17)(first paragraph), K(17)(a), K(17)(b), K(17)(c), K(18), K(19), K(20), K(21)(first paragraph), K(21)(a), K(21)(b)(first paragraph), K(21)(b)(i), K(21)(c), K(21)(d), K(21)(e), K(21)(f), K(23), K(26), K(28), K(29), K(31), K(32); and Table 1, ''Significant Ambient Concentrations,'' as filed with the State Records and Archives Center on March 16, 1989; and further revisions to AQCR 32, Section i, ''Purpose;'' Section A, ''Applicability,'' Subsections A(1), A(3), A(4); Section B, ''Source Obligation,'' Subsections B(3), B(5), B(6); Section C, ''Source Information,'' Subsections C(first paragraph), C(1), C(2); Section D, ''Source Requirements;'' Section E, ''Additional Requirements for Sources;'' Section F, ''Emissions Offset Baseline;'' Section G, ''Emission Offsets,'' Subsections G(3), G(5), G(9)(c); Section H, ''Banking of Emission Reduction;'' Section I, ''Air Quality Benefit;'' Section J, ''Public Participation and Notification,'' Subsections J(2)(first paragraph), J(2)(b), J(2)(c), J(2)(e); Section K, ''Definitions,'' Subsections K(3), K(7), K(14), K(16)(a), K(16)(c)(v)(b), K(17)(d), K(17)(e), K(21)(b)(ii), K(22), K(24), K(25), K(27), K(30); and Table 2, ''Fugitive Emissions Source Categories,'' as filed with the State Records and Archives Center on February 26, 1993.

(ii) Additional material.

(A) The Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Areas of Bernalillo County Designated Nonattainment, as approved by the Albuquerque/Bernalillo County Air Quality Control Board on April 14, 1993. This supplement superseded the supplement dated July 12, 1989.

(B) A letter dated July 18, 1989, from Sarah B. Kotchian, Director, Albuquerque Environmental Health Department, to Mr. Robert E. Layton Jr., Regional Administrator, EPA Region 6, regarding a stack height commitment and an NSPS/NESHAP performance testing commitment.

(52) A revision to the New Mexico SIP addressing CO for Albuquerque/Bernalillo County was submitted by the Governor of New Mexico by letter dated November 5, 1992.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Regulation 34–Woodburning, section 34.00, ''Purpose;'' section 34.01, ''Definitions;'' section 34.02, ''Sale of New Wood Heaters-Certification Required;'' section 34.03, ''No-burn Periods;'' section 34.04, ''Notice Required;'' Section 34.05, ''Exemptions;'' section 34.06, ''Visible Emissions;'' section 34.07, ''Test Procedures;'' and section 34.08, ''Misfueling of Solid Fuel Heating Devices Prohibited,'' as filed with the State Records and Archives Center on November 27, 1991.

(B) Albuquerque/Bernalillo County Regulation 35–Alternative Fuels, section 35.00, ''Purpose;'' section 35.01, ''Definitions;'' section 35.02, ''Oxygenated Fuels;'' section 35.03, ''Oxygenated Fuels Procedures Manual;'' and section 35.07, ''Severability Clause,'' as filed with the State Records and Archives Center on June 25, 1992.

(ii) Additional material.

(A) November 5, 1992, narrative plan addressing the Albuquerque/Bernalillo County CO nonattainment area, including the Albuquerque/Bernalillo County 1990 base year CO emissions inventory.

(B) A letter dated March 22, 1993, from Sarah B. Kotchian, Director, Albuquerque Environmental Health Department (Department), to A. Stanley Meiburg, Director, Air, Pesticides and Toxics Division, EPA Region 6, in which the Department committed to submitting future amendments to Regulation 34 to correct an enforceability deficiency, and in which the Department committed to using only EPA approved test methods until the future amendment correcting the enforceability deficiency is approved by the EPA.

(C) A memorandum dated September 8, 1992, from Kent A. Salazar, Manager, Albuquerque Vehicle Pollution Management Division, to Albert Salas, Quality Assurance Specialist Supervisor, Albuquerque Vehicle Pollution Management Division, addressing the suspension of the oxygenated fuels program due to oxygenate shortage.

(53) A revision to the New Mexico SIP addressing the prevention of significant deterioration program for Albuquerque/Bernalillo County, outside the boundaries of Indian lands, was submitted by the Governor of New Mexico on April 14, 1989, August 7, 1989, May 1, 1990, and May 17, 1993. The revision included $NO_2$ increment provisions and visibility protection NSR.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) 29—Prevention of Significant Deterioration, Section A, ''Applicability;'' Section B, ''Exemptions;'' Section C, ''Source Obligation;'' Section D, ''Source Information;'' Section E, ''Control Technology Requirements,'' Subsections E(1), E(2), E(4)(a), E(4)(b), E(4)(c), E(4)(d), E(4)(e), E(5), E(6), E(7), E(8); Section F, ''Ambient Impact Requirements,'' Subsections F(1), F(2); Section G, ''Additional Impact Requirements;'' Section H, ''Ambient Air Quality Modeling;'' Section I, ''Monitoring Requirements,'' Subsections I(1), I(2), I(3), I(4), I(5), I(7), I(8), I(9); Section J, ''Stack Height Credit;'' Section K, ''Temporary Source Exemptions;'' Section L, ''Public Participation and Notification;'' Section M, ''Restrictions on Area Classifications;'' Section N, ''Exclusions from Increment Consumption;'' Section O, ''Additional Requirements for Sources Impacting Federal Class I Areas,'' Subsections O(1), O(2), O(3), O(5), O(6), O(7); Section P, ''Definitions,'' Subsections P(first paragraph), P(1), P(2), P(3), P(4), P(5), P(6), P(26)(first paragraph), P(26)(a), P(26)(c), P(26)(d), P(27); and Table 3, ''Significant Monitoring Concentrations,'' as filed with the State Records and Archives Center on March 16, 1989; and further revisions to AQCR 29, Section O, ''Additional Requirements for Sources Impacting Federal Class I Areas,'' Subsection O(4); Section P, ''Definitions,'' Subsections P(8), P(9), P(10), P(12), P(13)(first paragraph), P(13)(a), P(14), P(15), P(16), P(17), P(18), P(19), P(20), P(21), P(22), P(23), P(24), P(25), P(26)(e), P(28), P(29), P(30), P(31), P(32), P(33), P(34), P(35), P(36), P(37), P(38), P(39), P(40), P(41); and Table 5, ''Maximum Allowable Increases for Class I Waivers,'' as filed with the State Records and Archives Center on April 24, 1990; and further revisions to AQCR 29, Section E, ''Control Technology Requirements,'' Subsections E(3), E(4)(first paragraph); Section F, ''Ambient Impact Requirements,'' Subsection F(3); Section I, ''Monitoring Requirements,'' Subsection I(6); Section P, ''Definitions,'' Subsections P(7), P(11), P(13)(b), P(26)(b); Table 1, ''PSD Source Categories;'' Table 2, ''Significant Emission Rates;'' Table 4, ''Allowable PSD Increments;'' and Table 6, ''Maximum Allowable Increase for Sulfur Dioxide Waiver by Governor,'' as filed with the State Records and Archives Center on February 26, 1993.

(B) Albuquerque/Bernalillo County Air Quality Control Board Regulation 2—Definitions, Sections 2.31, 2.32, 2.33, 2.34, 2.35, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41, 2.42, 2.43, 2.44, 2.45, 2.46, 2.47, 2.48, 2.49, 2.50, 2.51, and 2.52, as filed with the State Records and Archives Center on March 16, 1989.

(ii) Additional material.

(A) The Supplement to the New Mexico State Implementation Plan for Prevention of Significant Deterioration in Albuquerque/Bernalillo County, as approved by the Albuquerque/Bernalillo

County Air Quality Control Board on April 11, 1990. This supplement superseded the supplement dated July 12, 1989.

(B) A letter dated April 20, 1992, from Sarah B. Kotchian, Director, Albuquerque Environmental Health Department, to A. Stanley Meiburg, Director, Air, Pesticides and Toxics Division, EPA Region 6, regarding a commitment to incorporate Clean Air Act Amendment revisions into the Albuquerque/Bernalillo County PSD program.

(54) A revision to the New Mexico SIP addressing the Albuquerque/Bernalillo County Permitting Program was submitted by the Governor of New Mexico by cover letter dated July 22, 1993.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Regulation Number 20–Authority-to-Construct Permits, Section 20.00, ''Purpose;'' Section 20.01, ''Applicability;'' Section 20.02, ''Fees for Permit Application Review;'' Section 20.03, ''Contents of Applications;'' Section 20.04, ''Public Notice and Participation;'' Section 20.05, ''Permit Decisions and Appeals;'' Section 20.06, ''Basis for Permit Denial;'' Section 20.07, ''Additional Legal Responsibilities on Applicants;'' Section 20.08, ''Permit Conditions;'' Section 20.09, ''Permit Cancellation;'' Section 20.10, ''Permittee's Notification Obligations to the Department;'' Section 20.11, ''Performance Testing Following Startup;'' Section 20.12, ''Emergency Permits;'' Section 20.13, ''Nonattainment Area Requirements;'' Section 20.14, ''Definitions Specific to Authority-to-Construct Permit Regulations;'' and Table One, ''Significant Ambient Concentrations,'' as filed with the State Records and Archives Center on February 26, 1993.

(ii) Additional material.

(A) The Supplement Pertaining to General New Source Review in Albuquerque/Bernalillo County, New Mexico, as approved by the Albuquerque/Bernalillo County Air Quality Control Board on May 12, 1993.

(55)–(56) [Reserved]

(57) A revision to the New Mexico SIP addressing CO contingency measures and a proposed clean fuel vehicle fleet demonstration project for Albuquerque/Bernalillo County, outside the boundaries of Indian lands, was submitted by the Governor of New Mexico by cover letter dated November 12, 1993.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Regulation Number 35–Alternative Fuels, Section 35.02, ''Oxygenated Fuels,'' Subsection 35.02(A)(1); Section 35.03, ''Oxygenated Fuels Procedures Manual;'' and Section 35.06, ''Contingency Measures,'' as filed with the State Records and Archives Center on November 10, 1993.

(ii) Additional material.

(A) November 12, 1993, narrative plan addressing the Albuquerque/Bernalillo County CO nonattainment area, including the proposed clean fuel vehicle fleet demonstration project.

(58) A revision to the New Mexico State Implementation Plan (SIP) to include revisions to AQCRs 602, 605, 651, and 652, submitted by the Governor by cover letter dated January 28, 1994. The revision to AQCR 605 consists of removing AQCR 605 from theNew Mexico SIP.

(i) Incorporation by reference.

(A) Revisions to New Mexico Air Quality Control Regulation 602–*Coal Burning Equipment-Sulfur Dioxide*, Section A.1, Section A.2, Section A.3, Section B.1, Section C.1, Section E.2.a, Section E.2.d, Section F.1.b, Section F.7 and Section G, as filed with the State Records and Archives Center on November 17, 1993.

(B) Revisions to New Mexico Air Quality Control Regulation 651–*Sulfuric Acid Production Units-Sulfur Dioxide, Acid Mist and Visible Emissions*, Section A, Section B, Section C, Section D, Section E, Section F, Section G and Section H, as filed with the State Records and Archives Center on November 17, 1993.

(C) Revisions to New Mexico Air Quality Control Regulation 652–*Nonferrous Smelters-Sulfur*, Section B.2, Section C.1, Section D, Section G, Section H, Section I, Section J, Section K and Section L, as filed with the State Records and Archives Center on November 17, 1993.

(ii) Additional material.

(A) The document entitled ''Hidalgo Smelter Sulfur Recovery Procedures,''

including appendix 1, ''Physical Inventory for Sulfur Recovery Calculations,'' and appendix 2, ''Monthly Sulfur Recovery Calculation.''

(59) A revision to the New Mexico State Implementation Plan for Transportation Conformity: Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 42 ''Transportation Conformity'' as adopted on November 9, 1994 and filed with the State Records and Archives Center on December 16, 1994, was submitted by the Governor on December 19, 1994. No action is taken on AQCR No. 42 Section 11.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 42 ''Transportation Conformity'' as adopted on November 9, 1994 and filed with the State Records and Archives Center on December 16, 1994. No action is taken on AQCR No. 42 Section 11.

(ii) Additional material. None.

(60) A revision to the New Mexico State Implementation Plan for General Conformity: Albuquerque/Bernalillo County Air Quality Control Regulation No. 43 ''General Conformity'' as adopted on November 9, 1994, and filed with the State Records and Archives Center on December 16, 1994, was submitted by the Governor on December 19, 1994.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation No. 43 ''General Conformity'' as adopted on November 9, 1994, and filed with the State Records and Archives Center on December 16, 1994.

(61) A revision to the New Mexico SIP to udpate the Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Area(s) of Bernalillo County Designated Nonattainment to reflect EPA's approval for lifting the construction ban in Bernalillo County, superseding the supplement dated April 14, 1993.

(i) Incorporation by reference.

(A) October 12, 1994 Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Area(s) of Bernalillo County Designated Nonattainment as approved by the Albuquerque/Bernalillo County Air Quality Control Board on November 9, 1994.

(62) The Governor of New Mexico submitted revisions to 20 New Mexico Administrative Code 2.74 on June 26, 1995, to incorporate changes in the Federal PSD permitting regulations for PM–10 increments.

(i) Incorporation by reference.

(A) Revisions to 20 New Mexico Administrative Code 2.74, effective July 20, 1995.

(63) A revision to the New Mexico SIP approving a request for redesignation to attainment, a vehicle inspection and maintenance program, and the required maintenance plan for the Albuquerque/Bernalillo County CO nonattainment area, submitted by the Governor on May 11, 1995. The 1993 emissions inventory and projections were included in the maintenance plan.

(i) Incorporation by reference.

(A) A letter from the Governor of New Mexico to EPA dated April 14, 1995, in which the Governor requested redesignation to attainment based on the adopted Carbon Monoxide Redesignation Request and Maintenance Plan for Albuquerque/Bernalillo County New Mexico.

(B) Albuquerque/Bernalillo County Air Quality Control Board Regulation No. 28, Motor Vehicle Inspection, as amended April 12, 1995 and effective on July 1, 1995.

(ii) Additional material. Carbon Monoxide Redesignation Request and Maintenance Plan for Albuquerque/Bernalillo County New Mexico, approved and adopted by the Air Quality Control Board on April 13, 1995.

(64)–(65) [Reserved]

(66) Recodified and revised regulations of the New Mexico Administrative Code submitted by the Governor on January 8, and July 18, 1996.

(i) Incorporation by reference.

(A) New Mexico Administrative Code, Title 20, Chapter 2, Parts 1 and 2, adopted by the New Mexico Environmental Improvement Board September 22, 1995, and filed with the State Records and Archives Center on September 27, 1995.

(B) New Mexico Administrative Code, Title 20, Chapter 2, Parts 3, 5, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 30, 31, 32, 33, 34, 40, 41, 60, 61, 70, 71, 72 (Subparts I, II and, III; Subpart V, Sections 501 and 502), 73, 75, 79, and 80;

adopted by the New Mexico Environmental Improvement Board on October 20, 1995, and filed with the State Records and Archives Center on October 30, 1995.

(C) Revised New Mexico Administrative Code, Title 20, Chapter 2, Part 3, Sections 109 and 111 and; Part 61, Section 111 and; repeal of Part 3, Section 112, adopted by the New Mexico Environmental Improvement Board December 8, 1995, and filed with the State Records and Archives Center on December 11, 1995.

(D) New Mexico State Records Center transmittals repealing Air Quality Control Regulations 705 and 706; adopted by the New Mexico Environmental Improvement Board December 8, 1995; and filed with the State Records and Archives Center on December 11, 1995.

(E) Revised New Mexico Administrative Code, Title 20, Chapter 2, Part 72, Section 103; adopted by the New Mexico Environmental Improvement Board on June, 18, 1996, and filed with the State Records and Archives Center on June 19, 1996.

(ii) Additional material. None.

[37 FR 10881, May 31, 1972. Redesignated and amended at 63 FR 37495, July 13, 1998]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1640, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart HH—New York

### §52.1670 Identification of plans.

(a) Title of plans:

(1) ''Implementation Plan to Achieve Air Quality Standards—Upstate New York.''

(2) ''Implementation Plan to Achieve Air Quality Standards—Metropolitan New York City Air Quality Control Region.''

(b) The plans were officially submitted on January 31, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Parts 175, 176, 177, 185, 197, and 203 of New York's Code, Rules and Regulation submitted February 9, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(2) Part 200 of the New York State Code and Article 9 of the New York City Code submitted on February 11, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(3) Part 192 of the New York State Air Pollution Control Code submitted on February 14, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(4) Miscellaneous non-regulatory additions to the plan submitted on March 10, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(5) Miscellaneous non-regulatory additions to the plan for New York City submitted on May 19, 1972, by the Governor.

(6) Revisions recodifying regulations 200, 201, 202, 207, 212, 215, 219, 220, 222, 226, and 230 of New York's Code, Rules and Regulations submitted on May 24, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(7) Revisions to Parts 204, 205, 214, 217, 223, 225, 227 and 230 of New York's Code, Rules and Regulations submitted on July 20, 1972, by the Governor.

(8) Miscellaneous non-regulatory revisions to the plan submitted on August 3, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(9) Revision to Part 226 of New York's Code, Rules and Regulations submitted on February 6, 1973, by the New York State Department of Environmental Conservation.

(10) Revised air quality data for 1971 and 1972 for the Hudson Valley AQCR submitted on March 7, 1973, by the New York State Department of Environmental Conservation.

(11) Revision to the photochemical oxidant and carbon monoxide control strategy for New Jersey-New York-Connecticut AQCR submitted on April 17, 1973, by the Governor.

(12) Miscellaneous non-regulatory revisions to the plan submitted on April 19, 1973, by the Division of Air Resources, New York State Department of Environmental Conservation.

(13) Revision to the photochemical oxidant control strategy for the Genesee-Fingerlakes AQCR submitted on April 30, 1973, by the Governor.

(14) Non-regulatory revision to the plan submitted on May 2, 1973, by the Division of Air Resources, New York State Department of Environmental Conservation.

(15) Requests for 2-year extension and 18-month extension for attainment of the photochemical oxidant and carbon monoxide standards in the New Jersey-New York-Connecticut AQCR submitted on May 16, 1973, by the Governor.

(16) Miscellaneous non-regulatory revisions to the plan submitted on May 21, 1973, by the Division of Air Resources, New York State Department of Environmental Conservation.

(17) Miscellaneous non-regulatory revisions to the plan submitted on June 11, 1973, by the New York State Department of Environmental Conservation.

(18) Revisions to Parts 200 and 201 of New York's Codes, Rules and Regulations submitted on August 15, 1973, by the New York State Department of Environmental Conservation.

(19) Revision to sulfur oxides control strategy for New Jersey-New York-Connecticut AQCR submitted on October 26, 1973, by the New York State Department of Environmental Conservation.

(20) Revision to sulfur oxides control strategy for New Jersey-New York-Connecticut AQCR submitted on November 27, 1973, by the Governor.

(21) Revision to Part 205 of New York's Code, Rules and Regulations submitted on February 17, 1974, by the New York State Department of Environmental Protection.

(22) Revisions to Transportation Control Plan for the Genesee-Fingerlakes AQCR submitted on April 8, 1974, by the New York State Department of Environmental Conservation.

(23) AQMA designations were submitted on April 29, 1974, by the New York State Department of Environmental Conservation.

(24) Revised Part 225 (Fuel Composition and Use) was submitted on August 29, 1974, by the Commissioner of the New York State Department of Environmental Conservation.

(25) Additional information on Part 225 revision was submitted on October 11, 1974, by the New York State Department of Environmental Conservation.

(26) Additional information on Part 225 revision was submitted on December 6, 1974, by the New York State Department of Environmental Conservation.

(27) Part 203 (Indirect Sources of Air Contamination) was submitted on January 27, 1975, by the New York State Department of Environmental Conservation.

(28) Additional information on Part 225 revision was submitted on February 25, 1975, by the New York State Department of Environmental Conservation.

(29) Additional information on Part 203 was submitted on May 8, 1975, by the New York State Department of Environmental Conservation.

(30) Revisions submitted on March 16, 1976 by the New York State Department of Environmental Conservation based on special limitations issued pursuant to § 225.2(c) covering three power plants.

(31) Additional information on special limitations issued pursuant to § 225.2(c) submitted on March 22, 1976, by the New York State Department of Environmental Conservation.

(32) Revision to Part 225 submitted on September 20, 1976 and November 5, 1976 by the New York State Department of Environmental Conservation which accomplishes the following:

(i) Upon demonstration by a source owner that the use of the higher sulfur coal will not contribute to the contravention of ambient air quality standards, coal burning sources of greater than 100 million Btu per hour heat capacity may be approved for a special limitation under § 225.2. The previous heat capacity cutoff for requiring a source-generated demonstration was 250 million Btu per hour.

(ii) The formula contained in § 225.5(a), which determines sulfur dioxide emissions from the burning of fuel mixtures, is modified to include gaseous fuels. Process gases are also included in the formula by the deletion of § 225.5(a)(2), which precluded such inclusion.

(iii) Fuel suppliers are required to furnish fuel sale records upon request of the State through revision to §225.7.

(iv) The word ''rated'' is deleted from §§225.1(a)(1), 225.2 and 225.6 wherever the phrase ''rated total heat input'' previously appeared.

(33) Revision submitted on March 17, 1977, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under Part 225. The ''special limitation'' relaxes until May 31, 1980, the sulfur-in-fuel-oil limitation to 2.8 percent, by weight, for the Long Island Lighting Co.'s Northport Generating Facility (Units 1, 2, and 3) and Port Jefferson Generating Facility (Units 3 and 4).

(34) Revision submitted on March 3, 1977, April 5, 1977, and June 16, 1977, by the New York State Department of Environmental Conservation which grants ''special limitations'' under Part 225. These ''special limitations'' relax, until December 31, 1979, the sulfur-in-fuel-oil limitation to 2.8 percent, by weight, for air pollution sources which do not have a total heat input in excess of 250 million Btu per hour in parts of the Southern Tier East, Central New York and Champlain Valley AQCRs.

(35) Revision submitted on February 14, 1977, by the New York State Department of Environmental Conservation consisting of Section 19.0305(2)(a) of New York State's Environmental Conservation Law (ECL), as amended by Chapter 760, McKinney's 1975 Session Laws of New York, and an opinion, dated January 27, 1977, by the Honorable Louis J. Lefkowitz, Attorney General of the State of New York, interpreting the amended ECL Section 19–0305(2)(a) and Part 200.2 of Title 6 of the New York State Official Compilation of Codes, Rules, and Regulations (6 NYCRR 200.2). This revision provides for adequate State legal authority to ensure for public availability of air pollutant emission data as required under 40 CFR 51.10(e) and §51.11(a)(6).

(36) Revision to the New York City Metropolitan Area Transportation Control Plan eliminating tolls on bridges entirely within the City (Strategy B–7) is made upon application submitted by the Governor on October 19, 1977, pursuant to section 110(c)(5) of the Clean Air Act, as amended.

(37) Revision submitted on August 24, 1977, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under Part 225. This ''special limitation'' relaxes, until May 31, 1980, the sulfur-in-fuel-oil limitation to 2.8 percent, by weight, for Units 1 through 5 of the Niagara Mohawk Power Corp.'s Oswego facility in Oswego, N.Y.

(38) Revision submitted on September 22, 1977, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under Part 225. This ''special limitation'' relaxes, until October 31, 1980, the sulfur-in-coal limitation to 2.8 pounds of sulfur per million Btu, gross heat content, at the Rochester Gas and Electric Corp.'s Beebee generating station, Unit 12, in Rochester, N.Y.

(39) Revision submitted on May 6, 1977, and August 1, 1977, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under part 225. Only the part of this ''special limitation'' which relaxes, until July 31, 1980, the sulfur-in-fuel-oil limitation to 1 percent sulfur, by weight, at the village of Freeport plant No. 2 generating facility, units 1 and 2, located in Nassau County, N.Y., is approved.

(40) A document entitled, ''New York State Air Quality Implementation Plan—Syracuse Area,'' submitted on March 19, 1979, by the New York State Department of Environmental Conservation.

(41) A document entitled, ''New York State Air Quality Implementation Plan—Southern Tier (Binghamton, Elmira-Corning, Jamestown),'' submitted on April 5, 1979, by the New York State Department of Environmental Conservation, only insofar as it deals with attainment of the national ambient air quality standards for particulate matter.

(42) A document entitled, ''New York State Air Quality Implementation Plan—Rochester Area,'' submitted on April 5, 1979, by the New York State Department of Environmental Conservation.

(43) A document entitled, ''New York State Air Quality Implementation

Plan—Capital District and Town of Catskill,'' submitted on March 19, 1979, by the New York State Department of Environmental Conservation.

(44) Supplementary submittals of SIP revision information from the New York State Department of Environmental Conservation, insofar as they deal with all provisions except those for attainment of particulate matter standards in the Niagara Frontier Air Quality Control Region, dated:

(i) May 23, 1979, dealing with new source review and growth tracking provisions, adoption of proposed regulations, schedule for hydrocarbon emissions inventory improvements, identification of resources necessary to carry out the SIP, schedule for development of a public participation program, schedule for development of transportation planning process improvements, the need for an 18-month extension for the City of Syracuse and Village of Solvay, demonstration of control strategy adequacy for the area addressed by the Capital District and Town of Catskill plan revision document, compliance schedules for two facilities in the Hudson Valley Air Quality Control Region, and development of a local government consultation program in Jamestown, New York.

(ii) May 31, 1979, dealing with adoption of proposed regulations, hydrocarbon emission inventory improvements, schedule for development of transportation planning process improvements, and compliance schedules for two facilities in the Hudson Valley Air Quality Control Region.

(iii) June 12, 1979, providing a final draft of the proposed regulations, information on the compliance schedule for a facility in the Hudson Valley Air Quality Control Region, and general information on development of compliance schedules. The proposed regulations to be incorporated in Title 6 of the New York Code of Rules and Regulations are as follows:

(A) Part 200, General Provisions (revision);

(B) Part 211, General Prohibitions (revision);

(C) Part 212, Process and Exhaust and/or Ventilation Systems (revision);

(D) Part 223, Petroleum Refineries (revision);

(E) Part 226, Solvent Metal Cleaning Processes (new);

(F) Part 228, Surface Coating Processes (new);

(G) Part 229, Gasoline Storage and Transfer (new); and

(H) Part 231, Major Facilities.

(iv) June 18, 1979, dealing with new source review provisions, general information on development of compliance schedules, and adoption of proposed regulations.

(v) August 10, 1979, providing a comprehensive set of adopted regulations.

(vi) September 26, 1979, providing additional information regarding the EPA notice of proposed rulemaking (44 FR 44556, July 30, 1979) which deals with the adoption of regulations for control of volatile organic compound sources for source categories addressed by Control Technology Guideline documents issued subsequent to December 1977, regulatory revisions to 6 NYCRR Parts 211 and 229, the transportation planning process, emissions inventory improvements, new source review procedures, public participation and local government consultation programs, and adoption of regulations.

(vii) October 1, 1979, dealing with new source review procedures.

(viii) November 13, 1979, providing a ''declaratory ruling'' regarding interpretation of the provisions of 6 NYCRR Part 231 in implementing the new source review program.

(ix) November 14, 1979, providing supplemental documentation on the administrative process of revising regulations.

(x) February 20, 1980, dealing with public hearings to revise Parts 229 and 231 of 6 NYCRR consistent with corrective action indicated by EPA.

(45) Revision submitted on October 24, 1979, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under Part 225. This ''special limitation'' relaxes, until (three years from the date of publication), the sulfur in fuel oil limitation to 1.0 percent, by weight, for the Long Island Lighting Company's Glenwood Generating Station (Units 4 and 5), and 1.54 percent, by weight, for its E. F. Barrett Generating Station (Units 1 and 2).

(46) Five documents entitled: (i) Volume I—New York State Air Quality Implementation Plan for Control of Carbon Monoxide and Hydrocarbons in the New York City Metropolitan Area;

(ii) Volume II—Detailed Descriptions of Reasonably Available Control Measures;

(iii) Volume III—Air Quality and Emission Inventory;

(iv) Volume IV—Public Participation;

(v) Total Suspended Particulates Secondary Standard: New York City Extension Request;

submitted on May 24, 1979, by the New York State Department of Environmental Conservation.

(47) A document entitled, ''New York State Air Quality Implementation Plan—Statewide Summary and Program,'' submitted on September 10, 1979, by the New York State Department of Environmental Conservation.

(48) Supplementary submittals of information from the New York State Department of Environmental Conservation regarding the New Jersey-New York-Connecticut Air Quality Control Region SIP revisions, dated:

(i) June 26, 1979, dealing with control of storage tanks at gasoline stations in Nassau, Rockland, Suffolk, and Westchester Counties.

(ii) July 30, 1979, dealing with new source review provisions for major sources of volatile organic compounds.

(iii) August 20, 1979, providing a commitment to meet ''annual reporting requirements.''

(iv) January 11, 1980, dealing with changes to the State's schedule for implementing a light duty vehicle inspection and maintenance program.

(v) March 12, 1980, providing a memorandum of understanding among the New York State Department of Environmental Conservation, New York State Department of Transportation, and the Tri-State Regional Planning Commission.

(49) Supplementary submittals of information from the Governor's Office regarding the New Jersey-New York-Connecticut Air Quality Control Region SIP revision, dated:

(i) August 6, 1979, dealing with the status of efforts to develop necessary legislation for implementing a light duty vehicle inspection and maintenance program.

(ii) November 5, 1979, providing the State's legal authority and a schedule for implementing a light duty vehicle inspection and maintenance program.

(iii) February 6, 1980, committing to providing additional information on systematic studies of transportation measures, committing to clarification of SIP commitments, and providing additional information on the State's light duty vehicle inspection and maintenance program.

(50) Supplementary information, submitted by the New York State Department of Transportation on October 17, 1979, providing clarification to ''reasonably available control measures'' commitments contained in the New Jersey-New York-Connecticut Air Quality Control Region SIP revision.

(51) Revision submitted on January 29, 1980, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under 6 NYCRR Part 225. This ''special limitation'' relaxes, until [three years from the date of publication], the sulfur-in-fuel-oil limitation to 0.60 percent, by weight, for Orange and Rockland Utilities', Inc. Bowline Point Generating Station, units 1 and 2, Haverstraw, New York.

(52) Revisions to Parts 229 and 231 of Title 6, New York Code of Rules and Regulations, submitted on May 1, 1980, by the New York State Department of Environmental Conservation.

(53) Revision submitted on November 29, 1980, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under 6 NYCRR Part 225. This ''special limitation'' relaxes, until one year from [the date of publication], the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, for the Consolidated Edison Company of New York, Inc. Arthur Kill generating facility, units 2 and 3, Staten Island, New York and Ravenswood generating facility, unit 3, Queens, New York.

(54) A document entitled, ''New York State Air Quality Implementation Plan—Niagara Frontier, Erie and Niagara Counties,'' submitted on May 31, 1979, by the New York State Department of Environmental Conservation.

The administrative orders for Bethlehem Steel Corporation, referenced by this document, are not being incorporated as part of the plan.

(55) A supplemental submittal, dated May 21, 1980, from the New York State Department of Environmental Conservation which includes three listings of permanent projects, demonstration projects and transportation related studies committed to in the non-public transit portion of the plan for the New York City metropolitan area.

(56) Revision submitted on October 31, 1979, and supplemented on April 28, 1980, and May 20, 1980, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under 6 NYCRR Part 225. This ''special limitation'' relaxes to 2.8 percent, by weight, until December 31, 1982, the sulfur-in-fuel-oil limitation applicable to fuel burning sources which have a capacity less than 250 million BTU per hour and which are located in:

(i) The Southern Tier East Air Quality Control Region (AQCR), with the exception of all sources in Broome County;

(ii) The Central New York AQCR, with the exception of the Oswego Facilities Trust Company in Oswego County and all sources in Onondaga County;

(iii) The Champlain Valley (Northern) AQCR, with the exception of all sources in the City of Glens Falls and sources in the Town of Queensbury which have a total heat input greater than 100 million BTU per hour.

(57) A supplemental submittal, dated July 2, 1980, from the New York State Department of Environmental Conservation which included criteria and procedures for making assessments of the consistency and conformity of the outputs of the transportation planning process with the SIP.

(58) Revision submitted on September 17, 1980, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under 6 NYCRR Part 225. This ''special limitation'' relaxes to 2.8 percent, by weight, until three years from March 19, 1981, the sulfur-in-fuel oil limitation applicable to unit 5 of Niagara Mohawk Power Corporation's Oswego generating facility, located in Oswego County.

(59) Supplemental information to ''New York State Air Quality Implementation Plan—Statewide Summary and Program,'' June 1979, submitted on December 18, 1980, by the New York State Department of Environmental Conservation dealing with provisions which commit the State to meet the subpart C requirements of 40 CFR part 58 pertaining to State and Local Air Monitoring Stations (SLAMS) including the air quality assurance requirements of Appendix A, the monitoring methodologies of Appendix C, the network design criteria of Appendix D and the probe siting criteria of Appendix E.

(60) A supplemental submittal, dated July 28, 1980, from the New York State Department of Environmental Conservation which includes:

—Key milestones associated with projects relating to transportation control measures which are part of the SIP;

—An improved program of study for the broader application of certain transportation control measures, and supplemental information on existing studies;

—Additional documentation necessary to determine the reasonableness of the measure, ''Controls on Extended Vehicle Idling;''

—Criteria and procedures for making changes to transportation projects contained in the SIP;

—Criteria and procedures for making changes to transportation studies contained in the SIP; and

—The identification of the resources necessary to carry out the transportation planning process and certain transportation elements of the SIP.

(61) A supplemental submittal entitled ''New York State Air Quality Implementation Plan, the Moynihan/Holtzman Amendment Submission: Transit Improvements in the New York City Metropolitan Area, May 1979,'' submitted on May 24, 1979, by the New York State Department of Environmental Conservation.

(62) [Reserved]

(63) Revision submitted on April 29, 1980, by the New York State Department of Environmental Conservation which grants a ''special limitation'' establishing, until three years from September 24, 1981, a sulfur-in-fuel-oil limitation of 2.8 percent, by weight, for the Long Island Lighting Company's Northport generating facility, units 1,

2 and 3 and the Port Jefferson generating facility, units 3 and 4.

(64) Revision submitted on August 7, 1981, by the New York State Department of Environmental Conservation which grants a ''special limitation'' to relax to 1.5 percent, by weight, for up to two years from February 22, 1982, the sulfur-in-fuel-oil limitation applicable to units 2 and 3 of Consolidated Edison of New York State, Inc.'s Arthur Kill generating facility and to unit 3 of its Ravenswood generating facility, all located in New York City.

(65) Revision submitted on January 8, 1982, by the New York State Department of Environmental Conservation which grants a ''special limitation'' to relax to 2.8 percent, by weight, for up to three years from March 5, 1982, the sulfur-in-fuel-oil limitation applicable to the General Electric Company's Rotterdam Steam Generating Facility located in Schenectady, New York.

(66) Revision submitted on July 9, 1982, by the New York State Department of Environmental Conservation which grants a ''special limitation'' allowing the New York State Office of Mental Health's Kings Park Psychiatric Facility to burn coal with a maximum sulfur content of 2.2 pounds of sulfur per million Btu gross heat content, for up to three years from August 11, 1982.

(67) A March 23, 1981, letter from the New York State Department of Environmental Conservation including an interim policy memorandum detailing procedures to be used by the State to determine compliance with the State's emission standard for coke oven gas.

(68) Regulatory information submitted by New York State Department of Environmental Conservation for controlling volatile organic compounds, dated:

(i) July 2, 1981, providing a comprehensive set of adopted regulations.

(ii) August 19, 1981, Consent Order, 81–36, 9–04.20, with Dunlop Tire and Rubber Corporation for control of volatile organic compounds.

(A) Amendment of Consent Order dated January 29, 1982.

(B) Amendment of Consent Order dated March 3, 1982.

(iii) July 25, 1983, providing final regulations to be incorporated into Title 6 of the New York Code of Rules and Regulations.

(iv) November 13, 1981, letter from Harry Hovey, Director of Air Division, New York State Department of Environmental Conservation concerning applicability of regulations in redesignated AQCR's.

(v) April 27, 1983, letter from Harry Hovey, Director of Air Division, New York State Department of Environmental Conservation concerning maximum operating heat input.

(69) State Implementation Plan revision dated February 15, 1984, from the Department of Environmental Conservation consisting of changes to New York State Department of Motor Vehicles monitoring and enforcement procedures for motor vehicle emission inspection stations.

(70) A State Implementation Plan for attainment of the lead (Pb) standards was submitted on September 21, 1983. Additional information was submitted in a letter dated February 16, 1984. These submittals included the following:

(i) Revision to Part 225 of Title 6, Official Compilation of Codes, Rules and Regulations of the State of New York.

(ii) Revision to Part 231 of Title 6, Official Compilation of Rules and Regulations of the State of New York.

(iii) Air Guide-14, ''Process Sources Which Emit Lead or Lead Compounds.''

(iv) Air Guide-17, ''Trade and Use of Waste Fuel for Energy Recovery Purposes.''

(71) Revision submitted on August 21, 1984, by the New York State Department of Environmental Conservation which grants a ''special limitation'' establishing, until September 24, 1986, from December 20, 1984, a maximum sulfur-in-fuel-oil limitation of 2.8 percent, by weight, and from September 25, 1986 until December 31, 1987, a sulfur-in-fuel-oil limitation of 2.0 percent, by weight, for the Long Island Lighting Company's Northport generating facility, units 1, 2 and 3, and the Port Jefferson generating facility, units 3 and 4.

(72) Revisions to the New York State Implementation Plan for attainment and maintenance of the ozone and carbon monoxide standards in the New York City metropolitan area submitted

on July 1, 1982, August 3, 1982, July 25, 1983, February 7, 15, 17, 1984, and October 1, 17, 1984, November 30, 1984, January 4, and 30, 1985, and March 6, 1985, by the Governor of New York State and by the New York State Department of Environmental Conservation.

(73) Revision to the New York State Implementation Plan submitted by the New York State Department of Environmental Conservation on June 7 and October 14, 1982, to allow Orange and Rockland Utilities, Inc. to reconvert its Lovett Generating Station in Stony Point from oil to coal. This action grants the utility a ''special limitation'' under Part 225 to relax the existing emission limit for coal burning from 0.4 pounds of sulfur dioxide per million British thermal units (1b/MMBtu) to 1.0 lb/MMBtu for units 4 and 5 if both are operated on coal, or to 1.5 lb/MMBtu for one unit if the other is operated on fuel oil, natural gas, or is not operated. A letter dated September 5, 1984, from Orange and Rockland Utilities, Inc., committing to meet the terms and conditions of EPA's August 30, 1984, letter.

(74) Regulatory information submitted by New York State Department of Environmental Conservation for controlling various pollutants and establishing continuous emission monitoring requirements for sulfuric and nitric acid plants, dated December 27, 1984, providing adopted revisions to regulations Parts 201, 212, 223 and 224.

(75) A revision to the New York State Implementation Plan for attainment and maintenance of the ozone standards was submitted on January 2, 1986, by the New York State Department of Environmental Conservation.

(i) Incorporation by reference.

(A) Part 217, ''Emissions from Motor Vehicles Propelled by Gasoline Engines,'' effective January 29, 1986.

(76) [Reserved]

(77) Revisions to the State Implementation Plan submitted by New York State Department of Environmental Conservation for controlling volatile organic compounds.

(i) Incorporation by reference. Adopted regulations Parts 200, 229, and 230, submitted on March 15, 1985.

(ii) Additional material.

(A) Letters dated December 31, 1984, and March 15, 1985, concerning SIP commitments for ''Reevaluation of RACT,'' and ''Controls at Major Facilities,'' respectively.

(B) Letters dated November 2, 1984, and April 3, 1987, concerning the manufacture of high-density polyethylene, polypropylene, and polystrene resins.

(78) A revision to the New York State Implementation Plan was submitted on November 6, 1987, and February 17, 1988, by the New York State Department of Environmental Conservation.

(i) Incorporation by reference.

(A) Operating Permit number A551800097900017 for Polychrome Corporation effective January 29, 1988, submitted by the New York State Department of Environmental Conservation.

(ii) Additional material.

(79) Revisions to the New York State Implementation Plan (SIP) for ozone submitted on January 31, 1989, and March 13, 1989, by the New York State Department of Environmental Conservation (NYSDEC) for its state gasoline volatility control program, including any waivers under the program that New York may grant. In 1989, the control period will begin on June 30.

(i) Incorporation by reference. Subpart 225–3 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York entitled ''Fuel Composition and Use—Volatile Motor Fuels,'' adopted on December 5, 1988, and effective on January 4, 1989.

(ii) Additional material. April 27, 1989, letter from Thomas Jorling, NYSDEC, to William Muszynski, EPA Region II.

(80) Revisions to the New York State Implementation Plan (SIP) for ozone submitted on July 9, 1987, and April 8, 1988, by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference. Amendments to part 230, title 6 of the New York Code of Rules and Regulations entitled ''Gasoline Dispensing Sites and Transport Vehicles,'' adopted on March 2, 1988.

(ii) Additional material.

(A) Explanation of Stage II Applicability Cut-offs, prepared by the NYSDEC, dated June 20, 1986.

(B) NYSDEC testing procedures for Stage II Vapor Recovery Systems.

(81) [Reserved]

(82) Revisions to the New York State Implementation Plan (SIP) for total suspended particulates in the Niagara Frontier area, dated January 5, 1987, submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference.

(A) Part 214 of title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, entitled ''Byproduct Coke Oven Batteries,'' adopted on April 23, 1984, and effective May 23, 1984.

(B) Part 216 of title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, entitled ''Iron And/Or Steel Processes,'' adopted on April 23, 1984, and effective on May 23, 1984.

(C) Consent Order No. 84–135, dated October 29, 1984, between NYSDEC and the Bethlehem Steel Corporation.

(D) Consent Order No. 84–131, dated October 18, 1984, between NYSDEC and the Bethlehem Steel Corporation.

(E) May 24, 1985, letter from Peter J. Burke, NYSDEC, to W.T. Birmingham, Bethlehem Steel Corporation, revising Consent Order No. 84–131.

(F) Test procedures for particulate matter source emissions testing at Bethenergy's Lackawanna Coke Oven Batteries 7, 8, and 9, prepared by SENES Consultants Limited, dated January 14, 1988.

(ii) Additional material.

(A) January 5, 1987, letter from Harry H. Hovey, Jr., NYSDEC, to Raymond Werner, EPA, providing an attainment and maintenance demonstration for TSP in the South Buffalo-Lackawanna area and requesting its inclusion as part of the TSP SIP for the Niagara Frontier.

(B) August 21, 1987, letter from Edward Davis, NYSDEC, to William S. Baker, EPA, responding to July 27, 1987, letter from EPA requesting additional information needed for the review of Niagara Frontier TSP SIP request.

(C) June 20, 1988, letter from Edward Davis, NYSDEC, to William S. Baker, EPA, responding to May 19, 1988, letter from EPA requesting additional information on test procedures for Bethenergy's Lackawanna Coke Oven Batteries.

(83) A revision submitted on September 18, 1990, with additional materials submitted on April 12, 1991, and June 3, 1991, by the New York State Department of Environmental Conservation that revises the $SO_2$ emission limit for units 4 and 5 of Orange and Rockland Utilities' Lovett Generating Station.

(i) Incorporation by reference. Sulfur dioxide emission limits incorporated into the Certificates to Operate units 4 and 5 of the Orange and Rockland Utilities' (ORU) Lovett Generating Station issued April 3, 1991, and the materials which pertain to the $SO_2$ emission limits, monitoring and recordkeeping which are incorporated by reference into the Certificates to Operate for units 4 & 5. This includes the following:

(A) The special conditions attached to certificates;

(B) April 13, 1982, Decision of the Commissioner; and

(C) October 14, 1982, Amended Commissioner's Order.

(ii) Additional materials.

(A) Lovett Generating Station Model Evaluation Study, May 1989,

(B) Lovett Generating Station Emission Limitation Study, May 1989,

(C) Review of Orange and Rockland Model Evaluation Study and Emission Limitation Study for Lovett Facility for Units 4 & 5, January 27, 1990, and

(D) Lovett Generating Station Air Quality and Meteorological Monitoring Network Quarterly Reports.

(84) A revision to the New York State Implementation Plan (SIP) for attainment and maintenance of the ozone standard dated January 8, 1992, submitted by the New York State Department of Environmental Conservation.

(i) Incorporation by reference.

(A) Amendments to Part 200 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, entitled ''General Provisions'' adopted on December 3, 1991, and effective January 16, 1992.

(B) New Part 236 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, entitled ''Synthetic Organic Chemical Manufacturing Facility Component

Leaks'' adopted on December 16, 1991, and effective January 16, 1992.

(ii) Additional material.

(A) January 8, 1992, letter from Thomas Allen, to Conrad Simon, EPA, requesting EPA approval of the amendments to Parts 200 and 236.

(85) Revisions to the New York State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from surface coating and graphic arts sources, dated October 14, 1988, December 5, 1988, and May 2, 1989, submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference.

(A) Amendments to Title 6 of the New York Code of Rules and Regulations (NYCRR) Part 228 ''Surface Coating Processes,'' effective September 15, 1988, and Part 234 ''Graphic Arts,'' effective September 15, 1988

(ii) Additional material.

(A) May 2, 1989 letter from Thomas C. Jorling, NYSDEC, to Conrad Simon, EPA, requesting EPA substitute controls in Parts 228 and 234 for controls committed to be included in Part 212, Processes & Exhaust and/or Ventilation Systems.

(86) Revision to the state implementation plan for Onondaga County was submitted by the Governor on November 13, 1992. Revisions include a maintenance plan which demonstrates continued attainment of the NAAQS for carbon monoxide through the year 2003.

(i) Incorporation by reference.

(A) Maintenance Plan—Chapter 8 of New York State Implementation Plan Redesignation Request for Onondaga County as Attainment for Carbon Monoxide, November 1992.

(ii) Additional information.

(A) New York State Implementation Plan—Redesignation Request for Onondaga County as Attainment for Carbon Monoxide, November 1992.

(B) January 12, 1993, letter from Thomas M. Allen, NYSDEC to Conrad Simon, EPA, providing the results of the public hearing on the State's proposal.

(C) January 12, 1993, letter from Thomas M. Allen, NYSDEC, to Conrad Simon, EPA, providing documentation of emission inventory submitted on November 13, 1992.

(D) June 18, 1993, letter from Thomas M. Allen, NYSDEC, to Conrad Simon, EPA, correcting submitted material.

(87) A revision to the New York State Implementation Plan (SIP) for attainment and maintenance of the ozone standard dated October 14, 1988, submitted by the New York State Department of Environmental Conservation.

(i) Incorporation by reference:

(A) New part 205 of title 6 of the New York Code of Rules and Regulations of the State of New York, entitled ''Architectural Surface Coatings,'' effective on September 15, 1988.

(ii) Additional material.

(A) December 5, 1988 letter from Thomas Allen, to Conrad Simon, EPA, requesting EPA approval of the amendments to part 205.

(88) Revision to the New York State Implementation Plan (SIP) for ozone, submitting a low emission vehicle program for a portion of the Clean Fuel Fleet program, dated May 15, 1994 and August 9, 1994 submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference. Part 218, ''Emission Standards for Motor Vehicles and Motor Vehicle Engines,'' effective May 28, 1992.

(ii) Additional material.

(A) May 1994 NYSDEC Clean Fuel Fleet Program description.

(89) Revisions to the New York State Implementation Plan (SIP) for carbon monoxide concerning the control of carbon monoxide from mobile sources, dated November 13, 1992 and March 21, 1994 submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference.

(A) Subpart 225–3 of Title 6 of the New York Code of Rules and Regulations of the State of New York, entitled ''Fuel Composition and Use—Gasoline,'' effective September 2, 1993 (as limited in section 1679).

(ii) Additional material.

(A) March 21, 1994, Update to the New York Carbon Monoxide SIP.

(90) [Reserved]

(91) Revisions to the State Implementation Plan submitted by the New York State Department of Environmental Conservation on February 22, 1996, June 21, 1996 and June 25, 1996.

(i) Incorporation by reference.

(A) Permits to Construct and/or Certificates to Operate: The following facilities have been issued permits to construct and/or certificates to operate by New York State and such permits and/or certificates are incorporated for the purpose of establishing $NO_X$ emission limits consistent with Subpart 227–2:

(*1*) Morton International Inc.'s midsize gas-fired boiler, emission point 00027, Wyoming County; New York permit approval dated September 1, 1995 and Special Conditions letter dated August 23, 1995.

(*2*) University of Rochester's two oil fired boilers, emission points 00003 and 00005, Monroe County; New York permit approval dated April 25, 1996 and Special Permit Conditions issued March 19, 1996.

(*3*) Algonquin Gas Transmission Company's four gas-fired reciprocating internal combustion engines, emission points R0100, R0200, R0300, and R0400, Rockland County; New York permit and Special Conditions approval dated September 23, 1991; New York Special Conditions documents dated March 18, 1996 for emission points RO100, RO200, and RO300; and March 29, 1996 for emission point RO400; and Permit Correction dated August 8, 1996.

(ii) Additional information. Documentation and information to support $NO_X$ RACT alternative emission limits in three letters addressed to EPA from New York State Department of Environmental Conservation and dated as follows:

(A) February 22, 1996 letter to Regional Administrator Jeanne Fox from Commissioner Michael D. Zagata for a SIP revision for Morton International, Inc.

(B) June 21, 1996 letter to Mr. Conrad Simon, Director of the Air and Waste Management Division from Deputy Commissioner David Sterman for a SIP revision for the Algonquin Gas Transmission Company.

(C) June 25, 1996 letter to Mr. Conrad Simon, Director of the Air and Waste Management Division from Deputy Commissioner David Sterman for a SIP revision for the University of Rochester.

(92) Revisions to the New York State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from Gasoline Dispensing Sites and Transport Vehicles, dated July 8, 1994, submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference:

(A) Amendments to Part 230 of title 6 of the New York Code of Rules and Regulations of the State of New York, entitled ''Gasoline Dispensing Sites and Transport Vehicles,'' effective September 22, 1994.

(ii) Additional material:

(A) July 8, 1994, letter from Langdon Marsh, NYSDEC, to Jeanne Fox, EPA, requesting EPA approval of the amendments to Part 230.

(93) Revisions to the New York State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from petroleum and volatile organic compound storage and transfer, surface coating and graphic arts sources, dated March 8, 1993 submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference:

(A) Amendments to Title 6 of the New York Code of Rules and Regulations (NYCRR) Part 200 ''General Provisions,'' Part 201 ''Permits and Certificates,'' Part 228 ''Surface Coating Processes,'' and Part 229 ''Petroleum and Volatile Organic Liquid Storage and Transfer,'' Part 233 ''Pharmaceutical and Cosmetic Manufacturing Processes,'' and Part 234, ''Graphic Arts,'' effective April 4, 1993.

(94) A revision to the State Implementation Plan submitted by the New York State Department of Environmental Conservation on April 9, 1996 and supplemented on October 17, 1996 and February 2, 1998 that allows Niagara Mohawk Power Corporation and Champion International Corporation to trade emissions to meet the requirements of $NO_X$ RACT.

(i) Incorporation by reference:

(A) Permits to Construct and/or Certificates to Operate: The following facilities have been issued permits to construct and/or certificates to operate by New York State and such permits and/or certificates are incorporated for

the purpose of establishing an emission trade to be consistent with Subpart 227–2:

(*1*) Niagara Mohawk Power Corporation's system-wide utility boilers; New York special permit conditions and approval letter dated December 14, 1995.

(*2*) Champion International Corporation's two coal-fired boilers, Units 1 and 2, Jefferson County; New York special permit conditions and approval letter dated December 2, 1997.

(ii) Additional information:

(A) Documentation and information to support the emission trade in three letters addressed to EPA from the New York State Department of Environmental Conservation and dated as follows:

(*1*) April 9, 1996 to Mr. Conrad Simon, Director of Air and Waste Management Division from Deputy Commissioner David Sterman for a SIP revision for Niagara Mohawk Power Corporation and Champion International Corporation.

(*2*) October 17, 1996 letter to Mr. Ted Gardella, EPA from Mr. Patrick Lentlie, supplementing the SIP revision with the special permit condition approval letters.

(*3*) February 2, 1998 letter to Mr. Ronald Borsellino, Chief of the Air Programs Branch from Mr. Patrick Lentlie, supplementing the SIP revision with the amended special permit conditions for Champion International Corporation.

(95) A revision to the State Implementation Plan submitted on April 29, 1999 by the New York State Department of Environmental Conservation that establishes the $NO_X$ Budget Trading Program.

(i) Incorporation by reference:

(A) Regulation Subpart 227–3 of Title 6 of the New York Code of Rules and Regulations, entitled ''Pre-2003 Nitrogen Oxides Emissions Budget and Allowance Program'' adopted on January 12, 1999, and effective on March 5, 1999.

(B) Amendments to Title 6 of the New York Code of Rules and Regulations, Part 200, ''General Provisions,'' Subpart 227–1, ''Stationary Combustion Installations,'' and Subpart 227–2, ''Reasonably Available Control Technology (RACT) for Oxides of Nitrogen ($NO_X$)'' adopted on January 12, 1999, and effective on March 5, 1999.

(ii) Additional information:

(A) Letter from the New York Department of Environmental Conservation dated April 29, 1999, submitting the $NO_X$ Budget Trading Program as a revision to the New York State Implementation Plan for ozone.

(B) Guidance for Implementation of Emissions Monitoring Requirements for the $NO_X$ Budget Program, dated January 28, 1997.

(C) $NO_X$ Budget Program Monitoring Certification and Reporting Requirements, dated July 3, 1997.

(D) Electronic Data Reporting, Acid Rain/$NO_X$ Budget Program, dated July 3, 1997.

(96) Revisions to the New York State Implementation Plan (SIP) for carbon monoxide concerning the oxyfuel program, dated August 30, 1999, submitted by the New York State Department of Environmental Conservation (NYSDEC).

(97) Revisions to the State Implementation Plan submitted on January 20, 1994 and April 29, 1999 by the New York State Department of Environmental Conservation that establishes $NO_X$ RACT requirements Statewide for combustion sources.

(i) Incorporation by reference:

(A) Regulation Subpart 227–2 of Title 6 of the New York Code of Rules and Regulations, entitled ''Reasonably Available Control Technology (RACT) for Oxides of Nitrogen ($NO_X$)'' adopted on January 19, 1994, and effective on February 18, 1994.

(B) Amendments to Subpart 227–2 adopted on January 12, 1999 and effective on March 5, 1999.

(ii) Additional information

(A) Letters from the New York State Department of Environmental Department Conservation dated January 20, 1994 and April 29, 1999, submitting the $NO_X$ RACT Regulation and amendments as revisions to the New York State Implementation Plan for ozone.

(B) Letter from the New York State Department of Environmental Department Conservation dated April 27, 1999 submitting an analysis of mass $NO_X$ emissions from generic sources throughout the State as well as resolution of other approvability issues.

(98) [Reserved]

(99) Revisions to the New York State Implementation Plan (SIP) for the Motor Vehicle Inspection and Maintenance Program, submitted on March 6, 1996, May 24, 1999, October 7, 1999, October 29, 1999, and May 22, 2000 by the New York State Department of Environmental Conservation.

(i) Incorporation by reference. Revision to 6NYCRR Part 217, Motor Vehicle Emissions, Subparts 217–1, 217–2, and 217–4, that became effective on May 22, 1997 and revisions to 15NYCRR Part 79, Motor Vehicle Inspection, Sections 79.1–79.15, 79.17, 79.20, 79.21, 79.24–79.26, that became effective on June 4, 1997.

(ii) Additional material:

(A) March 6, 1996, submittal of revisions to the enhanced motor vehicle inspection and maintenance program.

(B) May 24, 1999, submittal of the demonstration of the effectiveness of New York's decentralized inspection and maintenance program network.

(C) October 7, 1999, supplemental submittal of the demonstration of the effectiveness of New York's decentralized inspection and maintenance program network.

(D) October 29, 1999, letter clarifying October 7, 1999, supplemental submittal.

(E) May 22, 2000, Instrumentation/Protocol Assessment Pilot Study analysis of the NYTEST.

(100) Revisions to the State Implementation Plan submitted on April 3, 2000, April 18, 2000 and as supplemented on May 16, 2000 by the New York State Department of Environmental Conservation that establishes the $NO_X$ Budget Trading Program, a 2007 Statewide $NO_X$ emissions budget, and a commitment by New York to comply with the §51.122 reporting requirements.

(i) Incorporation by reference:

(A) Regulation Part 204 of Title 6 of the New York Code of Rules and Regulations, entitled ''$NO_X$ Budget Trading Program,'' adopted on January 18, 2000 and effective on February 25, 2000.

(B) Amendments to Title 6 of the New York Code of Rules and Regulations, Part 200, ''General Provisions,'' Subpart 227–1, ''Stationary Combustion Installations,'' and Subpart 227–2, ''Reasonably Available Control Technology (RACT) for Oxides of Nitrogen ( $NO_X$)'' adopted on January 18, 2000 and effective on February 25, 2000.

(ii) Additional material:

(A) Letter from New York State Department of Environmental Conservation dated April 3, 2000, requesting EPA approval of the $NO_X$ Budget Trading Program as a revision to the New York State Implementation Plan for ozone.

(B) Letter from New York State Department of Environmental Conservation dated April 18, 2000, requesting EPA approval of the Oxides of Nitrogen ( $NO_X$) SIP, entitled ''New York State Implementation Plan For Ozone; Meeting The Statewide Oxides of Nitrogen ( $NO_X$) Budget Requirements Contained In The $NO_X$ SIP Call (63 FR 57356, October 27, 1998),'' as a revision to the New York State Implementation Plan for ozone.

(C) Letter from New York State Department of Environmental Conservation dated May 16, 2000, transmitting supplemental information to the Oxides of Nitrogen ( $NO_X$) SIP submitted on April 18, 2000.

(101) Revisions to the State Implementation Plan submitted on July 8, 1994 by the New York State Department of Environmental Conservation that establishes VOC and $NO_X$ Reasonably Available Control Technology requirements statewide for general process emission sources.

(i) Incorporation by reference:

(A) Regulation Part 212 of Title 6 of the New York Code of Rules and Regulations, entitled ''General Process Emission Sources'' filed on August 23, 1994 and effective on September 22, 1994.

(ii) Additional information.

(A) Letter from the New York State Department of Environmental Conservation dated July 8, 1994, submitting the Part 212 Regulation and amendments as revisions to the New York State Implementation Plan for ozone.

(B) Letter from the New York State Department of Environmental Department Conservation dated August 31, 2001 submitting an analysis of mass $NO_X$ emissions from generic sources throughout the State.

(C) Letter from the New York State Department of Environmental Conservation dated July 11, 2001 affirming

that there are no sources regulated by Parts 214, ''Byproduct Coke Oven Batteries,'' 216, ''Iron and/or Steel Processes,'' and 220, ''Portland Cement Plants'' in, or considered in the attainment demonstration for, the New York portion of the New York-Northern New Jersey-Long Island severe 1-hour ozone nonattainment area.

(102) Revisions to the State Implementation Plan submitted by the New York State Department of Environmental Conservation on November 20, 1996 as supplemented on February 24, 1997.

(i) Incorporation by reference:

(A) Permits to Construct/Certificates to Operate: The following facilities have been issued permits to construct/certificates to operate and/or special permit conditions by New York State and such permits and/or certificates are incorporated for the purpose of establishing $NO_X$ emission limits consistent with Subpart 227–2:

(*1*) Tenneco Gas Corporation's (also known as Tenneco Gas Pipeline Company and Tennessee Gas Pipeline Company) eighteen gas-fired reciprocating internal combustion engines, Erie, Columbia, and Herkimer Counties; Compressor Station #229 at Eden, NY: permits to construct and certificates to operate dated August 22, 1995 for emission points 0001A through 0006A; Compressor Station #254 at Chatham, NY: permits to construct and certificates to operate dated October 4, 1995 with attached Special Conditions dated September 15, 1995 for emission points 00001 through 00006; Compressor Station #245 at West Winfield, NY: Special (Permit) Conditions attached to New York State's letter dated February 24, 1997 for emission points 00001 through 00006.

(*2*) [Reserved]

(ii) Additional information—Documentation and information to support $NO_X$ RACT alternative emission limits in two letters addressed to EPA from New York State Department of Environmental Conservation and dated as follows:

(*1*) November 20, 1996 letter to Ms. Kathleen C. Callahan, Director of the Division of Environmental Planning and Protection from Deputy Commissioner David Sterman providing a SIP revision for Tenneco Gas Pipeline Company.

(*2*) February 24, 1997 letter to Ronald Borsellino, Chief of the Air Programs Branch from Donald H. Spencer, P.E., providing supplemental information for Tenneco Gas Pipeline Company's Compressor Station #245.

(103) Revisions to the State Implementation Plan submitted on December 30, 2002, January 17, 2003, April 30, 2003, September 17, 2003, and October 27, 2003, by the New York State Department of Environmental Conservation, which consists of control strategies that will achieve volatile organic compound emission reductions that will help achieve attainment of the national ambient air quality standard for ozone.

(i) Incorporation by reference:

(A) Regulations Part 226, ''Solvent Metal Cleaning Processes'' of Title 6 of the New York Code of Rules and Regulations (NYCRR), filed on April 7, 2003, and effective on May 7, 2003, Part 228, ''Surface Coating Processes'' of Title 6 NYCRR, filed on June 23, 2003, and effective on July 23, 2003, Part 235, ''Consumer Products'' of Title 6 NYCRR, filed on October 10, 2002, and effective on November 9, 2002, and Part 239, ''Portable Fuel Container Spillage Control'' of Title 6 NYCRR, filed on October 4, 2002, and effective on November 4, 2002.

(104) Revisions to the State Implementation Plan submitted by the New York State Department of Environmental Conservation on April 12, 2000, and supplemented on May 12, 2000, May 16, 2000, October 10, 2002, and February 24, 2003.

(i) Incorporation by reference:

Special Permit Conditions: Special permit conditions issued by New York State on December 16, 1997, to General Chemical Corporation's sodium nitrite manufacturing plant, Solvay, Onondaga County, are incorporated for the purpose of establishing $NO_X$ emission limits consistent with part 212.

(ii) Additional information—Documentation and information to support $NO_X$ RACT facility-specific emission limits in SIP revision addressed to Regional Administrator Jeanne M. Fox from New York Deputy Commissioner Carl Johnson:

(A) April 12, 2000, SIP revision,

(B) May 12, 2000, May 16, 2000, October 10, 2002, and February 24, 2003, supplemental information to the SIP revision,

(C) May 7, 2004, commitment letter from New York.

(105) Revisions to the State Implementation Plan submitted on November 4, 2003 and supplemented on November 21, 2003, by the New York State Department of Environmental Conservation, which consists of a control strategy that will achieve volatile organic compound emission reductions that will help achieve attainment of the national ambient air quality standard for ozone.

(i) Incorporation by reference:

(A) Regulation Part 205, ''Architectural and Industrial Maintenance Coatings.'' of title 6 of the New York Code of Rules and Regulations, filed on October 23, 2003, and effective on November 22, 2003.

(106) Revisions to the State Implementation Plan submitted on February 18, 2004, by the New York State Department of Environmental Conservation which consists of control measures that will achieve reductions in $NO_X$ emissions from stationary combustion sources that will help achieve attainment of the national ambient air quality standard for ozone.

(i) Incorporation by reference:

(A) Regulation subpart 227–2 ''Reasonably Available Control Technology (RACT) for Oxides of Nitrogen ($NO_X$)'' of part 227 ''Stationary Combustion Installations'' of title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6NYCRR), filed on January 12, 2004, and effective on February 11, 2004.

(107) Revisions to the State Implementation Plan submitted on December 9, 2002, by the New York State Department of Environmental Conservation which consists of the adoption of California's second generation Low Emissions Vehicle (LEV) program.

(i) Incorporation by reference.

(A) Regulation part 218 ''Emissions Standards for Motor Vehicles and Motor Vehicle Engines'' of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6NYCRR), part 218, subparts 218–1, 218–2, 218–3, 218–5, 218–6, 218–7 and 218–8 filed on November 28, 2000 and effective on December 28, 2000.

(108) Revisions to the State Implementation Plan submitted on June 22, 2004, by the New York State Department of Environmental Conservation, which consists of a revision to the carbon monoxide maintenance plan for Onondaga County.

(i) Incorporation by reference:

(A) Regulation Part 225–3, ''Fuel Composition and Use—Gasoline.'' of Title 6 of the New York Code of Rules and Regulations, filed on October 5, 2001, and effective on November 4, 2001.

(109) Revisions to the State Implementation Plan submitted on June 16, 1996 and May 27, 2005, by the New York State Department of Environmental Conservation, which consist of administrative changes to Title 6 of the New York Code, Rules and Regulations, Part 201, ''Permits and Certificates.''

(i) Incorporation by reference:

(A) Regulations Subparts 201–7.1, ''General'' and 201–7.2, ''Emission Capping Using Synthetic Minor Permits'' of Part 201–7, ''Federally Enforceable Emission Caps'' of Title 6 of the New York Code of Rules and Regulations (NYCRR), filed on June 7, 1996, and effective on July 7, 1996.

(110) Revisions to the State Implementation Plan submitted on July 8, 1994, by the New York State Department of Environmental Conservation (NYSDEC), which consisted of amendments to Title 6 of the New York Codes, Rules and Regulations (NYCRR) Parts 214, ''Byproduct Coke Oven Batteries,'' and 216, ''Iron and/or Steel Processes.''

(i) Incorporation by reference:

(A) Regulations Part 214, ''Byproduct Coke Oven Batteries,'' and Part 216, ''Iron and/or Steel Processes'' of Title 6 of the New York Codes, Rules and Regulations (NYCRR), filed on August 23, 1994, and effective on September 22, 1994.

(ii) Additional information:

(A) Letter from New York State Department of Environmental Conservation, dated March 1, 2006, identifying the level of $NO_X$ emissions from generic sources located in New York State that are subject to Parts 214 and 216.

(111) Revisions to the State Implementation Plan submitted on February 27, 2006, by the New York State Department of Environmental Conservation, which consist of administrative changes to its motor vehicle enhanced inspection and maintenance (I/M) program which includes the adoption of a statewide On-Board Diagnostic (OBD) program.

(i) Incorporation by reference:

(A) Regulation Title 6 of the New York Codes, Rules and Regulations (NYCRR), Part 217, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements,'' specifically, Subpart 217–1, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements'' and Subpart 217–4, ''Inspection and Maintenance Program Audits,'' effective on October 30, 2002, and the New York State Department of Motor Vehicles regulation Title 15 NYCRR Part 79 ''Motor Vehicle Inspection Regulations,'' specifically, Sections 79.1–79.15, 79.17, 79.20, 79.21, 79.24, and 79.25, effective on May 4, 2005.

(112) Revisions to the State Implementation Plan submitted on July 7, 2006 by the New York State Department of Environmental Conservation for the purpose of enhancing an existing Emission Statement Program for stationary sources in New York. The SIP revision consists of amendments to Title 6 of the New York Codes Rules and Regulations, Chapter III, Part 202, Subpart 202–2, ''Emission Statements.''

(i) Incorporation by reference:

(A) Part 202, Subpart 202–2, Emission Statements of Title 6 of the New York Codes, Rules and Regulations, effective on May 29, 2005.

(ii) Additional information:

(A) July 7, 2006, letter from Mr. Carl Johnson, Deputy Commissioner, OAWM, NYSDEC, to Mr. Alan Steinberg, RA, EPA Region 2, requesting EPA approval of the amendments to Title 6 of the New York Codes Rules and Regulations, Chapter III, Part 202, Subpart 202–2, Emission Statements.

(B) April 11, 2007, letter from Mr. David Shaw, Director, Division of Air Resources, NYSDEC, to Mr. Raymond Werner, Chief, Air Programs Branch, EPA Region 2.

(113) A revision to the State Implementation Plan that was submitted on September 17, 2007 by the New York State Department of Environmental Conservation (NYSDEC). This revision consists of regulations to meet the requirements of the Clean Air Interstate Rule (CAIR). This revision also addresses New York's 110(a)(2)(D)(i) obligations to submit a SIP revision that contains adequate provisions to prohibit air emissions from adversely affecting another state's air quality through interstate transport.

(i) Incorporation by reference:

(A) Part 243, CAIR $NO_X$ Ozone Season Trading Program, Part 244, CAIR $NO_X$ Annual Trading Program, and Part 245, CAIR $SO_2$ Trading Program, effective on October 19, 2007, of Title 6 of the New York Code of Rules and Regulations (NYCRR).

(B) Notice of Adoption, New York State Clean Air Interstate Rule, addition of Parts 243, 244 and 245 to Title 6 NYCRR, New York State Register, dated October 10, 2007, pages 16–22.

(ii) Additional information:

(A) Letter dated September 14, 2007 from Assistant Commissioner J. Jared Snyder, NYSDEC, to Alan J. Steinberg, RA, EPA Region II, submitting the SIP revision.

(114) On October 21, 2009 and November 23, 2009, the New York State Department of Environmental Conservation (NYSDEC), submitted to EPA proposed revisions to the SIP concerning control strategies which will result in volatile organic compound emission reductions that will help achieve attainment of the national ambient air quality standards for ozone.

(i) Incorporation by reference:

(A) Title 6 of the New York Code of Rules and Regulations, Part 235, ''Consumer Products,'' with an effective date of October 15, 2009 and Part 239, ''Portable Fuel Container Spillage Control,'' with an effective date of July 30, 2009.

(ii) Additional information:

(A) Letters dated October 21, 2009 and November 23, 2009 from Assistant Commissioner J. Jared Snyder, NYSDEC, to George Pavlou, Acting Regional Administrator, EPA Region 2, submitting the SIP revision for parts 235 and 239 respectively.

(115) On March 3, 2009, the New York State Department of Environmental

Conservation (NYSDEC), submitted to EPA proposed revisions to the State Implementation Plan concerning Prevention of Significant Deterioration (PSD) and nonattainment new source review.

(i) Incorporation by reference:

(A) Letter dated March 3, 2009, from Assistant Commissioner J. Jared Snyder, NYSDEC, to George Pavlou, Acting Regional Administrator, EPA Region 2, submitting the revisions for Title 6 of the New York Code of Rules and Regulations, Part 200, ''General Provisions,'' sections 200.1 and 200.9, Table 1 (Part 231 references); Subpart 201–2.1(b)(21); and Part 231, which identifies an effective date of March 5, 2009.

(B) Title 6 of the New York Code of Rules and Regulations, Part 200, ''General Provisions,'' sections 200.1 and 200.9, Table 1 (Part 231 references), with an effective date of March 5, 2009, Subpart 201–2.1(b)(21), definition of ''Major stationary source or major source or major facility,'' with an effective date of March 5, 2009, and Part 231, ''New Source Review for New and Modified Facilities,'' with an effective date of March 5, 2009.

[37 FR 10882, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1670, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1671 Classification of regions.

The New York plans were evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Photochemical oxidants (hydrocarbons) |
| Niagara Frontier Intrastate | I | I | III | III | I |
| Champlain Valley Interstate | II | II | III | III | III |
| Central New York Intrastate | I | II | III | I | I |
| Genesee-Finger Lakes Intrastate | II | II | III | III | I |
| Hudson Valley Intrastate | I | II | III | III | III |
| Southern Tier East Intrastate | II | II | III | III | III |
| Southern Tier West Intrastate | II | II | III | III | III |
| New Jersey-New York-Connecticut Interstate | I | I | I | I | I |

[37 FR 10882, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

### § 52.1672 Extensions.

Pursuant to section 186(a)(4) of the Clean Air Act, as amended in 1990, the Regional Administrator hereby extends for one year (until December 31, 1996) the attainment date for the New York-Northern New Jersey-Long Island Consolidated Metropolitan Statistical Carbon Monoxide nonattainment area.

[61 FR 56900, Nov. 5, 1996]

### § 52.1673 Approval status.

(a) With the exceptions set forth in this section, the Administrator approves the New York State Implementation Plan (SIP) for the attainment and maintenance of the national standards under section 110(a)(2) 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. In addition, continued satisfaction of the requirements of Part D for the ozone element of the SIP depends on the adoption and submittal of requirements for reasonable available control technology (RACT) by January 1985 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by Control Techniques Guidelines (CTGs) issued by the previous January.

(b) [Reserved]

[50 FR 25079, June 17, 1985, as amended at 56 FR 12453, Mar. 26, 1991]

### § 52.1674 Requirements for state implementation plan revisions relating to new motor vehicles.

New York's adopted LEV program must be revised to the extent necessary for the state to comply with all aspects of the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

### § 52.1675 Control strategy and regulations: Sulfur oxides.

(a)–(c) [Reserved]

(d) Section 225.3(e) of Subchapter A, Chapter III, Title 6 of New York State's Official Compilation of Codes, Rules and Regulations, is disapproved since it does not provide for the type of permanent control necessary to assure attainment and maintenance of national standards.

(e) Any special limitation promulgated by the Commissioner under 6 NYCRR section 225.2(b) and (c), any exception issued by the Commissioner under 6 NYCRR section 225.3, and any permission issued by the Commissioner under 6 NYCRR section 225.5(c) shall not exempt any person from the requirements otherwise imposed by 6 NYCRR Part 225; provided that the Administrator may approve such special limitation, exception or permission as a plan revision when the provisions of this part, section 110 (a)(3)(A) of the Act, and 40 CFR part 51 (relating to approval of and revisions to State implementation plans) have been satisfied with respect to such special limitation, exception or permission.

(f) The following applies to the Environmental Protection Agency's approval as a SIP revision of the ''special limitation'' promulgated by the Commissioner of the New York State Department of Environmental Conservation on November 20, 1979 permitting the purchase and use by the Consolidated Edison Company of New York, Inc. of fuel oil with a maximum sulfur content of 1.5 percent, by weight, at units 2 and 3 of its Arthur Kill generating facility on Staten Island, New York and unit 3 of its Ravenswood generating station in Queens, New York:

(1) On or before the ''Date of Conversion'' indicated below, each ''Facility'' indicated below shall combust only natural gas for the duration of the special limitation.

(a) City College of New York, Amsterdam Ave. between W. 135th St. and W. 138th St., Manhattan—

North Campus Academic Center: Converted
North Campus Main Boiler (Compton Hall): Two boilers shut-down; One boiler converted;
South Campus—Boiler Plant: Converted;
North Campus Science and Physical Education Building: October 1, 1980.

(b) Harlem Hospital, 135th St. and Lenox Ave., Manhattan: April 1, 1981;

(c) Columbia University, 116th St. and Broadway, Manhattan: Converted;

(d) New York City Housing Auth., Senator Robert F. Wagner Houses, 23–96 First Ave.: October 1, 1980;

(e) New York City Housing Auth., Frederick Douglass Houses, 880 Columbus Ave., Manhattan: October 1, 1980;

(f) New York City Housing Auth., Manhattanville Houses, 549 W. 126th St., Manhattan: October 1, 1980;

(g) New York City Housing Auth., St. Nicholas Houses, 215 W. 127th St.: October 1, 1980;

(h) New York City Housing Auth., General Grant Houses, 1320 Amsterdam Ave., Manhattan: October 1, 1980;

(i) New York City Housing Auth., Harlem River Houses, 211–0–1 W. 151st Street, Manhattan: October 1, 1980;

(j) New York City Housing Auth., Martin Luther King Towers, 90 Lenox Ave., Manhattan: October 1, 1980;

(k) New York City Housing Auth., Drew Hamilton Houses, 210 W. 142nd Street, Manhattan: October 1, 1980.

(2) If any of the facilities identified in paragraph (g)(1) of this section, fail to meet the requirements of that paragraph, the Consolidated Edison Company shall not burn fuel oil with a sulfur content in excess of 0.30 percent, by weight. For this purpose, Consolidated Edison shall maintain a reserve supply of fuel oil with a maximum sulfur content of 0.30 percent, by weight, and shall have a mechanism to switch promptly to the use of such fuel oil.

(3) EPA's approval of this revision to the New York SIP will extend for a period of twelve months from [August 11, 1980] or such longer period limited to twelve months from the date on which fuel oil with a sulfur content exceeding 0.30 percent, by weight, is first burned at any of the affected Consolidated Edison facilities. However, once the use of high sulfur fuel oil has commenced, failure to meet any of the conversion dates specified in paragraph (g)(1) of this section shall not extend the period of EPA approval.

(4) On or before July 1, 1981 the Consolidated Edison Company of New York, Inc. shall displace the use of approximately 7.1 million gallons of residual oil, as projected on an annual basis, through a gas conversion program to be implemented within a two-mile radius of the Mabel Dean Bacon High School Annex monitor. Beginning on the first day of the month in which fuel oil with a sulfur content exceeding 0.30 percent, by weight, is first burned at any of the affected Consolidated Edison facilities and continuing for twelve months thereafter, the Consolidated Edison Company of New York, Inc. shall submit a report to the EPA, on a monthly basis, which includes, but is not limited to, the following information regarding this program:

(i) The total gallonage of fuel oil capacity converted (projected to an annual amount) as of that date,

(ii) The potential gallonage from sources at which conversion work has begun, and

(iii) The projected gallonage from sources expected to be converted by July 1, 1981.

(g) The Environmental Protection Agency has approved a New York State Implementation Plan revision relating to the $SO_2$ emission limit for units 4 and 5 of Orange and Rockland Utilities' Lovett generating station. The revision which allows Lovett to burn coal at units 4 and 5 was submitted by the New York State Department of Environmental Conservation (NYSDEC) on September 18, 1990, with additional materials submitted on April 12, 1991, and June 3, 1991. This action sets the emission limit applicable to the facility to 1.0 pound per million British thermal units (MMBtu) for units 4 and 5 if both are operated on coal, or to 1.5 lb/MMBtu for one unit if the other is operated on fuel oil, natural gas or is not operated at all, as set forth in the Certificates to Operate issued by NYSDEC on April 3, 1991. The $SO_2$ emission limit, monitoring and recordkeeping requirements pertaining to the $SO_2$ emissions are incorporated by reference into the Certificates to Operate.

[37 FR 19815, Sept. 22, 1972, as amended at 38 FR 31296, Nov. 13, 1973; 39 FR 1441, Jan. 9, 1974; 39 FR 9666, Mar. 13, 1974; 39 FR 30038, Aug. 20, 1974; 40 FR 23745, June 2, 1975; 45 FR 53144, Aug. 11, 1980; 50 FR 23007, May 30, 1985; 56 FR 37477, Aug. 7, 1991; 60 FR 33923, June 29, 1995]

### §52.1676 Control strategy: Nitrogen dioxide.

(a) The requirements of §52.14(c)(3) of this chapter as of May 8, 1974 (39 FR 16347), are not met since the plans do not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the New York portion of the New Jersey-New York-Connecticut Interstate Region.

(b) Section 227.5(b) of 6 NYCRR, as submitted on August 10, 1979, is disapproved because it is inconsistent with 40 CFR Subpart G, Control strategy: Carbon monoxide, hydrocarbons, ozone, and nitrogen dioxide.

[37 FR 19815, Sept. 22, 1972, as amended at 39 FR 16347, May 8, 1974; 46 FR 55693, Nov. 12, 1981; 51 FR 40675, 40677, Nov. 7, 1986]

### §52.1677 Compliance schedules.

(a) The requirements of §51.261 of this chapter are not met since the compliance schedule for Part 220 of Subchapter A, Chapter III, Title 6 of New York State's Official Compilation of Codes, Rules and Regulations, does not provide for attainment and maintenance of the national standards for particulate matter by the dates required by the Act.

(b) The requirements of §51.262(a) of this chapter are not met since sections 223.1(a), 225.3(c), and 230.2(d) of Subchapter A, Chapter III, Title 6 of New York State's Official Compilation of Codes, Rules and Regulations do not require the reporting of periodic increments of progress toward compliance by affected sources or categories of sources.

(c) 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.

(d) Federal compliance schedules. (1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of section 225.3(c) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(2) Any owner or operator of a stationary source subject to paragraph (d)(1) of this section who elects low-sulfur fuel shall be subject to the following compliance schedule:

(i) 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 section 225.3(c) of the codes, rules, and regulations cited in paragraph (d)(1) of this section on June 30, 1975, and October 1, 1975, respectively, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

(vi) February 28, 1975—Complete onsite modifications, if applicable.

(vii) (*a*) June 30, 1975—Final compliance with the low-sulfur fuel requirements of section 225.3(c) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations.

(*b*) October 1, 1975—Final compliance with the low-sulfur fuel requirements of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations.

(3) Any owner or operator of a stationary source subject to paragraph (d)(1) of this section who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Let necessary contracts for construction.

(ii) March 31, 1974—Initiate onsite construction.

(iii) February 28, 1975—Complete onsite construction.

(iv) (*a*) June 30, 1975—Final compliance with the requirements of section 225.3(c) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations.

(*b*) October 1, 1975—Final compliance with the requirements of Subchapter A, Title 6 of New York State's official compilation of codes, rules, and regulations.

(v) If a performance test is necessary for a determination as to whether compliance with subpart (3)(iv)(a) or (b) has been achieved, such a test must be completed by June 30, 1975, or October 1, 1975, respectively. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(4) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirement of section 230.2(d) of Subchapter A, Chapter III, Title 6 of the New York State's official compilation of codes, rules, and regulations shall notify the Administrator no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(5) Any owner or operator of a stationary source subject to paragraph (d)(4) of this section who elects low-sulfur fuel shall be subject to the following compliance schedule:

(i) 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 section 230.2(d) of the codes, rules, and regulations cited in paragraph (4) of this paragraph (d) on October 1, 1974, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

(vi) September 3, 1974—Complete onsite modifications, if applicable.

(vii) October 1, 1974—Final compliance with the low-sulfur fuel requirements of section 230.2(d) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations.

(6) Any owner or operator of a stationary source subject to paragraph (d)(5) of this section who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Let necessary contracts for construction.

(ii) December 31, 1973—Initiate onsite construction.

(iii) September 1, 1974—Complete onsite construction.

(iv) October 1, 1974—Final compliance with the requirements of section 230.2(d) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by October 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(7) The owner or operator of any petroleum refinery subject to the requirements of section 223.1(a) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations shall comply with the compliance schedule in paragraph (d)(8) of this section.

(8) Any owner or operator of a petroleum refinery subject to paragraph (d)(7) of this section shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit final control plan to the Administrator.

(ii) February 28, 1974—Let necessary contracts for construction or installation of emission control equipment.

(iii) June 30, 1974—Initiate onsite construction or installation of emission control equipment.

(iv) November 30, 1974—Complete onsite construction or installation of emission control equipment.

(v) December 31, 1974—Final compliance with the requirements of section 223.1(a) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations.

(9) The owner or operator of any coke oven battery subject to the requirements of Part 214, sections 214.2 and 214.4, of Subchapter A, Chapter III, Title 6 of the New York State's official compilation of codes, rules, and regulations for a facility with an environmental rating B as determined by Part 212 of Subchapter A, Chapter III, Title 6 of the New York State official compilation of codes, rules, and regulations, shall comply with the compliance schedule in paragraph (d)(10) of this section.

(10) Any owner or operator of a coke oven battery subject to paragraph (d)(9) of this section shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit final control plan to the Administrator.

(ii) February 1, 1974—Let necessary contract for construction or installation of control equipment.

(iii) April 15, 1974—Initiate onsite construction or installation of control equipment.

(iv) November 30, 1974—Complete onsite construction or installation of control equipment.

(v) December 31, 1974—Final compliance with the requirements of Part 214, sections 214.2 and 214.4, of the Subchapter A, Chapter III, Title 6 of the New York State's official compilation of codes, rules, and regulations.

(11) 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.

(12) (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.

(13) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraphs (d)(2), (3), (5), (6), (8), and (10) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

[37 FR 19815, Sept. 22, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1677, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1678 Control strategy and regulations: Particulate matter.

(a)–(c) [Reserved]

(d) Section 227.3(a)(2) of 6 NYCRR, as submitted on August 10, 1979, is disapproved because it is inconsistent with 40 CFR Subpart G, Control strategy: Sulfur oxides and particulate matter.

(e) 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 control available 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.

[46 FR 55693, Nov. 12, 1981, as amended at 51 FR 40676, Nov. 7, 1986; 75 FR 69591, Nov. 15, 2010]

### § 52.1679 EPA-approved New York State regulations.

| New York State regulation | State effective date | Latest EPA approval date | Comments |
|---|---|---|---|
| Title 6: | | | |
| Part 200, General Provisions, Section 200.1. | 3/5/09 | 11/17/10, 75 FR 70140 .. | The word odor is removed from the Subpart 200.1(d) definition of "air contaminant or air pollutant." |
| | | Redesignation of non-attainment areas to attainment areas (200.1(av)) does not relieve a source from compliance with previously applicable requirements as per letter of Nov. 13, 1981 from H. Hovey, NYSDEC. | |
| | | | Changes in definitions are acceptable to EPA unless a previously approved definition is necessary for implementation of an existing SIP regulation. |

| New York State regulation | State effective date | Latest EPA approval date | Comments |
|---|---|---|---|
| | | | EPA is including the definition of ''Federally enforceable'' with the understanding that (1) the definition applies to provisions of a Title V permit that are correctly identified as Federally enforceable, and (2) a source accepts operating limits and conditions to lower its potential to emit to become a minor source, not to ''avoid'' applicable requirements. |
| Section 200.9, Table 1 (Part 231 references). | 3/5/09 | 11/17/10, 75 FR 70140 .. | EPA is approving reference documents that are not already Federally enforceable. |
| Sections 200.6, 200.7 and 200.9 ..... | 2/25/00 | 4/22/08, 73 FR 21548 .... | EPA is approving reference documents that are not already Federally enforceable. |
| Part 201, ''Permits and Certificates'' ..... | 4/4/93 | 10/3/05, 70 FR 57511 .... | This action removes subpart 201.5(e) from the State's federally approved SIP. |
| Subpart 201–2.1(b)(21), Definitions ..... | 3/5/09 | 11/17/10, 75 FR 70140 .. | EPA is including the definition of ''Major stationary source or major source or major facility'' with the understanding that the definition applies only to provisions of part 231. |
| Subpart 201–7.1, ''General'' ..... | 7/7/96 | 10/3/05, 70 FR 57511. | |
| Subpart 201–7.2, ''Emission Capping Using Synthetic Minor Permits''. | 7/7/96 | 10/3/05, 70 FR 57511. | |
| Part 202, Emissions Verification: ..... | 3/24/79 | 11/12/81, 46 FR 55690. | |
| Subpart 202–1, ''Emissions Testing, Sampling and Analytical Determinations''.. | | | |
| Subpart 202–2, ''Emission Statements''. | 5/29/2005 | 10/31/07, 72 FR 61530 .. | Section 202–2.3(c)(9) requires facilities to report individual HAPs that may not be classified as criteria pollutants or precursors to assist the State in air quality planning needs. EPA will not take SIP-related enforcement action on these pollutants. |
| Part 204, $NO_X$ Budget Trading Program ..... | 2/25/00 | 5/22/01 66 FR 28063 ..... | Incorporates $NO_X$ SIP Call and $NO_X$ Budget Trading Program for 2003 and thereafter. |
| Part 205, Architectural and Industrial Maintenance Coatings. | 11/22/04 | 12/13/04, 69 FR 72118. | |
| Part 207, Control Measures for an Air Pollution Episode. | 3/24/79 | 11/12/81, 46 FR 55690. | |
| Part 211, General Prohibitions ..... | 8/11/83 | 11/27/98, 63 FR 65559 .. | Section 211.2 has been removed from the approved plan. |
| Part 212, General Process Emission Sources. | 9/22/94 | 9/25/01, 66 FR 48961. | |
| Part 213, Contaminant Emissions from Ferrous Jobbing Foundries. | 6/27/72 | 9/22/72, 37 FR 19814. | |
| Part 214, ''Byproduct Coke Oven Batteries'' | 9/22/94 | 7/20/06, 71 FR 41163. | |
| Part 215, Open Fires ..... | 6/16/72 | 9/22/72, 37 FR 19814. | |
| Part 216, ''Iron and/or SteelProcesses'' ..... | 9/22/94 | 7/20/06, 71 FR 41163. | |
| Part 217, Motor Vehicle Emissions:. | | | |
| Subpart 217–1, Motor Vehicle Enhanced Inspection and Maintenance Program Requirements. | 10/30/02 | 2/21/07, 72 FR 7829. | |
| Subpart 217–4, Inspection and Maintenance Program Audits. | 10/30/02 | 2/21/07, 72 FR 7829. | |
| Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines:. | ..... | ..... | EPA's approval of part 218 only applies to light-duty vehicles. |
| Subpart 218–1: Applicability and Definitions | 12/28/00 | 1/31/05, 70 FR 4773. | |
| Subpart 218–2: Certification and Prohibitions. | 12/28/00 | 1/31/05, 70 FR 4773. | |
| Subpart 218–3: Fleet Average ..... | 12/28/00 | 1/31/05, 70 FR 4773 | |
| Subpart 218–4: Zero Emissions Vehicle Sales Mandate. | 5/28/92 | 1/6/95, 60 FR 2025.. | |
| Subpart 218–5: Testing ..... | 12/28/00 | 1/31/05, 70 FR 4773 | |
| Subpart 218–6: Surveillance ..... | 12/28/00 | 1/31/05, 70 FR 4773. | |
| Subpart 218–7: Aftermarket Parts ..... | 12/28/00 | 1/31/05, 70 FR 4773. | |
| Subpart 218–8: Severability ..... | 12/28/00 | 1/31/05, 70 FR 4773. | |
| Part 219, Incinerators ..... | 5/1/82 | 9/22/72, 37 FR 19814. | |

| New York State regulation | State effective date | Latest EPA approval date | Comments |
|---|---|---|---|
| Part 220, Portland Cement Plants | 3/14/73 | 11/12/81, 46 FR 55690. | |
| Part 222, Incinerators—New York City, Nassau and Westchester Counties. | 7/17/72 | 9/22/72, 37 FR 19814. | |
| Part 223, Petroleum Refineries | 8/9/84 | 7/19/85, 50 FR 29382. | |
| Part 224, Sulfuric and Nitric Acid Plants | 5/10/84 | .....do | Variances adopted by the State pursuant to Part 224.6(b) become applicable only if approved by EPA as SIP revisions 7/19/85, 50 FR 29382. |
| Subpart 225–1, Fuel Composition and Use-Sulfur Limitations. | 3/24/79 | 11/12/81, 46 FR 55690 | Section 225.3(e) is disapproved (40 CFR 52.1675(d)). Variances adopted by the State pursuant to §§ 225.2(b) and (c), 225.3, and 225.5(c) become applicable only if approved by EPA or SIP revisions (40 CFR 52.1675(e)). |
| Subpart 225–2, Fuel Composition and Use-Waste Fuel. | 7/28/83 | 8/2/84. | |
| Part 225–3, Fuel Composition and Use—Gasoline. | 11/4/01 | 9/08/05, 70 FR 53304 | The Variance adopted by the State pursuant to section 225–3.5 becomes applicable only if approved by EPA as a SIP revision. |
| Part 226, Solvent Metal Cleaning Processes. | 5/7/03 | 1/23/04, 69 FR 3240. | |
| Part 227, Stationary Combustion Installations [1972 version]/section 227.2(b)(1). | 5/1/72 | 9/22/72, 37 FR 19814 | |
| Part 227, Stationary Combustion Installations. | | | Existing Part 227 is renumbered Subpart 227–1. |
| Subpart 227–1, Stationary Combustion Installations. | 2/25/00 | 5/22/01 66 FR 28063 | Renumbered sections 227–1.2(a)(2), 227–1.4(a), and 227–1.4(d) continue to be disapproved according to 40 CFR 52.1678(d) and 52.1680(a). (New York repealed existing Part 227.5.) |
| Subpart 227–2, Reasonably Available Control Technology (RACT) for Oxides of Nitrogen ($NO_X$). | 2/11/04 | 1/13/05, 70 FR 2358. | |
| Subpart 227–3, Pre-2003 Nitrogen Oxides Emissions Budget and Allowance Program. | 3/5/99 | 5/22/01 66 FR 28063 | Approval of $NO_X$ Budget Trading Program for 1999, 2000, 2001 and 2002. $NO_X$ caps in the State during 2003 and thereafter established in Part 204. |
| Part 228, ''Surface Coating Processes'' | 7/23/03 | 1/23/04, 69 FR 3240. | |
| Part 229, Petroleum and Volatile Organic Liquid Storage and Transfer. | 4/4/93 | 12/23/97, 62 FR 67006 | SIP revisions submitted in accordance with Section 229.3(g)(1) are effective only if approved by EPA. |
| Part 230, Gasoline Dispensing Sites and Transport Vehicles. | 8/22/94 | 4/30/98, 63 FR 23668. | |
| Part 231, New Source Review for New and Modified Facilities. | 3/5/09 | 11/17/10, 75 FR 70140 | Partial approval; no action taken on provisions that may require PSD permits for sources of greenhouse gas (GHG) emissions with emissions below the thresholds identified in EPA's final PSD and Title V GHG Tailoring Rule at 75 FR 31514, 31606 (June 3, 2010). |
| Part 232, Dry Cleaning | 8/11/83 | 6/17/85, 50 FR 25079 | EPA has not determined that § 232.3(a) provides for reasonably available control technology. |
| Part 233, Pharmaceutical and Cosmetic Processes. | 4/4/93 | 12/23/97, 62 FR 67006 | SIP revisions submitted in accordance with Section 223.3(h)(1) are effective only if approved by EPA. |
| Part 234, Graphic Arts | 4/4/93 | 12/23/97, 62 FR 67006 | SIP revisions submitted in accordance with Section 234.3(f)(1) are effective only if approved by EPA. |
| Part 235, Consumer Products | 10/15/09 | 5/28/10, 75 FR 29897. | |
| Part 236, Synthetic Organic Chemical Manufacturing Facility Component Leaks. | 1/16/92 | 7/27/93, 58 FR 40059 | Variances adopted by the State pursuant to Part 236.6(e)(3) become applicable only if approved by EPA as a SIP revision. |
| Part 239, Portable Fuel Container Spillage Control. | 7/30/09 | 5/28/10, 75 FR 29897 | The specific application of provisions associated with alternate test methods, variances and innovative products, must be submitted to EPA as SIP revisions. |
| Part 243, CAIR $NO_X$ Ozone Season Trading Program. | 10/19/07 | 1/24/08, 73 FR 4112. | |

| New York State regulation | State effective date | Latest EPA approval date | Comments |
|---|---|---|---|
| Part 244, CAIR $NO_X$ Annual Trading Program. | 10/19/07 | 1/24/08, 73 FR 4112. | |
| Part 245, CAIR $SO_2$ Trading Program ..... | 10/19/07 | 1/24/08, 73 FR 4112. | |
| Title 15: | | | |
| Part 79, "Motor Vehicle Inspection Regulations" Sections 79.1–79.15, 79.17, 79.20, 79.21, 79.24, 79.25. | 5/4/05 | 2/21/07, 72 FR 7829. | |

[46 FR 55692, Nov. 12, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1679, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### §52.1680 Control strategy: Monitoring and reporting.

(a) Section 227.6 (a) and (f) are disapproved because they are not consistent with the continuous monitoring and reporting requirements of 40 CFR 51.214.

[46 FR 55693, Nov. 12, 1981, as amended at 51 FR 40677, Nov. 7, 1986]

### §52.1681 Control strategy: Lead.

As part of the attainment demonstration for lead, the State of New York has committed to rate all sources of lead or lead compound emissions with either an ''A'' or ''B'' environmental rating pursuant to 6 NYCRR Part 212.

[49 FR 30939, Aug. 2, 1984]

### §52.1682 Control strategy: Carbon monoxide.

(a) Approval—The November 13, 1992 revision to the carbon monoxide state implementation plan for Onondaga County. This revision included a maintenance plan which demonstrated continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2003.

(b) Approval—The November 13, 1992 and March 21, 1994 revisions to the carbon monoxide state implementation plan for the New York portion of the New York—Northern New Jersey—Long Island Carbon Monoxide nonattainment area. This included an attainment demonstration and the control measures needed to attain the National Ambient Air Quality Standard for carbon monoxide. In addition, the September 21, 1990 Downtown Brooklyn Master Plan and revision dated March 22, 2000 is a component of the carbon monoxide attainment plan. The November 23, 1999, request to redesignate the New York portion of the New York—Northern New Jersey—Long Island Carbon Monoxide nonattainment 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 (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 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.

(k)(1) The September 1, 2006 New York reasonably available control technology (RACT) analysis plan submittal, supplemented on February 8, 2008 and September 16, 2008, which applies to the entire State and to the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Poughkeepsie 8-hour ozone moderate nonattainment areas is conditionally approved.

(2) The moderate area reasonably available control measure (RACM) analysis for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone moderate nonattainment area as presented in the February 8, 2008 ''New

York SIP for Ozone—Attainment Demonstration for New York Metro Area'' submittal is conditionally 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; 75 FR 43069, July 23, 2010]

### § 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 authorizing 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 [Reserved]

### § 52.1690 Small business technical and environmental compliance assistance program.

On January 11, 1993, the New York State Department of Environmental Conservation submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the New York state implementation plan. This plan meets the requirements of section 507 of the Clean Air Act, and New York must implement the program as approved by EPA.

[59 FR 34386, July 5, 1994]

## Subpart II—North Carolina

### § 52.1770 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for North Carolina 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 paragraph (c) of this

section with an EPA approval date prior to December 30, 2004, for North Carolina (Table 1 of the North Carolina State Implementation Plan), January 1, 2003, for Forsyth County, North Carolina (Table 2 of the North Carolina State Implementation Plan) and January 1, 2003, for Mecklenburg County, North Carolina (Table 3 of the North Carolina State Implementation Plan), 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) of this section with EPA approval dates after December 30, 2004, for North Carolina (Table 1 of the December 30, 2004, for North Carolina State Implementation Plan), January 1, 2003, for Forsyth County, North Carolina (Table 2 of the North Carolina State Implementation Plan) and January 1, 2003, for Mecklenburg County, North Carolina, (Table 3 of the North Carolina State Implementation Plan) will be incorporated by reference in the next update to these SIP compilation notebooks.

(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 EPA, Air and Radiation Docket and Information Center, Air Docket (Mail Code 6102T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460 and the National Archives and Records Administration. 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 1—EPA APPROVED NORTH CAROLINA REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Subchapter 2D Air Pollution Control Requirements** | | | | |
| **Section .0100 Definitions and References** | | | | |
| Sect .0101 ... | Definitions | 01/15/98 | 11/10/99, 64 FR 61213. | |
| Sect .0103 ... | Copies of Referenced Federal Regulations. | 12/01/92 | 08/15/94, 59 FR 41708. | |
| Sect .0104 ... | Incorporation by Reference | 01/15/98 | 11/10/99, 64 FR 61213. | |
| Sect .0105 ... | Mailing List | 07/01/02 | 09/17/03, 68 FR 54362. | |
| **Section .0200 Air Pollution Sources** | | | | |
| Sect .0201 ... | Classification of Air Pollution Sources. | 04/12/84 | 10/11/85, 50 FR 41501. | |
| Sect .0202 ... | Registration of Air Pollution Sources. | 01/15/98 | 11/10/99, 64 FR 61213. | |
| **Section .0300 Air Pollution Emergencies** | | | | |
| Sect .0301 ... | Purpose | 02/01/76 | 06/03/86, 51 FR 19834. | |
| Sect. 0302 ... | Episode Criteria | 01/15/98 | 11/10/99, 64 FR 61213. | |
| Sect .0303 ... | Emission Reduction Plans | 04/12/84 | 10/11/85, 50 FR 41501. | |
| Sect .0304 ... | Preplanned Abatement Program | 04/14/88 | 12/12/88, 53 FR 49881. | |
| Sect .0305 ... | Emission Reduction Plan—Alert Level. | 04/12/84 | 10/11/85, 50 FR 41501. | |
| Sect .0306 ... | Emission Reduction Plan—Warning Level. | 04/12/84 | 10/11/85, 50 FR 41501. | |
| Sect .0307 ... | Emission Reduction Plan—Emergency Level. | 04/12/84 | 10/11/85, 50 FR 41501. | |
| **Section .0400 Ambient Air Quality Standards** | | | | |
| Sect .0401 ... | Purpose | 12/01/92 | 08/15/94, 59 FR 41708. | |

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Sect .0402 ... | Sulfur Oxides ..... | 04/12/84 | 10/11/85, 50 FR 41501. | |
| Sect .0403 ... | Total Suspended Particulates ..... | 07/01/88 | 01/16/90, 55 FR 1419. | |
| Sect .0404 ... | Carbon Monoxide ..... | 10/01/89 | 3/12/90, 55 FR 9125. | |
| Sect .0405 ... | Ozone ..... | 05/01/99 | 10/22/02, 67 FR 64989. | |
| Sect .0407 ... | Nitrogen Dioxide ..... | 10/01/89 | 03/12/90, 55 FR 9125. | |
| Sect .0408 ... | Lead ..... | 04/12/84 | 10/11/85, 50 FR 41501. | |
| Sect .0409 ... | Particulate Matter ..... | 07/01/88 | 01/16/90, 55 FR 1419. | |
| Sect .0410 ... | PM2.5 Particulate Matter ..... | 05/01/99 | 10/22/02, 67 FR 64989. | |
| **Section .0500 Emission Control Standards** | | | | |
| Sect .0501 ... | Compliance with Emission Control Standards. | 04/01/01 | 08/08/02, 67 FR 51461. | |
| Sect .0502 ... | Purpose ..... | 03/01/81 | 07/26/82, 47 FR 32118. | |
| Sect .0503 ... | Particulates from Fuel Burning Indirect Heat Exchangers. | 05/01/99 | 10/22/02, 67 FR 64989. | |
| Sect .0504 ... | Particulates from Wood Burning Indirect Heat Exchangers. | 07/01/02 | 12/27/02, 67 FR 78980. | |
| Sect .0505 ... | Control of Particulates from Incinerators. | 07/01/87 | 02/29/88, 53 FR 5974. | |
| Sect .0506 ... | Particulates from Hot Mix Asphalt Plants. | 03/20/98 | 11/10/99, 64 FR 61213. | |
| Sect .0507 ... | Particulates from Chemical Fertilizer Manufacturing Plants. | 04/01/03 | 09/17/03, 68 FR 54362. | |
| Sect .0508 ... | Particulates from Pulp and Paper Mills. | 03/20/98 | 11/10/99, 64 FR 61213. | |
| Sect .0509 ... | Particulates from Mica or Feldspar Processing Plants. | 04/01/03 | 09/17/03, 68 FR 54362. | |
| Sect .0510 ... | Particulates from Sand, Gravel, or Crushed Stone Operations. | 03/20/98 | 11/10/99, 64 FR 61213. | |
| Sect .0511 ... | Particluates from Lightweight Aggregate. | 03/20/98 | 11/10/99, 64 FR 61213. | |
| Sect .0512 ... | Particulates from Wood Products Finishing Plants. | 11/01/84 | 12/19/86, 51 FR 45468. | |
| Sect .0513 ... | Particulates from Portland Cement Plants. | 03/20/98 | 11/10/99, 64 FR 61213. | |
| Sect .0514 ... | Particulates from Ferrous Jobbing Foundries. | 03/20/98 | 11/10/99, 64 FR 61213. | |
| Sect .0515 ... | Particulates from Miscellaneous Industrial Processes. | 04/01/03 | 09/17/03, 68 FR 54362. | |
| Sect .0516 ... | Sulfur Dioxide Emissions from Combustion Sources. | 04/01/03 | 09/17/03, 68 FR 54362. | |
| Sect .0517 ... | $SO_2$ Emissions from Plants Producing Sulfuric Acid. | 11/01/84 | 12/19/86, 51 FR 45468. | |
| Sect. 0519 ... | Control of Nitrogen Dioxide and Nitrogen Oxides. | 1/1/05 | 8/22/08, 73 FR 49613. | |
| Sect .0520 ... | Control and Prohibition of Open Burning. | 07/01/96 | 08/01/97, 62 FR 41277 ..... | Repealed. |
| Sect .0521 ... | Control of Visible Emissions ..... | 01/01/05 | 10/25/05, 70 FR 61556 ..... | Approving changes to Paragraphs (c) and (d) that reference new Paragraph (g). Also, approving Paragraph (g) excluding the following language: ''excluding startups, shutdowns, maintenance periods when fuel is not being combusted, and malfunctions approved as such according to procedures approved under Rule .0535 of this Section.'' |
| Sect .0522 ... | Control and Prohibition of Odorous Emissions. | 02/01/76 | 06/03/86, 51 FR 19834. | |
| Sect .0523 ... | Control of Conical Incinerators ..... | 01/01/85 | 09/09/87, 52 FR 33933. | |
| Sect .0527 ... | Emissions from Spodumene Ore Roasting. | 11/01/84 | 12/19/86, 51 FR 45468. | |
| Sect .0530 ... | Prevention of Significant Deterioration. | 11/21/96 | 10/15/99, 64 FR 55831. | |
| Sect .0531 ... | Sources in Nonattainment Areas .. | 01/15/98 | 11/10/99, 64 FR 61213. | |
| Sect .0532 ... | Sources Contributing to an Ambient Violation. | 07/01/94 | 02/01/96, 61 FR 3584. | |

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Sect .0533 ... | Stack Height | 07/01/94 | 02/01/96, 61 FR 3584. | |
| Sect .0535 ... | Excess Emissions Reporting and Malfunctions. | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0536 ... | Particulate Emissions from Electric Utility Boilers. | 08/01/91 | 02/14/96, 61 FR 5689. | |
| Sect .0540 ... | Particulates from Fugitive Non-process Dust Emission Sources. | 03/20/98 | 11/10/99, 64 FR 61213. | |
| Sect .0542 ... | Control of Particulate Emissions from Cotton Ginning Operations. | 07/01/02 | 12/27/02, 67 FR 78980. | |
| **Section .0600 Air Contaminants; Monitoring, Reporting** | | | | |
| Sect .0601 ... | Monitoring: Recordkeeping: Reporting. | 04/01/99 | 08/08/02, 67 FR 51461. | |
| Sect .0602 ... | Definitions | 04/01/99 | 08/08/02, 67 FR 51461. | |
| Sect .0604 ... | Exceptions to Monitoring and Reporting Requirements. | 04/01/99 | 08/08/02, 67 FR 51461. | |
| Sect .0605 ... | General Recordkeeping and Reporting Requirements. | 11/01/06 | 10/31/07, 72 FR 61531. | |
| Sect. 0606 ... | Sources Covered by Appendix P of 40 CFR part 51. | 1/1/05 | 8/22/08, 73 FR 49613. | |
| Sect .0607 ... | Large Wood and Wood-Fossil Fuel Combination Units. | 04/01/99 | 08/08/02, 67 FR 51461. | |
| Sect. 0608 ... | Other Large Coal or Residual Oil Burners. | 1/1/05 | 8/22/08, 73 FR 49613. | |
| Sect .0609 ... | Monitoring Condition in Permit | 04/12/84 | 10/04/85, 50 FR 41501. | |
| Sect .0610 ... | Federal Monitoring Requirements | 04/01/99 | 08/08/02, 67 FR 51461. | |
| Sect .0611 ... | Monitoring Emissions from Other Sources. | 04/01/99 | 08/08/02, 67 FR 51461. | |
| Sect .0612 ... | Alternative Monitoring and Reporting Procedures. | 04/01/99 | 08/08/02, 67 FR 51461. | |
| Sect .0613 ... | Quality Assurance Program | 04/01/99 | 08/08/02, 67 FR 51461. | |
| Sect .0614 ... | Compliance Assurance Monitoring | 04/01/99 | 08/08/02, 67 FR 51461. | |
| Sect .0615 ... | Delegation | 04/01/99 | 08/08/02, 67 FR 51461. | |
| **Section .0800 Complex Sources** | | | | |
| Sect .0801 ... | Purpose and Scope | 07/01/94 | 02/01/96, 61 FR 3584. | |
| Sect .0802 ... | Definitions | 07/01/94 | 02/01/96, 61 FR 3584. | |
| Sect .0803 ... | Highway Projects | 07/01/94 | 02/01/96, 61 FR 3584. | |
| Sect .0804 ... | Airport Facilities | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0805 ... | Parking Facilities | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0806 ... | Ambient Monitoring and Modeling Analysis. | 07/01/94 | 02/01/96, 61 FR 3584. | |
| **Section .0900 Volatile Organic Compounds** | | | | |
| Sect .0901 ... | Definitions | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0902 ... | Applicability | 07/01/00 | 08/27/01, 66 FR 34117. | |
| Sect .0903 ... | Recordkeeping: Reporting: Monitoring. | 04/01/99 | 08/08/02, 67 FR 51461. | |
| Sect .0905 ... | Petition for Alternative Controls | 11/08/84 | 12/19/86, 51 FR 45468. | |
| Sect .0906 ... | Circumvention | 11/08/84 | 12/19/86, 51 FR 45468. | |
| Sect .0907 ... | Compliance Schedules for Sources in Nonattainment Areas. | 11/21/96 | 10/15/99, 64 FR 55831 | Repealed. |
| Sect .0908 ... | Equipment Modification Compliance Schedules. | 11/08/84 | 12/19/86, 51 FR 45468. | |
| Sect .0909 ... | Compliance Schedules for Sources in New Nonattainment Areas. | 07/01/00 | 08/27/01, 66 FR 34117. | |
| Sect .0910 ... | Alternate Compliance Schedules | 11/21/96 | 10/15/99, 64 FR 55831 | Repealed. |
| Sect .0911 ... | Exceptions for Compliance Schedules. | 11/21/96 | 10/15/99, 64 FR 55831 | Repealed. |
| Sect .0912 ... | General Provisions on Test Methods and Procedures. | 04/01/03 | 09/17/03, 68 FR 54362. | |
| Sect .0913 ... | Determination of Volatile Content of Surface Coatings. | 07/01/88 | 01/16/90, 55 FR 1420. | |
| Sect .0914 ... | Determination of VOC Emission Control System Efficiency. | 03/20/98 | 11/10/99, 64 FR 61213. | |

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Sect .0915 ... | Determination of Solvent Metal Cleaning VOC Emissions. | 11/08/84 | 12/19/86, 51 FR 45468. | |
| Sect .0916 ... | Determination of VOC Emissions from Bulk Gasoline Terminals. | 07/01/88 | 01/16/90, 55 FR 1420. | |
| Sect .0917 ... | Automobile and Light-duty Truck Manufacturing. | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0918 ... | Can Coating ..... | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0919 ... | Coil Coating ..... | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0920 ... | Paper Coating ..... | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0921 ... | Fabric and Vinyl Coating ..... | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0922 ... | Metal Furniture Coating ..... | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0923 ... | Surface Coating of Large Appliances. | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0924 ... | Magnet Wire Coating ..... | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0925 ... | Petroleum Liquid Storage ..... | 12/01/89 | 06/23/94, 59 FR 32362. | |
| Sect .0926 ... | Bulk Gasoline Plants ..... | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0927 ... | Bulk Gasoline Terminals ..... | 11/01/06 | 10/31/07, 72 FR 61531. | |
| Sect .0928 ... | Gasoline Service Stations Stage I | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0930 ... | Solvent Metal Cleaning ..... | 03/01/91 | 06/23/94, 59 FR 32362. | |
| Sect .0931 ... | Cutback Asphalt ..... | 12/01/89 | 06/23/94, 59 FR 32362. | |
| Sect .0932 ... | Gasoline Truck Tanks and Vapor Collections. | 11/01/06 | 10/31/07, 72 FR 61531. | |
| Sect .0933 ... | Petroleum Liquid Storage in External Floating Roof Tanks. | 07/01/95 | 02/01/96, 62 FR 3589. | |
| Sect .0934 ... | Coating of Miscellaneous Metal Parts and Products. | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0935 ... | Factory Surface Coating of Flat Wood Paneling. | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0936 ... | Graphic Arts ..... | 12/01/89 | 06/23/94, 59 FR 32362. | |
| Sect .0937 ... | Manufacture of Pneumatic Rubber Tires. | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0938 ... | Perchloroethylene Dry Cleaning System. | 03/20/98 | 11/10/99, 64 FR 61213 ..... | Repealed. |
| Sect .0939 ... | Determination of Volatile Organic Compounds Emissions. | 07/01/88 | 01/16/90, 55 FR 1420. | |
| Sect .0940 ... | Determination of Leak Tightness and Vapor Leaks. | 07/01/88 | 01/16/90, 55 FR 1420. | |
| Sect .0941 ... | Alternative Method for Leak Tightness. | 03/01/91 | 06/23/94, 59 FR 32362. | |
| Sect .0942 ... | Determination of Solvent in Filter Waste. | 07/23/80 | 08/27/81, 46 FR 43137. | |
| Sect .0943 ... | Synthetic Organic Chemical and Polymer Manufacturing. | 03/01/91 | 06/23/94, 59 FR 32362. | |
| Sect .0944 ... | Manufacture of Polyethylene, Polypropylene, and Polystyrene. | 03/14/85 | 11/19/86, 51 FR 41786. | |
| Sect .0945 ... | Petroleum Dry Cleaning ..... | 03/14/85 | 11/19/86, 51 FR 41786. | |
| Sect .0947 ... | Manufacture of Synthesized Pharmaceutical Products. | 07/01/94 | 05/05/95, 60 FR 22284. | |
| Sect .0948 ... | VOC Emissions from Transfer Operations. | 07/01/00 | 08/27/01, 66 FR 34117. | |
| Sect .0949 ... | Storage of Miscellaneous Volatile Organic Compounds. | 07/01/00 | 08/27/01, 66 FR 34117. | |
| Sect .0951 ... | Miscellaneous Volatile Organic Compound Emissions. | 07/01/00 | 08/27/01, 66 FR 34117. | |
| Sect .0952 ... | Petition for Alternative Controls for RACT. | 05/01/95 | 02/01/96, 62 FR 3589. | |
| Sect .0953 ... | Vapor Return Piping for Stage II Vapor Recovery. | 03/20/98 | 11/10/99, 64 FR 61213. | |
| Sect .0954 ... | Stage II Vapor Recovery ..... | 04/01/03 | 09/17/03, 68 FR 54362. | |
| Sect .0955 ... | Thread Bonding Manufacturing .... | 04/01/95 | 02/01/96, 62 FR 3589. | |
| Sect .0956 ... | Glass Christmas Ornament Manufacturing. | 04/01/95 | 02/01/96, 62 FR 3589. | |
| Sect .0957 ... | Commercial Bakeries ..... | 04/01/95 | 02/01/96, 62 FR 3589. | |
| Sect .0958 ... | Work Practices for Sources of Volatile Organic Compounds. | 07/01/00 | 08/27/01, 66 FR 34117. | |
| Sect .0959 ... | Reserved. | | | |
| **Section .1000 Motor Vehicle Emissions Control Standards** | | | | |
| Sect .1001 ... | Purpose ..... | 07/01/02 | 10/30/02, 67 FR 66056. | |

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Sect .1002 ... | Applicability | 07/01/02 | 10/30/02, 67 FR 66056. | |
| Sect .1003 ... | Definitions | 12/01/82 | 06/02/95, 60 FR 28726. | |
| Sect .1004 ... | Emissions Standards | 07/01/02 | 10/30/02, 67 FR 66056. | |
| Sect .1005 ... | Measurement and Enforcement | 07/01/02 | 10/30/02, 67 FR 66056. | |
| **Section .1300 Oxygenated Gasoline Standard** | | | | |
| Sect .1301 ... | Purpose | 09/01/96 | 06/19/07, 72 FR 33692. | |
| Sect .1302 ... | Applicability | 09/01/96 | 06/19/07, 72 FR 33692. | |
| Sect .1303 ... | Definitions | 09/01/92 | 06/30/94, 59 FR 33683. | |
| Sect .1304 ... | Oxygen Content Standard | 09/01/96 | 06/19/07, 72 FR 33692. | |
| Sect .1305 ... | Measurement and Enforcement | 09/01/92 | 06/30/94, 59 FR 33683. | |
| **Section .1400 Nitrogen Oxides Emissions** | | | | |
| Sect .1401 ... | Definitions | 07/15/02 | 12/27/02, 67 FR 78987. | |
| Sect .1402 ... | Applicability | 07/15/02 | 12/27/02, 67 FR 78987. | |
| Sect .1403 ... | Compliance Schedules | 07/15/02 | 12/27/02, 67 FR 78987. | |
| Sect .1404 ... | Recordkeeping: Reporting: Monitoring. | 07/15/02 | 12/27/02, 67 FR 78987. | |
| Sect .1409 ... | Stationary Internal Combustion Engines. | 07/15/02 | 12/27/02, 67 FR 78987. | |
| Sect .1416 ... | Emission Allocations for Utility Companies. | 07/15/02 | 12/27/02, 67 FR 78987. | |
| Sect .1417 ... | Emission Allocations for Large Combustion Sources. | 07/15/02 | 12/27/02, 67 FR 78987. | |
| Sect .1418 ... | New Electric Generating Units, Large Boilers, and Large I/C Engines. | 07/15/02 | 12/27/02, 67 FR 78987. | |
| Sect .1419 ... | Nitrogen Oxide Budget Trading Program. | 07/15/02 | 12/27/02, 67 FR 78987. | |
| Sect .1420 ... | Periodic Review and Reallocations. | 07/15/02 | 12/27/02, 67 FR 78987. | |
| Sect .1421 ... | Allocations for New Growth of Major Point Sources. | 07/15/02 | 12/27/02, 67 FR 78987. | |
| Sect .1422 ... | Compliance Supplement Pool and Early Emission Reduction Credits. | 07/15/02 | 12/27/02, 67 FR 78987. | |
| Sect .1423 ... | Large Internal Combustion Engines. | 07/15/02 | 12/27/02, 67 FR 78987. | |
| **Section .1900 Open Burning** | | | | |
| Sect .1901 ... | Purpose, Scope, and Impermissible Open Burning. | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .1902 ... | Definitions | 01/15/98 | 11/10/99, 64 FR 61213. | |
| Sect .1903 ... | Permissible Open Burning Without a Permit. | 01/15/98 | 11/10/99, 64 FR 61213. | |
| Sect .1904 ... | Air Curtain Burners | 07/01/96 | 08/01/97, 62 FR 41277. | |
| **Section .2000 Transportation Conformity** | | | | |
| Sect .2001 ... | Purpose, Scope and Applicability | 04/01/99 | 12/27/02, 67 FR 78983. | |
| Sect .2002 ... | Definitions | 04/01/99 | 12/27/02, 67 FR 78983. | |
| Sect .2003 ... | Transportation Conformity Determination. | 04/01/99 | 12/27/02, 67 FR 78983 | Except for the incorporation by reference of 40 CFR 93.104(e) of the Transportation Conformity Rule. |
| Sect .2004 ... | Determining Transportation Related Emissions. | 04/01/99 | 12/27/02, 67 FR 78983. | |
| Sect .2005 ... | Memorandum of Agreement | 04/01/99 | 12/27/02, 67 FR 78983. | |
| **Section .2400 Clean Air Interstate Rules** | | | | |
| Sect. 2401 ... | Purpose and Applicability | 5/1/08 | 11/30/09, 74 FR 62496.. | |
| Sect .2402 ... | Definitions | 5/1/08 | 11/30/09, 74 FR 62496.. | |
| Sect 2403 .... | Nitrogen Oxide Emissions | 5/1/08 | 11/30/09, 74 FR 62496.. | |
| Sect .2404 ... | Sulfur Dioxide | 5/1/08 | 11/30/09, 74 FR 62496.. | |
| Sect .2405 ... | Nitrogen Oxide Emissions During Ozone Season. | 5/1/08 | 11/30/09, 74 FR 62496.. | |
| Sect .2406 ... | Permitting | 7/1/06 | 11/30/09, 74 FR 62496.. | |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Sect .2407 ... | Monitoring, Reporting, and Recordkeeping. | 5/1/08 | 11/30/09, 74 FR 62496.. | |
| Sect .2408 ... | Trading Program and Banking ..... | 7/1/06 | 11/30/09, 74 FR 62496.. | |
| Sect .2409 ... | Designated Representative ..... | 5/1/08 | 11/30/09, 74 FR 62496.. | |
| Sect .2410 ... | Computation of Time ..... | 7/1/06 | 11/30/09, 74 FR 62496.. | |
| Sect 2411 .... | Opt-In Provisions ..... | 7/1/06 | 11/30/09, 74 FR 62496.. | |
| Sect .2412 ... | New Unit Growth ..... | 5/1/08 | 11/30/09, 74 FR 62496.. | |
| Sect .2413 ... | Periodic Review and Reallocations. | 7/1/06 | 11/30/09, 74 FR 62496.. | |
| **Subchapter 2Q Air Quality Permits** | | | | |
| **Section .0100 General Provisions** | | | | |
| Sect .0101 ... | Required Air Quality Permits ..... | 03/20/98 | 11/10/99, 64 FR 61213. | |
| Sect. 0102 ... | Activities Exempted from Permit Requirements. | 1/1/05 | 8/22/08, 73 FR 49613. | |
| Sect .0103 ... | Definitions ..... | 05/01/99 | 10/22/02, 67 FR 64989. | |
| Sect .0104 ... | Where to Obtain and File Permit Applications. | 07/01/02 | 12/27/02, 67 FR 78980. | |
| Sect .0105 ... | Copies of Referenced Documents | 08/15/94 | 02/01/96, 61 FR 3584. | |
| Sect .0106 ... | Incorporation by Reference ..... | 08/15/94 | 02/01/96, 61 FR 3584. | |
| Sect .0107 ... | Confidential Information ..... | 05/01/99 | 10/22/02, 67 FR 64989. | |
| Sect .0108 ... | Delegation of Authority ..... | 03/15/98 | 11/10/99, 64 FR 61213. | |
| Sect .0109 ... | Compliance Schedule for Previously Exempted Activities. | 04/01/01 | 08/08/02, 67 FR 51461. | |
| Sect .0110 ... | Retention of Permit at Permitted Facility. | 08/15/94 | 02/01/96, 61 FR 3584. | |
| Sect .0111 ... | Applicability Determinations ..... | 08/15/94 | 02/01/96, 61 FR 3584. | |
| **Section .0200 Permit Fees** | | | | |
| Sect .0207 ... | Annual Emissions Reporting ..... | 01/15/98 | 11/10/99, 64 FR 61213. | |
| **Section .0300 Construction and Operating Permits** | | | | |
| Sect .0301 ... | Applicability ..... | 07/01/94 | 07/28/95, 60 FR 38710. | |
| Sect .0303 ... | Definitions ..... | 07/01/94 | 07/28/95, 60 FR 38710. | |
| Sect .0304 ... | Applications ..... | 07/01/99 | 10/22/02, 67 FR 64989. | |
| Sect .0305 ... | Application Submittal Content ..... | 07/01/94 | 07/28/95, 60 FR 38710. | |
| Sect .0306 ... | Permits Requiring Public Participation. | 07/01/99 | 10/22/02, 67 FR 64989. | |
| Sect .0307 ... | Public Participation Procedures .... | 01/15/98 | 11/10/99, 64 FR 61213. | |
| Sect .0308 ... | Final Action on Permit Applications. | 07/01/94 | 07/28/95, 60 FR 38710. | |
| Sect .0309 ... | Termination, Modification and Revocation of Permits. | 07/01/99 | 10/22/02, 67 FR 64989. | |
| Sect .0310 ... | Permitting of Numerous Similar Facilities. | 07/01/94 | 07/28/95, 60 FR 38710. | |
| Sect .0311 ... | Permitting of Facilities at Multiple Temporary Sites. | 07/01/96 | 08/01/97, 62 FR 41277. | |
| Sect .0312 ... | Application Processing Schedule | 03/20/98 | 11/10/99, 64 FR 61213. | |
| Sect .0313 ... | Expedited Application Processing Schedule. | 04/17/97 | 11/10/99, 64 FR 61213. | |
| Sect .0314 ... | General Permitting Requirements | 07/01/99 | 10/22/02, 67 FR 64989. | |
| Sect .0315 ... | Synthetic Minor Facilities ..... | 07/01/99 | 10/22/02, 67 FR 64989. | |
| Sect .0316 ... | Administrative Permit Amendments. | 04/01/01 | 08/08/02, 67 FR 51461. | |
| Sect .0317 ... | Avoidance Conditions ..... | 04/01/01 | 08/08/02, 67 FR 51461. | |
| **Section .0600 Transportation Facility Procedures** | | | | |
| Sect .0601 ... | Purpose of Section and Requirements for Permit. | 07/01/94 | 02/01/96, 61 FR 3584. | |
| Sect .0602 ... | Definitions ..... | 07/01/94 | 02/01/96, 61 FR 3584. | |
| Sect .0603 ... | Applications ..... | 07/28/97 | 12/31/98, 63 FR 72193. | |
| Sect .0604 ... | Public Participation ..... | 07/01/94 | 02/01/96, 61 FR 3584. | |
| Sect .0605 ... | Final Action on Permit Applications. | 07/01/94 | 02/01/96, 61 FR 3584. | |
| Sect .0606 ... | Termination, Modification and Revocation of Permits. | 07/01/94 | 02/01/96, 61 FR 3584. | |

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|---|---|---|---|---|
| Sect .0607 ... | Application Processing Schedule | 04/17/97 | 11/10/99, 64 FR 61213. | |
| **Section .0800 Exclusionary Rules** | | | | |
| Sect .0801 ... | Purpose and Scope ..... | 05/01/99 | 10/22/02, 67 FR 64989. | |
| Sect .0802 ... | Gasoline Servicing Stations and Dispensing Facilities. | 08/01/95 | 09/20/96, 61 FR 49413. | |
| Sect .0803 ... | Coating, Solvent Cleaning, Graphic Arts Operations. | 05/01/99 | 10/22/02, 67 FR 64989. | |
| Sect .0804 ... | Dry Cleaning Facilities ..... | 08/01/95 | 09/20/96, 61 FR 49414. | |
| Sect .0805 ... | Grain Elevators ..... | 04/01/01 | 08/08/02, 67 FR 51461. | |
| Sect .0806 ... | Cotton Gins ..... | 04/01/02 | 08/08/02, 67 FR 51461. | |
| Sect .0807 ... | Emergency Generators ..... | 04/01/02 | 08/08/02, 67 FR 51461. | |
| Sect .0808 ... | Peak Shaving Generators ..... | 07/01/99 | 10/22/02, 67 FR 64989. | |

TABLE 2—EPA APPROVED FORSYTH COUNTY REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **Subchapter 3A Air Pollution Control Requirements** | | | | |
| **Section .0100 In General** | | | | |
| Sect. .0101 .. | Department Established ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0102 .. | Enforcement of Chapter ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0103 .. | General Powers and Duties of Director. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0104 .. | Authority of Director to Establish Administrative Procedures. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0105 .. | Fees for Inspections, Permits, and Certificates Required by Chapter. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0106 .. | Penalties for Violation of Chapter | 01/17/97 | 02/17/00, 65 FR 8053.. | |
| Sect. .0107 .. | Civil Relief for Violations of Chapter. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0108 .. | Chapter Does Not Prohibit Private Actions For Relief. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0109 .. | Judicial Review of Administrative Decisions Rendered Under Chapter. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0111 .. | Copies of Referenced Federal Regulations. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| **Section .0200 Advisory Board** | | | | |
| Sect. .0201 .. | Established; Composition; Terms of Members. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0202 .. | Secretary ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0203 .. | Meetings ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0204 .. | To Serve in Advisory Capacity; General Functions. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0205 .. | Appeals to and Other Appearances Before Board. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0206 .. | Opinions Not Binding ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| **Section .0300 Remedies for Enforcement of Standards—Special Orders** | | | | |
| Sect. .0301 .. | Applicability ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0302 .. | Issuance ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0303 .. | Definitions ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. 0304 ... | Categories of Sources ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0305 .. | Enforcement Procedures ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0306 .. | Required Procedures for Issuance of Special Orders by Consent and Special Orders. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0307 .. | Documentation for Special Orders. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0308 .. | Public Hearing ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |

TABLE 2—EPA APPROVED FORSYTH COUNTY REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Sect. .0309 .. | Compliance Bonds | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| **Section .0400 Forsyth County Air Quality Technical Code** | | | | |
| Sect. .0401 .. | Adopted | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| **Subchapter 3B Relationship to State Code** | | | | |
| Sect. .0101 .. | In General | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0102 .. | Air Pollution Control Requirements (Subchapter 3D). | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0103 .. | Air Quality Permits (Subchapter 3Q). | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| **Subchapter 3D Air Pollution Control Requirements** | | | | |
| **Section .0100 Definitions and References** | | | | |
| Sect. .0101 .. | Definitions | 11/6/98 | 02/17/00, 65 FR 8093.. | |
| Sect. .0103 .. | Copies Referenced Federal Regulations. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0104 .. | Incorporation by Reference | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| **Section .0200 Air Pollution Sources** | | | | |
| Sect. .0201 .. | Classification of Air Pollution Sources. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0202 .. | Registration of Air Pollution Sources. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| **Section .0300 Air Pollution Emergencies** | | | | |
| Sect. .0301 .. | Purpose | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0302 .. | Episode Criteria | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0303 .. | Emission Reduction Plans | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0304 .. | Preplanned Abatement Program | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0305 .. | Emission Reduction Plan: Alert Level. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0306 .. | Emission Reduction Plan: Warning Level. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0307 .. | Emission Reduction Plan: Emergency Level. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| **Section .0400 Ambient Air Quality Standards** | | | | |
| Sect. .0401 .. | Purpose | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0402 .. | Sulfur Oxides | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0403 .. | Total Suspended Particulates | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0404 .. | Carbon Monoxide | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0405 .. | Ozone | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0407 .. | Nitrogen Dioxide | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0408 .. | Lead | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0409 .. | PM 10 Particulate Matter | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0410 .. | PM 2.5 Particulate Matter | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| **Section .0500 Emission Control Standards** | | | | |
| Sect. .0501 .. | Compliance With Emission Control Standards. | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0502 .. | Purpose | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0503 .. | Particulates From Fuel Burning Indirect Heat Exchangers. | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0504 .. | Particulates from Wood Burning Indirect Heat Exchangers. | 07/22/02 | 9/16/03, 68 FR 54166 | Repealed. |
| Sect. .0506 .. | Particulates from Hot Mix Asphalt Plants. | 11/6/98 | 02/17/00, 65 FR 8053.. | |
| Sect. .0507 .. | Particulates from Chemical Fertilizer Manufacturing Plants. | 11/6/98 | 02/17/00, 65 FR 20140.. | |
| Sect. .0508 .. | Particulates from Pulp and Paper Mills. | 11/6/98 | 2/17/00, 65 FR 8053.. | |

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|---|---|---|---|---|
| Sect. .0509 .. | Particulates from MICA or FELDSPAR Processing Plants. | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0510 .. | Particulates from Sand, Gravel, or Crushed Stone Operations. | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0511 .. | Particulates from Lightweight Aggregate Processes. | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0512 .. | Particulates from Wood Products Finishing Plants. | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0513 .. | Particulates From Portland Cement Plants. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0514 .. | Particulates From Ferrous Jobbing Foundries. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0515 .. | Particulates from Miscellaneous Industrial Processes. | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0516 .. | Sulfur Dioxide Emissions from Combustion Sources. | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0517 .. | Emissions from Plants Producing Sulfuric Acid. | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0519 .. | Control of Nitrogen Dioxide and Nitrogen Oxides Emissions. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0521 .. | Control of Visible Emissions ..... | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0522 .. | Control and Prohibition of Odorous Emissions. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0524 .. | New Source Performance Standards. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0527 .. | Emissions from Spodumene Ore Roasting. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect .0528 ... | Total Reduced Sulfur from Kraft Pulp Mills. | 06/14/90 | 05/02/91, 56 FR 20140. | |
| Sect .0529 ... | Flouride Emissions from Primary Aluminum24 Reduction Plants. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0530 .. | Prevention of Significant Deterioration. | 10/10/97 | 12/31/98 63 FR 72190.. | |
| Sect. .0531 .. | Sources in Nonattainment Areas | 11/6/98 | 2/17/00 65 FR 8053.. | |
| Sect. .0532 .. | Sources Contributing to an Ambient Violation. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0533 .. | Stack Heights ..... | 06/14/1990 | 05/02/91, 56 FR 20140.. | |
| Sect. .0534 .. | Flouride Emissions From Phosphate Fertilizer Industry. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0535 .. | Excess Emissions Reporting and Malfunctions. | 11/6/98 | 2/17/00 65 FR 8053.. | |
| Sect. .0536 .. | Particulate Emissions From Electric Utility Boilers. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0537 .. | Control of Mercury Emissions ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0538 .. | Control of Ethylene Oxide Emissions. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0539 .. | Odor Control of Feed Ingredient Manufacturing Plants. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0540 .. | Particulates from Fugitive Non-Process Dust Emission Sources. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0541 .. | Control of Emissions from Abrasive Blasting. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0542 .. | Control of Particulate Emissions from Cotton Ginning Operations. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0542 .. | Control of Particulate Emissions from Cotton Ginning Operations. | 7/22/02 | 9/16/03, 68 FR 54166 ..... | Repealed. |
| | **Section .0600** | **Monitoring: Recordkeeping: Reporting** | | |
| Sect. .0601 .. | Purpose and Scope ..... | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0602 .. | Definitions ..... | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0604 .. | Exceptions to Monitoring and Reporting Requirements. | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0605 .. | General Recordkeeping and Reporting Requirements. | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0606 .. | Sources Covered By Appendix P of 40 CFR Part 51. | 05/24/99 | 10/22/02, 67 FR 64994.. | |

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|---|---|---|---|---|
| Sect. .0607 .. | Large Wood and Wood-fossil Fuel Combination Units. | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0611 .. | Monitoring Emissions From Other Sources. | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0612 .. | Alternative Monitoring and Reporting Procedures. | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0613 .. | Quality Assurance Program ..... | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0614 .. | Compliance Assurance Monitoring. | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0615 .. | Delegation ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| **Section .0800 Transportation Facilities** | | | | |
| Sect. .0801 .. | Purpose and Scope ..... | 06/14/90 | 05/02/91 56 FR 20140. | |
| Sect. .0802 .. | Definitions ..... | 06/14/00 | 05/02/91, 56 FR 20140. | |
| Sect. .0803 .. | Highway Projects ..... | 06/14/90 | 05/02/91, 56 FR 20140. | |
| Sect. .0804 .. | Airport Facilities ..... | 06/14/90 | 05/02/91, 56 FR 20140. | |
| Sect. .0805 .. | Parking Facilities ..... | 06/14/90 | 05/02/91, 56 FR 20140. | |
| Sect. .0806 .. | Ambient Monitoring and Modeling Analysis. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| **Section .0900 Volatile Organic Compounds** | | | | |
| Sect. .0901 .. | Definitions ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0902 .. | Applicability ..... | 10/10/97 | 12/31/98, 63 FR 72190.. | |
| Sect. .0903 .. | Recordkeeping: Reporting: Monitoring. | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0906 .. | Circumvention ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0909 .. | Compliance Schedules for Sources in New Nonattainment Areas. | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0912 .. | General Provisions on Test Methods and Procedures. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0913 .. | Determination of Volatile Content of Surface Coatings. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0914 .. | Determination of VC Emission Control System Efficiency. | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0915 .. | Determination of Solvent Metal Cleaning VOC Emissions. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0916 .. | Determination: VOC Emissions from Bulk Gasoline Terminals. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0917 .. | Automobile and Light-Duty Truck Manufacturing. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0918 .. | Can Coating ..... | 06/14/1990 | 05/02/91, 56 FR 20140.. | |
| Sect. .0919 .. | Coil Coating ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0920 .. | Paper Coating ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0921 .. | Fabric and Vinyl Coating ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0922 .. | Metal Furniture Coating ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0923 .. | Surface Coating of Large Appliances. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0924 .. | Magnet Wire Coating ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0925 .. | Petroleum Liquid Storage in Fixed Roof Tanks. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0926 .. | Bulk Gasoline Plants ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0927 .. | Bulk Gasoline Terminals ..... | 7/22/02 | 9/16/03, 68 FR 54166.. | |
| Sect. .0928 .. | Gasoline Service Stations Stage I. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0930 .. | Solvent Metal Cleaning ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0931 .. | Cutback Asphalt ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0932 .. | Gasoline Truck Tanks and Vapor Collection Systems. | 7/22/02 | 9/16/03, 68 FR 54166.. | |
| Sect. .0933 .. | Petroleum Liquid Storage in External Floating Roof Tanks. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0934 .. | Coating of Miscellaneous Metal Parts and Products. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0935 .. | Factory Surface Coating of Flat Wood Paneling. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0936 .. | Graphic Arts ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0937 .. | Manufacture of Pneumatic Rubber Tires. | 06/14/90 | 05/02/91, 56 FR 20140.. | |

TABLE 2—EPA APPROVED FORSYTH COUNTY REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Sect. .0939 .. | Determination of Volatile Organic Compound Emissions. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0940 .. | Determination of Leak Tightness and Vapor Leaks. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0941 .. | Alternative Method for Leak Tightness. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0942 .. | Determination of Solvent in Filter Waste. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0943 .. | Synthetic Organic Chemical and Polymer Manufacturing. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0944 .. | Manufacture of Polyethelene, Polypropylene and Polystyrene. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0945 .. | Petroleum Dry Cleaning ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0947 .. | Manufacture of Sythesized Pharmaceutical Products. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0948 .. | VOC Emissions from Transfer Operations. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0949 .. | Storage of Miscellaneous Volatile Organic Compounds. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0951 .. | Miscellaneous Volatile Organic Compound Emissions. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0952 .. | Petition for Alternative Controls .. | 11/29/95 | 5/23/96, 61 FR 25789.. | |
| Sect. .0953 .. | Vapor Return Piping for Stage II Vapor Recovery. | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0954 .. | Stage II Vapor Recovery ..... | 10/10/97 | 12/31/98, 63 FR 72190.. | |
| Sect. .0955 .. | Thread Bonding Manufacturing .. | 11/29/95 | 5/23/96, 61 FR 25789.. | |
| Sect. .0956 .. | Glass Christmas Ornament Manufacturing. | 11/29/95 | 5/23/96, 61 FR 25789.. | |
| Sect. .0957 .. | Commercial Bakeries ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0958 .. | Work Practices for Sources of Volatile Organic Compounds. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| **Section .1200 Control of Emissions from Incinerators 111(a)** | | | | |
| Sect. .1201 .. | Purpose and Scope ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .1202 .. | Definitions ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| **Section .1900 Open Burning** | | | | |
| Sect. .1901 .. | Purpose, Scope, and Impermissible Open Burning. | 07/01/96 | 08/01/97, 62 FR 41277.. | |
| Sect. .1902 .. | Definitions ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .1903 .. | Permissible Open Burning ..... | 10/25/99 | 08/08/02, 67 FR 51763.. | |
| Sect. .1904 .. | Air Curtain Burners ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .1905 .. | Office Location ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| **Subchapter 3Q Air Quality Permits** | | | | |
| **Section .0100 General Provisions** | | | | |
| Sect. .0101 .. | Required Air Quality Permits ..... | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0102 .. | Activities Exempted From Permit Requirements. | 7/22/02 | 9/16/03, 68 FR 54166.. | |
| Sect. .0103 .. | Definitions ..... | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0104 .. | Where to Obtain and File Permit Applications. | 10/10/97 | 12/31/98, 63 FR 72190.. | |
| Sect. .0107 .. | Confidential Information ..... | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| **Section .0200 Permit Fees** | | | | |
| Sect. .0207 .. | Annual Emissions Reporting ..... | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| **Section .0300 Construction and Operation Permit** | | | | |
| Sect. .0301 .. | Applicability ..... | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0302 .. | Facilities Not Likely to Contravene Demonstration. | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0303 .. | Definitions ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0304 .. | Applications ..... | 07/01/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0305 .. | Application Submittal Content ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |

TABLE 2—EPA APPROVED FORSYTH COUNTY REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Sect. .0306 .. | Permits Requiring Public Participation. | 07/01/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0307 .. | Public Participation Procedures .. | 10/10/97 | 12/31/98, 63 FR 72190.. | |
| Sect. .0308 .. | Final Action on Permit Applications. | 03/14/95 | 02/01/96, 61 FR 3586.. | |
| Sect. .0309 .. | Termination, Modification and Revocation of Permits. | 07/01/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0310 .. | Permitting of Numerous Similar Facilities. | 06/14/90 | 05/02/91,56 FR 20140.. | |
| Sect. .0311 .. | Permitting of Facilities at Multiple Temporary Site. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0312 .. | Application Processing Schedule | 11/6/98 | 2/17/00, 65 FR 8053.. | |
| Sect. .0314 .. | General Permit Requirements .... | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0315 .. | Synthetic Minor Facilities ..... | 07/01/99 | 10/22/02, 67 FR 64994.. | |
| **Section .0800 Exclusionary Rules** | | | | |
| Sect. .0801 .. | Purpose and Scope ..... | 05/24/99 | 10/22/02, 67 FR 64994.. | |
| Sect. .0802 .. | Gasoline Service Stations and Dispensing Facilities. | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0803 .. | Coating, Solvent Cleaning, Graphic Arts Operations. | 05/24/99 | 12/31/98, 63 FR 72193.. | |
| Sect. .0804 .. | Dry Cleaning Facilities ..... | 06/14/90 | 05/02/91, 56 FR 20140.. | |
| Sect. .0805 .. | Grain Elevators ..... | 11/6/98 | 02/17/00, 65 FR 8093.. | |
| Sect. .0806 .. | Cotton Gins ..... | 11/6/98 | 02/17/00, 65 FR 8093.. | |
| Sect. .0807 .. | Emergency Generators ..... | 11/6/98 | 02/17/00, 65 FR 8093.. | |
| Sect. .0808 .. | Peak Shaving Generators ..... | 07/01/99 | 10/22/02, 67 FR 64990.. | |

TABLE 3—EPA APPROVED MECKLENBURG COUNTY REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **Article 1.000 Permitting Provisions for Air Pollution Sources, Rules and Operating Regulations for Acid Rain Sources, Title V and Toxic Air Pollutants** | | | | |
| **Section 1.5100 General Provisions and Administrations** | | | | |
| 1.5101 ..... | Declaration of Policy ..... | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 1.5102 ..... | Definition of Terms ..... | 11/21/2000 | 10/22/02, 67 FR 64999. | |
| 1.5103 ..... | Enforcement Agency ..... | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 1.5104 ..... | General Duties and Powers of the Director, With the Approval of the Board. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 1.5111 ..... | General Recordkeeping, Reporting and Monitoring Requirements. | 07/01/96 | 06/30/03, 68 FR 38632. | |
| **Section 1.5200 Air Quality Permits** | | | | |
| 1.5210 ..... | Purpose and Scope ..... | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 1.5211 ..... | Applicability ..... | 11/21/2000 | 10/22/02, 67 FR 64999. | |
| 1.5212 ..... | Applications ..... | 07/01/96 | 06/30/03, 68 FR 38632. | |
| 1.5213 ..... | Action on Application; Issuance of Permit | 07/01/96 | 06/30/03, 68 FR 38632. | |
| 1.5214 ..... | Commencement of Operation ..... | 07/01/96 | 06/30/03, 68 FR 38632. | |
| 1.5215 ..... | Application Processing Schedule ..... | 07/01/96 | 06/30/03, 68 FR 38632. | |
| 1.5216 ..... | Incorporated By Reference ..... | 06/06/1994 | 07/28/95, 60 FR 38715. | |
| 1.5217 ..... | Confidential Information ..... | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 1.5218 ..... | Compliance Schedule for Previously Exempted Activities. | 06/14/1990 | 05/02/91, 56 FR 20140. | |

TABLE 3—EPA APPROVED MECKLENBURG COUNTY REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| 1.5219 | Retention of Permit at Permitted Facility | 06/06/1994 | 07/28/95, 60 FR 38715. | |
| 1.5220 | Applicability Determinations | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 1.5221 | Permitting of Numerous Similar Facilities | 06/06/1994 | 07/28/95, 60 FR 38715. | |
| 1.5222 | Permitting of Facilities at Multiple Temporary Sites. | 06/06/1994 | 07/28/95, 60 FR 38715. | |
| 1.5230 | Permitting Rules and Procedures | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 1.5231 | Permit Fees | 07/01/96 | 06/30/03, 68 FR 38632. | |
| 1.5232 | Issuance, Revocation, and Enforcement of Permits. | 07/01/96 | 06/30/03, 68 FR 38632. | |
| 1.5234 | Hearings | 06/06/1994 | 07/28/95, 60 FR 38715. | |
| 1.5235 | Expedited Application Processing Schedule. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| **Section 1.5300 Enforcement; Variances; Judicial Review** | | | | |
| 1.5301 | Special Enforcement Procedures | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 1.5302 | Criminal Penalties | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 1.5303 | Civil Injunction | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 1.5304 | Civil Penalties | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 1.5305 | Variances | 07/01/96 | 06/30/03, 68 FR 38632. | |
| 1.5306 | Hearings | 07/01/96 | 06/30/03, 68 FR 38632. | |
| 1.5307 | Judicial Review | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| **Section 1.5600 Transportation Facility Procedures** | | | | |
| 1.5604 | Public Participation | 07/01/96 | 06/30/03, 68 FR 38632. | |
| 1.5607 | Application Processing Schedule | 07/01/96 | 06/30/03, 68 FR 38632. | |
| **Article 2.0000 Air Pollution Control Regulations and Procedures Section 2.0100 Definitions And References** | | | | |
| 2.0101 | Definitions | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0104 | Incorporated By Reference | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| **Section 2.0200 Air Pollution Sources** | | | | |
| 2.0201 | Classification of Air Pollution Sources | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0202 | Registration of Air Pollution Sources | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| **Section 2.0300 Air Pollution Emergencies** | | | | |
| 2.0301 | Purpose | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0302 | Episode Criteria | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0303 | Emission Reduction Plans | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0304 | Preplanned Abatement Program | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0305 | Emission Reduction Plan: Alert Level | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0306 | Emission Reduction Plan: Warning Level | 06/14/1990 | 05/02/91, 56 FR 20140. | |

TABLE 3—EPA APPROVED MECKLENBURG COUNTY REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| 2.0307 | Emission Reduction Plan: Emergency Level. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| **Section 2.0400 Ambient Air Quality Standards** | | | | |
| 2.0401 | Purpose | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0402 | Sulfur Oxides | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0403 | Total Suspended Particulates | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0404 | Carbon Monoxide | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0405 | Ozone | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0407 | Nitrogen Dioxide | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0408 | Lead | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0409 | PM10 Particulate Matter | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| **Section 2.0500 Emission Control Standards** | | | | |
| 2.0501 | Compliance With Emission Control Standards. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0502 | Purpose | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0503 | Particulates from Fuel Burning Indirect Heat Exchangers. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0504 | Particulates from Wood Burning Indirect Heat Exchangers. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0506 | Particulates from Hot Mix Asphalt Plants | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0507 | Particulates from Chemical Fertilizer Manufacturing Plants. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0508 | Particulates from Pulp and Paper Mills | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0509 | Particulates from Mica or Feldspar Processing Plants. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0510 | Particulates from Sand, Gravel, or Crushed Stone Operations. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0511 | Particulates from Lightweight Aggregate Processes. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0512 | Particulates from Wood Products Finishing Plants. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0513 | Particulates from Portland Cement Plants | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0514 | Particulates from Ferrous Jobbing Foundries. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0515 | Particulates from Miscellaneous Industrial Processes. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0516 | Sulfur Dioxide Emissions from Combustion Sources. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0517 | Emissions From Plants Producing Sulfuric Acid. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0518 | Miscellaneous Volatile Organic Compound Emissions. | 11/21/2000 | 10/22/02, 67 FR 64999. | |
| 2.0519 | Control of Nitrogen Dioxide and Nitrogen Oxides Emissions. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0523 | Control of Conical Incinerators | 11/21/2000 | 10/22/02, 67 FR 64999. | |
| 2.0527 | Emissions from Spodumene Ore Roasting | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0530 | Prevention of Significant Deterioration | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0531 | Sources in Nonattainment Areas | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0532 | Sources Contributing to an Ambient Violation. | 06/14/1990 | 05/02/91, 56 FR 20140. | |

TABLE 3—EPA APPROVED MECKLENBURG COUNTY REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| 2.0533 | Stack Height | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0535 | Excess Emissions Reporting and Malfunctions. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0538 | Control of Ethylene Oxide Emissions | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0539 | Odor Control of Feed Ingredient Manufacturing Plants. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| **Section 2.0600 Monitoring: Recordkeeping: Reporting** | | | | |
| 2.0601 | Purpose and Scope | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0602 | Definitions | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0604 | Exceptions to Monitoring and Reporting Requirements. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0605 | General Recordkeeping and Reporting Requirements. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0606 | Sources Covered by Appendix P of 40 CFR Part 51. | 06/14/1991 | 05/02/91, 56 FR 20140. | |
| 2.0607 | Large Wood and Wood-Fossil Fuel Combination Units. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0608 | Other Large Coal or Residual Oil Burners | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0610 | Delegation Federal Monitoring Requirements. | 11/21/2000 | 10/22/02, 67 FR 64999. | |
| 2.0611 | Monitoring Emissions From Other Sources | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0612 | Alternative Monitoring and Reporting Procedures. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0613 | Quality Assurance Program | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0614 | Compliance Assurance Monitoring | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0615 | Delegation | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| **Section 2.0800 Transportation Facilities** | | | | |
| 2.0801 | Purpose and Scope | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0802 | Definitions | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0803 | Highway Projects | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0804 | Airport Facilities | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| **Section 2.0900 Volatile Organic Compounds** | | | | |
| 2.0901 | Definitions | 03/01/1991 | 06/23/94, 59 FR 32362. | |
| 2.0902 | Applicability | 10/16/2004 | 9/12/07, 72 FR 52012. | |
| 2.0903 | Recordkeeping: Reporting: Monitoring | 07/01/1991 | 06/23/94, 59 FR 32362. | |
| 2.0906 | Circumvention | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0907 | Equipment Installation Compliance Schedule. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0909 | Compliance Schedules for Sources In New Nonattainment Areas. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0910 | Alternate Compliance Schedule | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0912 | General Provisions on Test Methods and Procedures. | 07/01/1991 | 06/23/94, 59 FR 32362. | |
| 2.0913 | Determination of Volatile Content of Surface Coatings. | 03/01/1991 | 06/23/94, 59 FR 32362. | |
| 2.0914 | Determination of VOC Emission Control System Efficiency. | 06/14/1990 | 05/02/91, 56 FR 20140. | |

TABLE 3—EPA APPROVED MECKLENBURG COUNTY REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| 2.0915 | Determination of Solvent Metal Cleaning VOC Emissions. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0916 | Determination: VOC Emissions From Bulk Gasoline Terminals. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0917 | Automobile and Light-Duty Truck Manufacturing. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0918 | Can Coating | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0919 | Coil Coating | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0920 | Paper Coating | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0921 | Fabric and Vinyl Coating | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0922 | Metal Furniture Coating | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0923 | Surface Coating of Large Appliances | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0924 | Magnet Wire Coating | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0925 | Petroleum Liquid Storage in Fixed Roof Tanks. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0926 | Bulk Gasoline Plants | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0927 | Bulk Gasoline Terminals | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0928 | Gasoline Service Stations Stage I | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0929 | Petroleum Refinery | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0930 | Solvent Metal Cleaning | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0931 | Cutback Asphalt | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0932 | Gasoline Truck Tanks and Vapor Collection Systems. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0933 | Petroleum Liquid Storage In External Floating Roof Tanks. | 10/16/2004 | 9/12/07, 72 FR 52012. | |
| 2.0934 | Coating of Miscellaneous Metal Parts and Products. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0935 | Factory Surface Coating of Flat Wood Paneling. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0936 | Graphic Arts | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0937 | Manufacture of Pneumatic Rubber Tires | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0939 | Determination of Volatile Organic Compound Emissions. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0940 | Determination of Leak Tightness and Vapor Leaks. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0941 | Alternative Method for Leak Tightness | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0942 | Determination of Solvent in Filter Waste | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0943 | Synthetic Organic Chemical and Polymer Manufacturing. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0944 | Manufacture of Polyethylene, Polypropylene and Polystyrene. | 06/14/1990 | 05/02/91, 56 FR 20140. | |
| 2.0945 | Petroleum Dry Cleaning | 06/14/1990 | 05/02/91, 56 FR 20140. | |

(d) [Reserved]

(e) *EPA Approved North Carolina Non-regulatory Provisions.*

EPA APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

| Provision | State effective date | EPA approval date | FEDERAL REGISTER citation |
|---|---|---|---|
| Capital Area, North Carolina Interagency Transportation Conformity Memorandum of Agreement. | 1/1/02 | 12/27/02 | 67 FR 78986 |
| Durham-Chapel Hill Interagency Transportation Conformity Memorandum of Agreement. | 1/1/02 | 12/27/02 | 67 FR 78986 |
| Winston-Salem Interagency Transportation Conformity Memorandum of Agreement. | 1/01/02 | 12/27/02 | 67 FR 78986 |
| High Point Interagency Transportation Conformity Memorandum of Agreement. | 1/01/02 | 12/27/02 | 67 FR 78986 |
| Greensboro Interagency Transportation Conformity Memorandum of Agreement. | 1/01/02 | 12/27/02 | 67 FR 78986 |
| Gaston, North Carolina Interagency Transportation Conformity Memorandum of Agreement. | 1/1/02 | 12/27/02 | 67 FR 78986 |
| Mecklenburg-Union Interagency Transportation Conformity Memorandum of Agreement. | 8/7/03 | 09/15/03 | 68 FR 53887 |
| 10 Year Maintenance Plan Update for the Raleigh/Durham Area. | 6/4/04 | 9/20/04 | 69 FR 56163 |
| 10 Year Maintenance Plan Update for the Greensboro/Winston-Salem/High Point Area. | 6/4/04 | 9/20/04 | 69 FR 56163 |
| Attainment Demonstration of the Mountain, Unifour, Triad and Fayetteville Early Action Compact Areas. | 12/21/04 | 9/21/05 | 70 FR 48874 |
| Charlotte, Raleigh-Durham, and Winston-Salem Carbon Monoxide Second 10-Year Maintenance Plan. | 3/18/05 | 3/24/06 | 71 FR 14817 |
| 8-Hour Ozone Maintenance plan for the Rocky Mount, North Carolina area (Edgecombe and Nash Counties). | 6/19/06 | 11/6/06 | 71 FR 64891 |
| 8-Hour Ozone Maintenance plan for the Raleigh-Durham-Chapel Hill, North Carolina area (Durham, Franklin, Granville, Johnston, Orange, Person and Wake Counties in their entireties, and Baldwin, Center, New Hope and Williams Townships in Chatham County). | 6/7/07 | 12/26/07 | 72 FR 72948 |
| 1-Hour Ozone Maintenance plan revision for the Greensboro/Winston-Salem/High Point area (Davidson, Forsyth, and Guilford counties and a portion of Davie County). | 2/4/2008 | 4/8/08 | 73 FR 18963 |
| 8-Hour Ozone Maintenance Plan for the Great Smoky Mountains National Park Area. | 7/24/2009 | 12/07/09 | 74 FR 63995 |

[64 FR 27467, May 20, 1999]

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

## §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 |

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Photochemical oxidants (hydrocarbons) |
| 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.

(c)(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 (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 $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 $CO_2$ equivalent emissions ($CO_2e$) 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 $CO_2e$.

(iii) The term emissions increase shall mean that a significant net emissions increase (as defined in paragraphs 40 CFR 51.166(b)(3) (1996) and 40 CFR 51.166(b)(23)(i) (1996)) occurs. 40 CFR 51.166 (1996) is presently incorporated by reference into North Carolina's plan at EPA-approved North Carolina Rule 15A NCAC 02D–.544. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in 40 CFR 51.166(b)(23)(ii) (1996).

[45 FR 26043, Apr. 17, 1980, as amended at 75 FR 82558, Dec. 30, 2010]

### §§ 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 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 $O_3$ 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 $PM_{2.5}$ 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, 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 $PM_{2.5}$ 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 $PM_{2.5}$ 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, 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 $PM_{2.5}$ NAAQS.

[45 FR 55425, Aug. 20, 1980, as amended at 53 FR 11071, Apr. 5, 1988; 53 FR 22488, June 16, 1988; 54 FR 9434, Mar. 7, 1989; 54 FR 13185, Mar. 31, 1989; 75 FR 56, Jan. 4, 2010; 75 FR 232, Jan. 5, 2010; 75 FR 75626, 75627, Dec. 6, 2010]

### § 52.1783 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of North Carolina'' and all revisions submitted by North Carolina that were federally approved prior to December 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) Miscellaneous non-regulatory additions to the plan submitted on May 5, 1972, by the North Carolina Department of Natural and Economic Resources.

(2) Letter indicating procurement of additional monitors submitted on May 9, 1972, by the North Carolina Department of Natural and Economic Resources.

(3) Compliance schedules submitted on February 13, 1973, by the North Carolina Department of Natural and Economic Resources.

(4) Compliance schedules submitted on February 14, 1973, by the North Carolina Department of Natural and Economic Resources.

(5) Compliance schedules submitted on March 2, 1973, by the North Carolina Department of Natural and Economic Resources.

(6) Compliance schedules submitted on April 24, 1973, by the North Carolina Department of Natural and Economic Resources.

(7) Compliance schedules submitted on November 2, 1973, by the North Carolina Department of Natural and Economic Resources.

(8) Indirect source review regulation No. 9 submitted on November 16, 1973, by the North Carolina Department of Natural and Economic Resources.

(9) Compliance schedules submitted on November 20, 1973, by the North Carolina Department of Natural and Economic Resources.

(10) Revisions to indirect source review regulation No. 9 and AQMA identification material submitted on April 1, 1974, by the North Carolina Department of Natural and Economic Resources.

(11) Compliance schedules submitted on May 13, 1974, by the North Carolina Department of Natural and Economic Resources.

(12) Compliance schedules submitted on November 7, 1974, by the North Carolina Department of Natural and Economic Resources.

(13) AQMA identification material submitted on November 22, 1974, by the North Carolina Department of Natural and Economic Resources.

(14) Compliance schedules submitted on November 27, 1974, by the North Carolina Department of Natural and Economic Resources.

(15) Revised ambient $SO_2$ and $NO_2$ standards, submitted on March 23, 1976, by the North Carolina Department of Natural and Economic Resources.

(16) Regulations extending visible emissions standard, adopting EPA's New Source Performance Standards (40 CFR part 60) and revising emission monitoring of stationary sources (40 CFR part 51.19), submitted June 24, 1976, by North Carolina Departmentof Natural and Economic Resources.

(17) Letter requesting delegation of Federal authority for the administrative and technical portions of the prevention of significant deterioration program, submitted on June 24, 1976, by the Secretary of the North Carolina Department of Natural andEconomic Resources.

(18) Miscellaneous plan revisions, submitted on November 1, 1976, by the North Carolina Department of Natural and Economic Resources.

(19) Regulations governing emissions of sulfur dioxide from the roasting of spodumene ore, submitted on February 14, 1978, by the North Carolina Department of Natural Resources and Community Development.

(20) Request for an 18-month extension of the statutory timetable for submitting a plan to attain and maintain the secondary ambient standard for particulate matter in the Spruce Pine nonattainment area, submitted on February 1, 1979, by the North Carolina Department of Natural Resources and Community Development.

(21) 1979 implementation plan revisions for the Mecklenburg County ozone and carbon monoxide nonattainment areas, including regulations 2D.0901–.0931 and 2H.0608, adopted on June 14, 1979, and submitted on June 15 and July 25, 1979, by the North Carolina Department of Natural Resources and Community Development.

(22) 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.

(23) Revised regulations 2D.0903 and 2D.0931, adopted on April 10, 1980, and submitted on May 2, 1980, by the North Carolina Department of Natural Resources and Community Development to correct deficiencies in the Part D ozone revisions given conditional approval on April 17, 1980.

(24) Corrections in Part D carbon monoxide revisions conditionally approved on April 17, 1980, submitted on May 22 (this submittal included Regulation 2H.0608(g)), July 1, and August 19, 1980, by the North Carolina Department of Natural Resources and Community Development.

(25) Miscellaneous revisions submitted on June 15, 1979 (provisions for interstate pollution abatement to satisfy section 126(a) of the Clean Air Act, and revised ambient standard for ozone), and on May 2, 1980 (revision of regulations 2D.0302, .0501, .0524, .0525, and .0603, addition of regulation 2H.0603(f), ambient standard for airborne lead, and provision for public participation to satisfy section 127(a) of the Clean Air Act), by the North Carolina Department of Natural Resources and CommunityDevelopment.

(26) Revisions of Section VI, Air Quality Surveillance, of the plan, submitted on August 19, 1980, by the North Carolina Department of Natural Resources and Community Development.

(27) Opacity limits for existing kraft pulp mill recovery furnaces (regulation

2D .0508(b)) and revised opacity limitations for other sources (revised regulation 2D .0521), submitted on March 22, 1977, and on April 19, 1978, by the North Carolina Department of Natural Resources and Community Development.

(28) Revisions in VOC regulations 2D.0902, .0903, .0905, .0907–.0912, and new VOC regulations 2D.0932–.0942, submitted on June 23, 1980, and revised regulation 2D.0936, submitted on April 29, 1981, by the North Carolina Department of Natural Resources and Community Development.

(29) Implementation plan for lead, submitted on May 2, 1980, by the North Carolina Department of Natural Resources and Community Development.

(30) Regulation 2D.0530, providing for prevention of significant deterioration, submitted on April 16, 1981, by the North Carolina Department of Natural Resources and Community Development.

(31) Addition of regulations 2D.0531 and 2D.0532 to replace repealed regulation 2H.0608, regulations providing for alternative emission reduction options, revised permit regulations (no action is taken on the addition of subdivision (h) to regulation 2H.0603), and miscellaneous other regulation changes, submitted on April 16, 1981, and relaxed annual ambient standard for particulate matter, submitted on September 14, 1981, by the North Carolina Department of Natural Resources and Community Development.

(32) Revised $SO_2$ limit for all but 24 (see FR of December 7, 1982) fuel-burning sources (changes in regulations 2D.0511 and .0516), submitted on March 22, 1977, and January 11, 1982, by the North Carolina Department of Natural Resources and Community Development.

(33) Permit restricting emissions of $SO_2$ from the Cliffside Steam Plant of Duke Power Company to 2.2 # per million Btu, submitted on September 24, 1982, by the North Carolina Department of Natural Resources and Community Development.

(34) Revised $SO_2$ limit for eight fuel-burning sources (See FR of February 10, 1983), submitted on March 22, 1977, and January 11, July 27, and August 26, 1982, by the North Carolina Department of Natural Resources and Community Development.

(35) Changes in regulations 2D.0524 and .0603, submitted on September 24, 1982, by the North Carolina Department of Natural Resources and Community Development.

(36) Bubble permit for E. I. du Pont de Nemours and Company, Kinston, submitted on May 18, 1983, by the North Carolina Department of Natural Resources and Community Development.

(37) 1982 revision of the Part D plan for the Mecklenburg County CO nonattainment area, submitted on June 17, 1982, and April 17, 1984, by the North Carolina Department of Natural Resources and Community Development.

(38) Revisions to the North Carolina Administrative Code were submitted to EPA on January 24, 1983.

(i) Incorporation by reference.

(A) Letter of January 24, 1983 from the North Carolina Department of Natural Resources and Community Development, and the following North Carolina Administrative Code Regulations which were adopted by the Environmental Management Commission on December 9, 1982:

15 NCAC 2D.0501, Compliance With Emission Control Standards
15 NCAC 2D.0503, Control of Particulates from Fuel Burning Sources
15 NCAC 2D.0504, Particulates from Wood Burning Indirect Heat Exchangers
15 NCAC 2D.0530, Prevention of Significant Deterioration
15 NCAC 2D.0531, Sources in Nonattainment Areas
15 NCAC 2D.0532, Sources Contributing to an Ambient Violation
15 NCAC 2D.0606, Other Coal or Residual Oil Burners
15 NCAC 2D.0902, Applicability (Volatile Organic Compounds)
15 NCAC 2H.0603, Applications (Air Quality Permits)

(39) Revisions to the North Carolina Administrative Code were submitted to EPA on April 17, 1984.

(i) Incorporation by reference.

(A) Letter of April 17, 1984 from the North Carolina Department of Natural Resources and Community Development, and the following North Carolina Administrative Code Regulations

which were adopted by the Environmental Management Commission on April 12, 1984:

15 NCAC 2D.0101, Definitions and References
15 NCAC 2D.0103, Copies of Referenced Federal Regulations
15 NCAC 2D.0201, Classification of Air Pollution Sources
15 NCAC 2D.0202, Registration of Air Pollution Sources
15 NCAC 2D.0302, Episode Criteria
15 NCAC 2D.0303, Emission Reduction Plans
15 NCAC 2D.0304, Preplanned Abatement Program
15 NCAC 2D.0305, Emission Reduction Plan—Alert Level
15 NCAC 2D.0306, Emission Reduction Plan—Warning Level
15 NCAC 2D.0307, Emission Reduction Plan—Emergency Level
15 NCAC 2D.0401, Purpose (Ambient Air Quality Standards)
15 NCAC 2D.0402, Sulfur Oxides
15 NCAC 2D.0403, Suspended Particulates
15 NCAC 2D.0404, Carbon Monoxide
15 NCAC 2D.0405, Ozone
15 NCAC 2D.0407, Nitrogen Dioxide
15 NCAC 2D.0408, Lead
15 NCAC 2D.0501, Compliance With Emission Control Standards
15 NCAC 2D.0524, New Source Performance Standards
15 NCAC 2D.0601, Purpose and Scope (Monitoring, Reporting)
15 NCAC 2D.0602, Definitions
15 NCAC 2D.0604, Sources Covered by Implementation Plan Requirements
15 NCAC 2D.0605, Wood and Wood—Fossil Fuel Combination Units
15 NCAC 2D.0606, Other Coal or Residual Oil Burners
15 NCAC 2D.0607, Exceptions to Monitoring and Reporting Requirements
15 NCAC 2D.0608, Program Schedule
15 NCAC 2D.0610, Delegation
15 NCAC 2D.0801, Purpose and Scope (Complex Sources)
15 NCAC 2D.0802, Permits
15 NCAC 2D.0803, Highway Projects
15 NCAC 2D.0804, Airport Facilities
15 NCAC 2H.0601, Purpose and Scope (Air Quality Permits)
15 NCAC 2H.0602, Definitions
15 NCAC 2H.0604, Final Action on Permit Applications
15 NCAC 2H.0605, Issuance, Revocation and Enforcement of Permits
15 NCAC 2H.0606, Delegation of Authority
15 NCAC 2H.0607, Copies of Referenced Documents

(ii) Additional material.

(A) The following regulations were repealed by the Environmental Management Commission on April 12, 1984:

15 NCAC 2D.0102, Phrases
15 NCAC 2D.0406, Hydrocarbons
15 NCAC 2D.0603, Sources Covered by National Standards

(40) Visibility Impairment Prevention Program and visibility new source review regulations were submitted to EPA on April 15, 1985.

(i) Incorporation by reference.

(A) Letter of April 15, 1985, from the North Carolina Department of Natural Resources and Community Development, and the following North Carolina Administrative Code revisions which were adopted by the Environmental Management Commission on April 11, 1985: 15 NCAC 2D.0530, Prevention of Significant Deterioration 15 NCAC 2D.0531, Sources in Nonattainment Areas.

(ii) Additional material.

(A) Narrative submittal, titled ''Visibility Impairment Prevention Program for Federal Class I Areas,'' adopted by the Environmental Management Commission on April 11, 1985.

(41) [Reserved]

(42) A new regulation covering malfunctions, (2D.0535 (a)–(f)), and the repeal of a malfunction rule for VOC sources (2D.0904) which were submitted to EPA on January 24, 1983. (2D.0535(g) covering startups and shutdowns as submitted on April 17, 1984, is disapproved.)

(i) Incorporation by reference.

(A) New malfunction regulation 15 NCAC 2D.0535 paragraphs (a)–(f), as adopted by the Environmental Management Commission on December 9, 1982.

(ii) Additional material.

(A) Letter from Robert F. Helms, Director, Division of Environmental Management, dated January 24, 1983.

(43) Revisions to the North Carolina Administrative Code were submitted to EPA on March 18, 1985.

(i) Incorporation by reference.

(A) Changes in the following regulations were adopted by the Environmental Management Commission on March 14, 1985:

15 NCAC 2D.0606, Other Coal or Residual Oil Burners
15 NCAC 2D.0939, Determination of Volatile Organic Compound Emissions

(B) The following new regulations were adopted by the Environmental Management Commission on March 14, 1985:

15 NCAC 2D.0943, Synthetic Organic Chemical and Polymer Manufacturing
15 NCAC 2D.0944, Manufacturing of Polyethylene, Polypropylene, and Polystyrene
15 NCAC 2D.0945, Petroleum Dry Cleaning

(ii) Other material—none.

(44) Revisions to the North Carolina Administrative Code were submitted to EPA on April 15, 1985.

(i) Incorporation by reference.

(A) Changes in the following regulations were adopted by the Environmental Management Commission on April 11, 1985:

15 NCAC 2D.0202, Registration of Air Pollution Sources
15 NCAC 2D.0501, Compliance with Emission Control Standards (except the changes to paragraph (f)(1)(A))
15 NCAC 2D.0503, Control of Particulates from Fuel Burning Indirect Heat Exchangers
15 NCAC 2D.0504, Particulates from Wood Burning Indirect Heat Exchangers
15 NCAC 2D.0505, Control of Particulates from Incinerators
15 NCAC 2H.0603, (Permit) Applications

(ii) Other material—none.

(45) $SO_2$ revisions for Alba Waldensian and Valdese Manufacturing which were submitted by the North Carolina Department of Natural Resources and Community Development on April 2, 1986.

(i) Incorporation by reference.

(A) Letter of April 2, 1986, from the North Carolina Department of Natural Resources and Community Development.

(B) Permits for Alba Waldensian (2 plants) and Valdese Manufacturing which were issued by the Environmental Management Commission on July 23, 1986, March 11, 1987, and August 1, 1985, respectively.

(ii) Additional material—none.

(46) $SO_2$ and particulate revision for Appalachian State University which was submitted by the North Carolina Department of Natural Resources and Community Development on July 26, 1985, and June 7, 1988.

(i) Incorporation by reference.

(A) Letters of July 26, 1985 and June 7, 1988 from the North Carolina Department of Natural Resources and Community Development.

(B) Permit for Appalachian State University (No. 3990R4) which was issued by the Environnental Management Commission on July 19, 1985, and amended on June 7, 1988.

(ii) Additional material—none.

(47) Revisions to Title 15 of the North Carolina Administrative Code (15 NCAC) which were submitted to EPA on December 17, 1984.

(i) Incorporation by reference.

(A) Letter of December 17, 1984, from the North Carolina Division of Environmental Management and amendments to the following regulations which were adopted by the North Carolina Environmental Management Commission on November 8, 1984:

2D.0501—Compliance with Emission Control Standards
2D.0506—Control of Particulates from Hot Mix Asphalt Plants
2D.0507—Particulates from Chemical Fertilizer Manufacturing Plants
2D.0508—Control of Particulates from Pulp and Paper Mills
2D.0509—Particulates from Mica or Feldspar Processing Plants
2D.0510—Particulates: Sand, Gravel, Crushed Stone Operations
2D.0511—Particulates, $SO_2$ from Lightweight Aggregate Processes
2D.0512—Particulates from Wood Products Finishing Plants
2D.0513—Control of Particulates from Portland Cement Plants
2D.0514—Control of Particulates from Ferrous Jobbing Foundries
2D.0515—Particulates from Miscellaneous Industrial Processes
2D.0516—Sulfur Dioxide Emissions from Fuel-Burning Installations
2D.0517—Emissions from Plants Producing Sulfuric Acid (Except revision to paragraph 2)
2D.0519—Control of Nitrogen Dioxide Emissions
2D.0520—Control and Prohibition of Open Burning
2D.0521—Control of Visible Emissions
2D.0527—Emissions from Spodumene Ore Roasting (Except revision to paragraph 2)
2D.0530—Prevention of Significant Deterioration
2D.0531—Sources in Nonattainment Areas
2D.0532—Sources Contributing to an Ambient Violation
2D.0901—Definitions (Volatile Organic Compounds)
2D.0903—Recordkeeping, Reporting, Monitoring (Volatile Organic Compounds)
2D.0905—Petition for Alternative Controls
2D.0906—Circumvention
2D.0907—Equipment Installation Compliance Schedules
2D.0908—Equipment Modification Compliance Schedules

2D.0909—Low Solvent Content Coating Compliance Schedules
2D.0910—Alternate Compliance Schedules
2D.0912—General Provisions on Test Methods and Procedures
2D.0913—Determination of Volatile Content of Surface Coating
2D.0914—Determination of VOC Emission Control System Efficiency
2D.0915—Determination of Solvent Metal Cleaning VOC Emissions
2D.0916—Determination of VOC Emissions from Bulk Gasoline Terminals
2D.0918—Can Coating
2D.0919—Coil Coating
2D.0920—Paper Coating
2D.0921—Fabric and Vinyl Coating
2D.0922—Metal Furniture Coating
2D.0923—Surface Coating of Large Appliances
2D.0924—Magnet Wire Coating
2D.0925—Petroleum Liquid Storage In Fixed Roof Tanks
2D.0926—Bulk Gasoline Plants
2D.0927—Bulk Gasoline Terminals
2D.0928—Gasoline Service Stations Stage I
2D.0929—Petroleum Refinery Sources
2D.0930—Solvent Metal Cleaning
2D.0931—Cutback Asphalt
2D.0932—Gasoline Truck Tanks and Vapor Collection Systems
2D.0933—Petroleum Liquid Storage In External Floating Roof Tanks
2D.0934—Coating of Miscellaneous Metal Parts and Products
2D.0935—Factory Surface Coating of Flat Wood Paneling
2D.0936—Graphic Arts
2D.0937—Manufacture of Pneumatic Rubber Tires
2D.0938—Perchloroethylene Dry Cleaning System
2D.0939—Determination of Volatile Organic Compound Emissions
2D.0940—Determination of Leak Tightness and Vapor Leaks
2H.0601—Purpose and Scope (Permits)
2H.0604—Final Action on Permit Applications
2H.0605—Issuance, Revocation and Enforcement of Permits

(ii) Additional material.

(A) Regulation 2D.0609 (Monitoring Condition in Permit) was repealed by the Environmental Management Commission on November 8, 1984.

(48) Revision to the North Carolina Administrative Code (15 NCAC) which was submitted to EPA on February 25, 1986.

(i) Incorporation by reference.

(A) Letter of February 25, 1986, from the North Carolina Division of Environmental Management and the amendment to regulation 2D.0917 (Automobiles and Light-Duty Truck Manufacturing) which was adopted by the North Carolina Environmental Management Commission on February 13, 1986.

(ii) Additional material—none.

(49) Revision to 15 NCAC 2D.0518 which was submitted by the North Carolina Division of Environmental Management on January 24, 1983.

(i) Incorporation by reference.

(A) Letter of January 24, 1983 to EPA from the North Carolina Department of Natural Resources and Community Development, and amendments to North Carolina Administrative Code regulation 2D.0518 (Miscellaneous Volatile Organic Compound Emissions) adopted by the Environmental Management Commission on December 9, 1982, which allow alternative control strategies.

(ii) Additional material—none.

(50) Stack Height regulations were submitted to EPA on September 24, 1982, April 17, 1984, and February 25, 1986, by the North Carolina Department of Natural Resources and Community Development.

(i) Incorporation by reference.

(A) Regulations 15NCAC 2D.0533 (Stack Height) adopted on September 9, 1982 and Regulations 15NCAC 2H.0603 (Applications) adopted on February 13, 1986 and April 12, 1984, by the Environmental Management Commission.

(ii) Other material—none.

(51) Revisions to the North Carolina State Implementation Plan were submitted by the State of North Carolina Division of Environmental Management on June 12, 1986.

(i) Incorporation by reference.

(A) A new regulation entitled Control of Conical Incinerators, 15 NCAC 2D.0523, which became effective on January 1, 1985.

(B) A letter dated July 7, 1987, from the State of North Carolina Division of Environmental Management clarifying the adoption and effective dates of 15 NCAC 2D.0523.

(ii) Other material—none.

(52) Minor revisions to Title 15 of the North Carolina Administrative Code (15 NCAC) were submitted to EPA on February 25, 1986.

(i) Incorporation by reference.

(A) Letter of February 25, 1986 from the State of North Carolina to EPA,

and Amendments in the following regulations which were adopted by the North Carolina Environmental Management Commission on February 13, 1986:

2D.0501 Compliance with Emission Control Standards
2D.0508 Control of Particulates from Pulp and Paper Mills
2D.0509 Particulates from Mica and Feldspar Processing Plants
2D.0514 Control of Particulates from Ferrous Jobbing Foundries
2D.0535 Malfunctions, Startup and Shutdown
2D.0916 Determination: VOC Emissions from Bulk Gasoline Terminals

(ii) Other material—none.

(53) Revisions to 15 NCAC, regulation 2D.0501 were submitted to EPA on October 14, 1986.

(i) Incorporation by reference.

(A) Letter of October 14, 1986, from the North Carolina Department of Natural Resources and Community Development, and revisions to 15 NCAC, regulation 2D.0501 which were adopted by the Environmental Management Commission on September 11, 1986.

(ii) Additional material—none.

(54) Revisions to the visible emission regulations of Title 15 of the North Carolina Administrative Code (15 NCAC) were submitted February 11, 1987.

(i) Incorporation by reference.

(A) Letter to EPA dated February 11, 1987 and amendments to the following North Carolina Administrative Code regulations:

15 NCAC 2D.0501(c)(8), Compliance with Emission Control Standards;
15 NCAC 2D.0508(b), Control of Emissions from Pulp and Paper Mills; and
15 NCAC 2D.0521 (c), (d), and (f), Control of Visible Emissions, which became effective on August 1, 1987.

(ii) Additional material—none.

(55) A revised regulation limiting emissions from electric utility boilers was submitted on January 24, 1983, and February 21, 1983, and amended by submittals dated December 17, 1985, and June 19, 1987, by the North Carolina Department of Natural Resources and Community Development. Only the following portions of this regulation are approved:

(i) Incorporation by reference.

(A) Only those portions of a new regulation, 15 NCAC 2D.0536, entitled ''Emissions from Electric Utility Boilers,'' which were approved by the Environmental Protection Agency on April 5, 1988.

(ii) Other material—none.

(56) Revisions to miscellaneous regulations of Title 15 of the North Carolina Administrative Code (15 NCAC) were submitted April 14, 1987.

(i) Incorporation by reference.

(A) Amendments to the following regulations (15 NCAC) were adopted by the North Carolina Environmental Management Commission on April 9, 1987:

2D.0103—Copies of Referenced Federal Regulations, paragraph (a)(2).
2D.0501—Compliance with Emission Control Standards, paragraph (c)(4).
2D.0505—Control of Particulates from Incinerators, paragraph (b).
2D.0533—Stack Height, paragraph (a)(7).
2H.0607—Copies of Referenced Documents, (a) introductory text and paragraph (a)(2).

(B) Letter of April 14, 1987, to EPA from the State of North Carolina Department of Natural Resources and Community Development.

(ii) Other material—none.

(57) Revisions to 15 NCAC 2D.0501(c)(4) were submitted by the North Carolina Department of Natural Resources and Community Development on December 15, 1987.

(i) Incorporation by reference.

(A) Letter of December 15, 1987, to the Environmental Protection Agency from the North Carolina Department of Natural Resources and Community Development and revised paragraph (c)(4) of 15 NCAC 2D.0501, adopted by the North Carolina Environmental Management Commission on December 10, 1987.

(ii) Additional material—none.

(58) North Carolina plan for visibility impairment prevention for federal Class I areas, Part 2, submitted to EPA on December 15, 1987, by the North Carolina Division of Environmental Management (NCDEM) to satisfy the Part 2 visibility requirements including the State's long-term strategy and provisions to satisfy the periodic review requirements.

(i) Incorporation by reference.

(A) December 15, 1987, letter from the North Carolina Division of Environmental Management.

(B) That portion of page II–7 of the North Carolina plan for visibility impairment prevention for federal Class I areas Part 2 containing the periodic review requirements satisfying 40 CFR 51.306(c), adopted by the North Carolina Division of Environmental Management on December 10, 1987.

(ii) Additional material.

(A) Narrative SIP titled ''The North Carolina Plan for Visibility Impairment Prevention for Federal Class I Areas Part 2.''

(59) [Reserved]

(60) Revisions to 15 NCAC 2D.0103, Copies of Referenced Federal Regulations; 2D.0304, Preplanned Abatement Program; 2D.0604, Sources Covered by Implementation Plan Requirements; 2D.0606, Other Coal or Residual Oil Burners; 2D.0608, Program Schedule; and 2H.0607, Copies of Referenced Documents, were submitted by the North Carolina Department of Natural Resources and Community Development on May 2, 1988.

(i) Incorporation by reference.

(A) Letter of May 2, 1988 from the North Carolina Department of Natural Resources and Community Development and revised regulations 15 NCAC 2D.0103(a)(6), 2D.0304(a), 2D.0604(b), 2D.0606(a)(4)(E), 2D.0608(b), and 2H.0607(a)(6), adopted by the North Carolina Environmental Management Commission on April 14, 1988.

(ii) Additional material—none.

(61) Revisions to the SIP including $PM_{10}$ revisions submitted on May 2, 1988, and July 14, 1989 by the North Carolina Department of National Resources and Community Development.

(i) Incorporation by reference.

(A) July 1, 1988 revisions to North Carolina Administration Code Regulation No.:

2D.0101—Definitions, (18) and (25)–(33)
2D.0302—Episode criteria, (2)(g), (3)(g), (4) (f) and (g)
2D.0403—Total suspended particulates
2D.0409—Particulate matter
2D.0501—Compliance with emission control standards, (c)(16)
2D.0913—Determination of volatile content of surface coatings
2D.0916—Determination of VOC emissions from bulk gasoline terminals
2D.0939—Determination of volatile organic compound emissions
2D.0940—Determination of leak tightness and vapor leaks
2D.0601—Purpose and scope
2D.0603—Applications, (f) (5) and (6)

(B) October 1, 1989 State-effective revisions to North Carolina Administration Code No.:

2D.0104—Adoption by Reference Updates
2D.0530—Prevention of Significant Deterioration, (h)
2D.0531—Sources in Non-Attainment Areas, (d)
2D.0532—Sources Contributing to an Ambient Violation, (d)

(ii) Additional material.

(A) May 2, 1988 letter from North Carolina Department of Natural Resources and Community Development.

(B) July 14, 1989 letter from North Carolina Department of Natural Resources and Community Development

(62) Permits for Liggett & Myers and Burlington Industries which were submitted as State Implementation Plant revisions on April 2, 1986, and resubmitted on October 24, 1989.

(i) Incorporation by reference.

(A) Permit No. 2533R11 for Liggett & Myers Tobacco Company issued on May 22, 1989.

(B) Permit No. 4119R5 for Burlington Industries issued on March 3, 1987.

(ii) Additional material—none.

(63) Miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on July 14, 1989.

(i) Incorporation by reference.

(A) Revisions to North Carolina Administrative Code which became State effective on October 1, 1989 are as follows:

2D.0401, Purpose, as amended
2D.0404, Carbon Monoxide, as amended
2D.0407, Nitrogen Dioxide, as amended
2D.0501, Compliance with Emission Control Standards, (c)(3)
2D.0511, Particulates from Lightweight Aggregate Processes, (d)
2D.0516, Sulfur Dioxide Emissions from Combustion Sources, (a)
2D.0519, Control of Nitrogen Dioxide and Nitrogen Oxides Emissions, as amended
2H.0601, Purpose and Scope, (a), (c), and (d)
2H.0603, Applications, (d) and (e)
2H.0606, Delegation of Authority, as amended

(ii) Additional material.

(A) Letter of July 14, 1989 submitting the SIP revisions.

(64) Revisions to the North Carolina State Implementation Plan which were submitted on July 15, 1987 and May 25, 1988.

(i) Incorporation by reference.

(A) Revisions to North Carolina Administrative Code effective as of July 1, 1988, are as follows:

2D.0530, Prevention Of Significant Deterioration, except (h).
2D.0531, Sources in Nonattainment Areas, except (d).
2D.0532, Sources Contributing to an Ambient Violation, except (d).

(ii) Additional information—none.

(65) Revisions to the North Carolina SIP which include the Forsyth County, Western North Carolina and Mecklenburg County regulations which were submitted on June 14, 1990.

(i) Incorporation by reference.

(A) The entire set of Forsyth County Air Quality Control Code regulations effective December 19, 1988, except for section 3–152(2), 3–155, 3–158, 3–159, 3–160 and 3–169.

(B) The entire set of Western North Carolina regulations effective March 13, 1985 and November 9, 1988, except for Sections 1–137(g), 1–139, 1–144, 1–152(2), 1–158 and 1–159.

(C) The entire set of Mecklenburg County regulations effective April 3, 1989, except for Sections 2.0517(2), 2.0524, 2.0525, 2.0528, 2.0529, 2.0534, 2.0537.

(ii) Additional material—none.

(66) The maintenance plan and emission inventory for Greensboro/Winston-Salem/Highpoint Area which includes Davidson County, Davis County (part) the area bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek, and back to the Yadkin River, Forsyth County and Guilford County, submitted by the North Carolina Department of Environment, Health, and Natural Resources on November 13, 1992, and June 1, 1993, as part of the North Carolina SIP.

(i) Incorporation by reference.

(A) Supplement to the Redesignation Demonstration and Maintenance Plan For Raleigh/Durham and Greensboro/Winston-Salem/High Point Ozone Attainment Areas submitted June 1, 1993, and Prepared by the North Carolina Department of Environment, Health, and Natural Resources, Division of Environmental Management, Air Quality Section. The effective date is July 8, 1993.

(*1*) Section 2—Discussion of Attainment.

(*2*) Section 3—Maintenance Plan.

(*3*) Greensboro/Winston-Salem/High Point Nonattainment Area Emission Summary for 1990.

(*4*) Greensboro/Winston-Salem/High Point Nonattainment Area Emission Summary for 1993.

(*5*) Greensboro/Winston-Salem/High Point Nonattainment Area Emission Summary for 1996.

(*6*) Greensboro/Winston-Salem/High Point Nonattainment Area Emission Summary for 1999.

(*7*) Greensboro/Winston-Salem/High Point Nonattainment Area Emission Summary for 2002.

(*8*) Greensboro/Winston-Salem/High Point Nonattainment Area Emission Summary for 2004.

(ii) Other material. None

(67) The maintenance plan and emission inventory for the Raleigh/Durham Area which includes Durham County, Wake County, and the Dutchville Township portion of Granville County submitted by the North Carolina Department of Environment, Health, and Natural Resources on November 13, 1992, and June 1, 1993, as part of the North Carolina SIP.

(i) Incorporation by reference.

(A) Supplement to the Redesignation Demonstration and Maintenance Plan for the Greensboro/Winston-Salem/High Point and Raleigh/Durham Ozone Attainment Areas submitted June 1, 1993, and Prepared by the North Carolina Department of Environment, Health, and Natural Resources, Division of Environmental Management, Air Quality Section. The effective date is July 8, 1993.

(*1*) Section 2—Discussion of Attainment.

(*2*) Section 3—Maintenance Plan.

(*3*) Raleigh/Durham Nonattainment Area Emission Summary for 1990.

(*4*) Raleigh/Durham Nonattainment Area Emission Summary for 1993.

(*5*) Raleigh/Durham Nonattainment Area Emission Summary for 1996.

(*6*) Raleigh/Durham Nonattainment Area Emission Summary for 1999.

(*7*) Raleigh/Durham Nonattainment Area Emission Summary for 2002.

(*8*) Raleigh/Durham Nonattainment Area Emission Summary for 2004.

(ii) Other material. None.

(68) The North Carolina Department of Environmental Management submitted an Oxygenated Fuel program as part of North Carolina carbon monoxide SIP on November 20, 1992.

(i) Incorporation by reference.

(A) The North Carolina Environmental Commission regulations 15A NCAC 2D.1301 through .1305 effective September 1, 1992.

(B) The North Carolina Gasoline and Oil Board section .0800 through .0806 effective September 1, 1992.

(ii) Other material. None.

(69) Revisions to the VOC portion of the North Carolina SIP to correct deficiencies submitted on September 21, 1989, January 14, 1991, and April 29, 1991, and July 19, 1993, revisions to VOC regulations of the Mecklenburg County Department of Environmental Protection submitted on August 13, 1991.

(i) Incorporation by reference.

(A) Amendments to the North Carolina regulations 15 NCAC 2D.0101, .0531, .0901 except (12) and (28), .0913(b), .0917 except (d), .0918 except (d), .0919 except (d), .0920 except (e), .0921 except (d), .0922 except (d), .0923 except (e), .0924 except (d), .0925 except (d)(1), .0926 except (g), .0927, .0928 except (e), .0929 except (d), .0930 except (e)(3) and (f)(2), .0931, .0932, .0933 except (f), .0934 except (e), .0935, .0936, .0937, .0938, .0941, and 2H.0603 effective December 1, 1989.

(B) Amendments to the North Carolina regulations 15 NCAC 2D.0901 (28), .0902(c), .0913(a), .0925(d)(1), .0926(g), .0928(e), .0929(d), .0930 (e)(3) and (f)(2), .0933(f), .0943 (a) (8) and (10) which were effective March 1, 1991.

(C) Amendments to the North Carolina regulations 15 NCAC 2D.0901(12), .0917(d), .0918(d), .0919(d), .0920(e), .0921(d), .0922(d), .0923(e), .0924(d), and .0934(e) effective on July 1, 1991.

(D) Amendments to the North Carolina regulations 15 NCAC 2D.0903 and 2D.0912 effective on July 1, 1993.

(E) Amendments to the Mecklenburg County Department of Environmental Protection regulations 2.0901, 2.0902, 2.0913, 2.0925, 2.0926, 2.0928, 2.0929, 2.0930, 2.0933, 2.0934, 2.0943, 2.0944 effective March 1, 1991.

(F) Amendments to the Mecklenburg County Department of Environmental Protection regulations 2.0903, 2.0912 effective July 1, 1991.

(ii) Other material. None.

(70) The minor source operating permit program for Mecklenburg County, North Carolina, submitted by the Mecklenburg County Department of Environmental Protection on November 24, 1993, and as part of the Mecklenburg County portion of the North Carolina SIP.

(i) Incorporation by reference.

MCAPCO Regulations 1.5211 through 1.5214, 1.5216, 1.5219, 1.5221, 1.5222, 1.5232, 1.5234, and 1.5306 of the Mecklenburg County portion of the North Carolina SIP adopted June 6, 1994.

(ii) Other material. None.

(71) The PSD NOx increment regulations and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on March 3, 1993.

(i) Incorporation by reference.

(A) North Carolina regulations 15 NCAC 2D.0103, 2D.0104, 2D.0401, 2D.0521, 2D.0530, 2D.0531, 2D.0532, 2H.0603, 2H.0607, and 2H.0609 effective on December 1, 1992.

(ii) Other material. None.

(72) The NSR regulations to the North Carolina State Implementation Plan which were submitted on January 7, 1994.

(i) Incorporation by reference.

(A) North Carolina regulations 15A NCAC 2D.0531, and 2D.0532 effective on December 1, 1993.

(ii) Other material.

(A) Letter of January 7, 1993, from the North Carolina Division of Environmental Management.

(73) Revisions to the State of North Carolina State Implementation Plan (SIP) concerning emission statements were submitted on August 15, 1994, by the North Carolina Department of Environment, Health and Natural Resources.

(i) Incorporation by reference.

Revisions to North Carolina Regulation 15A NCAC 2Q .0207, effective July 1, 1994.

(ii) Other material. None.

(74) The minor source operating permit programs for the State of North Carolina, Western North Carolina Regional Air Pollution Control Board, and Forsyth County Department of Environmental Affairs submitted by the North Carolina Department of Environment, Health, and Natural Resources on May 31, 1994, June 1, 1994, and September 15, 1994, as part of the North Carolina SIP.

(i) Incorporation by reference.

(A) Regulations 15A NCAC 2Q.0103, 15A NCAC 2Q.0301, 15A NCAC 2Q.0303 through 15A NCAC 2Q.0311 of the North Carolina SIP as adopted by the North Carolina Environmental Management Commission on May 12, 1994 and which became effective on July 1, 1994.

(B) Regulations 15A NCAC 2Q.0103, 15A NCAC 2Q.0301, 15A NCAC 2Q.0303 through 15A NCAC 2Q.0311 of the North Carolina SIP as adopted by reference by the Western North Carolina Regional Air Pollution Control Board (WNCRAPCB) on September 12, 1994 and which were made effective September 12, 1994.

(C) Regulations Subchapter 3Q.0103, Subchapter 3Q.0301, Subchapter 3Q.0303 through Subchapter 3Q.0311 of the Forsyth County portion of the North Carolina SIP as adopted and made effective by the Forsyth County Board of Commissioners on May 23, 1994.

(ii) Other material. None.

(75) The redesignation and maintenance plan for Winston-Salem/Forsyth County submitted by the North Carolina Department of Environmental Management on April 27, 1994, as part of the North Carolina SIP. The emission inventory projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Maintenance Plan for the Forsyth County Carbon Monoxide Nonattainment Area adopted on April 14, 1994.

(ii) Other material. None.

(76) The North Carolina Department of Environment, Health and Natural Resources submitted revisions to the North Carolina State Implementation Plan on November 2, 1989. These revisions incorporate $SO_2$ limits and permit conditions for Texasgulf, Incorporated.

(i) Incorporation by reference.

(A) Permit for Texasgulf, Incorporated (air permit no. 2331R10) which was issued by the Environmental Management Commission on October 13, 1989.

(ii) Additional material-none.

(77) Revisions to the VOC RACT regulations, and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on January 7, 1994.

(i) Incorporation by reference.

(A) Amendments to North Carolina regulations 15A NCAC 2D .0518, 2D.0531, 2D.0532, 2D.0901, and 2D.0936, effective on December 1, 1993.

(B) Amendments to North Carolina regulations 15A NCAC 2D.0902, 2D.0907, 2D.0910, 2D.0911, 2D.0947, 2D.0948, 2D.0949, 2D.0950, 2D.0951, and 2D.0952 effective on July 1, 1994.

(ii) Other material. None.

(78) Miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on May 15, 1991.

(i) Incorporation by reference.

(A) Amendments to North Carolina regulations 15A NCAC 2D.0103, 2D.0503, 2D.0530, 2D.0536, 2H.0601, and 2H.0607, of the North Carolina State Implementation Plan submitted on May 15, 1991, which were state effective on August 1, 1991.

(ii) Other material. None

(79) The North Carolina Department of Environment, Health and Natural Resources has submitted revisions to the North Carolina SIP on July 19, 1993. These revisions address the requirements of section 507 of title V of the CAA and establish the Small Business Stationary Source Technical and Environmental Assistance Program (PROGRAM).

(i) Incorporation by reference.

(A) North Carolina's Small Business Stationary Source Technical and Environmental Compliance Assistance Program which was adopted on May 12, 1994.

(ii) Other material. None.

(80) Modifications to the existing basic I/M program in North Carolina submitted on July 19, 1993, January 17, 1992, and September 24, 1992. Addition of regulations .1001 through .1005 establishes the I/M program.

(i) Incorporation by reference.

(A) Regulation .1001 and .1003, effective on December 1, 1982.

(B) Regulation .1002 effective on July 1, 1994.

(C) Regulation .1004 effective on July 1, 1993.

(D) Regulation .1005 effective on April 1, 1991.

(E) Specification for the North Carolina Analyzer System adopted December 12, 1991.

(ii) Other material. None.

(81) The VOC revision to the North Carolina State Implementation Plan which were submitted on October 14, 1994.

(i) Incorporation by reference. Addition of new North Carolina regulations 15A NCAC 2D .0518 which was state effective on September 1, 1994.

(ii) Other material. None.

(82) The redesignation and maintenance plan for Raleigh/Durham and Charlotte submitted by the North Carolina Department of Environmental Management on October 7, 1994 and August 9, 1991, as part of the North Carolina SIP. The emission inventory projections are included in the maintenance plans.

(i) Incorporation by reference. Section 3 of the Redesignation Demonstration and Maintenance Plan for Raleigh/Durham, Winston-Salem, and Charlotte Carbon Monoxide Nonattainment Area adopted on September 8, 1994.

(ii) Other material. None.

(83) The maintenance plan and redesignation request for the Charlotte-Gastonia area which include Mecklenburg and Gaston Counties submitted by the State of North Carolina on November 12, 1993.

(i) Incorporation by reference.

(A) The following subsections of Section 3.0, entitled Maintenance Plan, in the Supplement to the Redesignation Demonstration and Maintenance Plan for the Charlotte/Gaston Ozone Nonattainment Area adopted by the North Carolina Environmental Management Commission on May 11, 1995: 3.1 Concept of North Carolina's Maintenance Plan; 3.2 Foundation Control Program; Table 3.2 of Subsection 3.3; and 3.4 Contingency Plan.

(ii) Other material. None.

(84) The VOC RACT regulations, NSR regulations, and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on August 15, 1994.

(i) Incorporation by reference.

(A) Addition of new North Carolina regulations 15A NCAC 2D .0805 and .0806 and 15A NCAC 2Q .0101 through .0111, and .0601 through .0607. effective on July 1, 1994.

(B) Amendments to North Carolina regulations 15A NCAC 2D .0101, .0501, .0503, .0530, .0531, .0532, .0533, .0601, .0801, .0802, .0803, and .0804 effective on July 1, 1994.

(ii) Other material. None.

(85) The VOC revisions to the North Carolina State Implementation Plan which were submitted on March 3, 1995, and on May 24, 1995.

(i) Incorporation by reference.

(A) Regulations 15A NCAC 2D .0955, .0956, and .0957 effective on April 1, 1995.

(B) Regulations 15A NCAC 2D .0950, and .0104 effective on May 1, 1995.

(ii) Other material. None.

(86) The PM–10 rules, Stack Testing Methods and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on March 23, 1995.

(i) Incorporation by reference. Addition of new North Carolina rules 15A NCAC 2D .0501, .0516, and .0530 which were state effective on February 1, 1995.

(ii) Other material. None.

(87) Recodifications to the Forsyth County Air Quality Control Ordinance and Technical Code and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on March 7, 1995.

(i) Incorporation by reference.

Forsyth County Air Quality Control Ordinance and Technical Code effective on December 19, 1994. Subchapter 3A, Air Quality Control; Subchapter 3B, Relationship to State Code; Subchapter 3D, Air Pollution Control Requirements; Subchapter 3H, Section .0600 Air Quality Permits; and Subchapter 3Q, Air Quality Permits.

(ii) Other material. None.

(88) The VOC RACT regulations, NSR regulations, and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on August 15, 1994. The Stage II

regulations and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on May 24, 1995.

(i) Incorporation by reference.

(A) Regulations 15A NCAC 2D .0531, .0909, .0928, .0932, .0933, and .0953 effective on July 1, 1994.

(B) Regulations 15A NCAC 2D .0902, .0907, .0910, .0911, .0952, and .0954 effective on May 1, 1995.

(ii) Other material. None.

(89) Exclusionary rules for the State of North Carolina Department of Environment, Health, and Natural Resources and the Forsyth County Department of Environmental Affairs submitted by the North Carolina Department of Environment, Health, and Natural Resources on August 8, 1995, and December 28, 1995, respectively, as part of the North Carolina SIP.

(i) Incorporation by reference.

(A) Regulations 15A NCAC 2Q.0801 through 15A NCAC 2Q.0807 of the North Carolina SIP as adopted by the North Carolina Environmental Management Commission on June 8, 1995, and which became effective on August 1, 1995.

(B) Regulations Subchapter 3Q.0801 through Subchapter 3Q.0807 of the Forsyth County portion of the North Carolina SIP as adopted and made effective by the Forsyth County Board of Commissioners on November 13, 1995.

(ii) Other material. None.

(90) The VOC regulations and other miscellaneous revisions to the Forsyth County Local Implementation Plan which were submitted on December 28, 1995, and November 29, 1995.

(i) Incorporation by reference.

(A) Amendments to Forsyth County regulations Subchapter 3D .0104(a), .0531 (e)–(k), .0902 (a)–(h), .0907 (a)–(c), .0909 (a, c, d, e, and g), .0910 (a)–(d), .0911, .0950 (a and b), .0952 (a)–(c) and .0954 (f, h, k) adopted into the Air Quality Control Technical Code on November 13, 1995.

(B) Amendments to Forsyth County regulations Subchapter 3D .0501 (a)–(h), .0516 (a and b), .0518 (a)–(g), and .0530 (a)–(s), adopted into the Air Quality Control Technical Code on August 14, 1995.

(C) Subchapter 3D .0955, .0956, and .0957 adopted into the Air Quality Control Technical Code on August 14, 1995.

(ii) Other material. None.

(91) The North Carolina Department of Environment, Health and Natural Resources submitted revisions to the North Carolina State Implementation Plan on September 21, 1989. These revisions incorporate SO2 limits and permit conditions for Cape Industries.

(i) Incorporation by reference.

(A) Permit for Cape Industries (air permit no. 130R17) which was issued by the Environmental Management Commission on December 29, 1994.

(ii) Additional material—none.

(92)–(93) [Reserved]

(94) The miscellaneous revisions to the North Carolina State Implementation Plan, which were submitted on August 16, 1996.

(i) Incorporation by reference. Regulations 15A NCAC 2D. 0101 Definitions, .0501 Compliance with Emission Control Standards, .0516 Sulfur Dioxide Emissions Combustion Sources, .0518 Miscellaneous Volatile Organic Compounds Emissions, .0519 Control of Nitrogen Dioxide and Nitrogen Oxides Emissions, .0520 Control and Prohibition of Open Burning, .0521 Control of Visible Emissions, .0531 sources in Nonattainment Areas, .0535 Excess Emissions Reporting and Malfunctions, .0601 Purpose and Scope, .0604 Sources Covered by Implementation Plan Requirements, .0608 Program Schedule, .0804 Airport Facilities, .0805 Parking Facilities, .0901 Definitions, .0902 Applicability, .0917 Automobile and Light-Duty Truck Manufacturing, .0918 Can Coating, .0919 Coil Coating, .0920 Paper Coating, .0921 Fabric and Vinyl Coating, .0922 Metal Furniture Coating, .0923 Surface Coating of Large Appliances, .0924 Magnet Wire Coating, .0926 Bulk Gasoline Plants, .0927 Bulk Gasoline Terminals, .0928 Gasoline Service Stations Stage 1, .0929 Petroleum Refinery Sources, .0934 Coating of miscellaneous Metal Parts and Products, .0935 Factory Surface Coating of Flat Wood Paneling, .0937 Manufacture of Pneumatic Rubber Tires, .0951 Miscellaneous Volatile Organic Compound Emissions, .0953 Vapor Return Piping for Stage II Vapor Recovery, .0954 Stage II Vapor Recovery, .1901, Purpose, Scope, and Impermissible Open

Burning, .1902 Definitions, .1903 Permissible Open Burning Without a Permit, .1904 Air Curtain Burners. 15A NCAC 2Q .0103 Definitions, .0109 Compliance Schedule for Previously Exempted Activities, .0207 Annual Emissions Reporting, and .0311 permitting of Facilities at Multiple Temporary Sites effective on July 1, 1996.

(ii) Other material. None.

(95) [Reserved]

(96) The miscellaneous revisions to the North Carolina State Implementation Plan, which were submitted on October 10, 1997.

(i) Incorporation by reference.

SUBCHAPTER 31A—AIR QUALITY CONTROL

.0110 CFR Dates and .0112 ASTM Dates effective on July 28, 1997.

SUBCHAPTER 3D—AIR POLLUTION CONTROL REQUIREMENTS

.0501(g); Compliance With Emission Control Standards .0512 Particulate From Wood Products Finishing Plants, .0518(e) and (g); Miscellaneous Volatile Organic Compound Emissions, .0530(a), (1), (o), and (s); Prevention of Significant Deterioration, .0902(a) through (i); Applicability, .0907 Compliance Schedules for Sources in Nonattainment Areas, .0909(a) through (c), (g) and (h); Compliance Schedules for Sources in New Nonattainment Areas, .0910 Alternative Compliance Schedules, .0911 Exception From Compliance Schedules, .0954(a) and (f) Stage II Vapor Recovery, and .1903(b)(2)(E); Permissible Open Burning effective on July 28, 1997.

SUBCHAPTER 3Q—AIR QUALITY PERMITS

.0102(a) through (e); Activities Exempt From Permit Requirements, .0104(b); Where to Obtain and File Permit Applications, .0107(b); Confidential Information, .0307(i); Public Participation Procedures, .0312(a)(1)(C); Application Processing Schedule, .0603(e); Transportation Facility Procedures .803(f)(2) (A) through (C) Coating, Solvent Cleaning, and Graphic Arts Operations effective on July 28, 1997.

(ii) Other material. None.

(97) The miscellaneous revisions to the Forsyth County Local Implementation Plan, which were submitted on January 17, 1997 and November 6, 1998.

(i) Incorporation by reference.

(A) 3D .0104 Incorporation By Reference 3D .0531; Sources In Nonattainment Areas; 3D .0907, Compliance Schedules for Sources in Nonattainment Areas; 3D .0909, Compliance Schedules for Sources in New Nonattainment Areas; 3D .0910 Alternative Compliance Schedules; 3D .0911 Exception From Compliance Schedules; 3D .0950 Interim Standards for Certain Source Categories; 3D .0952 Petition For Alternative Controls; 3D .0954 Stage II Vapor Recovery and 3Q Section .0800 Exclusionary Rules effective on November 13, 1995.

(B) 3A .0106 Penalties for Violation of Chapter; 3A .0110 CFR Dates; and 3A .0112 ASTM Dates; 3D.0101 Definitions; 3D .0506, Particulates from Hot Mix Asphalt Plants; 3D .0507, Particulates From Chemical Fertilizer Manufacturing Plants; 3D .0508 Particulates From Pulp and Paper Mills; 3D .0509 Particulates From Mica or Feldspar Processing Plants; 3D .0510 Particulates from Sand, Gravel, or Crushed Stone Operations and 3D .0511 Particulates from Lightweight Aggregate Processes 3D .0515 Particulates From Miscellaneous Industrial Processes; 3D .0521, Control of Visible Emissions; 3D .0535, Excess Emissions Reporting and Malfunctions; 3D .0914 Determination of VOC Emission Control System Efficiency; 3D .0927 Bulk Gasoline Terminals; 3D .0938 Perchloroethylene Dry Cleaning System (Repealed); 3D .0953 Vapor Return Piping for Stage II Vapor Recovery 3Q .0101 Required Air Quality Permits; 3Q .0102 Activities Exempted From Permit Requirements; 3Q . 0103 Definitions; 3Q .0207 Annual Emissions Reporting; 3Q .0301 Applicability; 3Q .0302 Facilities not Likely to Contravene Demonstration; 3Q .0306 Permits Requiring Public Participation; 3Q .0312 Application Processing Schedule; 3Q .0607 Application Processing Schedule; 3Q .0805 Grain Elevators; 3Q .0806 Cotton Gin; and 3Q .0807 Emergency Generators effective on September 14, 1998.

(ii) Other material. None.

[37 FR 10884, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1783, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1784 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 North Carolina 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 North Carolina 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 authorizing 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 North Carolina 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 North Carolina 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]

### § 52.1785 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

The owner and operator of each $SO_2$ source located within the State of North Carolina 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 North Carolina 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.

[72 FR 62353, Nov. 2, 2007]

## Subpart JJ—North Dakota

### § 52.1820 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for North Dakota 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), (d), and (e) of this section with an EPA approval date prior to July 31, 2006, 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), (d), and (e) of this section with EPA approval dates after July 31, 2006, 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 July 31, 2006.

(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, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460; and the National Archives and Records Administration (NARA). 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.*

STATE OF NORTH DAKOTA REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| | **33–15–01 General Provisions** | | | |
| 33–15–01–01 | Purpose | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–01–02 | Scope | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–01–03 | Authority | 9/1/97 | 4/2/04, 69 FR 17302. | |
| 33–15–01–04 | Definitions | 1/1/07 | 5/27/08, 73 FR 30308. | |
| 33–15–01–05 | Abbreviations | 1/1/07 | 5/27/08, 73 FR 30308. | |
| | Except the following abbreviations: CFR, $PM_{10}$, scmh, TSP, & ohm. | 1/1/89 | 8/9/90, 55 FR 32403. | |
| 33–15–01–06 | Entry onto premises—Authority | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–01–07 | Variances: Subsection 1 and Subsection 2 | 10/1/87<br>6/1/90 | 5/12/89, 54 FR 20574.<br>6/26/92, 57 FR 28619. | |
| 33–15–01–08 | Circumvention | 6/1/90 | 6/26/92, 57 FR 28619. | |
| 33–15–01–09 | Severability | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–01–10 | Land use plans and zoning regulations | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–01–11 | Reserved | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–01–12 | Measurements of emissions of air contaminants. | 6/1/01 | 2/28/03, 68 FR 9565. | |
| 33–15–01–13 | Shutdown and malfunction of an installation—Requirements for notification. | 10/1/87 | 5/12/89, 54 FR 20574. | Excluding subsection 2(b) which was subsequently revised and approved. See below. |
| 33–15–01–13.2(b) | Malfunctions | 9/1/97 | 8/27/98, 63 FR 45722. | |
| 33–15–01–14 | Time schedule for compliance | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–01–15 | Prohibition of air pollution | 6/1/01 | 2/28/03, 68 FR 9565. | |

STATE OF NORTH DAKOTA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| 33–15–01–16 | Confidentiality of records | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–01–17 | Enforcement | 3/1/03 | 10/21/04, 69 FR 61762. | |
| 33–15–01–18 | Compliance certifications | 3/1/03 | 10/21/04, 69 FR 61762. | |
| **33–15–02 Ambient Air Quality Standards** | | | | |
| 33–15–02–01 | Scope | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–02–02 | Purpose | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–02–03 | Air quality guidelines | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–02–04 | Ambient air quality standards | 9/1/98 | 8/31/99, 64 FR 47395. | See additional interpretive materials cited in 64 FR 47395, 8/31/99. |
| 33–15–02–05 | Method of sampling and analysis | 12/1/94 | 10/8/96, 61 FR 52865. | |
| 33–15–02–06 | Reference conditions | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–02–07 | Concentration of air contaminants in the ambient air restricted. | 10/1/87 | 5/12/89, 54 FR 20574. | Excluding subsection 3 and 4 which were subsequently revised and approved. See below. |
| 33–15–02, Table 1 | Ambient Air Quality Standards | 12/1/94 | 10/8/96, 61 FR 52865. | |
| 33–15–02–07.3, 33–15–02–07.4 and 33–15–02, Table 2. | Concentration of air contaminants in the ambient air restricted and National Ambient Air Quality Standards table. | 9/1/98 | 8/31/99, 64 FR 47395. | See additional interpretive materials cited in 64 FR 47395, 8/31/99. |
| **33–15–03 Restrictions of Visible Air Contaminants** | | | | |
| 33–15–03–01 | Restrictions applicable to existing installations. | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–03–02 | Restrictions applicable to new installations and all incinerators. | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–03–03 | Restrictions applicable to fugitive emissions. | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–03–03.1 | Restrictions applicable to flares | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–03–04 | Exceptions | 2/1/82 | 11/12/82, 47 FR 51131. | |
| 33–15–03–05 | Method of measurement | 10/1/87 | 5/12/89, 54 FR 20574. | |
| **33–15–04 Open Burning Restrictions** | | | | |
| 33–15–04–01 | Refuse Burning Restrictions | 1/1/07 | 5/27/08, 73 FR 30308. | |
| 33–15–04–02 | Permissible Open Burning | 1/1/96 | 4/21/97, 62 FR 19224. | Excluding subsections 1.b, 1.e, 1.g, and 2.k which were subsequently revised and approved. See below. |
| 33–15–04–02.1.b, 33–15–04–02.1.e, m, 33–15–04–02.1.g, and 33–15–04–02.2.k. | Permissible Open Burning | 1/1/07 | 5/27/08, 73 FR 30308. | |

STATE OF NORTH DAKOTA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| **33–15–05 Emissions of Particulate Matter Restricted** | | | | |
| 33–15–05–01 | Restrictions of emissions of particulate matter from industrial processes. | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–05–02 | Maximum allowable emissions of particulate matter from fuel burning equipment used for indirect heating. | 3/1/03 | 10/21/04, 69 FR 61762. | |
| 33–15–05–03 | Incinerators (repealed) | 8/1/95 | 4/21/97, 62 FR 19224. | |
| 33–15–05–03.1 | Infectious waste incinerators (repealed) | 7/12/00 | 2/28/03, 68 FR 9565. | |
| 33–15–05–03.2 | Refuse incinerators | 8/1/95 | 4/21/97, 62 FR 19224. | |
| 33–15–05–03.3 | Other waste incinerators | 3/1/03 | 10/21/04, 69 FR 61762. | |
| 33–15–05–04 | Methods of measurement | 3/1/03 | 10/21/04, 69 FR 61762. | |
| **33–15–06 Emissions of Sulfur Compounds Restricted** | | | | |
| 33–15–06–01 | Restrictions of emissions of sulfur dioxide from use of fuel. | 3/1/03 | 10/21/04, 69 FR 61762. | See additional interpretive materials cited in 63 FR 45722, 8/27/98. |
| 33–15–06–02 | Restrictions of emissions of sulfur oxides from industrial processes. | 6/1/92 | 10/20/93, 58 FR 54041. | |
| 33–15–06–03 | Methods of measurement | 3/1/03 | 10/21/04, 69 FR 61762. | |
| 33–15–06–04 | Continuous emission monitoring requirements. | 6/1/92 | 10/20/93, 58 FR 54041. | |
| 33–15–06–05 | Reporting and recordkeeping requirements. | 6/1/92 | 10/20/93, 58 FR 54041. | |
| **33–15–07 Control of Organic Compounds Emissions** | | | | |
| 33–15–07–01 | Requirements for construction of organic compounds facilities. | 6/1/92 | 8/21/95, 60 FR 43396. | Excluding subsection 1 which was subsequently revised and approved. See below. |
| 33–15–07–01.1 | Scope | 9/1/98 | 8/31/99, 64 FR 47395. | |
| 33–15–07–02 | Requirements for organic compounds gas disposal. | 6/1/92 | 8/21/95, 60 FR 43396. | |
| **33–15–08 Control of Air Pollution From Vehicles and Other Internal Combustion Engines** | | | | |
| 33–15–08–01 | Internal combustion engine emissions restricted. | 7/1/78 | 11/2/79, 44 FR 63102. | |
| 33–15–08–02 | Removal or disabling of motor vehicle pollution control devices prohibited. | 7/1/78 | 11/2/79, 44 FR 63102. | |
| **33–15–10 Control of Pesticides** | | | | |
| 33–15–10–01 | Pesticide use restricted Subsection 1 and Subsection 2. | 10/1/87<br>1/1/89 | 5/12/89, 54 FR 20574.<br>8/9/90, 55 FR 32403. | |
| 33–15–10–02 | Restrictions on the disposal of surplus pesticides and empty pesticide containers. | 10/1/87 | 5/12/89, 54 FR 20574. | Excluding subsections 2, 3, 4, and 5 which were subsequently revised and approved. See below. |
| 33–15–10–02.2, 33–15–10–02.3, 33–15–10–02.4. | Restrictions on the disposal of surplus pesticides and empty pesticide containers. | 1/1/89 | 8/9/90, 55 FR 32403. | |
| 33–15–10–02.5 | Restrictions on the disposal of surplus pesticides and empty pesticide containers. | 6/1/90 | 6/26/92, 57 FR 28619. | |

STATE OF NORTH DAKOTA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| **33–15–11 Prevention of Air Pollution Emergency Episodes** | | | | |
| 33–15–11–01 | Air pollution emergency | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–11–02 | Air pollution episode criteria | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–11–03 | Abatement strategies emission reduction plans. | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–11–04 | Preplanned abatement strategies plans | 10/1/87 | 5/12/89, 54 FR 20574. | |
| 33–15–11–Table 6 | Air pollution episode criteria | 8/1/95 | 4/21/97, 62 FR 19224. | |
| 33–15–11–Table 7 | Abatement strategies emission reduction plans. | 8/1/95 | 4/21/97, 62 FR 19224. | |
| **33–15–14 Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate** | | | | |
| 33–15–14–01 | Designated air contaminant sources | 8/1/95 | 4/21/97, 62 FR 19224. | |
| 33–15–14–01.1 | Definitions | 1/1/96 | 4/21/97, 62 FR 19224. | |
| 33–15–14–02 | Permit to Construct | 3/1/94 | 8/21/95, 60 FR 43396. | Excluding subsections 12, 3.c, 13.b.1, 5, 13.c, 13.i(5), 13.o, and 19 (one sentence) which were subsequently revised and approved. See below. See additional interpretive materials cited in 57 FR 28619, 6/26/92, regarding the State's commitment to meet the requirements of EPA's ''Guideline on Air Quality Models (Revised).'' |
| 33–15–14–02.5 and 33–15–14–02.13.i(5). | Review of application—Standard for granting permits to construct and Exemptions. | 3/1/03 | 8/8/05, 70 FR 45539 | |
| 33–15–14–02.12 | [Reserved] | 8/1/95 & 1/1/96 | 4/21/97, 62 FR 19224. | Moved this section related to fees for Permit to Construct to a new chapter, 33–15–23, Fees. |
| 33–15–14–02.3.c | Alterations to a source | 9/1/98 | 8/31/99, 64 FR 47395. | See additional interpretive materials cited in 64 FR 47395, 8/31/99. |
| 33–15–14–02.13.b.1 | Exemptions | 6/1/01 | 2/28/03, 68 FR 9565. | |
| 33–15–14–02.13.c and 33–15–14–02.13.o. | Exemptions | 1/1/07 | 5/27/08, 73 FR 30308. | |

STATE OF NORTH DAKOTA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| 33–15–14–02.19 (one sentence—see explanation). | Amendment of permits | 3/1/03 | 1/24/06, 71 FR 3764 | Only one sentence was revised and approved with this action. That sentence reads: ''In the event that the modification would be a major modification as defined in Chapter 33–15–15, the department shall follow the procedures established in Chapter 33–15–15.'' The remainder of subsection 19 was approved on 8/21/95 (60 FR 43396). See above. |
| 33–15–14–03 | Minor source permit to operate | 3/1/94 | 8/21/95, 60 FR 43396. | Excluding subsections 10, 1.c, 4, 5.a(1)(d), 11, and 16 (one sentence) which were subsequently revised and approved. See below. Also see 40 CFR 52.1834. |
| 33–15–14–03.10 | [Reserved] | 8/1/95 & 1/1/96 | 4/21/97, 62 FR 19224. | Moved this section related to fees for Permit to Operate to a new chapter, 33–15–23, Fees. |
| 33–15–14–03.1.c | Permit to operate required | 6/1/01 | 2/28/03, 68 FR 9565. | |
| 33–15–14–03.4, 33–15–14–03.5.a(1)(d) & 33–15–14–03.11. | Performance testing, action on applications, and performance and emission testing. | 3/1/03 | 8/8/05, 70 FR 45539. | |
| 33–15–14–03.16 (One sentence—see explanation). | Amendment of permits | 3/1/03 | 1/24/06, 71 FR 3764 | Only one sentence was revised and approved with this action. That sentence reads: ''In the event that the modification would be a major modification as defined in Chapter 33–15–15, the department shall follow the procedures established in Chapter 33–15–15.'' The remainder of subsection 16 was approved on 8/21/95 (60 FR 43396). See above. |
| 33–15–14–04 | Permit fees (repealed) | 3/1/94 | 8/21/95, 60 FR 43396. | |
| 33–15–14–05 | Common provisions applicable to both permit to construct and permit to operate (repealed). | 3/1/94 | 8/21/95, 60 FR 43396. | |
| 33–15–14–07 | Source exclusion from title V permit to operate requirements. | 6/1/01 | 2/28/03, 68 FR 9565. | |

STATE OF NORTH DAKOTA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| **33–15–15 Prevention of Significant Deterioration of Air Quality** | | | | |
| 33–15–15–01 | General Provisions (Repealed) | 2/1/05 | 7/19/07, 72 FR 39564. | |
| 33–15–15–01.1 | Purpose | 2/1/05 | 7/19/07, 72 FR 39564. | |
| 33–15–15–01.2 | Scope | 4/1/09 | 6/3/10, 75 FR 31290. | |
| 33–15–15–02 | Reclassification | 2/1/05 | 7/19/07, 72 FR 39564. | |
| **33–15–17 Restriction of Fugitive Emissions** | | | | |
| 33–15–17–01 | General provisions—applicability and designation of affected facilities. | 6/1/01 | 2/28/03, 68 FR 9565. | |
| 33–15–17–02 | Restriction of fugitive particulate emissions. | 1/1/07 | 5/27/08, 73 FR 30308. | |
| 33–15–17–03 | Reasonable precautions for abating and preventing fugitive particulate emissions. | 6/20/78 | 11/2/79, 44 FR 63102. | |
| 33–15–17–04 | Restriction of fugitive gaseous emissions | 6/20/78 | 11/2/79, 44 FR 63102. | |
| **33–15–18 Stack Heights** | | | | |
| 33–15–18–01 | General provisions | 10/1/87 | 11/14/88, 53 FR 45763. | |
| 33–15–18–02 | Good engineering practice demonstrations | 10/1/87 | 11/14/88, 53 FR 45763. | |
| 33–15–18–03 | Exemptions | 10/1/87 | 11/14/88, 53 FR 45763. | |
| **33–15–19 Visibility Protection** | | | | |
| 33–15–19–01 | General provisions | 10/1/87 | 9/28/88, 53 FR 37757. | |
| 33–15–19–02 | Review of new major stationary sources and major modifications. | 10/1/87 | 9/28/88, 53 FR 37757. | |
| 33–15–19–03 | Visibility monitoring | 10/1/87 | 9/28/88, 53 FR 37757. | |
| **33–15–20 Control of Emissions From Oil and Gas Well Production Facilities** | | | | |
| 33–15–20–01 | General provisions | 6/1/92 | 8/21/95, 60 FR 43396. | |
| 33–15–20–02 | Registration and reporting requirements | 6/1/92 | 8/21/95, 60 FR 43396. | |
| 33–15–20–03 | Prevention of significant deterioration applicability and source information requirements. | 6/1/92 | 8/21/95, 60 FR 43396. | |
| 33–15–20–04 | Requirements for control of production facility emissions. | 6/1/90 | 6/26/92, 57 FR 28619. | |
| **33–15–23 Fees** | | | | |
| 33–15–23–01 | Definitions | 8/1/95 | 4/21/97, 62 FR 19224. | |
| 33–15–23–02 | Permit to construct fees | 8/1/95 | 4/21/97, 62 FR 19224. | |
| 33–15–23–03 | Minor source permit to operate fees | 8/1/95 | 4/21/97, 62 FR 19224. | |

[1] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

(d) *EPA-approved source-specific requirements.*

| Name of source | Nature of requirement | State effective date | EPA approval date and citation [3] | Explanations |
|---|---|---|---|---|
| —Leland Olds Station Units 1 & 2. | SIP Chapter 8, Section 8.3, Continuous Emission Monitoring Requirements for Existing Stationary Sources, including amendments to Permits to Operate and Department Order. | 5/6/77 | 10/17/77, 42 FR 55471. | |
| —Milton R. Young Unit 1. | | | | |
| —Heskett Station Units 1 & 2. | | | | |
| —Stanton Station Unit 1. | | | | |
| —American Crystal Sugar at Drayton. | | | | |
| —Tesoro Mandan Refinery. | SIP Chapter 8, Section 8.3.1, Continuous Opacity Monitoring for Fluid Bed Catalytic Cracking Units: Tesoro Refining and Marketing Co., Mandan Refinery. | 2/27/07 | 5/27/08, 73 FR 30308. | |

[3] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

(e) *EPA-approved nonregulatory provisions.*

| Name of nonregulatory SIP provision | Applicable geographic or non-attainment area | State submittal date/adopted date | EPA approval date and citation [3] | Explanations |
|---|---|---|---|---|
| (1) Implementation Plan for the Control of Air Pollution for the State of North Dakota. | Statewide | Submitted: 1/24/72; Adopted: 1/24/72 | 5/31/72, 37 FR 10842. | Excluding subsequent revisions, as follows: Chapters 1, 2, 6, 7, 9, 11, and 12; Sections 2.11, 3.7, 6.8, 6.10, 6.11, 6.13, 7.7, and 8.3; subsections 7.8.1.B., 7.8.1.D., and 8.3.1. Revisions to these non-regulatory provisions have subsequently been approved. *See* below. |
| Chapters<br>1. Introduction.<br>2. Legal Authority.<br>3. Control Strategy.<br>4. Compliance Schedule.<br>5. Prevention of Air Pollution Emergency Episodes.<br>7. Review of New Sources and Modifications.<br>8. Source Surveillance.<br>9. Resources.<br>10. Inter-governmental Cooperation.<br>11. Rules and Regulations. | | Clarification submitted: 6/14/73; 2/19/74; 6/26/74; 11/21/74; 4/23/75 | With all clarifications: 3/2/76; 41 FR 8956. | |
| With subsequent revisions to the chapters as follows: | | | | |
| (2) Revisions to SIP Chapter 8, Section 8.3. | | Submitted: 5/26/77 | 10/17/77, 42 FR 55471. | |

| Name of nonregulatory SIP provision | Applicable geographic or non-attainment area | State submittal date/adopted date | EPA approval date and citation [3] | Explanations |
|---|---|---|---|---|
| (3) Revisions to SIP Chapter 2, Section 2.11. | ..... | Submitted: 1/17/80 | 8/12/80, 45 FR 53475. | |
| (4) SIP Chapter 6, Air Quality Surveillance. | ..... | Submitted: 1/17/80 | 8/12/80, 45 FR 53475. | |
| (5) Revisions to SIP Chapter 6, Section 6.10. | ..... | Submitted: 1/26/88 | 9/28/88, 53 FR 37757. | |
| (6) Revisions to SIP Chapter 3, Section 3.7. | ..... | Submitted: 4/18/89 | 10/5/89, 54 FR 41094. | |
| (7) Revisions to SIP Chapter 3, Section 3.2.1. | ..... | Submitted: 4/18/89 | 8/9/90, 55 FR 32403. | |
| (8) Revisions to SIP Chapter 5, Section 5.2.1. | ..... | Submitted: 4/18/89 | 8/9/90, 55 FR 32403. | |
| (9) Revisions to SIP Chapter 6, Section 6.11. | ..... | Submitted: 4/18/89 | 8/9/90, 55 FR 32403. | |
| (10) Revisions to SIP Chapter 6, Section 6.13. | ..... | Submitted: 1/9/96 | 4/21/97, 62 FR 19224. | |
| (11) Revisions to Chapter 11, Rules & Regulations. | ..... | ..... | ..... | See the table listed above under § 52.1820 (c)(1) for most current version of EPA-approved North Dakota regulations. |
| (12) SIP to meet Air Quality Monitoring 40 CFR part 58, subpart c, paragraph 58.20 and public notification required under section 127 of the Clean Air Act. | Statewide ..... | Submitted: 1/17/80 | 8/12/80, 45 FR 53475. | |
| (13) Stack Height Demonstration Analysis. | Statewide ..... | Submitted: 4/18/86 and 7/21/87 | 6/7/89, 54 FR 24334. | |
| (14) Visibility New Source Review and Visibility Monitoring. | Statewide ..... | Submitted: 1/26/88 | 9/28/88, 53 FR 37757. | |
| (15) Commitment to revise stack height rules in response to NRDC v. Thomas, 838 F.2d 1224 (DC Cir. 1988). | Statewide ..... | Submitted: 5/11/88 | 11/14/88, 53 FR 45763. | See also 40 CFR 52.1832. |
| (16) Visibility General Plan and Long-term Strategy. | Statewide ..... | Submitted: 4/18/89 | 10/5/89, 54 FR 41094. | See also 40 CFR 52.1831. |
| (17) Group III PM10 SIP. | Statewide ..... | Submitted: 4/18/89 | 8/9/90, 55 FR 32403 | See additional interpretive materials cited in 55 FR 32403, 8/9/90. |

| Name of nonregulatory SIP provision | Applicable geographic or non-attainment area | State submittal date/adopted date | EPA approval date and citation [3] | Explanations |
|---|---|---|---|---|
| (18) Commitment to meet all requirements of EPA's Guideline on Air Quality Models (revised) for air quality modeling demonstrations associated with the permitting of new PSD sources, PSD major modifications, and sources to be located in nonattainment areas. | Statewide | Submitted: 2/14/92 | 6/26/92, 57 FR 28619. | See additional interpretive materials cited in 57 FR 28619, 6/26/92. Also see 40 CFR 52.1824. |
| (19) Small Business Assistance Program (SIP Chapter 12). | Statewide | Submitted: 11/2/92 and 1/18/93 | 1/11/94, 59 FR 1485 | See additional interpretive materials cited in 59 FR 1485, 1/11/94. |
| (20) Revisions to SIP Chapter 8, Section 8.3.1. | Submitted: 3/8/07 | 5/27/08, 73 FR 30308 | | |
| (21) Section 7.8, Interstate Transport of Air Pollution (only 7.8.1.A., portions of 7.8.1.B., and 7.8.1.C., see explanation.). | Statewide | Submitted: 4/09/09 Adopted: 4/01/09. | 6/3/10 75 FR 31290 | Includes Section 7.8, subsection Portions of 7.8.1 as indicated below: 7.8.1.A, ''Overview,'' the language of Subsection 7.8.1.B., ''Nonattainment and Maintenance Area Impact,'' that specifically addresses the ''significant contribution to nonattainment'' requirement of CAA Section 110(a)(2)(D)(i), and all of 7.8.1.C. |
| (22) Section 7.8, Interstate Transport of Air Pollution (only portion of 7.8.1.B.). | Statewide | Submitted: 4/09/09; Adopted: 4/01/09 | 11/22/10, 75 FR 71023. | Includes portions of Subsection 7.8.1.B., ''Nonattainment and Maintenance Area Impact,'' that specifically address the ''interference with maintenance'' requirement of CAA Section 110(a)(2)(D)(i). |

[3] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

[72 FR 9266, Mar. 1, 2007, as amended at 72 FR 39565, July 19, 2007; 73 FR 30313, May 27, 2008; 73 FR 36594, June 27, 2008; 75 FR 31305, June 3, 2010; 75 FR 71028, Nov. 22, 2010]

## § 52.1821 Classification of regions.

The North Dakota 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) |
| Metropolitan Fargo-Moorhead Interstate | II | III | III | III | III |
| North Dakota Intrastate | II | III | III | III | III |

[37 FR 10885, May 31, 1972]

### § 52.1822 Approval status.

With the exceptions set forth in this subpart, the Administrator approves the North Dakota plan for the attainment and maintenance of the national standards.

[39 FR 7283, Feb. 25, 1974]

### § 52.1823 [Reserved]

### § 52.1824 Review of new sources and modifications.

(a)–(b) [Reserved]

(c) The State of North Dakota has clarified the language contained in the North Dakota Administrative Code on the use of the EPA ''Guideline on Air Quality Models'' as supplemented by the ''North Dakota Guideline for Air Quality Modeling Analysis''.In a letter to Douglas M. Skie, EPA, dated February 14, 1992, Dana K. Mount, Director of the Division of Environmental Engineering, stated:

> To clarify this issue, the State of North Dakota will commit to meeting all requirements of the EPA Guideline for air quality modeling demonstrations associated with the permitting of new PSD sources, PSD major modifications, and sources which will be located in nonattainment areas. If any conflict exists, the EPA Guideline will take precedence for these source categories.

[39 FR 7283, Feb. 25, 1974, as amended at 51 FR 40677, Nov. 7, 1986; 57 FR 28620, June 26, 1992; 61 FR 16062, Apr. 11, 1996]

### §§ 52.1825–52.1828 [Reserved]

### § 52.1829 Prevention of significant deterioration of air quality.

(a) The North Dakota plan, as submitted, is approved as meeting the requirements of Part C, Title I, of the Clean Air Act, except that it does not apply to sources proposing to construct on Indian Reservations.

(b) Regulation for preventing of significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the North Dakota State implementation plan and are applicable to proposed major stationary sources or major modifications to be located on Indian Reservations.

[44 FR 63103, Nov. 2, 1979. Correctly designated at 44 FR 75635, Dec. 21, 1979, as amended at 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003]

### § 52.1831 Visibility protection.

A revision to the SIP was submitted by the Governor on April 18, 1989, for visibility general plan requirements and long-term strategies.

[54 FR 41098, Oct. 5, 1989]

### § 52.1832 Stack height regulations.

The State of North Dakota 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 (D.C. Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 11, 1988, Dana K. Mount, Director, Division of Environmental Engineering 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 notify the State of the rules that must be changed to comply with EPA's modified requirements. The State of North Dakota agrees to make the appropriate changes to its stack height rules.

[53 FR 45764, Nov. 14, 1988]

### § 52.1833 [Reserved]

### § 52.1834 Minor source permit to operate program.

Emission limitations and related provisions, which, in accordance with Rule 33–15–14–03, are established as federally enforceable conditions in North Dakota minor source operating permits, 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 will be based upon the permit, permit approval procedures, or permit requirements which do not conform with the operating permit program requirements of EPA's underlying regulations.

[60 FR 43401, Aug. 21, 1995]

### § 52.1835 Change to approved plan.

North Dakota Administrative Code Chapter 33–15–12, Standards of Performance for New Stationary Sources, is removed from the approved plan. This change is a result of the State's September 10, 1997 request for delegation of authority to implement and enforce the Clean Air Act New Source Performance Standards (NSPS) promulgated in 40 CFR Part 60, as in effect on October 1, 1996 (except subpart Eb, which the State has not adopted). EPA granted that delegation of authority on May 28, 1998.

[63 FR 45727, Aug. 27, 1998]

### § 52.1836 Change to approved plan.

North Dakota Administrative Code Chapter 33–15–13, National Emission Standards for Hazardous Air Pollutants, is removed from the approved plan. This change is a result of EPA's July 7, 1995 interim approval of North Dakota's Title V Operating Permit program, in which it granted delegation of authority to North Dakota to implement and enforce Clean Air Act section 112 requirements. That delegation of authority includes, among other things, the NESHAPs promulgated in 40 CFR part 61 (''part 61 NESHAPs''). With a September 10, 1997 submittal, the State requested delegation of authority to implement and enforce the Clean Air Act part 61 NESHAPSs (except subparts B, H, K, Q, R, T, and W, pertaining to radionuclides), as in effect on October 1, 1996. EPA did not act on the State's request for delegation of authority for 40 CFR part 61, subpart I (regarding radionuclide emissions from facilities licensed by the Nuclear Regulatory Commission and other Federal facilities not covered by subpart H) because EPA rescinded subpart I subsequent to the State's adoption of these revisions.

[67 FR 62398, Oct. 7, 2002]

## Subpart JJ—North Dakota

### § 52.1837 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of North Dakota'' and all revisions submitted by North Dakota that were federally approved prior to July 31, 2006.

(b) The plan was officially submitted on January 24, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Air quality maintenance area designation submitted June 26, 1974, by the Governor.

(2) Compliance schedules submitted on June 14, 1973, by the Governor.

(3) Provision for public notice and comment on new source reviews and a revised compliance schedule submitted on February 19, 1974, by the Governor.

(4) Clarification concerning the revision of the secondary particulate standard attainment date submitted on November 21, 1974, by the Governor.

(5) Explanation of why sources could not comply by the original attainment date submitted April 23, 1975, by the State Department of Health.

(6) Revisions to the North Dakota Century Code making emission data public information and revising penalties, revised new source performance standards, emission standards for hazardous air pollutants, and prevention of significant air quality deterioration regulations submitted on May 26, 1976, by the Governor.

(7) Supplemental information stating that the complete new source application would be available for public review submitted August 23, 1976 by the State Department of Health.

(8) A revised compliance schedule for the Basin Electric Power Plant at Velva submitted on December 22, 1976, by the Governor.

(9) Requirements for continuous opacity monitoring by 7 sources submitted on May 26, 1977, by the Governor.

(10) Provisions to meet the requirements of Part C, Title I, and section 110 of the Clean Air Act, as amended in 1977, were submitted on July 17, 1978.

(11) On January 25, 1980, the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR part 58, subpart C, § 58.20, and Public Notification required under section 127 of the Clean Air Act.

(12) A revision requiring flares to meet 20% opacity and have automatic ignitors or pilots, increasing construction permit fees to $75.00 and establishing annual permit to operate fees was submitted on May 6, 1982 by the Governor.

(13) [Reserved]

(14) Revisions to the Prevention of Significant Deterioration requirements in Chapter 33–15–15 of the North Dakota regulations were submitted on October 28, 1982 by the Governor, with supplemental information submitted on July 5, 1983, March 8, 1984 and June 20, 1984, by the State Agency.

(15) A revision to the SIP was submitted by the Governor on January 26, 1988, for visibility monitoring and New Source Review.

(i) Incorporation by reference.

(A) In a letter dated January 26, 1988, Governor George A. Sinner submitted a SIP revision for visibility protection.

(B) The SIP revision for visibility protection, ''Chapter 6, Air Quality Surveillance, Section 6.10, Visibility Monitoring'' and ''Chapter 33–15–19, Visibility Protection'', became effective on October 1, 1987, through action by the North Dakota Legislative Council.

(16) On January 26, 1988, the Governor submitted a plan adding Stack Height Regulations, Chapter 33–15–18.

(i) Incorporation by reference.

(A) Addition to North Dakota Air Pollution Control Rules Chapter 33–15–18, Stack Heights, was adopted on July 21, 1987 and effective on October 1, 1987.

(17) In a letter dated April 18, 1986, the Director of the Division of Environmental Engineering, North Dakota Department of Health, submitted the stack height demonstration analysis with supplemental information submitted on July 21, 1987. EPA is approving the demonstration analysis for all of the stacks.

(i) Incorporation by reference.

(A) Stack height demonstration analysis submitted by the State on April 18, 1986 and July 21, 1987.

(18) On January 26, 1988, the Governor of North Dakota submitted revisions to the plan. The revisions established new regulations and revised existing regulations and procedures.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules of the State of North Dakota Chapters 33–15–01, 33–15–02, 33–15–03, 33–15–04, 33–15–05, 33–15–07, 33–15–10, 33–15–11, 33–15–14, and 33–15–15, inclusive, and the addition of a new chapter 33–15–20 which were effective on October 1, 1987.

(19) On April 18, 1989, the Governor of North Dakota submitted revisions to the plan. The revisions included updates to existing regulations and the Group III PM10 plan.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules of the State of North Dakota Chapters, 33–15–01, 33–15–02, 33–15–4, 33–15–07, 33–15–10, 33–15–11, 33–15–14, and 33–15–15, inclusive, which were effective on January 1, 1989.

(ii) Additional material.

(A) August 22, 1989 letter from Dana K. Mount, Director of the Division of Environmental Engineering, to Doug Skie, EPA.

(B) August 28, 1989 letter from Dana K. Mount, Director of the Division of Environmental Engineering, to Laurie Ostrand, EPA.

(C) September 5, 1989 letter from Terry O'Clair, Assistant Director of the Division of Environmental Engineering, to Laurie Ostrand, EPA.

(20) On June 26, 1990, the Governor of North Dakota submitted revisions to the plan. The revisions include amendments to the prevention of significant

deterioration of air quality (PSD) regulations to incorporate the nitrogen dioxide ($NO_2$) increments and to make several ''housekeeping'' modifications.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Administrative Code, Chapter 33–15–15, Prevention of Significant Deterioration of Air Quality, effective June 1, 1990.

(ii) Additional material.

(A) October 22, 1990, letter from Douglas Skie, EPA, to Dana Mount, Director, Division of Environmental Engineering, North Dakota State Department of Health and Consolidated Laboratories.

(B) November 6, 1990 letter from Dana Mount, Director, Division of Environmental Engineering, North Dakota State Department of Health and Consolidated Laboratories, to Douglas Skie, EPA.

(21) On June 26, 1990, the Governor of North Dakota submitted revisions to the plan for new source performance standards.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules of the State of North Dakota Chapter 33–15–12 which was effective on June 1, 1990.

(ii) Additional material.

(A) January 7, 1991, letter from James J. Scherer, EPA, to George A. Sinner, Governor, State of North Dakota, on the authority for implementation and enforcement of the New Source Performance Standards (NSPS) for 40 CFR part 60, subpart QQQ.

(22) On June 26, 1990, the Governor of North Dakota submitted revisions to the plan. The revisions include amendments to the hydrogen sulfide standard and the format of other ambient standards, and various other minor changes.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Administrative Code: General Provisions 33–15–01–04.30, 33–15–01–07.2, 33–15–01–08, 33–15–01–15.2, 33–15–01–17; Ambient Air Quality Standards 33–15–02 Table 1 standards for sulfur dioxide, hydrogen sulfide, carbon monoxide, ozone, and nitrogen dioxide; Emissions of Particulate Matter Restricted 33–15–05–02.2e, Table 4; Control of Pesticides 33–15–10–02.5; Designated Air Contaminant Sources, Permit to Construct, Permit to Operate 33–15–14–02.4.a and b, 33–15–14–02.5.a, 33–15–14–05.1.b(3); Control of Emissions from Oil and Gas Well Production Facilities 33–15–20–01.1, 33–15–20–01.2.l and m, 33–15–20–02.1, 33–15–20–03.1, 2, and 3, 33–15–20–04; effective June 1, 1990.

(ii) Additional material. Letter dated February 14, 1992, from Dana K. Mount, Director, Division of Environmental Engineering, to Douglas M. Skie, EPA. This letter provided the State's commitment to meet all requirements of the EPA ''Guideline on Air Quality Models (Revised)'' for air quality modeling demonstrations associated with the permitting of new PSD sources, PSD major modifications, and sources to be located in nonattainment areas.

(23) On June 30, 1992, the Governor of North Dakota submitted revisions to the plan for new source performance standards and national emission standards for hazardous air pollutants.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules, Chapter 33–15–12, Standards of Performance for New Stationary Sources, and Chapter 33–15–13, excluding Section 33–15–13–02, Emission Standards for Hazardous Air Pollutants, effective June 1, 1992.

(24) On June 24, 1992, the governor of North Dakota submitted revisions to the plan. The revisions correct enforceability deficiencies in the $SO_2$ regulations.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Administrative Codes, Chapter 33–15–06, Emissions of Sulfur Compounds Restricted, which became effective June 1, 1992.

(25) On November 2, 1992, the Governor of North Dakota submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the North Dakota State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Executive Order 1992–5, executed May 21, 1992, to establish a Small Business Compliance Advisory Panel.

(ii) Additional materials.

(A) November 2, 1992 letter from the Governor of North Dakota submitting

a Small Business Assistance Program plan to EPA.

(B) The State of North Dakota plan for the establishment and implementation of a Small Business Assistance Program, adopted by the North Dakota State Department of Health and Consolidated Laboratories on October 23, 1992, effective October 23, 1992.

(26) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with letters dated June 26, 1990, June 30, 1992, and April 29, 1994. The revisions address air pollution control rules regarding general provisions; emissions of particulate matter and organic compounds; new source performance standards (NSPS); national emission standards for hazardous air pollutants (NESHAPs); federally enforceable State operating permits (FESOPs); prevention of significant deterioration of air quality; and control of emissions from oil and gas well production facilities.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: Emissions of Particulate Matter Restricted 33–15–05–02, 33–15–05–03, and 33–15–05–04; Control of Organic Compound Emissions 33–15–07; Prevention of Significant Deterioration of Air Quality 33–15–15–01; and Control of Emissions from Oil and Gas Well Production Facilities 33–15–20–01, 33–15–20–02, and 33–15–20–03, effective June 1, 1992.

(B) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–04 and 33–15–01–13; Standards of Performance for New Stationary Sources 33–15–12; and Emission Standards for Hazardous Air Pollutants 33–15–13, effective June 1, 1992 and March 1, 1994.

(C) Revisions to the Air Pollution Control Rules as follows: Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate, 33–15–14–01 through 33–15–14–05, effective March 1, 1994.

(27) On April 29, 1994, the Governor of North Dakota submitted revisions to the prevention of significant deterioration regulations in chapter 33–15–15 of the North Dakota Air Pollution Control Rules to incorporate changes in the Federal PSD permitting regulations for utility pollution control projects, PM–10 increments, and municipal waste combustors.

(i) Incorporation by reference.

(A) Revisions to Chapter 33–15–15 of the North Dakota Air Pollution Control Rules, Section 33–15–15–01, Subsections 1.a.(3) and (4), 1.c, 1.e.(4), 1.h, 1.i, 1.m, 1.x.(2)(h)–(k), 1.aa.(2)(c), 1.bb, 1.dd, 1.ee, 1.ff, 1.hh, 2.b, 4.d.(3)(a), and 4.j.(4)(b), effective 3/1/94.

(28) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with a letter dated December 21, 1994. The submittal addressed revisions to air pollution control rules regarding general provisions; ambient air quality standards; new source performance standards (NSPS); and national emission standards for hazardous air pollutants (NESHAPs).

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–17 and 33–15–01–18; Ambient Air Quality Standards 33–15–02–05 and 33–15–02 Table 1; Standards of Performance for New Stationary Sources 33–15–12; and Emission Standards for Hazardous Air Pollutants 33–15–13, effective December 1, 1994.

(B) [Reserved]

(29) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with letters dated August 15, 1995 and January 9, 1996. The revisions address air pollution control rules regarding general provisions; open burning; emissions of particulate matter, certain settleable acids and alkaline substances, and fugitives; air pollution emergency episodes; new source performance standards (NSPS); national emission standards for hazardous air pollutants (NESHAPs); and the minor source construction and operating permit programs. The State's January 9, 1996 submittal also revised SIP Chapter 6, Air Quality Surveillance, to identify current activities regarding visibility monitoring.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: Emissions of Particulate Matter Restricted 33–15–05–03., 33–15–05–03.1., 33–15–05–03.2., and 33–15–05–03.3.; Prevention of Air Pollution Emergency Episodes 33–15–11 Tables 6 and 7; and Fees 33–15–23–01, 33–15–23–02, and 33–15–23–03, effective August 1, 1995.

(B) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–04; Emission Standards for Hazardous Air Pollutants 33–15–13, except 33–15–13–01–2., Subpart I; Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate 33–15–14–01, 33–15–14–01.1., 33–15–14–02.12., and 33–15–14–03.10.; effective August 1, 1995 and January 1, 1996.

(C) Revisions to the Air Pollution Control Rules as follows: Open Burning Restrictions 33–15–04; Emissions of Certain Settleable Acids and Alkaline Substances Restricted 33–15–09; Standards of Performance for New Stationary Sources 33–15–12; and Restriction of Fugitive Emissions 33–15–17–01 and 33–15–17–02, effective January 1, 1996.

(30) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with letters dated January 9, 1996 and September 10, 1997. The revisions address air pollution control rules regarding general provisions and emissions of particulate matter, sulfur compounds, and organic compounds.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rule Emissions of Sulfur Compounds Restricted, 33–15–06–01, effective January 1, 1996.

(B) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–03, 33–15–01–04.49, 33–15–01–13.2(b), 33–15–01–15.2, and 33–15–01–17.3; Emissions of Particulate Matter Restricted 33–15–05–03.3.4; and Control of Organic Compound Emissions 33–15–07–01.1; effective September 1, 1997.

(ii) Additional material.

(A) An April 8, 1997 letter from Dana Mount, North Dakota Department of Health, to Richard Long, EPA, to provide technical support documentation regarding the revisions to Chapter 33–15–06, Emissions of Sulfur Compounds Restricted.

(B) A July 30, 1997 letter from Dana Mount, North Dakota Department of Health, to Amy Platt, EPA, to provide technical support documentation regarding the revisions to Chapter 33–15–06, Emissions of Sulfur Compounds Restricted.

(C) A September 9, 1997 letter from Dana Mount, North Dakota Department of Health, to Larry Svoboda, EPA, to provide technical support documentation regarding the revisions to Chapter 33–15–06, Emissions of Sulfur Compounds Restricted.

(31) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with a letter dated September 28, 1998. The revisions address air pollution control rules regarding general provisions, ambient air quality standards, emissions of particulate matter and organic compounds, and the permit to construct program.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–04.6–52; Ambient Air Quality Standards 33–15–02–04, 33–15–02–07.3, 33–15–02–07.4, and Table 2; Emissions of Particulate Matter Restricted 33–15–05–03.1; Control of Organic Compound Emissions 33–15–07–01.1; and Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate 33–15–14–02.3.c, effective September 1, 1998.

(ii) Additional material.

(A) An April 10, 1997 letter from Dana Mount, North Dakota Department of Health, to Richard Long, EPA, to provide technical support documentation regarding the impact of SB2356 on sulfur dioxide emission limits for existing and new coal conversion facilities and petroleum refineries.

(B) A November 17, 1997 letter from William Delmore, North Dakota Assistant Attorney General, to Terry Lukas, EPA, to propose how the North Dakota Department of Health will implement the requirements of SB2356.

(C) A June 10, 1998 letter from Dana Mount, North Dakota Department of

Health, to Richard Long, EPA, to provide technical support documentation regarding the revisions to Chapter 33–15–02, Ambient Air Quality Standards, and Chapter 33–15-14, Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate (revisions specific to the permit to construct section only).

(D) A December 1, 1998 letter from Dana Mount, North Dakota Department of Health, to Richard Long, EPA, to provide technical support documentation regarding how the State will enforce the revised sulfur dioxide standards in Chapter 33–15–02.

(32) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with a letter dated June 21, 2001. The revisions address air pollution control rules regarding general provisions, emissions of particulate matter and fugitives, exclusions from Title V permit to operate requirements, and prevention of significant deterioration.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–04, 33–15–01–12, and 33–15–01–15; Emissions of Particulate Matter Restricted 33–15–05–04.1; Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate 33–15–14–02.13.b.1, 33–15–14–03.1.c, and 33–15–14–07; Prevention of Significant Deterioration of Air Quality 33–15–15–01.1.hh and 33–15–15–01.2; and Restriction of Fugitive Emissions 33–15–17–01, effective June 1, 2001.

(B) Revisions to the Air Pollution Control Rules as follows: Emissions of Particulate Matter Restricted 33–15–05–03.1, repealed effective July 12, 2000.

(33) Certain revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules as submitted by the Governor with a letter dated April 11, 2003. The revisions affect portions of North Dakota Administrative Code (N.D.A.C.) regarding general provisions and emissions of particulate matter and sulfur compounds.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Air Pollution Control Rules as follows:

(*1*) Chapter 33–15–01, N.D.A.C., General Provisions, sections 33–15–01–04, 33–15–01–17, and 33–15–01–18, effective March 1, 2003.

(*2*) Chapter 33–15–05, N.D.A.C., Emissions of Particulate Matter Restricted, sections 33–15–05–02 and 33–15–05–04 and subsection 33–15–05–03.3, effective March 1, 2003.

(*3*) Chapter 33–15–06, N.D.A.C., Emissions of Sulfur Compounds Restricted, sections 33–15–06–01 and 33–15–06–03, effective March 1, 2003.

(34) Certain revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules as submitted by the Governor with a letter dated April 11, 2003. The revisions affect portions of North Dakota Administrative Code (N.D.A.C.) regarding construction and minor source permitting and prevention of significant deterioration of air quality.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Air Pollution Control Rules as follows:

(*1*) Chapter 33–15–14, N.D.A.C., Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate, subsections 33–15–14–02.5, 33–15–14–02.13.c, 33–15–14–02.13.i(5), 33–15–14–03.4, 33–15–14–03.5.a(1)(d), and 33–15–14–03.11, effective March 1, 2003.

(*2*) Chapter 33–15–15, N.D.A.C., Prevention of Significant Deterioration of Air Quality, subsections 33–15–15–01.1.x(2)(d) and 33–15–15–01.4.h(3), effective March 1, 2003.

(35) Certain revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules as submitted by the Governor with a letter dated April 11, 2003. The revisions affect portions of North Dakota Administrative Code (N.D.A.C.) regarding construction and minor source permitting.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Air Pollution Control Rules as follows:

(*1*) In Chapter 33–15–14, N.D.A.C., Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate, the sentence in each first paragraph of subsections 33–15–14–02.19 and 33–15–14–03.16 that reads as follows, ''In the event that the modification would be a

major modification as defined in chapter 33–15–15, the department shall follow the procedures established in chapter 33–15–15.'' These revisions were effective March 1, 2003.

[37 FR 10885, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1820, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart KK—Ohio

### § 52.1870 Identification of plan.

(a) Title of plan: ''Implementation Plan for the Control of Suspended Particulates, Sulfur Dioxide, Carbon Monoxide, Hydrocarbons, Nitrogen Dioxide, and Photochemical Oxidants in the State of Ohio.''

(b) The plan was officially submitted on January 31, 1972.

(c) The revisions listed below were submitted on the dates specified.

(1) Request for extensions and a revision of monitoring network was submitted on March 20, 1972, by the Ohio Air Pollution Control Board.

(2) State provisions for making emissions data available to the public was outlined in a letter of May 8, 1972, by the Ohio Department of Health.

(3) On May 9, 1972, the State provided assurance that action is being taken in the Assembly to secure authority for controlling auto emissions.

(4) Amendments to air pollution regulations AP–3–11, 12, 13, 14, and AP–9–04 were forwarded on July 7, 1972, by the Governor.

(5) Revisions to AP–2–01, 02, 04, 05; AP–3–01, 08, 09, 13; AP–9–01, 02, 03 were submitted on August 4, 1972 by the Governor.

(6) New regulations AP–13–01 and 13–02 were submitted on October 12, 1972 by the Governor.

(7) Letter from the Director of the Ohio EPA was submitted on June 6, 1973, indicating that portions of AP–3–11, and AP–3–12 are for informational purposes only.

(8) The Governor of Ohio submitted on July 2, 1973, the ''Implementation Plan to Achieve Ambient Air Quality Standard for Photochemical Oxidant in the Cincinnati Air Quality Control Region'' and the ''Implementation Plan to Achieve Ambient Air Quality Standard for Photochemical Oxidant in the Toledo Air Quality Control Region.''

(9) The Governor of Ohio submitted on July 24, 1973, the ''Implementation Plan to Achieve Ambient Air Quality Standards for Photochemical Oxidants—Dayton Air Quality Control Region.''

(10) On January 25, 1974, Ohio submitted a secondary particulate plan for three AQCR's in Ohio.

(11) On July 16, 1975, Ohio submitted regulations revising the attainment dates for particulate matter, nitrogen oxides, carbon monoxide, hydrocarbons and photochemical oxidants.

(12) The Governor of Ohio submitted on May 30, 1974 and August 10, 1976, revisions to the Ohio Implementation for the control of open burning.

(13) Consent and Abatement Order regarding Columbus and Southern Ohio Electric Company's Picway Units 3 and 4, submitted by Governor on October 17, 1975, supplemented on November 17, 1976 and June 1, 1977.

(14) On July 27, 1979 the State submitted its nonattainment area plan for specific areas designated as nonattainment for ozone and carbon monoxide in the March 3, 1978 and October 5, 1978 FEDERAL REGISTERS (43 FR 8962 and 43 FR 45993). The submittal contained Ohio's Part D nonattainment plans for the following ozone and carbon monoxide urban nonattainment areas: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Steubenville and Toledo. The submittal contained transportation control plans and demonstrations of attainment (for carbon monoxide and/or ozone) for each of the above mentioned urban nonattainment areas. Regulations for the control of volatile organic compound emissions were not included with this submittal but were submitted separately on September 13, 1979.

(15) On September 13, 1979, the State submitted regulations for the control of volatile organic compound and carbon monoxide emissions from stationary sources.

(16) On December 28, 1979, the State amended the attainment demonstration submitted on July 27, 1979 for the Cleveland Urban area. On November 24,

1980 and July 21, 1981, the State submitted additional information on the transportation control plans for the Cleveland Urban area.

(17) On January 8, 1980, the State amended the carbon monoxide attainment demonstration submitted on July 27, 1979 for the Steubenville urban area.

(18) On January 15, 1980, the State amended the attainment demonstrations submitted on July 27, 1979 for the urban areas of Cincinnati, Toledo and Dayton.

(19) On April 7, 1980 the State of Ohio committed to correct the deficiencies presented in the March 10, 1980 Notice of Proposed Rulemaking.

(20) On April 15, 24, 28, May 27, July 23 and August 6, 1980 the State submitted comments on, technical support for, and commitments to correct the deficiencies cited in the March 10, 1980 Notice of Proposed Rulemaking. In addition to this the May 27, 1980 letter also contained a commitment by the State to adopt and submit to USEPA by each subsequent January, reasonable available control technology requirements for sources covered by the control techniques guidelines published by USEPA the preceding January.

(21) On December 28, 1979 the State of Ohio submitted its Part D carbon monoxide and ozone nonattainment area plan for the Youngstown urban area. The submittal contained transportation control plans and demonstrations of attainment (for carbon monoxide and/or ozone). On February 12, 1980 the State amended the ozone attainment demonstration submitted on December 28, 1979.

(22) On June 12, 1980 and August 6, 1980, the State submitted technical support and commitments to correct the deficiencies cited in the May 16, 1980 Notice of Proposed Rulemaking. On November 20, 1980 and July 21, 1981, the State submitted additional information on implementor commitments for the Youngstown Urban area.

(23) On May 8, 1979, Ohio submitted revisions to regulations 3745–25–01 through 3745–25–04 (previously codified as AP–11–01 through AP–11–04) containing emergency episode procedures.

(24) On July 25, 1980 the State of Ohio submitted its Part D revision to the New Source Review portion of the State Implementation Plan. On September 25, 1980 the State submitted a response to the August 26, 1980 FEDERAL REGISTER notice of proposed rulemaking. The response contained information which corrects certain deficiencies and commits to correct by a specified date other deficiencies.

(25) The following information was submitted to USEPA regarding the Ohio Sulfur Dioxide Standards

(i) On February 12, 1980 the Director of the Ohio EPA submitted the Ohio Administrative Code (OAC) Rules 3745–18–01 to 3745–18–94, Sulfur Dioxide Standards adopted on November 14, 1979 effective December 28, 1979.

(ii) Ohio EPA sent technical support for the Ohio Sulfur Dioxide Standards on September 12, 1979, October 23, 1979, May 16, 1980, March 27, 1981, May 5, 1981, July 15, 1981 and September 24, 1981.

(iii) The following regulations were withdrawn by the Governor of Ohio on May 16, 1980; OAC Rules 3745–18–08(H), 3745–18–15(B), 3745–18–53(E), 3745–18–63(K), 3745–18–77(B) and 3745–18–90(C). These rules are applicable to the following plants:

Cairo Chemical Corporation in Allen County, Crystal Tissue Company in Butler County, U.S. Steel Corporation, Lorain—Cuyahoga Works in Lorain County, Bergstrom Paper Company in Montgomery County, Mead Corporation in Ross County and Shell Chemical Company in Washington, County.

(iv) The following regulations were withdrawn by the Governor of Ohio on December 19, 1980 only as it applies to the B.F. Goodrich Company, Avon Lake Chemical Plant in Lorain County; OAC 3745–18–53(A). These regulations are still applicable to other facilities in Lorain County.

(v) The following regulations were withdrawn by the Governor of Ohio on February 13, 1981; OAC Rules 3745–18–49(J) which is applicable to the Ohio Rubber Company in Lake County and 3745–18–80(D) which is applicable to the Union Carbide Corporation in Seneca County.

(vi) The Governor of Ohio submitted a revised OAC Rule 3745–18–80(D) which is applicable to the Union Carbide Corporation in Seneca County on April 30, 1981.

(26) On February 8, 1980, the State of Ohio submitted a revision to provide for modification of the existing air quality surveillance network.

(27) On February 18, and March 13, 1981, the Governor of Ohio submitted Rule 08 of Chapter 3745–17 of the Ohio Administrative Code for Middletown and the operating permits for the fugitive sources located at ARMCO's Middletown Works Plant.

(28) On October 21 and November 21, 1980 the State submitted comments on, technical support for, and commitments to correct the deficiencies cited in the March 10, 1980 Notice of Proposed Rulemaking.

(29) On September 17, 1980 the State of Ohio submitted a vehicle inspection and maintenance (I/M) program developed for the urbanized area of Cleveland and the Ohio portion of the Cincinnati metropolitan area. On December 5, 1980 the State submitted comments on, and commitments for correcting, the deficiencies cited in the November 7, 1980 Supplemental Notice of Proposed Rulemaking.

(30) On February 18, 1981, the State of Ohio committed itself to submit by December 31, 1981, the corrective materials for the Middletown, Ohio total suspended particulate plan.

(31) On March 27, 1981 and March 10, 1982 the State of Ohio submitted revisions to the total suspended particulate (TSP) portion of its State Implementation Plan (SIP). These revisions are in the form of an alternative emissions reduction plan (bubble) for the General Motors (GM) Central Foundry located in Defiance County, Ohio. Incorporated into Ohio's SIP are the emission limitations, interim and final compliance milestones, control equipment requirements and testing procedures specified in the variances and permits submitted for the GM bubble.

(32) On July 27, 1979, the State of Ohio submitted materials to satisfy the general requirements of the Clean Air Act under sections 110(a)(2)(K); 126, 127, and 128. On January 30, 1981, the State of Ohio also submitted an amended substitute Senate Bill 258, which was enacted into law on December 19, 1980, amending Ohio Revised Code 3704.

(33) Revision to plan allowing Standard Oil Company of Ohio Toledo refinery variances from State Regulations 3745–21–09(M) (1) and (2) submitted April 10, 1981 by the State.

(34) Revision to plan allowing Standard Oil Company of Ohio Lima refinery variance from State Regulation 3745–21–09(M)(2) submitted April 10, 1981 by the State.

(35) On August 27, 1981, the State of Ohio submitted a variance for the Pipeline Working Tank at the ARCO Pipeline Refinery in Summit County, Ohio.

(36)–(37) [Reserved]

(38) The Governor of Ohio on June 15, 1981 submitted a revision to the ozone portion of the Ohio State Implementation Plan. This revision is for six coating lines located at the Speciality Materials Division of Fasson-Avery located in Lake County, Ohio.

(39) On August 27, 1981, the State of Ohio submitted a variance for the Pipeline Working Tank at the ARCO Pipeline Refinery in Lucas County, Ohio.

(40) On February 12, 1981, the State of Ohio submitted its Lead SIP Plan which contains a discussion of ambient monitoring results, an attainment demonstration and stationary and mobile source controls for lead.

(41) On April 10, 1981, the Governor of Ohio submitted revised requirements for Republic Steel Corporation's Youngstown Sinter Plant.

(42) On February 25, 1980, the State of Ohio submitted the revised Ohio Administrative Code (OAC) Rules 3745–35–01 through 3745–35–04 which set forth requirements for air permits to operate and variances. These rules were adopted on September 28, 1979 and became effective in Ohio on November 7, 1979.

(43) On February 12, 1981, the State of Ohio submitted adopted amended Ohio Administrative Code (OAC) Rules 3745–21–01, 04, 09 and 10, Emission Standards and Technology Requirements for Certain Sources of Volatile Organic Compounds Emissions. The following portions of these rules were withdrawn by the State of Ohio on March 27, 1981; OAC Rules 3745–21–04(C)(19)(a) and 3745–21–09(R)(3)(a). On January 8, 1982, the State of Ohio submitted additional materials pertaining to OAC Rules 3745–21–09 (H), (U) and (X).

(44) On April 16, 1981, the Ohio EPA submitted a variance which would extend for Presto Adhesive Paper Company in Montgomery County, Ohio the deadline for complying with applicable Ohio VOC emission limitations from April 1, 1982 to April 1, 1983 for water-based adhesive paper coatings and to April 1, 1984 for water-based silicone paper coatings.

(45) On Feburary 25, 1980, the State submitted revisions to rules 01 through 06, 08 and 09 of Chapter 15 of the Ohio Administrative Code. These rules establish general provisions for the control of air pollution and were previously codified and approved as AP–2–01 through 06, 08 and 09. Rules 01 through 04, 06, 08 and 09 are approved as revisions to the Ohio SIP and rule 05 is deleted from the Ohio SIP.

(46) On August 26, 1982, the Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (weighted averaging bubble) for eight vinyl coating lines at Uniroyal Plastic Products in Ottawa County, Ohio, and an alternative compliance schedule which will allow Uniroyal Plastic Products additional time to convert to waterborne coatings and inks. The final compliance date is October 1, 1987.

(47) On June 29, 1982, the State submitted an amendment to the definition of air contaminant as contained in section 3704.01(B) of the Ohio Revised Code.

(48) On August 31, 1982, Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (weighted averaging bubble) for five rotogravure printing lines at Packaging Corporation of America (PCA) in Wayne County, Ohio and an alternative compliance schedule which will allow PCA additional time to convert to waterborne coatings and inks. The final compliance date is July 1, 1987.

(49) On September 10, 1982 the Ohio Environmental Protection Agency submitted a revision to its ozone SIP for the Mead Paper Corporation, Chilpaco Mill in Ross County, Ohio. This revision is in the form of three variances for the three flexographic printing lines at Mead Paper and contains revised emission limits and compliance schedules for each of the lines. Technical Support for this revision was also submitted on April 27, 1982.

(50) On October 22, 1982, the Ohio Environmental Protection Agency submitted a revision to its Ozone SIP for the Standard Register Company. The revision request is in the form of a variance for an extended compliance time schedule for a surface coating line and spray boot for painting miscellaneous metal parts. Final compliance is changed from December 31, 1982 to December 31, 1983.

(51) On October 1, 1982, and February 28, 1983 the State of Ohio submitted revisions to Ohio Administrative Code (OAC) Rules 3745–35–03 which set forth requirements for obtaining variances.

(52)–(55) [Reserved]

(56) On January 5, 1983 the Ohio Environmental Protection Agency submitted a revision to its ozone SIP for the U.S. Steel Supply Division, Sharon Plant in Trumbull County, Ohio. Technical support for this revision was also submitted on November 12, 1982.

(57) On January 4, 1982, amended December 23, 1982, the Ohio Environmental Protection Agency (OEPA) submitted a revision to its ozone SIP for the Chrysler Plastic Products Corporation, Sandusky Vinyl Product Division, in Erie County, Ohio. This revision amends the emission limitations and extends the compliance dates for five vinyl coating lines at this facility. Technical support for this revision was also submitted on June 28, 1982.

(58) On July 14, 1982, the State submitted revisions to its State Implementation Plan for TSP and SO2 for Toledo Edison Company's Bay Shore Station in Lucas County, Ohio, except that the equivalent visible emission limitations in this submittal are no longer in effect.

(59) On March 9, 1983, the Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (bubble) for eight vinyl coating lines at B.F. Goodrich in Washington County, Ohio, and an alternative compliance schedule which will allow B.F. Goodrich additional time to achieve final compliance through conversion to waterborne coatings and

inks by December 31, 1985. If the company is unable to achieve compliance by December 1, 1985, through reformulation, the company must install add-on controls no later than December 1, 1987.

(60) The State of Ohio submitted a revised demonstration that showed attainment by December 31, 1982, of the Carbon Monixide (CO) National Ambient Air Quality Standards (NAAQS) for the Cincinnati area (Hamilton County) on May 24, 1982. Supplemental information was submitted on September 23, 1982, November 4, 1982, and March 16, 1983. The May 24, 1982, submittal also requested that the five year extension for meeting the NAAQS requested on July 29, 1979, and granted on October 31, 1980, be rescinded for this area. EPA has rescinded this extension only for the Cincinnati demonstration area for CO.

(61) On January 11, 1983, the Ohio EPA submitted justification and supportive documentation for the two categories of gasoline dispensing facilities and cutback asphalt. On March 2, 1983, Ohio EPA submitted demonstrations of reasonable further progress in the Canton and Youngstown areas. This information was submitted to satisfy the conditions on the approval of the 1979 ozone SIP.

(62) [Reserved]

(63) On January 3, 1984, the Ohio Environmental Protection Agency submitted a revision to the Ohio Administrative Code 3745–15–07, Air Pollution Nuisance Prohibited.

(64) On September 2, 1982, the State of Ohio submitted a revision to the total suspended particulate State Implementation Plan for the B.F. Goodrich Chemical Plant in Avon Lake, Lorain County, Ohio. This revision is being disapproved. (See §52.1880(g))

(65) [Reserved]

(66) On March 16, 1984, the Ohio Environmental Protection Agency submitted commitments for satisfying the conditions of approval to the ozone [52.1885 (b)(2)] and particulate matter [52.1880 (d)(1)] State Implementation Plans.

(67) [Reserved]

(68) On May 6, 1983, the Ohio Environmental Protection Agency (OEPA) submitted materials constituting a proposed revision to Ohio's ozone SIP for Harrison Radiator. Harrison Radiator has two metal coating facilities; one is the North facility located in downtown Dayton and the other is the South facility located in the City of Moraine.

(i) Incorporation by reference.

(A) The Ohio Environmental Protection Director's final Findings and Orders, May 6, 1983.

(B) Letters of September 10, 1984, and September 4, 1984, to USEPA from OEPA.

(C) The Ohio Environmental Protection Director's final Findings and Orders, September 4, 1984.

(69) On September 13, 1983, the Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (bubble) for Volatile Organic Compound emissions from a gasoline and aviation fuel loading rack located at Standard Oil Company in Trumbull County, Ohio.

(i) Incorporation by reference.

(A) An August 26, 1983, Permit and Variance to Operate an Air Contaminant Source Terms and Conditions, Application No. 02 78 06 0355 J001 and 02 78 06 0355 J002, for Niles Terminal Station N. 234, Niles Aviation Gasoline Bulk Terminal.

(70) On April 8, 1982, June 22, 1982, November 8, 1982, May 24, 1985, and November 12, 1986, the Ohio Environmental Protection Agency submitted a revision to the sulfur dioxide SIP for the Ohio Power Muskingum River Power Plant located in Morgan and Washington Counties. USEPA approves an emission limit of 8.6 lbs/MMBTU to protect the primary NAAQS with a compliance date of June 17, 1980. In addition, USEPA approves an emission limit of 7.6 lbs/MMBTU to protect the secondary NAAQS with a compliance date of July 1, 1989.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) rule 3745–18–03(C)(3)(gg)(vi) effective in Ohio December 28, 1979; rule 3745–18–64(B) and rule 3745–18–90(B) effective in Ohio on October 1, 1982.

(B) Director's Final Findings and Orders dated October 18, 1982, before the Ohio Environmental Protection Agency.

(C) Director's Findings and Order dated November 18, 1986, before the Ohio Environmental Protection Agency.

(ii) Additional information.

(A) Technical Support Document for emission limitations including dispersion modeling for the Muskingum River Plant submitted by the State on April 8, 1982.

(B) Muskingum River Plant Supplementary Technical Support Document submitted by the State on June 22, 1982.

(C) Air Monitoring Data submitted by the State on June 22, 1982.

(71) On July 1, 1980, the State of Ohio submitted a revision to its State Implementation Plan amending § 3704.11 of the Ohio Revised Code. This revision expands the authority given to a political subdivision in relation to certain open burning activities. Additional information for the revision was also submitted on September 30, 1980 and January 16, 1981.

(72) On March 16, 1982, the State of Ohio submitted a revision to its State Implementation Plan for TSP for the Southerly Wastewater Treatment Plant in Columbus, Ohio.

(73) On March 28, 1983, the State of Ohio Environmental Protection Agency (OEPA) submitted amendments to the Ohio Administrative Code (OAC) Chapter 3745–21 and supporting data to USEPA as a proposed revision to the ozone portion of its SIP. OAC Chapter 3745–21, entitled ''Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Material Standards'', contains Ohio's VOC RACT I and II regulations. The amendments to these regulations are embodied in the OAC as follows: Definitions, Rule 3745–21–01; Attainment dates and compliance time schedules, Rule 3745–21–04; Control of emissions of organic compounds from stationary sources, Rule 3745–21–09; and Compliance test methods and procedures, Rule 3745–21–10. See (c)(15). USEPA is not taking action on the applicability of Rule 3745–21–09 to new sources of VOC, to the gasoline throughout exemption level for gasoline dispensing facilities, and to the compliance date extension for Honda of America Manufacturing, Inc. auto and motorcycle assembly plant in Marysville. USEPA is not taking action on OAC Rule 3745–21–09(AA))(2)(a) which exempts any dry cleaning facility in which less than 60,000 pounds of fabrics are cleaned per year. USEPA is not taking action on OAC Rule 3745–21–09(U)(2)(f) (i) and (ii) which apply to new sources (surface coating lines). USEPA is identifying deficiencies in the existing Rule 3745–21–09(D)(3) which contains an alternative daily emission limitation for can coating facilities. USEPA identified the following deficiencies within this rule: This rule presents equations for determining an alternative daily emission limitation. USEPA finds that the equations are incorrect in that they are based on volume of coating used (in gallons, excluding water), which in many cases can lead to erroneous results. Equivalency calculations for coatings should be performed on a basis of volume of coating solids used rather than volume of coating used. (45 FR 80824 gives an example calculation for can coating done on a volume solids basis.)

(i) Incorporation by reference.

(A) Amendments to OAC Chapter 3745–21, dated June 21, 1982 and January 24, 1983.

(*1*) Rule 3745–21–01; Definitions.

(*i*) Section (D)(16), (36), and (50), paper and vinyl coating.

(*ii*) Section (F)(1–8), asphalts in road construction and maintenance.

(*iii*) Sections (E)(8), and (J)(5), corrections to Sections (E)(8) and (J)(5).

(*2*) Rule 3745–21–04; Attainment dates and compliance time schedules.

(*i*) Section (C)(3), can coating lines.

(*ii*) Section (C)(15), cutback and emulsified asphalts.

(*iii*) Section (C)(29), gasoline tank trucks.

(*iv*) Section (C)(33), External floating roof tanks.

(*3*) Rule 3745–21–09, Control of emission of organic compounds from stationary sources.

(*i*) Section (B), Emission limitations.

(*ii*) Sections, (C) (1) and (3), Surface coating of automobiles and light duty trucks.

(*iii*) Sections (I) (1) and (2), Surface coating of metal furniture.

(*iv*) Sections (K) (1) and (3) and (K)(4) (a), (b) and (c), Surface coating of large appliances.

(*v*) Sections (N) (1), (2), and (3) (b) and (c), Use of cutback and emulsified asphalts.

NOTE: USEPA is not approving (N)(3) (a) and (e).

(*vi*) Section (O)(2), Solvent metal cleaning.

(*vii*) Sections (P) (1), (4), and (5), Bulk gasoline plants.

(*viii*) Section (Q)(3), Bulk gasoline terminals.

(*ix*) Section (R)(3), Gasoline dispensing facilities.

(*x*) Sections (U)(1) and the exemptions contained in (2)(h), Surface coating miscellaneous metal parts and products.

(*xi*) Sections (X)(1) (a)(i), (b)(i), and the exemption contained in (2)(d), Rubber tire manufacturing.

(*xii*) Sections (Z)(1)(b) through (h), (2), and (3), Storage of petroleum liquid in external floating roof tanks. NOTE: USEPA is not approving (Z)(1)(a).

(*xiii*) Section (AA) (1) and (2) (b) and (c), Dry cleaning facility. NOTE: USEPA is not proposing to approve (AA)(2)(a).

(*xiv*) Sections (K)(4) (a), (b), and (c), for the Whirlpool Corporation plants located in Marion, Sandusky, and Hancock Counties.

(*xv*) Section (X)(2)(d), Cooper Tire and Rubber tire manufacturing facility located in Hancock County.

(*4*) Rule 3745–21–10; Compliance test methods and procedures.

(*i*) Sections (A) (3) and (4), General provisions.

(*ii*) Section (B) (3), (4) and (5), Methods for determining VOC content of surface coating and inks.

(*iii*) Section (E) (4) and (7), Method for determining VOC emissions from bulk gasoline terminals.

(*iv*) Section (K), Methods for detecting leaks of gasoline vapors.

(74)–(75) [Reserved]

(76) On April 9, 1986, the State of Ohio submitted a negative declaration for natural gas/gasoline processing plants and manufacturers of high-density polyethylene and polypropylene resins.

(i) Incorporation by reference.

(A) Letter dated April 9, 1986, from Warren W. Tyler, Director, State of Ohio Environmental Protection Agency.

(77) On November 20, 1985, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan for Total Suspended Particulates. This revision request is for operating permits for the following two shiploading facilities: The Andersons Grain Division, Toledo Plant and Mid-States Terminals, Incorporated.

(i) Incorporation by reference.

(A) Permit to Operate an Air Contaminant Source for the Andersons Grain Division, Toledo Plant. Date of Issuance: November 18, 1985.

(B) Permit to Operate an Air Contaminant Source for Mid-States Terminals, Incorporated. Date of Issuance: November 18, 1985.

(78) On April 30, 1986, (draft) and on May 5, 1987, (final) the Ohio Environmental Protection Agency (OEPA) submitted a revision request to Ohio's sulfur dioxide SIP. The revision was in the form of Permits to Operate for the Coulton Chemical Plant in Toledo, Ohio, and the E.I. duPont de Nemours and Company facility in Miami, Ohio. The permits require the installation and operation of continuous emission monitors for sulfur dioxide at these facilities, and the reporting of monitoring data.

(i) Incorporation by reference.

(A) Special Term and Condition No. 3 of Permit to Operation No. 0448020014P001 for Coulton Chemical Corporation, effective January 3, 1986, Permit to Operate No. 0448020014P002 for Coulton Chemical Corporation, effective March 25, 1986.

(B) Special Term and Condition No. 3 of Permit to Operate No. 1431350817P001 for E.I. duPont de Nemours and Company (Fort Hill Plant), effective March 2, 1984.

(ii) Additional material.

(A) September 5, 1985, letter from Charles M. Taylor, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency; to Steve Rothblatt, Chief, Air and Radiation Branch, U.S. Environmental Protection Agency.

(79) On April 9, 1986, the Ohio Environmental Protection Agency (OEPA) submitted a request for a revision to the Ozone State Implementation Plan

(SIP) for the Huffy Corporation in Celina Ohio (Mercer County). This revision was in the form of a rule which is applicable to the Huffy Corporation in Mercer County.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745–21–09(U)(2)(j), effective May 9, 1986.

(80) On April 9, 1986, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan for ozone. The revision consists of the reasonably available control technology (RACT) III volatile organic compound regulations.

(i) Incorporation by reference. Ohio EPA OAC

(A) Rule 3745–21–01, Definitions. Paragraphs (K), (L), (M), and (N), effective May 9, 1986. Ohio EPA OAC

(B) Rule 3745–21–04, Attainment Dates and Compliance Time Schedules. Paragraphs (B)(1), and (C)(36) through (C)(39), effective May 9, 1986. Ohio EPA OAC

(C) Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources. Paragraphs (A)(1), (A)(2), (A)(4), (BB), (CC), (DD), (EE), and Appendix A, effective May 9, 1986. Ohio EPA OAC

(D) Rule 3745–21–10, Compliance Test Method and Procedures. Paragraphs (C), (F), (L), (M), (N), (O), and (P), effective May 9, 1986.

(81) On March 3, 1986, the Ohio Environmental Protection Agency (OEPA) submitted Good Engineering Stack Height Regulations as a revision to the Ohio State Implementation Plan (SIP).

(i) Incorporation by reference.

(A) Ohio Administrative Code Chapter 3745–16–01 and 02, entitled ''Definitions'' and ''Good Engineering Practice Stack Height Regulations''. These rules were adopted by the State on February 12, 1986 and were effective on March 5, 1986.

(B) September 2, 1987 letter from Richard L. Shank, Ph.D., Director, Ohio Environmental Protection Agency; to Valdas Adamkus, Regional Administrator, USEPA.

(ii) Additional material.

(A) March 3, 1986, letter from Warren W. Tyler, Director, Ohio Environmental Protection Agency; to Valdas Adamkus, Regional Administrator, U.S. EPA.

(82) On November 7, 1985, the Ohio Environmental Protection Agency submitted a revision to the ozone portion of the Ohio State Implementation Plan (SIP) for the Reynolds Metal Company in Pickaway County, Ohio. This variance shall expire on May 6, 1992.

(i) Incorporation by reference.

(A) State of Ohio Environmental Protection Agency Variance to Operate an Air Contaminant Source (except for Conditions No. 2, No. 3, and No. 6); Date of Issuance: October 29, 1985, Issued to: Reynolds Metal Company; Constitutes a Variance to Operate: miscellaneous metal parts coating line—Ransburg Disc spray booths No. 1 and No. 2; and signed by Warren W. Tyler, Director, Ohio Environmental Protection Agency.

(83) On October 4, 1982, and January 24, 1983, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the Ohio Administrative Code (OAC) Chapter 3745–31–01 through 3745–31–08 to satisfy the New Source Review conditional approval of October 31, 1980 (45 FR 72119). U.S. EPA is granting limited approval of the revision to Ohio's New Source Review State Implementation Plan (SIP) because the revised regulations strengthen the SIP.

(i) Incorporation by reference.

(A) OAC Rule 3745–31 through 3745–31–03—Permits to Install New Sources of Pollution (Adopted June 30, 1982, effective August 15, 1982), as found in the State of Ohio Environmental Protection Agency Laws and Regulations.

(ii) Additional material.

(A) A June 30, 1987, letter from OEPA certified that the State did not rely upon additional reductions through the offset policy to attain or maintain the National Ambient Air Quality Standards.

(84) On June 1, 1987, the Ohio Environmental Protection Agency (OEPA) submitted a revision request to Ohio's ozone SIP for the Goodyear Tire and Rubber Company in St. Marys (Auglaize County) Ohio. The revision was in the form of variances for adhesive application lines K001 to K019 and exempts them from the requirements contained in Ohio Administrative Code (OAC) Rule 3745–21–09(U). These

variances expire on (3 years and 30 days from date of publication). The accommodative SIP for Auglaize County is removed for the period these variances are in effect.

(i) Incorporation by reference.

(A) Condition Number 8 (which references Special Terms and Conditions Numbers 1 through 5) within each of 19 ''State of Ohio Environmental Protection Agency Variances to Operate An Air Contaminant Source'', Application Numbers 0306010138K001–0306010138K019, for Goodyear Tire and Rubber Company. The Date of Issuance is May 22, 1987.

(85) On February 17, 1988, and January 4, 1989, the Ohio Environmental Protection Agency submitted a revision to the total suspended particulate SIP for Youngstown Thermal Corporation located in Youngstown, Ohio. This revision establishes a 0.02 lb/MMBTU emission limit for the one gas and Number 2 oil-fired boiler (B001) and a 0.14 lb/MMBTU limit for the three coal-fired boilers (B002, B003, and B004).

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745–17–01, effective in Ohio on October 1, 1983; Rule 3745–17–03, effective in Ohio on October 15, 1983; and Rule 3745–17–10, effective in Ohio on October 1, 1983, as they apply to Youngstown Thermal Energy Corporation in Youngstown, Ohio only.

(86) [Reserved]

(87) On July 11, 1988, Ohio submitted its vehicle inspection and maintenance regulation for Cuyahoga, Lake, Lorain, Hamilton, and Butler Counties.

(i) Incorporation by reference.

(A) Ohio Administrative Code rules 3745–26–01, 3745–26–02, 3745–26–03, 3745–26–04, 3745–26–05, 3745–26–06, 3745–26–07, 3745–26–08, and 3745–26–09, effective July 17, 1987.

(88) [Reserved]

(89) On February 28, 1989, the Ohio Environmental Protection Agency (OEPA) submitted a revision request to Ohio's ozone SIP for the Navistar International Transportation Corporation in Springfield, Ohio. It modified this request on March 30, 1990. The revision is in the form of variances for miscellaneous metal parts and products coating lines and exempts them from the requirements contained in Ohio Administrative Code (OAC) Rule 3745–21–09(U). These variances expire on January 4, 1994.

(i) Incorporation by reference.

(A) Condition Number 8 (which references Special Terms and Conditions Number 1 through 11) within both of the ''State of Ohio Environmental Protection Agency Variances to Operate An Air Contaminant Source'', Application Numbers 0812760220K009 and 0812760220K013 for Navistar International Transportation Corporation. The Date of Issuance is February 28, 1989.

(90) On April 9, 1986, the Ohio Environmental Protection Agency (OEPA) submitted amendments to the Ohio Administrative Code (OAC) Chapter 3745–21. The amendments are embodied in the following OAC regulations: Definitions, Rule 3745–21–01; Attainment dates and compliance time schedules, Rule 3745–21–04; Control of emissions of volatile organic compounds from stationary sources, Rule 3745–21–09; and Compliance test methods and procedures, Rule 3745–21–10. USEPA is approving these amendments with the following exceptions: The proposed relaxation for food can end sealing compounds in 3745–21–09(D)(1)(e) and (D)(2)(e) (from 3.7 to 4.4 lbs VOC/gallon); the proposed revision to the exemption in 3745–21–09(N)(3)(e) for the application by hand of any cutback asphalt or emulsified asphalt for patching or crack sealing; the recordkeeping requirements in 3745–21–09(N)(4); the relaxation from 3.5 to 6.2 lbs VOC/gallon for high performance architectural aluminum coatings in 3745–21–09(U)(1)(a)(viii); the exemption for new sources in 3745–21–09(U)(2)(f); and the relaxation for miscellaneous metals coatings in 3745–21–09(U)(1)(a)(vii).

(i) Incorporation by reference.

(A) Amendments to Ohio Administrative Code Rule 3745–21–01, effective on May 9, 1986.

(B) Amendments to Ohio Administrative Code Rule 3745–21–04, effective on May 9, 1986.

(C) Amendments to Ohio Administrative Code Rule 3745–21–09, effective on May 9, 1986, except for:

(*1*) 3745–21–09(D)(1)(e) and (D)(2)(e) (proposed relaxation for food can end sealing);

(*2*) 3745–21–09(N)(3)(e) (proposed revision to the exemption for the application by hand of any cutback or emulsified asphalt for patching crack sealing);

(*3*) 3745–21–09(N)(4) (recordkeeping requirements);

(*4*) 3745–21–09(U)(1)(a)(viii) (relaxation from 3.5 to 6.2 lbs VOC. gal for high performance architectural aluminum coatings);

(*5*) 3745–21–09(U)(2)(f) (the exemption for new sources); and

(*6*) 3745–21–09(U)(1)(a)(vii) (relaxation for miscellaneous metal coatings).

(D) Amendments to Ohio Administrative Code Rule 3745–21–10, effective May 9, 1996.

(91) On September 30, 1983, the Ohio Environmental Protection Agency (OEPA) submitted a revision request to the ozone SIP for Ludlow Flexible Packaging, Inc. (Ludlow), located in Mt. Vernon (Knox County), Ohio. This revision was in the form of variances and permits that established a bubble with monthly averaging between 22 paper coating and printing lines (sources K001–K022) and a compliance date extension to June 30, 1987. On January 13, 1987, the OEPA submitted additional information concerning this revision stating that several of the printing lines have been or will be permanently shut down and the remaining lines will be controlled by thermal incineration in accordance with OAC Rule 3745–21–09(Y). In addition, four of the paper coating lines (K017–K019, K022) have been removed from the plant. Therefore, only eight paper coating lines (K011–K016, K020 and K021) remain under the bubble. This revision exempts these lines from the control requirements contained in Ohio Administrative Code (OAC) Rules 3745–21–09(F) and 3745–21–09(Y). These variances and permits expire on April 22, 1996.

The accommodative SIP for Knox County will be canceled upon approval of this SIP revision.

(i) Incorporation by reference.

(A) Condition Number 8 (which references Special Terms and Conditions Numbers 1–7 within each of the 5 ''State of Ohio Environmental Protection Agency Variance to Operate an Air Contaminant Source,'' Application Numbers 0342010111K011–0342010111K015, as they apply to Ludlow Flexible Packaging, Inc., located in Mt. Vernon, Ohio. The Date of Issuance is September 23, 1983.

(B) Condition Number 8 (which references Special Terms and Conditions Numbers 1–7) within each of the 3 ''State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source,'' Application Numbers 0342010111K016, 0342010111K020, and 0342010111K021, as they apply to Ludlow Flexible Packaging, Inc., located in Mt. Vernon, Ohio. The Date of Issuance is September 23, 1983.

(ii) Additional material.

(A) January 13, 1987, letter from Patricia P. Walling, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency; to Steve Rothblatt, Chief, Air and Radiation Branch, U.S. Environmental Protection agency.

(92) On October 16, 1991, and March 17, 1993, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation Plan for sulfur dioxide for sources in Hamilton County, Ohio.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745–18–03 Attainment dates and compliance time schedules, Sections (A)(2)(c); (B)(7)(a); (B)(7)(b); (C)(8)(a); (C)(8)(b); (C)(9)(a); (C)(9)(b); (D)(1); (D)(2); dated October 11, 1991, and effective on October 31, 1991.

(B) Ohio Administrative Code (OAC) Rule 3745–18–04 Measurement methods and procedures, Sections (D)(7); (D)(8)(a) to (D)(8)(e); (E)(5); (E)(6)(a); (E)(6)(b); (F); (G)(1) to (G)(4); (I); dated October 11, 1991, and effective on October 31, 1991.

(C) Ohio Administrative Code (OAC) Rule 3745–18–37, Hamilton county emission limits, dated February 22, 1993, and effective on March 10, 1993.

(D) Director's Final Findings and Order for Cincinnati Gas and Electric Company, Miami Fort Station, dated February 22, 1993.

(93) In a letter dated October 16, 1992, the OEPA submitted a revision to the Carbon Monoxide State Implementation Plan for Cuyahoga County. This revision contains a maintenance plan

that the area will use to maintain the CO NAAQS. The maintenance plan contains an oxygenated fuels program as a contingency measure to be implemented if the area violates the CO NAAQS.

(i) Incorporation by reference.

(A) Letter dated October 16, 1992, from Donald R. Schregardus, Director, Ohio Environmental Protection Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5 and its enclosures entitled ''Table 1 Cuyahoga County Carbon Monoxide Emission Inventory'', Enclosure B ''Cuyahoga County carbon monoxide SIP submittal'', and section 6.0 of Enclosure C ''Cuyahoga County Carbon Monoxide Modeling Study Final Report.''

(ii) Additional information.

(A) Letter dated January 14, 1993, from Donald R. Schregardus, Director, Ohio Environmental Protection Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5.

(B) Letter dated February 10, 1993, from Robert F. Hodanbosi, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency to David Kee, Director, Air and Radiation Division, U.S. Environmental Protection Agency, Region 5.

(C) Letter dated July 29, 1993, from Robert F. Hodanbosi, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency to David Kee, Director, Air and Radiation Division, U.S. Environmental Protection Agency, Region 5.

(94) On June 24, 1985, the Ohio Environmental Protection Agency submitted revisions to its ozone control State Implementation Plan which would establish a volatile organic compounds (VOC) bubble and alternative VOC reasonably available control technology for vinyl and U-frame vinyl coating lines at Columbus Coated Fabrics in Franklin County, Ohio.

(i) Incorporation by reference.

(A) Condition Number 8 (which references special Terms and Conditions Numbers 1 through 7) within each of 15 State of Ohio Environmental Protection Agency Permits and Variances to Operate an Air Contaminant Source, Application Numbers 0125040031 K001 through 0125040031 K015 for Columbus Coated Fabrics. The date of issuance is November 2, 1983. These permits and variances are approved for the period 12/12/85 to 1/6/92.

(B) Condition Number 8 (which references special Terms and Conditions Numbers 1 through 4) within each of 11 State of Ohio Environmental Protection Agency Variances to Operate an Air Contaminant Source, Application Numbers 0125040031 K016 through 0125040031 K026 for Columbus Coated Fabrics. The date of issuance is November 2, 1983. These variances are approved for the period 4/1/82 to 1/6/92.

(C) State of Ohio Environmental Protection Agency Orders to Modify Variances to Operate modifying Special Condition Number 1 of Ohio Environmental Protection Agency Variances to Operate an Air Contaminant Source, Application Numbers 0125040031 K016 through 0125040031 K026 for Columbus Coated Fabrics. The date of issuance is May 21, 1985. These orders are approved for the period 4/1/82 to 1/6/92.

(95) On October 16, 1992, the State of Ohio submitted the tailpipe test inspection and maintenance program revisions to its carbon monoxide implementation plan for Cuyahoga County.

(i) Incorporation by reference.

(A) Ohio Administrative Code: amended rules, 3745–26–01 through 3745–26–09, effective May 15, 1990, and new rules, 3745–26–10 and 3745–26–11, effective May 15, 1990.

(ii) Additional materials—Remainder of the State submittal.

(A) Letter from the Director, Ohio Environmental Protection Agency, dated November 18, 1992, and additional materials.

(96) On June 9, 1988, and August 24, 1990, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation Plan for ozone. The revisions consist of new non-Control Technique Guideline volatile organic compound (VOC) rules and corrections to existing VOC rules.

(i) Incorporation by reference.

(A) OEPA Ohio Administrative Code (OAC) Rule 3745–21–01, Definitions, Paragraphs (A), (B), (C), (D)(1) through (5), (D)(7), (D)(9) through (62), (E) through (S); effective August 22, 1990.

(B) OEPA OAC Rule 3745–21–04, Attainment Dates and Compliance Time Schedules, Paragraphs (A), (B), (C); effective August 22, 1990.

(C) OEPA OAC Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraphs (A), (B), (C) through (H), (J), (K), (M), (P), (S), (T), (V), (X), (Y), (BB), (CC), (FF) through (NN), (PP), effective August 22, 1990.

(D) OEPA OAC Rule 3745–21–10, Compliance Test Methods and Procedures, Paragraphs (B), (D), (F), (G), (I) through (N), (P); effective August 22, 1990.

(97) On November 14, 1991, December 4, 1991, and January 8, 1992, OEPA submitted revisions to its particulate matter plan, including Statewide rule revisions, rule revisions for specific facilities in Cuyahoga and Jefferson Counties, and supplemental materials to address the requirements of part D of title I of the Clean Air Act for the Cuyahoga and Jefferson County nonattainment areas. Rules 3745–17–03(B)(10)(c) and 3745–17–12(P)(6)(a) (concerning quench water limits) are not approved.

(i) Incorporation by reference.

(A) Rule 3745–17–01—Definitions, effective December 6, 1991.

(B) Rule 3745–17–02—Ambient air quality standards, effective June 14, 1991.

(C) Rule 3745–17–03—Measurement methods and procedures, effective December 6, 1991, except for paragraph (B)(10)(c) which is disapproved.

(D) Rule 3745–17–04—Compliance time schedules, effective December 6, 1991.

(E) Rule 3745–17–07—Control of visible particulate emissions from stationary sources, effective June 14, 1991.

(F) Rule 3745–17–08—Restriction of emission of fugitive dust, effective June 14, 1991.

(G) Rule 3745–17–09—Restrictions on particulate emissions and odors from incinerators, effective July 9, 1991.

(H) Rule 3745–17–10—Restrictions on particulate emissions from fuel burning equipment, effective June 14, 1991.

(I) Rule 3745–17–11—Restrictions on particulate emissions from industrial processes, effective June 14, 1991.

(J) Rule 3745–17–12—Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga County, effective December 6, 1991, except for paragraph (P)(6)(a) which is disapproved.

(K) Rule 3745–17–13—Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson County, effective December 6, 1991.

(L) Rule 3745–17–14—Contingency plan requirements for Cuyahoga and Jefferson Counties, effective December 6, 1991.

(M) Rule 3745–75–01—Applicability and definitions, effective July 9, 1991.

(N) Rule 3745–75–02—Emission limits, effective July 9, 1991.

(O) Rule 3745–75–03—Design parameters and operating restrictions, effective July 9, 1991.

(P) Rule 3745–75–04—Monitoring requirements, effective July 9, 1991.

(Q) Rule 3745–75–05—Recordkeeping, effective July 9, 1991.

(R) Rule 3745–75–06—Certification and compliance time schedules, effective July 9, 1991.

(ii) Additional information.

(A) Appendices A through P to a letter from Donald Schregardus to Valdas Adamkus dated November 14, 1991, providing emissions inventories and modeling demonstrations of attainment for the Cleveland and Steubenville areas and providing other related information.

(B) A letter from Donald Schregardus to Valdas Adamkus dated December 4, 1991, and attachments, supplementing the November 14, 1991, submittal.

(C) A letter from Donald Schregardus to Valdas Adamkus dated January 8, 1992, and attachments, supplementing the November 14, 1991, submittal.

(98) On April 20, 1994, and March 7, 1995, Ohio submitted Rule 3745–35–07, entitled ''Federally Enforceable Limitations on Potential to Emit,'' and requested authority to issue such limitations as conditions in State operating permits.

(i) Incorporation by reference. Rule 3745–35–07, adopted November 3, 1994, effective November 18, 1994.

(99) [Reserved]

(100) On March 22, 1994, the Ohio Environmental Protection Agency submitted a revision request to Ohio's ozone SIP for approval of the State's emissions statement program. The

emissions statement program requirements apply to sources in the following counties: Ashtabula, Butler, Clark, Clermont, Cuyahoga, Delaware, Franklin, Geauga, Greene, Hamilton, Lake, Licking, Lorain, Lucas, Mahoning, Medina, Miami, Montgomery, Portage, Stark, Summit, Trumbull, Warren, and Wood.

(i) Incorporation by reference.

(A) Ohio Administrative Code rules 3745–24–01, 3745–24–02, 3745–24–03, and 3745–24–04, effective April 1, 1994.

(101) On November 12, 1993 the Ohio Environmental Protection Agency submitted a vehicle inspection and maintenance program in accordance with section 110 of the Clean Air Act as amended in 1990. The new program replaces I/M programs in operation in the Cleveland and Cincinnati areas and establishes new programs in Dayton and any area designated moderate nonattainment or any area where local planning authorities have requested the State to implement a program.

(i) Incorporation by reference.

(A) Ohio Administrative Code Amended Rules 3745–26–01, 3754–26–02, 3745–26–10, and rules 3745–26–12, 3745–26–13, and 3745–26–14, all made effective on June 13, 1994.

(ii) Other material.

(A) Certification letter from the Director of the Ohio Environmental Protection Agency regarding the State process in developing the I/M rules and the I/M program.

(B) Letter dated June 22, 1994, from the Director of OEPA regarding implementation of an I/M program in the Toledo area in the event the State's request for redesignation to attainment for that area is not approved by USEPA.

(102) On June 7, 1993, and February 17, 1995, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation Plan (SIP) for ozone. The revisions include 19 new non-Control Technique Guideline volatile organic compound (VOC) rules, Findings and Orders for 5 companies, and two permits to install.

(i) Incorporation by reference.

(A) OEPA OAC Rule 3745–21–01, Definitions, Paragraphs (Q); (T); effective January 17, 1995.

(B) OEPA OAC Rule 3745–21–04, Attainment Dates and Compliance Time Schedules, Paragraphs (C)(40); (C)(41); (C)(46); (C)(48); (C)(49); (C)(50); (C)(51); (C)(53); (C)(54); (C)(59); (C)(60); (C)(61); (C)(62); effective January 17, 1995.

(C) OEPA OAC Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraphs (FF), (GG), (HH), (II), (JJ), (KK), (LL), (MM), (NN), (OO), (PP), (QQ), (SS), (TT), (YY), (ZZ), (AAA); (BBB); effective January 17, 1995.

(1) Previously approved on October 31, 1995 in paragraph (c)(102)(i)(C) of this section and now deleted without replacement: OEPA OAC Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraph (AAA), as adopted by Ohio on October 25, 2002, effective on November 5, 2002.

(D) Director's Final Findings and Orders for AK Steel Corporation (Middletown), International Paper Company (Cincinnati), Midwest Mica & Insulation Company (Cleveland), Reilly Industries, Inc. (Cleveland), and Sprayon Products, Inc. (Bedford Heights), Issued by Ohio Environmental Protection Agency on August 18, 1995.

(E) Permit to Install, Application Number 13–2396, for Excello Specialty Company, APS Premise Number 1318607686. The date of issuance is December 11, 1991.

(F) Permit to Install, Application Number 14–2096, for Hilton Davis Company, APS Premise Number 1431070039. The date of issuance is June 12, 1991.

(103) On June 7, 1993, and February 17, 1995, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation Plan (SIP) for ozone. The revisions include one new non-Control Technique Guideline volatile organic compound (VOC) rule, corrections to existing VOC rules, and two permits-to-install.

(i) Incorporation by reference.

(A) OEPA Ohio Administrative Code (OAC) Rule 3745–21–01, Definitions, Paragraphs (B)(1), (B)(2), (B)(6), (D)(6), (D)(8), (D)(22), (D)(45), (D)(48), (D)(58), (M)(8); effective January 17, 1995.

(B) OEPA OAC Rule 3745–21–04, Attainment Dates and Compliance Time Schedules, Paragraphs (B), (C)(3)(c), (C)(4)(b), (C)(5)(b), (C)(6)(b), (C)(8) (b)

and (c), (C)(9)(b), (C)(10)(b), (C)(19) (b), (c), and (d), (C)(28)(b), (C)(38), (C)(39), (C)(42), (C)(43), (C)(44), (C)(45), (C)(47), (C)(55), (C)(65); effective January 17, 1995.

(C) OEPA OAC Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraphs (A), (C) through (L), (N) through (T), (X), (Y), (Z), (BB), (CC), (DD), (UU), Appendix A; effective January 17, 1995.

(D) OEPA OAC Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraph (B) except (B)(3)(d) and (e) for the Ohio Counties of Ashtabula, Butler, Clermont, Cuyahoga, Geauga, Hamilton, Lake, Lorain, Medina, Portage, Summit, and Warren; effective January 17, 1995.

(E) OEPA OAC Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraph (U) except (U)(1)(h) statewide and (U)(2)(e)(ii) for the Ohio Counties of Ashtabula, Butler, Clermont, Cuyahoga, Geauga, Hamilton, Lake, Lorain, Medina, Portage, Summit, and Warren; effective January 17, 1995.

(F) OEPA OAC Rule 3745–21–10, Compliance Test Methods and Procedures, Paragraphs (A), (B), (C), (E), (O); effective January 17, 1995.

(G) Permit to Install, Application Number 04–204, for Abitibi-Price Corporation, APS Premise Number 0448011192. The date of issuance is July 7, 1983.

(H) Permit to Install, Application Number 08–3273, for General Motors Corporation Delco Chassis Division, APS Premise Number 0857040935. The date of issuance is February 13, 1995.

(ii) Additional material.

(A) On June 7, 1993, the OEPA submitted negative declarations for the source categories of polypropylene or high density polyethylene resin manufacturing, natural gas/gasoline processing plants, and surface coating of flat wood paneling. These negative declarations are approved into the Ohio ozone SIP.

(B) On February 21, 1995, the OEPA submitted a list of facilities subject to the post-enactment source categories listed in Appendix E to the General Preamble. 57 FR 18070, 18077 (April 28, 1992). This list is approved into the Ohio ozone SIP.

(104) On June 7, 1993, the Ohio Environmental Protection Agency (OEPA) submitted a revision request to Ohio's ozone SIP for approval of the State's Stage II vapor recovery program. The Stage II program requirements apply to sources in the following areas: Cincinnati-Hamilton; Cleveland-Akron-Lorain; and Dayton-Springfield.

(i) Incorporation by reference.

(A) OEPA Ohio Administrative Code (OAC) Rule 3745–21–04, Attainment Dates and Compliance Time Schedules, Paragraph (C)(64); effective date March 31, 1993.

(B) OEPA OAC Rule 3745–21–10, Compliance Test Methods and Procedures, Paragraphs (Q), (R), (S), Appendices A, B, C; effective date March 31, 1993.

(C) Ohio Administrative Code rules 3745–21–09(DDD)(1)-(4), effective date March 31, 1993.

(105) On September 17, 1993, the Ohio Environmental Protection Agency requested the redesignation of Lucas and Wood Counties to attainment of the National Ambient Air Quality Standard for ozone. To meet the redesignation criteria set forth by section 107(d)(3)(E) (iii) and (iv), Ohio credited emissions reductions from the enclosure of the ''oily ditch'' at the British Petroleum Refinery in Oregon, Ohio. The USEPA is approving the Director's Finding and Order which requires the enclosure of the ''oily ditch'' into the SIP for Lucas and Wood Counties.

(i) Incorporation by reference.

(A) Letter dated June 2, 1994, from Donald R. Schregardus, Director, Ohio Environmental Protection Agency, to Valdas Adamkus, Regional Administrator, USEPA, Region 5, and one enclosure which is the revised Director's Final Findings and Orders in the matter of BP Oil company, Toledo Refinery, 4001 Cedar Point Road, Oregon, Ohio, Fugitive Emissions from the Refinery Waste Water System ''Oily Ditch'', effective June 2, 1994.

(106) On October 7, 1994, Ohio submitted four rules in Chapter 3745–71 of the Ohio Administrative Code, entitled ''Lead Emissions,'' and submitted a

modeling demonstration that the limitations in these rules assure attainment of the lead standard in central Cleveland.

(i) Incorporation by reference. Rules 3745–71–01, 3745–71–03, 3745–71–05, and 3745–71–06, all adopted September 22, 1994, and effective October 4, 1994.

(ii) Additional material. A submittal letter from the Director of the Ohio Environmental Protection Agency, with attachments documenting a modeling analysis of lead concentrations near the Master Metals secondary lead smelter.

(107) Approval—On August 17, 1995, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan for general conformity rules. The general conformity rules enable the State of Ohio to implement and enforce the Federal 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.

(i) Incorporation by reference. August 1, 1995, Ohio Administrative Code Chapter 3745–102, effective August 21, 1995.

(108) [Reserved]

(109) On July 17, 1995, Ohio submitted a Particulate Matter (PM) contingency measures State Implementation Plan (SIP) revision request. The submittal includes Final Findings and Orders for 5 companies. The Findings and Orders provide PM emission reductions which will take effect if an area fails to attain the National Ambient Air Quality Standards for PM.

(i) Incorporation by reference. Director's Final Findings and Orders for Ford Motor Company (Cleveland Casting Plant), T&B Foundry Company, International Mill Service, Luria Brothers, and United Ready Mix, issued by the Ohio Environmental Protection Agency on July 10, 1995.

(110) On November 3, 1995, December 21, 1995, and March 21, 1996, OEPA submitted revisions to its particulate matter plan, addressing prior deficiencies in its plans for Cuyahoga and Jefferson Counties.

(i) Incorporation by reference.

(A) Rule 3745–17–03—Rule 3745–17–03—Measurement methods and procedures, effective November 15, 1995.

(B) Rule 3745–17–04—Compliance time schedules, effective November 15, 1995.

(C) Rule 3745–17–12—Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga County, effective November 15, 1995.

(D) Findings and Orders issued to the Wheeling-Pittsburgh Steel Corporation, signed by Donald Schregardus and effective on October 31, 1995.

(ii) Additional material—Dispersion modeling analyses for the Steubenville area and for Cuyahoga County near Ford's Cleveland Casting Plant.

(111) On July 18, 1996, the Ohio Environmental Protection Agency submitted a site specific State Implementation Plan revision for Ohio Edison's Sammis and Toronto plants for Sulfur Dioxide. The revisions for the Sammis plant provide ''as an alternative'' to the existing boiler specific regulations a limit of ''2.91 lbs./MMBTU actual heat input from each boiler''. The regulation for the Toronto plant reduces allowable emissions to 2.0 lbs./MMBTU.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745–18–47, effective July 25, 1996.

(112) On August 29, 1996, the United States Environmental Protection Agency received from the Ohio Environmental Protection Agency, changes to the approved vehicle inspection and maintenance (I/M) program which control the release of volatile organic compounds from vehicles. These changes provide a repair spending cap of $300 and a temporary hardship extension of time up to 6 months for owners to perform needed repairs on vehicles which fail the I/M program test.

(i) Incorporation by reference.

(A) Rule 3745–26–01—Definitions effective May 15, 1996.

(B) Rule 3745–26–12—Requirements for motor vehicle owners in the enhanced or opt-in enhanced automobile inspection and maintenance program, effective May 15, 1996.

(113) On August 30, 1996, Ohio submitted a request to extend the exemption from opacity limits for the boilers at Ford's Cleveland Engine Plant 1 to six hours after start-up.

(i) Incorporation by reference.

(A) Findings and Orders for boilers number 1 through number 5 at Ford's Cleveland Engine Plant 1, signed by Donald Schregardus on May 31, 1996.

(114) On November 12, 1996, the Ohio Environmental Protection Agency submitted a request to incorporate section(G)(9)(g) of Rule 3745–21–07 of the Ohio Administrative Code into the Ohio State Implementation Plan (SIP). Section (G)(9)(g) provides an additional exemption from organic compound emission controls for qualifying new sources. Because, in the process of adopting section(G)(9)(g), minor editorial changes were made to other parts of Rule 3745–21–07, the United States Environmental Protection Agency is incorporating all of Rule 3745–21–07 into the Ohio SIP. This will avoid confusion by making the SIP approved rule identical to the current State rule.

(i) Incorporation by reference.

(A) Rule 3745–21–07 of the Ohio Administrative Code, adopted October 7, 1996, effective October 31, 1996, as certified by Donald R. Schregardus, Director of the Ohio Environmental Protection Agency.

(115) On January 3, 1997, the Ohio EPA submitted a revision to the Hamilton County sulfur dioxide implementation plan for the Procter and Gamble Company, Ohio Administrative Code 3745–18–37(GG)(2), which limits combined average operating rate of all boilers (B001, B008, B021, and B022) to a maximum of 922 million BTU per hour for any calendar day. Boilers B001 and B008 are each allowed to emit 1.1 pounds of sulfur dioxide per million BTU actual heat input. Boiler B021 is limited to 1.50 pounds of sulfur dioxide per million BTU; and boiler B022 is limited to 2.0 pounds of sulfur dioxide per million BTU average heat input.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745–18–37(GG)(2), Hamilton County emission limits, dated December 17, 1996, for Procter and Gamble Company.

(B) Director's Findings and Orders in the matter of the adoption of amended Rule 3745–18–37 of the Ohio Administrative Code, dated December 17, 1996.

(ii) Additional materials.

(A) Letter from Ohio EPA Director Donald R. Schregardus to Regional Administrator Valdas Adamkus, dated January 3, 1997.

(B) Letter from Ohio EPA Air Pollution Control Division Chief, Robert Hodanbosi to EPA dated August 11, 1997.

(116) On December 9, 1996, the Ohio Environmental Protection Agency submitted two revisions to its sulfur dioxide rules. The first revision provides adjusted, State adopted limits for a Sun Oil Company facility. The second revision, applicable Statewide, exempts sources from operating hour limits on days when only natural gas is burned. Further, by letter of December 15, 1997, the State requested that U.S. Environmental Protection Agency address the addition of emission limits for stationary gas turbines and stationary internal combustion engines in rule 3745–18–06 that have been adopted previously.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) rule 3745–18–54 (O) and OAC rule 3745–18–06, adopted October 7, 1996, effective October 31, 1996.

(117) On August 1, 1997 the Ohio Environmental Protection Agency submitted a requested revision to the Ohio State Implementation Plan. This revision constituted amendments to the emissions statement reporting regulations approved on October 13, 1994 and codified in paragraph (c)(100) of this section. The revision is intended to limit the applicability of these rules to stationary sources located within the State's marginal and above ozone nonattainment areas.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–24–02 Applicability. Effective July 31, 1997.

(118) On August 20, 1998, Ohio submitted material including State adopted limits for Lake County, and requested approval of limits for the Ohio First Energy Eastlake Plant and the Ohio Rubber Company Plant.

(i) Incorporation by reference.

(A) Rule 3745–18–49 (G) and (H) of the Ohio Administrative Code, effective May 11, 1987.

(119) On September 21, 1998, Ohio submitted revisions to its Permit to Operate rules as a revision to the State implementation plan.

(i) Incorporation by reference

(A) Ohio Administrative Code 3745–35–02, adopted April 4, 1994, effective April 20, 1994.

(120) On January 3, 1999, Ohio submitted, as a State implementation plan revision, de minimus exemption provisions for its permitting rules.

(i) Incorporation by reference

(A) Ohio Administrative Code 3745–15–05, adopted April 4, 1994, effective April 20, 1994.

(121) On March 20, 2000, the Ohio Environmental Protection Agency submitted rules to control sulfur dioxide emissions in Coshocton, Gallia and Lorain Counties.

(i) Incorporation by reference. Rules OAC 3745–18–22; OAC 3745–18–33; and OAC 3745–18–53. Adopted March 1, 2000; effective March 21, 2000.

(122) On October 6, 1999, the Ohio Environmental Protection Agency submitted revised Transportation Conformity rules for the State of Ohio. The submittal made revisions to the current State plan for the implementation of the federal transportation conformity requirements at the State and local level 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. Only certain sections of the submittal are approved.

(i) Incorporation by reference.

(A) Ohio Administrative Code: amended rules, OAC 3745–101–02, OAC 3745–101–03 (A), (B), (C), (D), (G), (H), (I), (J), (K), (L), except (E) and (F), OAC 3745–101–05, OAC 3745–101–06, OAC 3745–101–07 (A), (B), (C) except for (C)(1)(a) and (C)(2)(a), (D), (E), (F), (G), (H), (I), (J), OAC 3745–101–08, OAC 3745–101–09, OAC 3745–101–10, OAC 3745–101–11, OAC 3745–101–12 except for (A)(2), OAC 3745–101–13 except (A)(1), OAC 3745–101–14, OAC 3745–101–15, OAC 3745–101–17, OAC 3745–101–18, OAC 3745–101–19, effective on February 16, 1999.

(B) No action is being taken on: OAC 3745–101–04.

(123) On July 6, 2000, the State of Ohio submitted a site-specific State Implementation Plan (SIP) revision affecting Volatile Organic Compound control requirements at Morgan Adhesives Company in Stow, Ohio. The SIP revision establishes an alternative control strategy for limiting volatile organic compound emissions from coating lines at its pressure sensitive tape and manufacturing plant in Stow.

(i) Incorporation by reference. July 5, 2000, Director's Final Findings and Orders of the Ohio Environmental Protection Agency in the matter of: Morgan Adhesives Company, effective on July 5, 2000.

(124) On November 9, 2000, Ohio submitted Director's Final Findings and Orders revising sulfur dioxide emissions regulations for the Lubrizol Corporation facility in Lake County, Ohio. The revisions include the adjustment of six short-term emissions limits, the addition of an annual emissions limit, and the addition of a continuous emissions monitoring system (CEMS). These state implementation plan revisions do not increase allowable sulfur dioxide emissions.

(i) Incorporation by reference. Emissions limits for the Lubrizol Corporation facility in Lake County contained in Director's Final Findings and Orders. The orders were effective on November 2, 2000 and entered in the *Director's Journal* on November 9, 2000.

(125) On March 20, 2000, the Ohio Environmental Protection Agency submitted revised rules to control sulfur dioxide emissions in Butler and Pickaway Counties, and a revision to compliance time schedules as well as measurement methods and procedures for $SO_2$ sources for the State of Ohio. Ohio has rescinded OAC 3745–18–04 (G), which had special emission calculation procedures for Hamilton County.

(i) Incorporation by reference.

(A) Rules OAC 3745–18–03(A)(2)(d); OAC 3745–18–03(B)(4); OAC 3745–18–03(B)(8); OAC 3745–18–03(C)(6); OAC 3745–18–03(C)(10); 3745–18–04(D)(8); 3745–18–04(D)(9); OAC 3745–18–04(E)(7); OAC 3745–18–04(F); OAC 3745–18–15; OAC 3745–18–71. Adopted March 1, 2000, effective March 21, 2000.

(B) Rule OAC 3745–18–49(F), effective May 11, 1987.

(126) On March 1, 1996, and several subsequent dates, Ohio submitted revisions to its Permit to Install rules as a revision to the State implementation plan.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745–31–21, effective April 27, 1998; OAC Rules 3745–31–22 through 3745–31–27, effective April 12, 1996; OAC Rules 3745–47–01, 3745–47–2, and 3745–47–03, effective June 30, 1981; OAC Rule 3745–47–05, effective June 30, 1981; OAC Rule 3745–47–07, effective June 30, 1981; and OAC Rule 3745–47–08(D), effective August 10, 1999.

(127) On July 18, 2002, Ohio submitted revisions to its Permit to Install rules as a revision to the State implementation plan.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rules 3745–31–01, 3745–31–02, 3745–31–03, 3745–31–05, and 3745–31–07 effective November 30, 2001.

(128) On July 11, 2002, the Ohio Environmental Protection Agency submitted revisions to Chapter 3745–14-(1 through 11) of the Ohio Administrative Code (OAC), an oxides of nitrogen ($NO_X$) budget trading program in Ohio, with a request that the Ohio State Implementation Plan be revised to include these $NO_X$ rules.

(i) Incorporation by reference.

(A) Ohio $NO_X$ rules: 3745–14–01, 3745–14–02, 3745–14–03, 3745–14–04, 3745–14–05, 3745–14–06, 3745–14–07, 3745–14–08, 3745–14–09, 3745–14–10, 3745–14–11 in the OAC all with an effective date of July 18, 2002.

(ii) On June 25, 2003, the Ohio Environmental Protection Agency submitted a letter committing to change the flow control date, in rule 3745–14–06(E)(6) from 2006 to 2005, within approximately 6 months of the effective date of the submittal date.

(129) On September 27, 2003, the Ohio Environmental Protection Agency submitted revised rules for sulfur dioxide. The submittal includes revised provisions in Rules 3745–18–01, 3745–18–04, and 3745–18–06, relating to natural gas use, as well as special provisions in Rule 3745–18–04 for compliance testing for Lubrizol in Lake County. The submittal includes recently revised Ohio limits in Cuyahoga, Lake, Mahoning, Monroe, and Washington Counties, as well as previously adopted source-specific limits in Adams, Allen, Clermont, Lawrence, Montgomery, Muskingum, Pike, Ross, and Wood Counties that had not previously been subject to EPA rulemaking.

(i) Incorporation by reference.

(A) Rules OAC 3745–18–01; OAC 3745–18–04(F); OAC 3745–18–04(J); OAC 3745–18–06; OAC 3745–18–24; OAC 3745–18–49; OAC 3745–18–56; OAC 3745–18–62; and OAC 3745–18–90. Adopted August 19, 2003, effective September 1, 2003.

(B) Rules OAC 3745–18–07(B); OAC 3745–18–08(H); OAC 3745–18–19(B); OAC 3745–18–66(C); OAC 3745–18–72(B);, effective May 11, 1987.

(C) OAC 3745–18–50(C); OAC 3745–18–77(B); effective December 28, 1979.

(D) OAC 3745–18–63(K) and (L); and OAC 3745–18–93(B) and (C); effective December 1, 1984.

(ii) Additional material—Letter from Robert Hodanbosi, Chief of the Division of Air Pollution Control of the Ohio EPA, to Thomas Skinner, Regional Administrator for Region 5 of USEPA, dated September 27, 2003.

(130) On November 26, 2003, the Ohio Environmental Protection Agency submitted revisions to OAC rule 3745–14–06 ($NO_X$ Allowance Tracking System) that changes the flow control date to 2005.

(i) Incorporation by reference.

(A) Amended OAC rule 3745–14–06. Adopted by the Ohio Environmental Protection Agency on November 12, 2003. Effective November 24, 2003.

(B) [Reserved]

(131) [Reserved]

(132) On June 28, 2004, the Ohio Environmental Protection Agency submitted revisions to OAC rule 3745–14–01. These revisions change the definition of ''boiler'' by excluding from the trading program carbon monoxide (CO) boilers associated with combusting CO from fluidized catalytic cracking units at petroleum refineries. The submittal also includes revisions to OAC rule 3745–14–03 (A housekeeping correction to reference OAC Chapter 3745–77 concerning Title V operating permit) and 3745–14–05 (Revising the number of trading program budget allowances and source identification for the ozone seasons 2004 through 2007).

(i) Incorporation by reference.

(A) Ohio Administrative Code rules 3745–14–01, 3745–14–03, and 3745–14–05, effective May 25, 2004.

(133) On May 20, 2005, the Ohio Environmental Protection Agency submitted volatile organic compound (VOC) regulations for five source categories in the Cincinnati ozone nonattainment area. These regulations complete the requirement that all VOC reasonably available control technology (RACT) regulations, for which there are eligible sources, have been approved by EPA into the SIP for the Cincinnati ozone nonattainment area.

(i) Incorporation by Reference. The following sections of the Ohio Administrative Code (OAC) are incorporated by reference.

(A) OAC rule 3745–21–01(U), (definitions for commercial bakery oven facilities), effective May 27, 2005.

(B) OAC rule 3745–21–01(V), (definitions for reactors and distillation units employed in SOCMI chemical production), effective May 27, 2005.

(C) OAC rule 3745–21–01(W), (definitions for batch operations), effective May 27, 2005.

(D) OAC rule 3745–21–01(X), (definitions for wood furniture manufacturing operations), effective May 27, 2005.

(E) OAC rule 3745–21–01(Y), (definitions for industrial wastewater), effective May 27, 2005.

(F) OAC rule 3745–21–12: ''Control of Volatile Organic Compound Emissions from Commercial Bakery Oven Facilities'', effective May 27, 2005.

(G) OAC rule 3745–21–13: ''Control of Volatile Organic Compound Emissions from Reactors and Distillation Units Employed in SOCMI Chemical Production'', effective May 27, 2005.

(H) OAC rule 3745–21–14: ''Control of Volatile Organic Compound Emissions from Process Vents in Batch Operations'', effective May 27, 2005.

(I) OAC rule 3745–21–15: ''Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations'', effective May 27, 2005.

(J) OAC rule 3745–21–16: ''Control of Volatile Organic Compound Emissions from Industrial Wastewater'', effective May 27, 2005.

(134) On July 18, 2000, the Ohio Environmental Protection Agency submitted revised rules for particulate matter. Ohio adopted these revisions to address State-level appeals by various industry groups of rules that the State adopted in 1995 that EPA approved in 1996. The revisions provide reformulated limitations on fugitive emissions from storage piles and plant roadways, selected revisions to emission limits in the Cleveland area, provisions for Ohio to follow specified criteria to issue replicable equivalent visible emission limits, the correction of limits for stationary combustion engines, and requirements for continuous emissions monitoring as mandated by 40 CFR part 51, Appendix P. The State's submittal also included modeling to demonstrate that the revised Cleveland area emission limits continue to provide for attainment of the $PM_{10}$ standards. EPA is disapproving two paragraphs that would allow revision of limits applicable to Ford Motor Company's Cleveland Casting Plant through permit revisions without the full EPA review provided in the Clean Air Act.

(i) Incorporation by reference.

(A) The following rules in Ohio Administrative Code Chapter 3745–17 as effective January 31, 1998: Rule OAC 3745–17–01, entitled Definitions, Rule OAC 3745–17–03, entitled Measurement methods and procedures, Rule OAC 3745–17–04, entitled Compliance time schedules, Rule OAC 3745–17–07, entitled Control of visible particulate emissions from stationary sources, Rule OAC 3745–17–08, entitled Restriction of emission of fugitive dust, Rule OAC 3745–17–11, entitled Restrictions on particulate emissions from industrial processes, Rule OAC 3745–17–13, entitled Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson county, and OAC 3745–17–14, entitled Contingency plan requirements for Cuyahoga and Jefferson counties.

(B) Rule OAC 3745–17–12, entitled Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county, as effective on January 31, 1998, except for paragraphs (I)(50) and (I)(51).

(C) Engineering Guide #13, as revised by Ohio EPA, Division of Air Pollution Control, on June 20, 1997.

(D) Engineering Guide #15, as revised by Ohio EPA, Division of Air Pollution Control, on June 20, 1997.

(ii) Additional material.

(A) Letter from Robert Hodanbosi, Chief of Ohio EPA's Division of Air Pollution Control, to EPA, dated February 12, 2003.

(B) Telefax from Tom Kalman, Ohio EPA, to EPA, dated January 7, 2004, providing supplemental documentation of emissions estimates for Ford's Cleveland Casting Plant.

(C) Memorandum from Tom Kalman, Ohio EPA to EPA, dated February 1, 2005, providing further supplemental documentation of emission estimates.

(D) E-mail from Bill Spires, Ohio EPA to EPA, dated April 21, 2005, providing further modeling analyses.

(135) On May 9, 2006, the Ohio Environmental Protection Agency submitted several volatile organic compound rules for approval into the Ohio State Implementation Plan.

(i) Incorporation by reference.

(A) Ohio Administrative Code Chapter 3745–21–01 Definitions: Paragraphs (D) and (Z), adopted 1/31/2006, effective 2/10/2006.

(B) Ohio Administrative Code Chapter 3745–21–04 Attainment dates and compliance time schedules: Paragraph (C)(16)(c), adopted 1/31/2006, effective 2/10/2006.

(C) Ohio Administrative Code Chapter 3745–21–09 Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities: Paragraphs (O)(2)(e),(O)(6)(b),(T)(4),(Y), (HH), (RR), and (VV), adopted 3/2/2006, effective 3/12/2006.

(D) Ohio Administrative Code Chapter 3745–21–17: Portable Fuel Containers, adopted 1/31/2006, effective 2/10/2006.

(E) Ohio Administrative Code Chapter 3745–21–18: Commercial Motor Vehicle and Mobile Equipment Refinishing Operations, adopted 1/31/2006, effective 2/10/2006.

(136) On May 16, 2006, Ohio submitted numerous regulations for sulfur dioxide. These regulations were submitted to replace the remaining federally promulgated regulations, to make selected revisions to applicable limits, and to update company names and make other similar administrative changes. On December 10, 2007, Ohio submitted a corrected rule for Stark County.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rules 3745–18–01 ''Definitions and incorporation by reference.'', 3745–18–02 ''Ambient air quality standards; sulfur dioxide.'', 3745–18–03 ''Attainment dates and compliance time schedules.'', 3745–18–06 ''General emission limit provisions.'', 3745–18–10 ''Ashtabula County emission limits.'', 3745–18–11 ''Athens County emission limits.'', 3745–18–12 ''Auglaize County emission limits.'', 3745–18–17 ''Champaign County emission limits.'', 3745–18–18 ''Clark County emission limits.'', 3745–18–28 ''Erie County emission limits.'', 3745–18–29 ''Fairfield County emission limits.'', 3745–18–31 ''Franklin County emission limits.'', 3745–18–34 ''Geauga County emission limits.'', 3745–18–35 ''Greene County emission limits.'', 3745–18–37 ''Hamilton County emission limits.'', 3745–18–38 ''Hancock County emission limits.'', 3745–18–49 ''Lake County emission limits.'', 3745–18–50 ''Lawrence County emission limits.'', 3745–18–53 ''Lorain County emission limits.'', 3745–18–57 ''Marion County emission limits.'', 3745–18–61 ''Miami County emission limits.'', 3745–18–63 ''Montgomery County emission limits.'', 3745–18–66 ''Muskingum County emission limits.'', 3745–18–68 ''Ottawa County emission limits.'', 3745–18–69 ''Paulding County emission limits.'', 3745–18–72 ''Pike County emission limits.'', 3745–18–76 ''Richland County emission limits.'', 3745–18–77 ''Ross County emission limits.'', 3745–18–78 ''Sandusky County emission limits.'', 3745–18–79 ''Scioto County emission limits.'', 3745–18–80 ''Seneca County emission limits.'', 3745–18–81 ''Shelby County emission limits.'', 3745–18–83 ''Summit County emission limits.'', 3745–18–84 ''Trumbull County emission limits.'', 3745–18–85 ''Tuscarawas County emission limits.'', 3745–18–87 ''Van Wert County emission limits.'', 3745–18–90 ''Washington County emission limits.'', 3745–18–91 ''Wayne County emission limits.'', and 3745–18–93 ''Wood County emission limits.'', adopted on January 13, 2006, effective January 23, 2006.

(B) January 13, 2006, ''Director's Final Findings and Orders'', signed by

Joseph P. Koncelik, Director, Ohio Environmental Protection Agency, adopting the rules identified in paragraph (A) above.

(C) Ohio Administrative Code Rules 3745–18–08 ''Allen County emission limits.'', 3745–18–15 ''Butler County emission limits.'', 3745–18–24 ''Cuyahoga County emission limits.'', and 3745–18–54 ''Lucas County emission limits.'', adopted on March 16, 2006, effective March 27, 2006.

(D) March 16, 2006, ''Director's Final Findings and Orders'', signed by Joseph P. Koncelik, Director, Ohio Environmental Protection Agency, adopting rules 3745–18–08, 3745–18–15, 3745–18–24, and 3745–18–54.

(E) Ohio Administrative Code Rule 3745–18–82 ''Stark County emission limits.'', adopted on November 28, 2007, effective December 8, 2007.

(F) November 28, 2007, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency, adopting rule 3745–18–82.

(137) On January 31, 2007, Ohio requested to rescind certain transportation conformity rules from the Ohio State Implementation Plan, which were previously approved in paragraph (c)(122) of this section. The rules that are being rescinded at Ohio's request are 3745–101–05, 3745–101–06, 3745–101–07, 3745–101–08, 3745–101–09, 3745–101–10, 3745–101–11, 3745–101–12, 3745–101–13, 3745–101–15, 3745–101–16, 3745–101–18, 3745–101–19, and 3745–101–20.

(138) On February 14, 2006, and October 6, 2006, the State of Ohio submitted a revision to the Ohio State Implementation Plan. This revision is for the purpose of establishing a gasoline Reid vapor pressure (RVP) limit of 7.8 pounds per square inch (psi) for gasoline sold in the Cincinnati and Dayton 8-hour ozone nonattainment areas which includes Hamilton, Butler, Clinton, Warren, Clermont, Clark, Greene, Miami, and Montgomery counties.

(i) Incorporation by reference. The following sections of the Ohio Administrative Code (OAC) are incorporated by reference.

(A) OAC Rule 3745–72–01: ''Applicability'', effective July 17, 2006 except for 3745–72–01(E).

(B) OAC Rule 3745–72–02: ''Definitions'', effective July 17, 2006.

(C) OAC Rule 3745–72–03: ''Gasoline volatility standards and general provisions'', effective January 16, 2006.

(D) OAC Rule 3745–72–04: ''Transfer documentation and recordkeeping'', effective January 16, 2006.

(E) OAC Rule 3745–72–05: ''Liability'', effective January 16, 2006.

(F) OAC Rule 3745–72–06: ''Defenses'', effective January 16, 2006.

(G) OAC Rule 3745–72–07: ''Special provisions for alcohol blends'', effective January 16, 2006.

(H) OAC Rule 3745–72–08: ''Quality assurance and test methods'', effective January 16, 2006.

(ii) Additional materials.

(A) Letter from Ohio EPA Director Joseph P. Koncelik to Regional Administrator Thomas Skinner, dated February 14, 2006.

(B) Letter from Ohio EPA Director Joseph P. Koncelik to Regional Administrator Mary Gade, dated October 6, 2006.

(139) On May 1, 2006, and supplemented on May 22, 2007, Ohio submitted final adopted state implementation plan revisions which concurrently rescinds and revises portions of the Ohio Administrative Code Chapter 3745–24 to be consistent with the Clean Air Act emission statement program reporting requirements for stationary sources. This revision includes amendments to the emission reporting regulation approved on October 13, 1994, and March 23, 1998, codified in paragraphs (c)(100) and (c)(117) of this section. The revision makes the rule more general to apply to all counties designated nonattainment for ozone, and not to a specific list of counties.

(i) Incorporation by reference. The following sections of the Ohio Administrative Code (OAC) are incorporated by reference.

(A) OAC Rule Chapter 3745–24–01: ''Definitions'', effective on December 16, 2005.

(B) OAC Rule Chapter 3745–24–02: ''Applicability'', effective on December 16, 2005.

(C) OAC Rule Chapter 3745–24–03: ''Deadlines for the submission of the emission statements'', effective on December 16, 2005.

(140) On July 15, 2009, and August 13, 2009, Ohio submitted rules addressing the requirements of the Clean Air Interstate Rule.

(i) *Incorporation by reference.*

(A) Ohio Administrative Code Rule 3745–109–01 ''CAIR $NO_X$ annual, CAIR $SO_2$ and CAIR $NO_X$ ozone season trading programs definitions and general provisions.'', Rule 3745–109–04 ''CAIR $NO_X$ allowance allocations.'', Rule 3745–109–07 ''Monitoring and Reporting.'', Rule 3745–109–08 ''CAIR $NO_X$ opt-in units.'', Rule 3745–109–11 ''CAIR $SO_2$ allowance tracking system.'', Rule 3745–109–12 ''CAIR $SO_2$ allowance transfers.'', Rule 3745–109–13 ''Monitoring and reporting.'', Rule 3745–109–14 ''CAIR $SO_2$ opt-in units.'', Rule 3745–109–17 ''CAIR $NO_X$ ozone season allowance allocations.'', Rule 3745–109–18 ''CAIR $NO_X$ ozone season allowance tracking system.'', Rule 3745–109–19 ''CAIR $NO_X$ ozone season allowance transfers.'', Rule 3745–109–20 ''Monitoring and reporting.'', and Rule 3745–109–21 ''CAIR $NO_X$ ozone season opt-in units.'', adopted on July 6, 2009, effective on July 16, 2009.

(B) July 6, 2009, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(C) Ohio Administrative Code Rule 3745–109–02 ''CAIR designated representative for CAIR $NO_X$ sources.'', Rule 3745–109–03 ''Permits.'', Rule 3745–109–05 ''CAIR $NO_X$ allowance tracking system.'', Rule 3745–109–06 ''CAIR $NO_X$ allowance transfers.'', Rule 3745–109–09 ''CAIR designated representative for CAIR $SO_2$ sources.'', Rule 3745–109–10 ''Permits.'', Rule 3745–109–15 ''CAIR designated representative for CAIR $NO_X$ ozone season sources.'', and Rule 3745–109–16 ''Permits.'', adopted on September 17, 2007, effective on September 27, 2007.

(D) September 17, 2007, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(141) Ohio Environmental Protection Agency, on June 16, 2005, submitted amendments to the State Implementation Plan to control nitrogen oxide emissions from internal combustion engines in new rule Ohio Administrative Code (OAC) 3745–14–12. This rule adds stationary internal combustion engines to the list of sources in the Ohio $NO_X$ SIP Call emission reduction program. Also, OAC 3745–14–01, General Provisions, is amended. This rule contains definitions used for the nitrogen oxides rules, expands the definition of $NO_X$ budget unit, adds definitions for the internal combustion engine rule, amends definition associated with continuous emissions monitoring, and makes corrections to typographical errors. OAC 3745–14–05 Portions of this rule are amended to correctly line up with the changes made in the definitions section of the $NO_X$ plan. Typographical errors are also corrected.

(i) Incorporation by reference. The following sections of the Ohio Administrative Code (OAC) are incorporated by reference.

(A) OAC 3745–14–01, General Provisions, effective on May 07, 2005.

(B) OAC 3745–14–05, $NO_X$ Allowance Allocations, effective on May 07, 2005.

(C) OAC 3745–14–12, Stationary Internal Combustion Engines, effective on May 7, 2005.

(142) [Reserved]

(143) On September 7, 2006, Ohio submitted revisions to Ohio Administrative Code Chapter 3745–19, Rules 3745–19–01 through 3745–19–05 including the 3754–19–03 Appendix. The revisions update Ohio's open burning regulations. Ohio added requirements for specific types of burning: emergency burning, recreational fires, hazardous material disposal, and firefighting training. The State also added or refined some of the definitions.

(i) Incorporation by reference.

(A) Ohio Administrative Code Chapter 3745: Ohio Environmental Protection Agency, Chapter 19: Open Burning Standards, Rule 3745–19–01: Definitions, Rule 3745–19–02: Relations to Other Prohibitions, Rule 3745–19–03: Open Burning in Restricted Areas with Appendix ''Open Burning of Storm Debris Conditions'', Rule 3745–19–04: Open Burning in Unrestricted Areas, and Rule 3745–19–05: Permission to Individuals and Notification to the Ohio EPA. The rules were effective on July 7, 2006.

(B) June 27, 2006, ''Director's Final Findings and Orders'', signed by Joseph P. Koncelik, Director, Ohio Environmental Protection Agency, adopting

rules 3745–19–01, 3745–19–02, 3745–19–03, 3745–19–04, and 3745–19–05.

(144) The Ohio Environmental Protection Agency formally submitted revisions to Ohio's Administrative Code on August 7, 2007. These revisions consists of Rule 3745–21–17 which impacts sale, use, and manufacture of Portable Fuel Containers in the State of Ohio.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–21–17 ''Portable fuel containers'', adopted on June 11, 2007, effective on June 21, 2007.

(B) June 11, 2007, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(145) On September 14, 2004, Ohio submitted modifications to its Prevention of Significant Deterioration and nonattainment New Source Review rules as a revision to the State implementation plan.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–31–01, Definitions: (C), (D), (E), (J), (M), (N), (O), (P), (Q), (S), (T), (U), (V), (W), (X), (DD), (EE), (FF), (GG), (JJ), (MM), (NN), (QQ), (DDD), (EEE), (FFF), (JJJ), (KKK), (NNN), (UUU), (VVV), (WWW), (XXX), (YYY), (ZZZ), (CCCC), (DDDD), (EEEE), (FFFF), (GGGG), (HHHH), (IIII), (JJJJ), (KKKK), (LLLL), (MMMM), (OOOO), (PPPP), (QQQQ), (SSSS), (VVVV), (WWWW), (XXXX), (ZZZZ), (DDDDD), (EEEEE), (HHHHH), (KKKKK), (LLLLL), (PPPPP), (QQQQQ), (UUUUU), and (XXXXX), adopted on October 18, 2004, effective October 28, 2004.

(B) Ohio Administrative Code Rules 3745–31–01, Definitions: (III) and (SSS), 3745–31–10 ''Air Stationary Source Obligations.'', and 3745–31–22 ''Nonattainment Provisions—Conditions for Approval'', adopted on October 18, 2004, effective October 28, 2004 and revised by the November 15, 2005 letter from Joseph P. Koncelik to Thomas Skinner. This letter, included as Additional material in paragraph (145)(ii)(B) below, removes references to the Pollution Control Project (PCP) and Clean Unit provisions vacated by a June 24, 2005 DC Circuit Court of Appeals decision.

(C) Ohio Administrative Code Rules 3745–31–09 ''Air permit to install completeness determinations, public participation and public notice.'', 3745–31–13 ''Attainment provisions—review of major stationary sources and major modifications, stationary source applicability and exemptions.'', 3745–31–15 ''Attainment provisions—Control Technology Review.'', 3745–31–21 ''Nonattainment provisions—review of major stationary sources and major modifications—stationary source applicability and exemptions.'', 3745–31–24 ''Non-attainment Provisions—Baseline for Determining Credit for Emission and Air Quality Offsets.'', 3745–31–26 ''Nonattainment Provisions—Offset Ratio Requirements.'', and 3745–31–32 ''Plantwide applicability limit (PAL).'', adopted on October 18, 2004, effective October 28, 2004.

(D) October 18, 2004, ''Director's Final Findings and Orders'', signed by Christopher Jones, Director, Ohio Environmental Protection Agency, adopting rules 3745–31–01, 3745–31–09, 3745–31–10, 3745–31–13, 3745–31–15, 3745–31–21, 3745–31–22, 3745–31–24, 3745–31–26, 3745–31–30, 3745–31–31, and 3745–31–32.

(ii) Additional material.

(A) Ohio Administrative Code Rule 3745–31–01, Definitions: (ZZZZZ) adopted on October 18, 2004, effective October 28, 2004.

(B) Letter dated November 15, 2005, from Ohio EPA Director Joseph P. Koncelik to Regional Administrator Thomas Skinner, titled Request for Approval of Ohio Administrative Code (''OAC'') Chapter 3745–31 NSR Reform Rule Changes into the State Implementation Plan (''SIP'').

(146) On September 4, 2008, and March 23, 2009, the Ohio Environmental Protection Agency submitted several volatile organic compound rules for approval into the Ohio State Implementation Plan. Only those paragraphs in 3745–21–09 that were revised in the September 4, 2008, and/or March 23, 2009, submittals have been incorporated into the SIP.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–21–01 ''Definitions.'', adopted March 23, 2009, effective April 2, 2009.

(B) Ohio Administrative Code Rule 3745–21–02 ''Ambient air quality standards and guidelines.'', adopted August 15, 2008, effective August 25, 2008.

(C) Ohio Administrative Code Rule 3745–21–03 ''Methods of ambient air quality measurement.'', adopted August 15, 2008, effective August 25, 2008.

(D) Ohio Administrative Code Rule 3745–21–04 ''Attainment dates and compliance time schedules.'', adopted March 23, 2009, effective April 2, 2009.

(E) Ohio Administrative Code Rule 3745–21–06 ''Classification of Regions.'', adopted August 15, 2008, effective August 25, 2008.

(F) Ohio Administrative Code Rule 3745–21–08 ''Control of carbon monoxide emissions from stationary sources.'', adopted August 15, 2008, effective August 25, 2008.

(G) Ohio Administrative Code Rule 3745–21–09 ''Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities'': (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (O), (P), (R), (S), (T), (U)(1)(a), (U)(1)(b), (U(1)(c), (U)(1)(d), (U)(1)(e), (U)(1)(f), (U)(1)(g), (U)(1)(i), (U)(2)(f), (U)(2)(j), (U)(2)(k), (U)(2)(l), (W), (X), (Y), (Z), (DD), (HH), (NN), (RR), (SS), (TT), (VV), (YY), (DDD), adopted March 23, 2009, effective April 2, 2009.

(H) Ohio Administrative Code Rule 3745–21–10 ''Compliance test methods and procedures.'', adopted August 15, 2008, effective August 25, 2008.

(I) Ohio Administrative Code Rule 3745–21–12 ''Control of volatile organic compound emissions from commercial bakery oven facilities.'', adopted August 15, 2008, effective August 25, 2008.

(J) Ohio Administrative Code Rule 3745–21–13 ''Control of volatile organic compounds from reactors and distillation units employed in SOCMI chemical production.'', adopted August 15, 2008, effective August 25, 2008.

(K) Ohio Administrative Code Rule 3745–21–14 ''Control of Volatile organic compound emissions from process vents in batch operations.'', adopted March 23, 2009, effective April 2, 2009.

(L) Ohio Administrative Code Rule 3745–21–15 ''Control of volatile organic compound emissions from wood furniture manufacturing operations.'', adopted August 15, 2008, effective August 25, 2008.

(M) Ohio Administrative Code Rule 3745–21–16 ''Control of volatile organic compound emissions from industrial wastewater.'', adopted March 23, 2009, effective April 2, 2009.

(N) Ohio Administrative Code Rule 3745–21–18 ''Commercial Motor Vehicle and Mobile Equipment Refinishing Operations.'', adopted March 23, 2009, effective April 2, 2009.

(O) Ohio Administrative Code Rule 3745–21–19 ''Control of volatile organic compound emissions from aerospace manufacturing and rework facilities.'', adopted August 15, 2008, effective August 25, 2008.

(P) Ohio Administrative Code Rule 3745–21–20 ''Control of volatile organic compound emissions from shipbuilding and ship repair operations.'', adopted August 15, 2008, effective August 25, 2008.

(Q) Ohio Administrative Code Rule 3745–21–21 ''Storage of volatile organic liquids in fixed roof tanks and external floating roof tanks.'', adopted March 23, 2009, effective April 2, 2009.

(R) Ohio Administrative Code Rule 3745–21–22 ''Lithographic and letterpress printing.'', adopted March 23, 2009, effective April 2, 2009.

(S) Ohio Administrative Code Rule 3745–21–23 ''Industrial cleaning solvents.'', adopted March 23, 2009, effective April 2, 2009.

(T) Ohio Administrative Code Rule 3745–21–24 ''Flat wood paneling coatings.'', adopted March 23, 2009, effective April 2, 2009.

(U) August 15, 2008, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(V) March 23, 2009, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(147) On October 5, 2007, Ohio submitted revisions to Ohio Administrative Code Chapter 3745–112, Rules 3745–112–01 through 3745–112–08. The revisions regulate the volatile organic compounds content of consumer products.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–112–01 ''Definitions.'', Rule 3745–112–02 ''Applicability.'', Rule 3745–112–03 ''Standards.'', Rule 3745–112–04 ''Exemptions.'', Rule 3745–112–05 ''Administrative requirements.'', Rule 3745–112–06 ''Reporting requirements.'', Rule

3745–112–07 ''Variances.'', and Rule 3745–112–08 ''Test methods.'', adopted September 5, 2007, effective on September 15, 2007.

(B) September 5, 2007, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(148) On March 17, 2009, Ohio submitted revisions to Ohio Administrative Code Chapter 3745–15, Rules 3745–15–01 and 3745–15–05. The revisions pertain to general provisions of OAC Chapter 3745.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–15–01 ''Definitions.'' and Rule 3745–15–05 ''De minimis' air contaminant source exemption.'' The rules were adopted on January 12, 2009, and became effective on January 22, 2009.

(B) January 12, 2009, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(149) On October 9, 2000, February 6, 2001, August 3, 2001, and June 24, 2003, Ohio submitted revisions to Ohio Administrative Code (OAC) Chapter 3745–21 to address a variety of changes to its Carbon Monoxide and Volatile Organic Compounds regulations. The pertinent provisions are in OAC 3745–21–09; for other rules in these submittals, later versions have been addressed in separate rulemaking (*see* paragraph 146 of this section).

(i) Incorporation by reference.

(A) The following paragraphs of OAC 3745–21–09, entitled *''Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities,''* as adopted by Ohio on October 25, 2002, effective on November 5, 2002:

(1) Paragraphs (A)(4), (B)(3)(a), (B)(3)(d), (B)(3)(e), (B)(3)(f), (B)(3)(h), (B)(3)(j), (B)(3)(l), (B)(4)(a), (B)(4)(b), (C)(4), (H)(1), (H)(3), (O)(5)(b), (O)(6), (R)(4), (U)(2)(h), (Y)(1)(a)(i), (AA)(1)(b), (AA)(1)(c), (FF)(1), (II)(2), (II)(3), (II)(4), (KK)(1), (NN), (OO), (PP)(2), (UU)(3), (DDD), and Appendix A.

(2) Within paragraph (U), the undesignated paragraph following (U)(2)(e).

(B) October 25, 2002, ''Director's Final Findings and Orders'', signed by Christopher Jones, Director, Ohio Environmental Protection Agency.

(ii) Additional Information. The following permits to install authorizing exemptions under OAC Rule 3745–21–09(U)(2)(f) were issued by Ohio during the time period when the State had unilateral authority to issue them.

(A) Permit To Install issued by the State Of Ohio to Chase Industries, Inc, Cincinnati, OH, on June 24, 1998, for emissions unit K002, pursuant to application number 14–4578.

(B) Permit To Install issued by the State Of Ohio to CAE Ransohoff, Inc., Union, OH, on March 5, 1997, for emissions units K001 and K002, pursuant to application number 14–4268.

(C) Permit To Install issued by the State Of Ohio to Phoenix Presentations, Inc., Butler County, OH, on January 21, 1999, for emissions units R001, R002, and R003, pursuant to application number 14–4612.

(D) Permit To Install issued by the State Of Ohio to CTL Aerospace, Inc., Cincinnati, OH, on August 19, 1998, for emissions unit R005, pursuant to application number 14–4572.

(E) Permit To Install issued by the State Of Ohio to Hamilton Fixture, Hamilton, OH, on April 24, 1996, for emissions unit R006, pursuant to application number 14–4014.

(F) Permit To Install issued by the State Of Ohio to Lt. Moses Willard, Inc., Milford, OH, on December 23, 1997, for emissions units K001 and K002, pursuant to application number 14–4220.

(G) Permit To Install issued by the State Of Ohio to WHM Equipment Co., Cincinnati, OH, on May 28, 1997, for emissions unit K001, pursuant to application number 14–4348.

(H) Permit To Install issued by the State Of Ohio to Panel-Fab, Inc., Cincinnati, OH, on June 12, 1996, for emissions unit K001, pursuant to application number 14–4027.

(I) Permit To Install issued by the State Of Ohio to Cincinnati Fan & Ventilator, Mason, OH, on June 15, 1995, for emissions unit K003, pursuant to application number 14–3774.

(J) Permit To Install issued by the State Of Ohio to Honda of America Manufacturing, Inc., Marysville, OH, on December 24, 1997, for emissions units R003, and R103, pursuant to application number 01–6743.

(K) Permit To Install issued by the State Of Ohio to Durr Ecoclean, Inc. (formerly Henry Filters, Inc.), Bowling Green, OH, on June 26, 1996, for emissions unit K001 pursuant to application number 03–9510.

(L) Permit To Install issued by the State Of Ohio to Honda of America Manufacturing, Inc., East Liberty, OH, on April 17, 1996, for emissions units K009 and K013, pursuant to application number 05–7923.

(M) Permit To Install issued by the State Of Ohio to American Trim, LLC (formerly Stolle Corporation, Stolle Products Division), Sidney, OH, on September 13, 1995, K045, pursuant to application number 05–7329.

(N) Permit To Install issued by the State Of Ohio to American Trim, LLC (formerly Stolle Products), Sidney, OH, on December 3, 1998, for emissions unit K048, pursuant to application number 05–9516.

(O) Permit To Install issued by the State Of Ohio to Hawkline Nevada, LLC (formerly Trinity Industries, Inc.), Plant 101, Mt. Orab, OH, on February 28, 1996, for emissions unit K001, pursuant to application number 07–407.

(P) Permit To Install issued by the State Of Ohio to American Trim, LLC (formerly Superior Metal Products), Lima, OH, on July 23, 1997, for emissions unit K002, pursuant to application number 03–0397.

(150) On August 22, 2008, Ohio submitted revisions to

Ohio Administrative Code Chapter 3745–17, Rules 3745–17–01 through 3745–112–14. The revisions contain particulate matter standards in the State of Ohio necessary to attain and maintain the 2006 24-hour $PM_{2.5}$, annual $PM_{2.5}$ and 24-hour $PM_{10}$ NAAQS.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–17–01 Definitions: (A) and (B), Rule 3745–17–02 Ambient air quality standards, Rule 3745–17–04 Compliance time schedules, Rule 3745–17–07 Control of visible particulate emissions from stationary sources, Rule 3745–17–08 Restriction of emission of fugitive dust, Rule 3745–17–09 Restrictions on particulate emissions and odors from incinerators, Rule 3745–17–10 Restrictions on particulate emissions from fuel burning equipment, Rule 3745–17–12 Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county, Rule 3745–17–13 Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson county, and Rule 3745–17–14 Contingency plan requirements for Cuyahoga and Jefferson counties. The rules became effective on February 1, 2008.

(B) January 22, 2008, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(ii) Additional Information.

(A) Ohio Administrative Code Rule 3745–17–01 Definitions: (C), effective on February 1, 2008.

(151) On September 10, 2009, Ohio EPA submitted amendments to the OAC with the intent to consolidate Ohio's Ambient Air Quality Standards into a single rule to provide greater accessibility for the regulated community and to the citizens of Ohio. EPA is approving the request because the revisions clarify the state's rules and thus better serve the purpose of providing for meeting these standards.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–17–03 ''Measurement methods and procedures.'', effective April 18, 2009.

(B) Ohio Administrative Code Rule 3745–17–14 ''Contingency plan requirements for Cuyahoga and Jefferson counties.'', effective April 18, 2009.

(C) Ohio Administrative Code Rule 3745–18–03 ''Attainment dates and compliance time schedules.'', effective April 18, 2009.

(D) Ohio Administrative Code Rule 3745–23–01 ''Definitions.'', effective April 18, 2009.

(E) Ohio Administrative Code Rule 3745–23–02 ''Methods of measurement.'', effective April 18, 2009.

(F) Ohio Administrative Code Rule 3745–25–01 ''Definitions.'', effective April 18, 2009.

(G) Ohio Administrative Code Rule 3745–25–02 ''Ambient air quality standards.'', effective April 18, 2009.

(H) Ohio Administrative Code Rule 3745–25–03 ''Air pollution emergencies and episode criteria.'', effective August 21, 2009.

(I) Ohio Administrative Code Rule 3745–25–04 ''Air pollution emergency

emission control action programs.'', effective April 18, 2009.

(J) Ohio Administrative Code Rule 3745–25–05 ''Air pollution emergency orders.'', effective April 18, 2009.

(K) April 8, 2009, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(L) August 11, 2009, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(152) On March 9, 2010, the Ohio Environmental Protection Agency (Ohio EPA) submitted revisions to its previously approved offset lithographic and letterpress printing volatile organic compound (VOC) rule for approval into its state implementation plan (SIP). This submittal revises certain compliance dates and recordkeeping requirements.

(i) *Incorporation by reference.*

(A) Ohio Administrative Code Rule 3745–21–22 ''Control of volatile organic compound emissions from offset lithographic printing and letterpress printing facilities.'', effective February 10, 2010.

(B) January 29, 2010, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio EPA.

[37 FR 10886, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1870, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1871 Classification of regions.

The Ohio plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Greater Metropolitan Cleveland Intrastate | I | I | III | III | I |
| Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate | I | III | III | III | III |
| Mansfield-Marion Intrastate | II | II | III | III | III |
| Metropolitan Cincinnati Interstate | I | II | III | III | I |
| Metropolitan Columbus Intrastate | I | III | III | III | I |
| Metropolitan Dayton Intrastate | I | II | III | III | I |
| Metropolitan Toledo Interstate | I | I | III | III | I |
| Northwest Ohio Intrastate | II | I | III | III | III |
| Northwest Pennsylvania-Youngstown Interstate | I | II | III | III | III |
| Parkersburg (West Virginia)-Marietta (Ohio) Interstate | I | II | III | III | III |
| Sandusky Intrastate | III | III | III | III | III |
| Steubenville-Weirton-Wheeling Interstate | I | I | III | III | III |
| Wilmington-Chillicothe-Logan Intrastate | III | III | III | III | III |
| Zanesville-Cambridge Intrastate | II | IA | III | III | III |

[37 FR 10886, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 45 FR 72146, Oct. 31, 1980]

### § 52.1872 [Reserved]

### § 52.1873 Approval status.

(a) With the exceptions set forth in this subpart the Administrator approves Ohio's 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 the requirements of Part D, Title 1 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 January 1, 1981 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)(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 will have the potential to emit 75,000 tpy $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 ($CO_2e$) 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 $CO_2e$.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 3745–31–01(III)(4) of Ohio's Administrative Code) and a significant net emissions increase (as defined in paragraphs 3745–31–01, paragraphs (SSS) and (LLLLL)(1) of Ohio's Administrative Code) occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in paragraph 3745–31–01(LLLLL)(2) of Ohio's Administrative Code.

[75 FR 82559, Dec. 30, 2010]

### § 52.1874 [Reserved]

### § 52.1875 Attainment dates for achieving the sulfur dioxide secondary standard.

The attainment date for achieving the sulfur dioxide ($SO_2$) secondary national ambient air quality standard (NAAQS) is August 27, 1979 except as follows. The following sources are required to achieve the secondary $SO_2$ NAAQS by June 17, 1980: Youngstown Sheet & Tube Co.; PPG Industries, Inc.; Wheeling-Pittsburgh Steel Corp.; Pittsburgh-Canfield Corporation; The Timken Company; The Sun Oil Co.; Sheller-Globe Corp.; The B.F. Goodrich Company; Phillips Petroleum Co.; Shell Oil Co.; Federal Paper Board Co.; The Firestone Tire & Rubber Co.; Republic Steel Corp.; Chase Bag Co.; White-Westinghouse Corp.; U.S. Steel Corp.; Interlake, Inc.; Austin Power Co.; Diamond Crystal Salt Co.; The Goodyear Tire & Rubber Co.; The Gulf Oil Co.; The Standard Oil Co.; Champion International Corp.; Koppers Co., Inc.; General Motors Corp.; E.I. duPont de Nemours and Co.; Coulton Chemical Corp.; Allied Chemical Corp.; Specialty Chemical Division; The Hoover Co.; Aluminum Co. of America; Ohio Greenhouse Asso.; Armco Steel Corp.; Buckeye Power, Inc.; Cincinnati Gas and Electric; Cleveland Electric Illuminating Co.; Columbus and Southern Ohio Electric; Dayton Power and Light Co.; Duquesne Light Co.; Ohio Edison Co.; Ohio Electric Co.; Pennsylvania Power Co.; Toledo Edison Co.; Ohio

Edison Co.; RCA Rubber Co. The Ashland Oil Company is subject to a secondary $SO_2$ NAAQS attainment date of September 14, 1982. The following sources located in Summit County are required to achieve the secondary $SO_2$ NAAQS by January 4, 1983: Diamond Crystal Salt; Firestone Tire & Rubber Co.; General Tire & Rubber Co.; General Tire & Rubber; B.F. Goodrich Co.; Goodyear Aerospace Corp.; Goodyear Tire & Rubber Co.; Chrysler Corp.; PPG Industries Inc.; Seiberling Tire & Rubber; Terex Division of General Motors Corp.; Midwest Rubber Reclaiming; Kittinger Supply Co. The boiler of PPG Industries, Inc. located in Summit County must achieve attainment of the secondary $SO_2$ NAAQS by August 25, 1983. The Portsmouth Gaseous Diffusion Plant in Pike County is required to attain the secondary $SO_2$ NAAQS by November 5, 1984. The Ohio Power Company Galvin Plant located in Gallia County is required to attain the secondary $SO_2$ NAAQS by August 25, 1985.

[61 FR 16062, Apr. 11, 1996]

### § 52.1876 Control strategy: Nitrogen dioxide.

(a) The condition to EPA's approval of the oxides of nitrogen State Implementation Plan (SIP) codified at 40 CFR 52.1870(c)(128) is satisfied by Ohio's November 26, 2003, submittal of the change to the flow control date in the oxides of nitrogen budget trading SIP.

(b) [Reserved]

[69 FR 13234, Mar. 22, 2004]

### § 52.1877 Control strategy: Photochemical oxidants (hydrocarbons).

(a) The requirements of Subpart G of this chapter are not met because the Ohio plan does not provide for the attainment and maintenance of the national standard for photochemical oxidants (hydrocarbons) in the Metropolitan Cincinnati interstate region by May 31, 1975.

(b) The requirements of § 52.14 are not met by Rule 3745–21–09(N)(3) (a) and (e); Rule 3745–21–09(Z)(1)(a); Rule 3745–21–10, Section G; and Rule 3745–21–10, Section H, because these Ohio Rules do not provide for attainment and maintenance of the photochemical oxidant (hydrocarbon) standards throughout Ohio.

(1) USEPA is disapproving new exemptions for the use of cutback asphalt [(Rule 3745–21–09(N)(3) (a) and (e)], because Ohio did not provide documentation regarding the temperature ranges in the additional two months that the State permits the use of cutback asphalts, and a lack of training is not sufficient reason for the 1000 gallons exemptions.

(2) USEPA is disapproving Section V [Rule 3745–21–09(V)], because it contains an alternative leak testing procedure for gasoline tank trucks which USEPA finds to be unapprovable.

(3) USEPA is disapproving exclusion of the external floating roof (crude oil) storage tanks from the secondary seal requirement [Rule 3745–21–09(Z)(1)(a)], because Ohio has not demonstrated that the relaxation would not interfere with the timely attainment and maintenance of the NAAQS for ozone.

(4) USEPA is disapproving compliance test method Section G, [Rule 3745–21–10] as an alternative leak testing procedure for gasoline tank trucks, because such action on Section G, is consistent with USEPA's action on Rule 3745–21–09(V), which USEPA finds to be unapprovable.

(5) USEPA is disapproving compliance test method Section H, [Rule 3745–21–10], which involves a pressure test of only the vapor recovery lines and associated equipment. Compliance test method Section H is inconsistent with USEPA's control technique guidances and with tank truck certification regulations that are in effect in 19 other States. In addition, OEPA has presented no acceptable evidence demonstrating why this rule constitutes RACT.

[38 FR 30974, Nov. 8, 1973, as amended at 39 FR 13542, Apr. 15, 1974; 51 FR 40676, Nov. 7, 1986; 54 FR 1940, Jan. 18, 1989]

### § 52.1878 [Reserved]

### § 52.1879 Review of new sources and modifications.

(a) The requirements of sections 172, 173, 182, and 189 for permitting of major new sources and major modifications in nonattainment areas for ozone, particulate matter, sulfur dioxide, and carbon monoxide are not met, because

Ohio's regulations exempt source categories which may not be exempted and because the State has not adopted the new permitting requirements of the Clean Air Act Amendments of 1990 in a clear or enforceable manner.

(b) [Reserved]

(c) The requirements of § 51.161 of this chapter are not met because the State failed to submit procedures providing for public comment on review of new or modified stationary sources.

(d) Regulation providing for public comment. (1) For purposes of this paragraph, *Director* shall mean the *Director of the Ohio Environmental Protection Agency*.

(2) Prior to approval or disapproval of the construction or modification of a stationary source, the Director shall:

(i) Make a preliminary determination whether construction or modification of the stationary source should be approved, approved with conditions or disapproved;

(ii) Make available in at least one location in the region in which the proposed stationary source would be constructed or modified, a copy of all materials submitted by the owner or operator, a copy of the Director's preliminary determination, and a copy or summary of other materials, if any, considered by the Director in making his preliminary determination; and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the region in which the proposed stationary source would be constructed or modified, of the opportunity for public comment on the information submitted by the owner or operator and the Director's preliminary determination on the approvability of the new or modified stationary source.

(3) A copy of the notice required pursuant to this paragraph shall be sent to the Administrator through the appropriate regional office and to all other State and local air pollution control agencies having jurisdiction within the region where the stationary source will be constructed or modified.

(4) Public comments submitted in writing within 30 days of the date such information is made available shall be considered by the Director in making his final decision on the application.

(e) Approval—EPA is approving requests submitted by the State of Ohio on March 18, November 1, and November 15, 1994, for exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts the following counties in Ohio from the $NO_X$ related general and transportation conformity provisions and nonattainment area NSR for new sources and modifications that are major for $NO_X$: Clinton, Columbiana, Delaware, Franklin, Jefferson, Licking, Mahoning, Preble, Stark, and Trumbull. This approval also exempts the following counties in Ohio from the $NO_X$ related general conformity provisions; nonattainment area NSR for new sources and modifications that are major for $NO_X$; $NO_X$ RACT; and a demonstration of compliance with the enhanced I/M performance standard for $NO_X$: Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit.

(f) Approval—USEPA is approving two exemption requests submitted by the Ohio Environmental Protection Agency on September 20, 1993, and November 8, 1993, for the Toledo and Dayton ozone nonattainment areas, respectively, from the requirements contained in Section 182(f) of the Clean Air Act. This approval exempts the Lucas, Wood, Clark, Greene, Miami, and Montgomery Counties from the requirements to implement reasonably available control technology (RACT) for major sources of nitrogen oxides ($NO_X$), nonattainment area new source review (NSR) for new sources and modifications that are major for $NO_X$, and the $NO_X$-related requirements of the general and transportation conformity provisions. For the Dayton ozone nonattainment area, the Dayton local area has opted for an enhanced inspection and maintenance (I/M) programs. Upon final approval of this exemption, the Clark, Greene, Miami, and Montgomery Counties shall not be required to demonstrate compliance with the enhanced I/M performance standard for $NO_X$. If a violation of the ozone NAAQS is monitored in the Toledo or Dayton area(s), the exemptions from the requirements of Section 182(f) of the Act in the applicable area(s) shall no longer apply.

(g) Approval—EPA is approving an exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts Butler, Clermont, Hamilton, and Warren counties in Ohio from nonattainment NSR for new sources and modifications that are major for $NO_X$.

[39 FR 13542, Apr. 15, 1974, as amended at 45 FR 72122, Oct. 31, 1980; 45 FR 82927, Dec. 17, 1980; 51 FR 40677, Nov. 7, 1986; 58 FR 47214, Sept. 8, 1993; 59 FR 48395, Sept. 21, 1994; 60 FR 3766, Jan. 19, 1995; 60 FR 36060, July 13, 1995; 65 FR 37899, June 19, 2000]

### §52.1880 Control strategy: Particulate matter.

(a) The requirements of subpart G of this chapter are not met because the Ohio plan does not provide for attainment and maintenance of the secondary standards for particulate matter in the Greater Metropolitan Cleveland Intrastate Region and the Ohio portions of the Northwest Pennsylvania-Youngstown and the Steubenville-Weirton-Wheeling Interstate Regions.

(b) In Pickaway County, Columbus and Southern Ohio Electric Company, or any subsequent owner or operator of the Picway Generating Station, shall not operate simultaneously Units 3 and 4 (boilers 7 and 8) at any time. These units will terminate operation no later than October 1, 1980.

(c) Ohio Regulation EP–12 (open burning) is disapproved insofar as EP–12–03(D)(1) and EP–12–04(D)(1) allow open burning of hazardous or toxic materials.

(d)–(f) [Reserved]

(g) The B.F. Goodrich Chemical Plant State Implementation Plan revision is being disapproved because it is not supported by an adequate attainment demonstration and therefore does not meet the requirements of §51.13(e).

(h) *Approval.* On January 4, 1989, the State of Ohio submitted a committal SIP for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers ($PM_{10}$) for Ohio's Group II areas. The Group II areas of concern are in Belmont, Butler, Columbiana, Franklin, Hamilton, Lorain, Mahoning, Montgomery, Richland, Sandusky, Scioto, Seneca, Stark, Summit, Trumbull, and Wyandot 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.

(i) Part D—Disapproval—Ohio's Part D TSP plan for the Middletown area is disapproved. Although USEPA is disapproving the plan, the emission limitations and other requirements in the federally approved SIP remain in effect. See §52.1870(c)(27).

(j) Approval—EPA is approving the PM10 maintenance plan for Cuyahoga and Jefferson Counties that Ohio submitted on May 22, 2000, and July 13, 2000.

*(k) Determinations of Attainment.* EPA has determined, as of November 20, 2009, the Parkerburg-Marietta, WV-OH and the Wheeling, WV-OH $PM_{2.5}$ nonattainment areas have attained the 1997 $PM_{2.5}$ NAAQS. These determinations, in accordance with 40 CFR 52.1004(c), suspend the requirements for these areas 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 these areas continue to meet the 1997 $PM_{2.5}$ NAAQS.

[39 FR 13542, Apr. 15, 1974, as amended at 43 FR 4259, Feb. 1, 1978; 43 FR 4611, Feb. 3, 1978; 43 FR 16736, Apr. 20, 1978; 46 FR 19472, Mar. 31, 1981; 46 FR 43423, Aug. 28, 1981; 49 FR 48544, Dec. 13, 1984; 50 FR 5250, Feb. 7, 1985; 51 FR 40676, Nov. 7, 1986; 55 FR 11371, Mar. 28, 1990; 55 FR 29846, July 23, 1990; 59 FR 27472, May 27, 1994; 65 FR 77318, Dec. 11, 2000; 74 FR 60203, Nov. 20, 2009]

### §52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

(a) USEPA is approving, disapproving or taking no action on various portions of the Ohio sulfur dioxide control plan as noticed below. The disapproved portions of the Ohio plan do not meet the requirements of §51.13 of this chapter in that they do not provide for attainment and maintenance of the national standards for sulfur oxides (sulfur dioxide). (Where USEPA has approved the State's sulfur dioxide plan, those regulations supersede the federal sulfur dioxide plan contained in paragraph (b) of this section and §52.1882.)

(1) Approval—USEPA approves the following OAC Rule: 3745–18–01 Definitions, 3745–18–02 Ambient Air Quality Standards-Sulfur Dioxide, 3745–18–05 Ambient and Meteorological Monitoring Requirements, 3745–18–06 General Emission Limit Provisions.

(2) Approval—USEPA approves the Ohio Rules 3745–18–03 Attainment Dates and Compliance Time Schedules except for those provisions listed in § 52.1881(a)(5).

(3) Approval—USEPA approves the Ohio Rules 3745–18–04 Emission Measurement Methods except for those provisions listed in § 52.1881(a)(6).

(4) Notwithstanding the portions of Ohio's sulfur dioxide rules identified in this section that EPA has either disapproved or taken no action on, EPA has approved a complete plan addressing all counties in the State of Ohio. EPA has approved the following rules, supplemented by any additional approved rules specified in 40 CFR 52.1870:

(i) Rules as effective in Ohio on December 28, 1979: OAC 3745–18–04(A), (B), (C), (D)(1), (D)(4), (E)(1), and (H) (measurement methods), OAC 3745–18–05 (ambient monitoring), OAC 3745–18–09 (Ashland County), OAC 3745–18–13 (Belmont), OAC 3745–18–14 (Brown), OAC 3745–18–16 (Carroll), OAC 3745–18–19 (Clermont)—except for one paragraph approved later (CG&E Beckjord), OAC 3745–18–20 (Clinton), OAC 3745–18–21 (Columbiana), OAC 3745–18–23 (Crawford), OAC 3745–18–25 (Darke), OAC 3745–18–26 (Defiance), OAC 3745–18–27 (Delaware), OAC 3745–18–30 (Fayette), OAC 3745–18–32 (Fulton), OAC 3745–18–36 (Guernsey), OAC 3745–18–39 (Hardin), OAC 3745–18–40 (Harrison), OAC 3745–18–41 (Henry), OAC 3745–18–42 (Highland), OAC 3745–18–43 (Hocking), OAC 3745–18–44 (Holmes), OAC 3745–18–45 (Huron), OAC 3745–18–46 (Jackson), OAC 3745–18–48 (Knox), OAC 3745–18–51 (Licking), OAC 3745–18–52 (Logan), OAC 3745–18–55 (Madison), OAC 3745–18–58 (Medina), OAC 3745–18–59 (Meigs), OAC 3745–18–60 (Mercer), OAC 3745–18–62 (Monroe), OAC 3745–18–64 (Morgan)—except for one paragraph approved later (OP Muskingum River), OAC 3745–18–65 (Morrow), OAC 3745–18–67 (Noble), OAC 3745–18–70 (Perry), OAC 3745–18–73 (Portage), OAC 3745–18–74 (Preble), OAC 3745–18–75 (Putnam), OAC 3745–18–86 (Union), OAC 3745–18–88 (Vinton), OAC 3745–18–89 (Warren), OAC 3745–18–92 (Williams), and OAC 3745–18–94 (Wyandot);

(ii) Rules as effective in Ohio on October 1, 1982: OAC 3745–18–64 (B) (OP Muskingum River in Morgan County);

(iii) Rules as effective in Ohio on May 11, 1987: OAC 3745–18–19(B) (CG&E Beckjord);

(iv) Rules as effective in Ohio on October 31, 1991: OAC 3745–18–04 (D)(7), (D)(8)(a) to (D)(8)(e), (E)(5), (E)(6)(a), (E)(6)(b), (F), and (I) (measurement methods);

(v) Rules as effective in Ohio on July 25, 1996: OAC 3745–18–47 (Jefferson);

(vi) Rules as effective in Ohio on March 21, 2000: OAC 3745–18–04(D)(8), (D)(9), and (E)(7) (measurement methods), OAC 3745–18–22 (Coshocton), OAC 3745–18–33 (Gallia), and OAC 3745–18–71 (Pickaway);

(vii) Rules as effective in Ohio on September 1, 2003: OAC 3745–18–04(F) and (J) (measurement methods), and OAC 3745–18–56 (Mahoning);

(viii) Rules as effective in Ohio on January 23, 2006: OAC 3745–18–01 (definitions), OAC 3745–18–02 (air quality standards), OAC 3745–18–03 (compliance dates), OAC 3745–18–06 (general provisions), OAC 3745–18–07 (Adams), OAC 3745–18–10 (Ashtabula), OAC 3745–18–11 (Athens), OAC 3745–18–12 (Auglaize), OAC 3745–18–17 (Champaign), OAC 3745–18–18 (Clark), OAC 3745–18–28 (Erie), OAC 3745–18–29 (Fairfield), OAC 3745–18–31 (Franklin), OAC 3745–18–34 (Geauga), OAC 3745–18–35 (Greene), OAC 3745–18–37 (Hamilton), OAC 3745–18–38 (Hancock), OAC 3745–18–49 (Lake), OAC 3745–18–50 (Lawrence), OAC 3745–18–53 (Lorain), OAC 3745–18–57 (Marion), OAC 3745–18–61 (Miami), OAC 3745–18–63 (Montgomery), OAC 3745–18–66 (Muskingum), OAC 3745–18–68 (Ottawa), OAC 3745–18–69 (Paulding), OAC 3745–18–72 (Pike), OAC 3745–18–76 (Richland), OAC 3745–18–77 (Ross), OAC 3745–18–78 (Sandusky), OAC 3745–18–79 (Scioto), OAC 3745–18–80 (Seneca), OAC 3745–18–81 (Shelby), OAC 3745–18–83 (Summit), OAC 3745–18–84 (Trumbull), OAC 3745–18–85 (Tuscarawas), OAC 3745–18–87 (Van Wert), OAC 3745–18–90 (Washington), OAC 3745–18–91 (Wayne), and OAC 3745–18–93 (Wood);

(ix) Rules as effective in Ohio on March 27, 2006: OAC 3745–18–08 (Allen), OAC 3745–18–15 (Butler), OAC 3745–18–24 (Cuyahoga), and OAC 3745–18–54 (Lucas); and

(x) Rule as effective in Ohio on December 8, 2007: OAC 3745–18–82 (Stark).

(5) Disapproval—USEPA disapproves the Ohio Rule 3745–18–03(A), Attainment Dates and also disapproves Ohio Rule 3745–18–03(C)(3) Compliance Time Schedules for all sources electing to comply with the regulations by utilizing complying fuels.

(6) No Action—USEPA is neither approving nor disapproving the following Ohio Rule pending further review: 3745–18–04(D)(2), 3745–18–04(D)(3), 3745–18–04(E)(2), 3745–18–04(E)(3) and, 3745–18–04(E)(4) Emission Measurement Methods.

(7)–(8) [Reserved]

(9) No Action—USEPA takes no action on the 30-day averaging provisions contained in the Toledo Edison Company's Bay Shore Station State Implementation Plan revision until a general review of 30-day averaging is complete.

(10) Approval—USEPA approves Condition #3 of the permits for the Coulton Chemical Plant in Toledo and the E.I. duPont de Nemours and Company plant in Miami, Ohio. This condition requires the installation and operation of continuous emission monitors for sulfur dioxide.

(11) *Approval*. USEPA approves Ohio's Good Engineering Stack Height Regulations as contained in Ohio Administrative Code Chapter 3745–16–01 and 02. These rules were adopted by the State on February 12, 1986 and were effective on March 5, 1986.

(12) In a letter dated June 25, 1992, Ohio submitted a maintenance plan for sulfur dioxide in Morgan and Washington Counties.

(13) In a letter dated October 26, 1995, Ohio submitted a maintenance plan for sulfur dioxide in Lake and Jefferson Counties.

(14) On March 20, 2000, the Ohio Environmental Protection Agency submitted maintenance plans for Coshocton, Gallia and Lorain Counties.

(15) On September 27, 2003, Ohio submitted maintenance plans for sulfur dioxide in Cuyahoga County and Lucas County.

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

(1) *Definitions*. All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Clean Air Act or parts 51, 52, or 60 of this chapter.

(i) *By-product coke oven gas* means the gas produced during the production of metallurgical coke in slot-type, by-product coke batteries.

(ii) *Flue gas desulfurization* means any pollution control process which treats stationary source combustion flue gas to remove sulfur oxides.

(iii) *Fossil fuel* means natural gas, refinery fuel gas, coke oven gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.

(iv) *Fossil fuel-fired steam generating unit* means a furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer.

(v) *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 fossil and non-fossil fuels burned. Where two or more fossil fuel-fired steam generating units are vented to the same stack the heat input shall be the aggregate of all units vented to the stack.

(vi) *Owner or operator* means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly results or may result in emissions of any air pollutant for which a national standard is in effect.

(vii) *Primary zinc smelter* means any installation engaged in the production, or any intermediate process in the production, of zinc or zinc oxide from the zinc sulfide ore concentrates through the use of pyrometallurgical techniques.

(viii) *Process* means any source operation including any equipment, devices, or contrivances and all appurtenances thereto, for changing any material whatever or for storage or handling of any materials, the use of which may cause the discharge oons within a structure, building, or shop shall be

considered as a single process for purposes of this regulation.

(ix) *Process weight* means the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight unless they become part of the product. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for the number of hours in a given period of time by the number of hours in that period. For fluid catalytic cracking units, process weight shall mean the total weight of material introduced as fresh feed to the cracking unit. For sulfuric acid production units, the nitrogen in the air feed shall not be included in the calculation of process weight.

(x) *Run* means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice as determined by the Administrator.

(xi) *Source operation* means the last operation preceding the emission of an air contaminant, which operation (*a*) results in the separation of the air contaminant from process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and (*b*) is not primarily an air pollution abatement operation.

(xii) *Stack* means any chimney, flue, vent, roof monitor, conduit or duct arranged to vent emissions to the ambient air.

(xiii) *Sulfur recovery plant* means any plant that recovers elemental sulfur from any gas stream.

(xiv) *Sulfuric acid production unit* means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge.

(xv) *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 as determined by the Administrator, whichever is greater.

(2) *Test methods and procedures.* Unless specified below, the test methods and procedures used for determining compliance with the applicable paragraphs of § 52.1881(b) shall be those prescribed in part 60 of this chapter. Compliance tests shall be conducted under such conditions as the Administrator shall specify based on representative performance of the affected facility. Notification and recordkeeping procedures shall be those prescribed in § 60.7 of this chapter. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. A compliance test shall consist of at least three runs.

(i) The test methods and procedures used for determining compliance for any sulfur recovery plant subject to applicable paragraph, of § 52.1881(b) shall be those prescribed in § 60.46 of this chapter with the exception that the maximum amount of sulfur dioxide sampled by Method 6 shall not exceed 50 percent of the stoichiometric amount of hydrogen peroxide absorbent.

(ii) The test methods and procedures used for determining compliance for any sulfuric acid production unit, or any primary zinc smelter subject to the applicable paragraphs of § 52.1881(b) shall be those prescribed in § 60.85 of this chapter.

(iii) The test methods and procedure used to determine the compliance of any stack venting any fossil fuel-fired steam generating units subject to the applicable paragraphs of § 52.1881(b) shall be those prescribed in § 60.46 of this chapter.

(3) *Severability.* If any provision of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect

without the invalid provisions or application, and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

(4) *Submission of information*. The submission of any information required under §52.1882 shall be made to the Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn, Chicago, Illinois, 60604, Attention Air Compliance Section.

(5) For purposes of this regulation, stack and boiler identification numbers used in this paragraph were derived from correspondence submitted to the U.S. EPA by the affected owners or operators, and may be found in the record supporting this rulemaking.

(6) This paragraph contains no applicable provisions in the following counties of Ohio: Ashland, Brown, Carroll, Champaign, Clinton, Darke, Defiance, Fayette, Fulton, Geauga, Guernsey, Hardin, Harrison, Highland, Hocking, Holmes, Jackson, Knox, Logan, Madison, Monroe, Morrow, Noble, Perry, Portage, Preble, Putnam, Shelby, Union, Van Wert, Warren, Williams, and Wyandot, nor does it apply to facilities equal to or less than 10 million BTU per hour total aggregate rated capacity of all units at a facility.

(7) In Franklin County, no owner or operator of the following types of facilities unless otherwise specified in this paragraph, shall cause or permit emission of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating unit between 10.0 and $50.0 \times 10^6$ BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL = 8.088 Q_m - 0.4307$$

where $Q_m$ is the total rated capacity of heat input in million BTU per hour and $EL$ is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) equal to or greater than $50.0 \times 10^6$ BTU per hour total rated capacity of heat input, the emission limitation shall be 1.50 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The present or any subsequent owner or operator of the Columbus State Institution in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 3.80 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The present or any subsequent owner or operator of the Columbus State Hospital in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.10 pounds of sulfur dioxide per million BTU actual heat input.

(v) The present or any subsequent owner or operator of Ross Laboratory in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.80 pounds of sulfur dioxide per million BTU actual heat input.

(vi) The present or any subsequent owner or operator of the Rickenbacker Air Force Base in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 2.20 pounds of sulfur dioxide per million BTU actual heat input.

(vii) The present or any subsequent owner or operator of the Capital City Products facility in Franklin County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 3.10 pounds of sulfur dioxide per million BTU actual heat input.

(viii) The present or any subsequent owner or operator of the Westinghouse Electric facility in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 2.20 pounds of sulfur dioxide per million BTU actual heat input.

(ix) (A) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 1.06 pounds of sulfur dioxide per million BTU actual heat input.

(B) In lieu of meeting § 52.1881(b)(27)(ix)(A), the present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant may elect to comply with the alternate emission limitation and operating conditions specified below.

(*1*) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant shall not cause or permit the emission of sulfur dioxide from any stack in excess of 3.65 pounds of sulfur dioxide per million BTU actual heat input provided that such stacks be greater than or equal to 44.5 meters in height and that the combined maximum boiler design capacity be limited to 177 million BTU per hour by installation of a lock-out system on the boiler coal-feeders. The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant shall keep a permanent log on the lock-out system and record any problems with the system in the log. This log shall be available for inspection by the EPA. This log shall be in lieu of the reporting and monitoring requirements of § 52.1882(g).

(*2*) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant shall be permitted to operate its five boilers (#1, 2, 3, 5a or 5b) in only one of the following three configurations at any given time:

(*i*) Any two of boilers 1, 2, or 3 on; the remaining three boilers off.

(*ii*) Boilers 5a and 5b on; boilers 1, 2, and 3 off.

(*iii*) Boiler 5b and any one of boilers 1, 2, or 3 on; the remaining three boilers off.

(*3*) In the event that the Naval Weapons Industrial Reserve Plant elects to comply with the alternate emission limitation and operating configurations in § 52.1881(b)(27)(ix)(B) (*1*) and (*2*) and vents its boilers through stacks great on the boiler coal-feeders such that the combined maximum boiler design capacity is limited to 177 MMBTU/hr, all such action shall be taken within 30 weeks of (the effective date of promulgation). The Administrator must be notified in writing that all such action was taken within five working days of its completion.

(x) No owner or operator of any primary zinc smelter shall cause or permit the emission of sulfur dioxide from the plant in excess of the amount prescribed by the following equation:

$$Y=0.564X^{0.85}$$

where $X$ is the total sulfur feed expressed as elemental sulfur in the smelter input stream in lbs/hour and $Y$ is the allowable sulfur dioxide emission rate in lbs/hour from all stacks combined.

(xi) Except as provided in paragraph (b)(27)(x) of this section, no owner or operator of any process equipment shall cause or permit the emission from any stack into the atmosphere of any process gas stream containing sulfur dioxide in excess of 2.40 pounds of sulfur dioxide per ton of actual process weight input.

(8) In Sandusky County: (i) The Martin Marietta Company or any subsequent owner or operator of the Martin Marietta facilities in Sandusky County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 15.42 pounds of sulfur dioxide per ton of actual process weight input.

(ii) [Reserved]

(9) In Stark County, no owner or operator of the following types of facilities, unless otherwise specified in this paragraph, shall cause or permit emission of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units between 10.0 and 60.0 million BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL=18.48Q_m-0.4886$$

where $Q_m$ is the total rated capacity of heat input in million BTU per hour and $EL$ is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating units equal to or greater than 60 million BTU per hour total rated capacity of heat input: 2.50 pounds of sulfur dioxide per million BTU actual heat input.

(iii) Republic Steel Corporation or any subsequent owner or operator of

the Massillon facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam generating unit stack at the Massillon facility in excess of 4.40 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The present or any subsequent owner or operator of the Massillon State Hospital facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 5.20 pounds of sulfur dioxide per million BTU actual heat input.

(v) The present or any subsequent owner or operator of the Grief Board Company facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.50 pound of sulfur dioxide per million BTU actual heat input.

(vi) The present or subsequent owner or operator of the Timken Company facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam-generating unit(s) stack at this facility in excess of the rates specified below:

(A) 3.08 pounds of sulfur dioxide per million BTU actual heat input for the stack common to the fossil fuel-fired steam-generating units B001 and B002 at the Canton plant.

(B) 0.93 pounds of sulfur dioxide per million BTU actual heat input for the fossil fuel-fired steam-generating unit B003 at the Canton plant.

(C) 0.0 pounds of sulfur dioxide per million BTU actual heat input for the fossil fuel-fired steam-generating units B003 and B004 at the Gambrinus Plant.

(D) 0.67 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units at the Gambrinus Plant unless otherwise specified in this paragraph.

(vii) No owner or operator of any by-product coke oven operating in Stark County, Ohio shall cause or permit the combustion of by-product coke oven gas containing a total sulfur content expressed as hydrogen sulfide in excess of 350 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack in excess of 1.70 pounds of sulfur dioxide per million BTU actual heat input.

(viii) No owner or operator of any process equipment in Stark County, Ohio shall cause or permit the emission of sulfur dioxide from any stack in excess of 80.0 pounds of sulfur dioxide per ton of actual process weight input.

(ix) The Ashland Oil Company, or any subsequent owner or operator of the Ashland Oil Company facilities in Stark County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of the emission limitations listed below:

(A) 0.025 pounds of sulfur dioxide per million BTU actual heat input for units 4–0–B–3, 4–2–B–1, 4–2–B–2, and 4–27–B–1.

(B) 1.00 pounds of sulfur dioxide per million BTU actual heat input for all process heaters and fossil fuel-fired steam-generating units unless otherwise specified in this paragraph.

(C) 0.62 pounds of sulfur dioxide per 1,000 pounds of charging stack for catalytic cracking units.

(D) 2.00 pounds of sulfur dioxide per 100 pounds of sulfur processed for sulfur recovery plants.

(E) Only two of the following three units may be operated simultaneously: 4–16–B–1, 4–16–B–2, and 4–16–B–12.

(x) The present or any subsequent owner or operator of the Hoover Co. in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide in excess of 8.0 pounds of sulfur dioxide per million BTU actual heat input for the coal-fired boiler and 0.4 pounds of sulfur dioxide per million BTU actual heat input for the gas-fired boiler.

(10) In Summit County, no owner or operator of the following types of facilities, unless otherwise specified in this subparagraph, shall cause or permit emissions of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units between 10.0 and 300 million BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL = 17.55\ Q_m - 0.3933$$

where $Q_m$ is the total rated capacity of heat input in million BTU per hour and EL is

the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) equal to or greater than 300 million BTU per hour total rated capacity of heat input, 1.80 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The present or any subsequent owner or operator of the Diamond Crystal facility in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from coal-fired boilers at this facility in exess of 4.72 pounds of sulfur dioxide per million BTU of actual heat input or the emission of sulfur dioxide from oil-fired boilers at this facility in excess of 0.30 pound of sulfur dioxide per million BTU of actual heat input.

(iv) The present or any subsequent owner or operator of the Kittinger Supply Co. (formerly known as Akwell Industries) facility in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from oil-fired—oilers at this facility in excess of 0.80 pound of sulfur dioxide per million BTU of actual heat input or the emission of sulfur dioxide from coal-fired boilers at this facility in excess of 2.38 pounds of sulfur dioxide per million BTU of actual heat input.

(v) The present or subsequent owner or operator of the Ohio Brass Company facilities in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.20 pounds of sulfur dioxide per million BTU actual heat input.

(vi) The present or subsequent owner or operator of the Seiberling Rubber Co. facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 1.46 pounds of sulfur dioxide per million BTU actual heat input.

(vii) The present or subsequent owner or operator of the Firestone Tire & Rubber Co. facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of the rates specified below:

(A) 1.76 pounds of sulfur dioxide per million BTU of actual heat input from boiler 21 when oil fired and 2.87 pounds of sulfur dioxide per million BTU of actual heat input from boilers 22 and 23 when coal fired.

(B) In lieu of meeting paragraph (59)(vii)(A) of this paragraph (b), the Firestone Tire and Rubber Co. may elect to comply with the alternate emission limitation of 2.20 pounds of sulfur dioxide per million BTU of actual heat input from boilers 21, 22, and 23 when all are oil fired.

(C) Firestone Tire & Rubber Co. or any subsequent owner or operator of the Firestone Tire & Rubber facilities located in Summit County, Ohio, shall operate no more than two of the boilers, 21, 22, or 23 simultaneously whether complying with either § 52.1881 (b) (59) (vii) (A) or § 52.1881 (b) (59) (vii) (B).

(viii) The present or subsequent owner or operator of the B. F. Goodrich Co. facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of the rates specified below:

(A) 0.51 pound of sulfur dioxide per million BTU actual heat input for oil-fired boiler 31.

(B) 7.0 pounds of sulfur dioxide per million BTU actual heat input for coalfired Boilers #27 and #32.

(C) The B. F. Goodrich Co. or any subsequent owner or operator of the B. F. Goodrich facilities in Summit County, Ohio, shall not operate boiler 27 simultaneously with boiler 32.

(ix) The Goodyear Tire & Rubber Co. or any subsequent owner or operator of the Goodyear facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack in excess of the rates specified below:

(A) 4.47 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating unit B001 located at plant I.

(B) 0.50 pound of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units B002 and B003 located at plant I.

(C) 160 pounds of sulfur dioxide per 1,000 pounds of sulfur processed, for the sulfur recovery unit(s).

(D) for Plant II boilers:

(*1*) 2.24 pounds of sulfur dioxide per million BTU actual heat input for coal-

fired boilers A and B exiting through stack 4.

(*2*) 2.24 pounds of sulfur dioxide per million BTU actual heat input for coal-fired boiler C exiting through stack 5.

(*3*) 2.24 pounds of sulfur dioxide per million BTU acutal heat input for coal-fired boiler D exiting through stack 6.

(E) In lieu of meeting paragraph (59)(ix)(D) of this paragraph (b), The Goodyear Tire and Rubber Company may elect to comply with the alternate emission limitations and operating conditions specified below for Plant II boilers, provided the General Tire and Rubber Company or any subsequent owner or operator of the General Tire facilities in Summit County, Ohio complies with §52.1881(b)(xviii)(D):

(*1*) The Goodyear Tire and Rubber Company shall not cause or permit the emission of sulfur dioxide from any stack in excess of the rates specified below:

(*i*) 4.64 pounds of sulfur dioxide per million BTU actual heat input for coal-fired boilers A, B, and C exiting through stack 4.

(*ii*) 4.64 pounds of sulfur dioxide per million BTU actual heat input for coal-fired boiler D exiting through stack 6.

(*2*) The Goodyear Tire and Rubber Company shall operate no more than three of the boilers A, B, C, or D simultaneously.

(*3*) The Goodyear Tire and Rubber Company shall not operate boiler D simultaneously with boilers A and B.

(x) The present or any subsequent owner or operator of the Tecumseh Company facilities in Summit County, Ohio shall not cause or permit sulfur dioxide emissions from fossil fuel-fired steam generating unit(s) in excess of the rates specified below:

(A) 1.70 pounds sulfur dioxide per million BTU actual heat input for coal-fired units, and

(B) 0.70 pound sulfur dioxide per million BTU actual heat input for oil-fired unit(s).

(xi) The Ohio Edison or any subsequent owner or operator of the Ohio Edison Company's Beech Street power station in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the Beech Street plant in excess of 0.00 pounds of sulfur dioxide per million BTU actual heat input.

(xii) The Ohio Edison Co. or any subsequent owner or operator of the Ohio Edison Co.'s Gorge plant in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the Gorge plant in excess of 4.07 pounds of sulfur dioxide per million BTU actual heat input.

(xiii) No owner or operator of any process equipment, unless otherwise specified in this paragraph, shall cause or permit the emission of sulfur dioxide from any stack containing sulfur dioxide in excess of 17.0 pounds of sulfur dioxide per ton of actual process weight input.

(xiv) PPG Industries or any subsequent owner or operator of the PPG Industries facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.00 pounds of sulfur dioxide per million BTU actual heat input for each coal-fired unit.

(xv) PPG Industries, or any subsequent owner or operator of the PPG Industries, Inc., Columbia Cement Plant, located in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack in excess of 0.0 pounds of sulfur dioxide per ton actual process weight input for the kilns.

(xvi) The present or any subsequent owner or operator of the Midwest Rubber Co. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess 1.80 pounds of sulfur dioxide per million BTU actual heat input.

(xvii) The present or any subsequent owner or operator of the Terex Division of General Motors Corp. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.85 pounds of sulfur dioxide per million BTU actual heat input.

(xviii) The present or any subsequent owner or operator of the General Tire & Rubber Co. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of the rates specified below:

(A) 0.46 pound of sulfur dioxide per million BTU actual heat input for oil-fired boiler 1 when exiting through stack S–35.

(B) 0.46 pound of sulfur dioxide per million BTU actual heat input for oil-fired boiler 2 when exiting through stack S–36.

(C) 0.46 pound of sulfur dioxide per million BTU actual heat input for oil-fired boiler 3 when exiting through stack S–37.

(D) In lieu of meeting paragraph (59)(xviii) (A), (B), and (C) of this paragraph (b), The General Tire and Rubber Company may elect to comply with the alternate emission limitations and operating conditions specified below, provided the Goodyear Tire and Rubber Company or any owner of operator of the Goodyear Tire and Rubber Plant II facilities in Summit County, Ohio, complies with § 52.1881(b)(ix)(E):

(*1*) The General Tire and Rubber Company shall not cause or permit the emission of sulfur dioxide from any stack in excess 2.47 pounds of sulfur dioxide per million BTU actual heat input for oil-fired boilers 1, 2, and 3 when exiting through one-175 foot stack consistent with section 123 of the Clean Air Act, as amended.

(xix) The present or any subsequent owner or operator of the Goodyear Aerospace Co. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at AB boilerhouse of this facility in excess of 1.10 pounds of sulfur dioxide per million BTU of actual heat input or the emission of sulfur dioxide from any stack at D boilerhouse of the facility in excess of 1.83 pounds of sulfur dioxide per million BTU of actual heat input.

(xx) The present or any subsequent owner or operator of the B. F. Goodrich Chemical Co. in Summit County, Ohio, shall not cause the emission of sulfur dioxide from any stack at this facility in excess of 5.22 pounds of sulfur dioxide per million BTU actual heat input.

(xxi) The present or any subsequent owner or operator of the Chrysler Corp. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of the rates specified below:

(A) 0.86 pound of sulfur dioxide per million BTU actual heat input for boiler No. B001.

(B) 1.19 pounds of sulfur dioxide per million BTU actual heat input for boilers Nos. B002 and B003.

[39 FR 13542, Apr. 15, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1881, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### §§ 52.1882–52.1883 [Reserved]

### § 52.1884 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 (b) through (w) are hereby incorporated and made a part of the applicable state plan for the State of Ohio.

(c) All application and other information required pursuant to § 52.21 of this part from sources located or to be located in the state of Ohio shall be submitted to the state agency, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216, rather than to EPA's Region 5 office.

[45 FR 52741, Aug. 7, 1980, and 46 FR 9584, Jan. 29, 1981; 75 FR 55276, Sept. 10, 2010]

### § 52.1885 Control strategy: Ozone.

(a) *Part D—Approval.* The following portions of the Ohio plan are approved:

(1) The ozone portions of rules 01, 02, 03, 04 (except the portion disapproved below), 05, 06, 07, 08, 09 (except the portions conditionally approved below) and 10 of Chapter 3745–21 of the Ohio Administrative Code.

(2) The Attainment Demonstrations for the following urban areas: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown.

(3) The Reasonable Further Progress Demonstration for the following areas: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown.

(4) The ozone nonattainment area plan for the rural nonattainment areas.

(5) [Reserved]

(6) Approval—On June 10, 1997, Ohio submitted revisions to the maintenance plans for the Toledo area (including Lucas and Wood counties), the Cleveland/Akron/Lorain area (including Lorain, Cuyahoga, Lake, Ashtabula, Geauga, Medina, Summit and Portage counties), and the Dayton-Springfield area (including Montgomery, Clark, Greene, and Miami counties). The revisions consist of an allocation of a portion of the safety margin in each area to the transportation conformity mobile source budget for that area. The mobile source budgets for transportation conformity purposes for Toledo are now: 35.85 tons per day of volatile organic compound emissions for the year 2005 and 35.19 tons per day of oxides of nitrogen emissions for the year 2005. The mobile source budgets for transportation conformity purposes for Cleveland-Akron-Lorain are now: 82.7 tons per day of volatile organic compound emissions for the year 2006 and 104.4 tons per day of oxides of nitrogen emissions for the year 2006. For the Dayton-Springfield area, the oxides of nitrogen mobile source budget remains the same and the mobile source budget for volatile organic compounds is now 34.1 tons per day.

(7) Approval—On October 20, 1997, Ohio submitted a revision to the maintenance plan for the Jefferson County area. The revision consists of an allocation of a portion of the safety margin in the area to the transportation conformity mobile source budget for that area. The mobile source budget for transportation conformity purposes for Jefferson County are now: 5.1 tons per day of volatile organic compound emissions for the year 2005 and 4.4 tons per day of oxides of nitrogen emissions for the year 2005.

(8) Approval—On April 27, 1998, Ohio submitted a revision to remove the air quality triggers from the ozone maintenance plans for the following areas in Ohio: Canton (Stark County), Cleveland (Lorain, Cuyahoga, Lake, Ashtabula, Geauga, Medina, Summit and Portage Counties), Columbus (Franklin, Delaware and Licking Counties), Steubenville (Jefferson County), Toledo (Lucas and Wood Counties), Youngstown (Mahoning and Trumbull Counties) as well as Clinton County, Columbiana County, and Preble County.

(9) Approval—On March 13, 1998, Ohio submitted a revision to the maintenance plan for the Columbus area. The revision consists of establishing a new out year for the area's emissions budget. The new out year emissions projections include reductions from point and area sources; the revision also defines new safety margins according to the difference between the areas 1990 baseline inventory and the out year projection. Additionally, the revision consists of allocating a portion of the Columbus area's safety margins to the transportation conformity mobile source emissions budget. The mobile source budgets for transportation conformity purposes for the Columbus area are now: 67.99 tons per day of volatile organic compound emissions for the year 2010 and 70.99 tons per day of oxides of nitrogen emissions for the year 2010.

(10) Approval—On April 27, 1998, Ohio submitted a revision to remove the air quality triggers from the ozone maintenance plan for the Dayton-Springfield, Ohio Area (Miami, Montgomery, Clark, and Greene Counties).

(11) Approval—On March 18, 1999, Ohio submitted a revision to the maintenance plan for the Stark County (Canton) area. The revision consists of allocating a portion of the Stark County area's safety margins to the transportation conformity mobile source emissions budgets. The mobile source budgets for transportation conformity purposes for the Stark County area are now: 17.34 tons per day of volatile organic compound emissions for the year 2005 and 13.00 tons per day of oxides of nitrogen emissions for the year 2005.

(12) Approval—On June 1, 1999, Ohio submitted a revision to the ozone maintenance plan for the Dayton/Springfield area. The revision consists of revising the point source growth estimates and allocating 5.5 tons per day of VOCs to the transportation conformity mobile source emissions budget. The mobile source VOC budget for transportation conformity purposes for the Dayton/Springfield area is now: 39.6

tons per day of volatile organic compound emissions for the year 2005. The approval also corrects a typographical error in the maintenance plan point and area source numbers for 2005.

(13) Approval—On August 19, 1999, Ohio submitted a revision to the ozone maintenance plan for the Columbiana County area. The revision consists of allocating a portion of the Columbiana County area's $NO_X$ safety margin to the transportation conformity mobile source emissions budget. The mobile source emissions budgets for transportation conformity purposes for the Columbiana County area are now: 5.65 tons per day of volatile organic compound emissions for the year 2005 and 5.55 tons per day of oxides of nitrogen emissions for the year 2005. This approval only changes the $NO_X$ transportation conformity emission budget for Columbiana County.

(14) Approval-EPA is approving the 1-hour ozone maintenance plan for the Ohio portion of the Cincinnati-Hamilton area submitted by Ohio on May 20, 2005. The approved maintenance plan establishes 2015 mobile source budgets for the Ohio portion of the area (Butler, Clermont, Hamilton, and Warren Counties) for the purposes of transportation conformity. These budgets are 26.2 tons per day for volatile organic compounds and 39.5 tons per day for nitrogen oxides for the year 2015.

(15) Approval—On May 31, 2001, Ohio submitted a revision to the ozone maintenance plan for the Cleveland/Akron/Lorain area. The revision consists of allocating a portion of the Cleveland/Akron/Lorain area's $NO_X$ safety margin to the transportation conformity mobile source emissions budget. The mobile source emissions budgets for transportation conformity purposes for the Cleveland/Akron/Lorain area are now: 92.7 tons per day of volatile organic compound emissions for the year 2006 and 104.4 tons per day of oxides of nitrogen emissions for the year 2006. This approval only changes the VOC transportation conformity emission budget for Cleveland/Akron/Lorain.

(16) Approval—On April 19, 2004, Ohio submitted a revision to the ozone maintenance plan for the Cincinnati, Ohio area. The revision consists of allocating a portion of the area's $NO_X$ safety margin to the transportation conformity motor vehicle emissions budget. The motor vehicle emissions budget for $NO_X$ for the Cincinnati, Ohio area is now 62.3 tons per day for the year 2010. This approval only changes the $NO_X$ transportation conformity emission budget for Cincinnati, Ohio.

(17) Approval—On March 1, 2005, Ohio submitted a revision to the 1-hour ozone maintenance plan for Clinton County, Ohio. The revision consists of allocating a portion of the area's oxides of nitrogen ($NO_X$) safety margin to the transportation conformity motor vehicle emissions budget. The motor vehicle emissions budget for $NO_X$ for the Clinton County, Ohio area is now 3.45 tons per day for the year 2006. This approval only changes the $NO_X$ transportation conformity emission budget for Clinton County, Ohio.

(b) The maintenance plans for the following counties are approved:

(1) Preble County.

(2) Columbiana County.

(3) Jefferson County.

(4) Montgomery, Greene, Miami, and Clark Counties. This plan includes implementation of Stage II vapor recovery and an enhanced vehicle inspection and maintenance program.

(5) Lucas and Wood Counties.

(6) Franklin, Delaware, and Licking Counties.

(7) Stark County.

(8) Mahoning and Trumbull Counties.

(9) Clinton County

(10) Lorain, Cuyahoga, Lake, Ashtabula, Geauga, Medina, Summit, and Portage Counties.

(11) Butler, Clermont, Hamilton, and Warren Counties.

(c) *Disapproval.* USEPA disapproves the compliance schedule in revised rule 04(c)(18) of Chapter 3745–21 of the Ohio Administrative Code as it applies to facilities formerly covered by the compliance schedule in old rule 04(c)(1) of Chapter 3745–21. This disapproval in and of itself does not result in the growth restrictions of section 110(a)(2)(I).

(d) *Part D—No Action*. USEPA at this time takes no action on the vehicle inspection and maintenance (I/M) program required for those non-attainment areas which have requested an extension to demonstrate ozone attainment.

(e)–(q) [Reserved]

(r) Approval—USEPA is approving two exemption requests submitted by the Ohio Environmental Protection Agency on September 20, 1993, and November 8, 1993, for the Toledo and Dayton ozone nonattainment areas, respectively, from the requirements contained in Section 182(f) of the Clean Air Act. This approval exempts the Lucas, Wood, Clark, Greene, Miami, and Montgomery Counties from the requirements to implement reasonably available control technology (RACT) for major sources of nitrogen oxides ($NO_X$), nonattainment area new source review (NSR) for new sources and modifications that are major for $NO_X$, and the $NO_X$-related requirements of the general and transportation conformity provisions. For the Dayton ozone nonattainment area, the Dayton local area has opted for an enhanced inspection and maintenance (I/M) program. Upon final approval of this exemption, the Clark, Greene, Miami, and Montgomery Counties shall not be required to demonstrate compliance with the enhanced I/M performance standard for $NO_X$. If a violation of the ozone NAAQS is monitored in the Toledo or Dayton area(s), the exemptions from the requirements of Section 182(f) of the Act in the applicable area(s) shall no longer apply.

(s) Approval—The 1990 base-year ozone emissions inventory requirement of Section 182(a)(1) of the Clean Air Act has been satisfied for the following ozone nonattainment areas: Toledo (Lucas and Wood Counties) and Dayton (Clark, Greene, Miami, and Montgomery Counties).

(t) [Reserved]

(u) Approval—The 1990 base-year ozone emissions inventory requirement of Section 182(a)(1) of the Clean Air Act has been satisfied for the Columbus ozone nonattainment area (which includes the Counties of Delaware, Franklin, and Licking).

(v) Approval—The 1990 base-year ozone emissions inventory requirement of Section 182(a)(1) of the Clean Air Act has been satisfied for the Canton (Stark County); Cincinnati-Hamilton (Butler, Clermont, Hamilton and Warren Counties); Cleveland-Akron-Lorain (Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit Counties); and Youngstown-Warren-Sharon (Mahoning and Trumbull Counties) areas.

(w) Determination—USEPA is determining that, as of May 7, 1996, the Cleveland-Akron-Lorain ozone nonattainment area (which includes the Counties of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit) have attained the ozone standard and that 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 do not apply to the area.

(x) Approval—EPA is approving requests submitted by the State of Ohio on March 18, November 1, and November 15, 1994, for exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts the following counties in Ohio from the $NO_X$ related general and transportation conformity provisions; nonattainment area NSR for new sources and modifications that are major for $NO_X$: Clinton, Columbiana, Delaware, Franklin, Jefferson, Licking, Mahoning, Preble, Stark, and Trumbull. This approval also exempts the following counties in Ohio from the $NO_X$ related general and transportation conformity provisions; nonattainment area NSR for new sources and modifications that are major for $NO_X$; $NO_X$ RACT; and a demonstration of compliance with the enhanced I/M performance standard for $NO_X$: Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit.

(y) Approval—The 1990 base-year ozone emissions inventory requirement of Section 182(a)(1) of the Clean Air Act has been satisfied for Clinton County.

(z) The 15 percent rate-of-progress requirement of section 182(b) of the Clean Air Act, as amended in 1990, is satisfied for the Ohio portion of the Cincinnati-Hamilton ozone nonattainment area.

(aa) [Reserved]

(bb) Ohio's November 7, 1996, request for a one-year attainment date extension for the Ohio portion of the Cincinnati-Hamilton metropolitan moderate ozone nonattainment area which consists of Hamilton, Butler, Clermont and Warren Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1997.

(cc) Ohio's November 14, 1997, request for a one-year attainment date extension for the Ohio portion of the Cincinnati-Hamilton metropolitan moderate ozone nonattainment area which consists of Hamilton, Butler, Clermont and Warren Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1998.

(dd) Determination—EPA is determining that, as of July 5, 2000, the Ohio portion of Cincinnati-Hamilton ozone nonattainment area (which includes the Counties of Butler, Clermont, Hamilton and Warren) 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.

(ee) Approval—EPA is approving an exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts Butler, Clermont, Hamilton, and Warren counties in Ohio from the $NO_X$ related general conformity provisions; the nitrogen oxides nonattainment NSR for new sources and modifications that are major for $NO_X$; $NO_X$ RACT; and a demonstration of compliance with the enhanced automobile inspection and maintenance performance standard for $NO_X$.

(ff) Approval—The 8-hour ozone maintenance plans for the following areas have been approved:

(1) Jefferson County, as submitted on July 31, 2006 and supplemented on October 3, 2006. The maintenance plan establishes 2009 motor vehicle emissions budgets (MVEBs) for Jefferson County of 2.63 tons per day (tpd) of volatile organic compounds (VOCs) and 4.10 tpd of oxides of nitrogen ($NO_X$), and 2018 motor vehicle emission budgets of 1.37 tpd of VOCs and 1.67 tpd of $NO_X$.

(2) Belmont County, as submitted on June 20, 2006, and supplemented on August 24, 2006, and December 4, 2006. The maintenance plan establishes 2009 MVEBs for Belmont County of 2.60 tpd of VOC and 4.69 tpd of $NO_X$, and 2018 MVEBs of 1.52 tpd of VOCs and 1.91 tpd of $NO_X$.

(3) Allen County and Stark County, as submitted on June 20, 2006, and supplemented on August 24, 2006, and December 4, 2006. The maintenance plan establishes 2009 MVEBs for Allen County of 5.08 tpd of VOCs and 8.28 tpd of $NO_X$, and 2018 MVEBs for Allen County of 2.89 tpd of VOCs and 3.47 tpd of $NO_X$. For Stark County the 2009 MVEBs are 10.02 tpd of VOCs and 18.03 tpd of $NO_X$, and the 2018 budgets are 5.37 tpd of VOC and 7.08 tpd of $NO_X$.

(4) Washington County, as submitted on September 22, 2006, and supplemented on November 17, 2006. The maintenance plan establishes 2009 MVEBs for Washington County of 2.59 tpd of VOCs and 3.58 tpd of $NO_X$, and 2018 MVEBs for Washington county of 1.67 tpd of VOCs and 1.76 tpd of $NO_X$.

(5) Mahoning, Trumbull and Columbiana Counties, as submitted on February 15, 2007. The maintenance plan establishes 2009 and 2018 motor vehicle emission budgets for Mahoning, Trumbull and Columbiana Counties. The 2009 motor vehicle emission budgets are 19.58 tons per day for volatile organic compounds (VOC) and 33.71 tons per day for oxides of nitrogen ($NO_X$). For 2018 the budgets are 10.36 tons per day for VOC and 13.29 tons per day for $NO_X$.

(6) On December 22, 2006, and supplemented on March 9, 2007, the State of Ohio submitted a redesignation request and maintenance plan for the Toledo area, including Lucas and Wood Counties. The maintenance plan for this area establishes motor vehicle emission budgets (MVEB) for 2009 and 2018. The 2009 MVEBs are 18.99 tons/day of Volatile Organic Compounds (VOC) and 33.75 tons/day for Oxides of Nitrogen ($NO_X$). The 2018 MVEBs are 11.20 tons/day of VOCs and 14.11 tons/day for $NO_X$.

(7) The Dayton-Springfield area which includes Clark, Greene, Miami,

and Montgomery Counties, as submitted on November 6, 2006, and supplemented on November 29, 2006, December 4, 2006, December 13, 2006, January 11, 2007, March 9, 2007, March 27, 2007, and May 31, 2007. The maintenance plan for this area establishes Motor Vehicle Emissions Budgets (MVEB) for 2005 and 2018. The 2005 MVEBs are 29.19 tpd of VOC and 63.88 tpd of $NO_X$. The 2018 MVEBs are 14.73 tpd of VOCs and 21.42 tpd of $NO_X$.

(8) Approval—On March 17, 2009, the Ohio Environmental Protection Agency submitted a request to redesignate the Columbus 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 2012 motor vehicle emissions budgets for the Columbus area are 54.86 tpd for VOC and 91.64 tpd for $NO_X$. The 2020 motor vehicle emissions budgets for the area are 36.60 tpd for VOC and 46.61 tpd for $NO_X$.

(9) Approval—On March 17, 2009, and April 24, 2009, the Ohio Environmental Protection Agency submitted a request to redesignate the Cleveland-Akron-Lorain 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 2012 motor vehicle emissions budgets for the Cleveland-Akron-Lorain area are 46.64 tpd for VOC and 95.89 tpd for $NO_X$. The 2020 motor vehicle emissions budgets for the area are 31.48 tpd for VOC and 42.75 tpd for $NO_X$.

(10) Approval—On December 14, 2009, the Ohio Environmental Protection Agency submitted a request to redesignate the Ohio 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 $NO_X$. 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 $NO_X$.

(11) Approval—On July 6, 2010, the Ohio Environmental Protection Agency submitted a request to revise the maintenance plan for the Ohio portion of the Cincinnati-Hamilton, OH–KY–IN 8-hour ozone area. The submittal revises 2015 and 2020 $NO_X$ point source emissions projections for Butler County.

(gg) Approval—EPA is approving requests submitted by the State of Ohio on April 4, 2005, and supplemented on May 20, 2005, February 14, 2006, May 9, 2006, October 6, 2006, and February 19, 2008, to discontinue the vehicle inspection and maintenance (I/M) program in the Cincinnati-Hamilton and Dayton-Springfield areas. The submittal also includes Ohio's demonstration that eliminating the I/M programs in the Cincinnati-Hamilton and Dayton-Springfield areas 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 Ohio'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 these areas' maintenance plans.

(hh) *8-hour Emissions Inventories*. (1) Approval—Ohio's 2002 inventory satisfies the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Columbus area under the 1997 8-hour ozone standard.

(2) Approval—Ohio's 2002 inventory satisfies the base year emissions inventory requirements of section 182(a)(1) of the Clean Air Act for the Cleveland-

Akron-Lorain area under the 1997 8-hour ozone standard.

(ii) Approval—The 15 percent Volatile Organic Compound reasonable further progress plan for the Cleveland-Akron-Lorain 1-hour ozone area, submitted by Ohio on June 15, 2007, and February 22, 2008, satisfies the requirements of section 182(b)(1) of the Clean Air Act.

(3) Approval—Ohio's 2005 inventory satisfies the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Ohio portion of the Cincinnati-Hamilton, OH–KY–IN area under the 1997 8-hour ozone standard.

(jj) Approval—EPA is approving exemptions under section 182(f) from requirements for reasonably available control technology for oxides of nitrogen for the Cleveland-Akron-Lorain 8-hour ozone nonattainment area with respect to the 1997 ozone standards. This waiver was requested by Ohio on March 17, 2009.

(kk) *Disapproval.* EPA is disapproving the coating VOC content limit for high performance architectural aluminum coatings contained in paragraph (U)(1)(h) of chapter 3745–21–09 of the Ohio Administrative Code.

[45 FR 72142, Oct. 31, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1885, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.1886 [Reserved]

### § 52.1887 Control strategy: Carbon monoxide.

(a) Part D—Approval—The following portions of the Ohio plan are approved:

(1) The carbon monoxide portions of rules 01, 02, 03, 04 (except the portion disapproved in § 52.1877(c)), 05, 06, 07, 08, 09 (except the portions conditionally approved in § 52.1877(b)) and 10 of Chapter 3745–21 of the Ohio Administrative Code.

(2) The transportation control plans for the following urban areas: Akron (ozone component only), Canton, Cincinnati, Columbus, Dayton, Steubenville, Toledo (ozone component only), Cleveland.

(3) The carbon monoxide attainment and reasonable further progress demonstrations for the following urban areas: Cincinnati, Cleveland, Columbus and Youngstown.

(b) [Reserved]

(c) Part D—No Action—USEPA at this time takes no action on the carbon monoxide portions of the plan submitted for the urban areas of Akron and Toledo nor on the vehicle inspection and maintenance (I/M) program required for those nonattainment areas which have requested an extension to demonstrate carbon monoxide attainment.

(d) Disapproval—On June 9, 1982 (draft), and November 9, 1982 (final), the State of Ohio submitted a revised demonstration that attempts to show attainment by December 31, 1982, of the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS) for the Cleveland urban area. Supplemental information was submitted on March 8, 1983, March 16, 1983, December 5, 1983, and May 9, 1985. The June 9, 1982, and March 8, 1983, submittals also requested that the 5-year extension for meeting the NAAQS requested on July 29, 1979, and granted by USEPA on October 31, 1980, and June 18, 1981, be rescinded for this area. The attainment demonstration and rescission request are disapproved by USEPA because they do not meet the requirements of § 51.10(b).

(e) Approval—On October 20, 2005, Ohio submitted a State Implementation Plan (SIP) revision of the Cuyahoga County carbon monoxide (CO) maintenance plan. The CO maintenance plan revision is an update to the current approved maintenance plan and continues to demonstrate maintenance of the CO National Ambient Air Quality Standard (NAAQS) for an additional 10 years. The maintenance plan revision is submitted as a limited maintenance plan for the Cuyahoga County, Ohio carbon monoxide area and provides an unlimited motor vehicle emissions budget as long as the ambient CO levels remain below the 7.65 parts per million design value specified

as the criterion for the limited maintenance plan.

[45 FR 72143, Oct. 31, 1980, as amended at 45 FR 72147, Oct. 31, 1980; 49 FR 22815, June 1, 1984; 51 FR 10391, Mar. 26, 1986; 54 FR 615, Jan. 9, 1989; 54 FR 12621, Mar. 28, 1989; 55 FR 17752, Apr. 27, 1990; 71 FR 31100, June 1, 2006]

### §52.1888 Operating permits.

Emission limitations and related provisions which are established in Ohio operating permits as federally enforceable conditions in accordance with Rule 3745–35–07 shall be enforceable by USEPA and by any person under section 304 of the Clean Air Act. USEPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and will 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.

[60 FR 55202, Oct. 30, 1995]

### §52.1889 Small business stationary source technical and environmental compliance assistance program.

The Ohio program, submitted as a requested revision to the Ohio State Implementation Plan on May 17, 1994, and May 4, 1995, satisfies the requirements of section 507 of the Clean Air Act.

[60 FR 42045, Aug. 15, 1995]

### §52.1890 Removed control measures.

On the dates listed below, Ohio requested that the indicated control measures be removed from the Ohio State Implementation Plan (SIP).

(a) On February 21, 1997, the State of Ohio requested that the following rules and rule paragraphs be removed from the SIP because they have been amended or revoked by the State subsequent to their incorporation in the SIP: OAC 3745–21–02(C), OAC 3745–21–03(D), OAC 3745–21–05, OAC 3745–22–01, OAC 3745–22–02, OAC 3745–22–03, OAC 3745–22–04, OAC 3745–22–05, OAC 3745–22–06, OAC 3745–22–07, OAC 3745–22–08, OAC 3745–23–03, OAC 3745–23–04, OAC 3745–23–05, and OAC 3745–102–07.

(b) [Reserved]

(c) On April 11, 2005, the Ohio Environmental Protection Agency submitted a request to revise the State's plan controlling nitrogen oxide emissions from stationary sources in the State. The request included the results of the action taken by Ohio EPA to rescind OAC 3745–23–06, which affected emissions of oxides of nitrogen from combustion sources and nitric acid plants. This action was preceded by a negative declaration regarding nitric acid plants dated April 11, 1994, and rule approvals ($NO_X$ SIP Call, NSPS, budget trading program, etc.) affecting large fossil-fueled utility and industrial boilers. OAC 3745–23–06, Control of nitrogen oxide emissions from stationary sources, also known as AP–7–06 in its original form, is therefore removed from the Ohio SIP.

(d) On August 22, 2008, Ohio requested that Ohio Administrative Code 3745–17–05 ''Non-degradation Policy.'' be removed from the Ohio SIP. The rule was rescinded statewide on February 1, 2008.

[62 FR 47947, Sept. 12, 1997, as amended at 71 FR 76919, Dec. 22, 2006; 75 FR 65572, Oct. 26, 2010]

### §52.1919 Identification of plan-conditional approval.

(a) The plan commitments listed below were submitted on the dates specified.

(1) [Reserved]

(2) On April 20, 1994, Ohio submitted Rule 3745–35–07, entitled ''Federally Enforceable Limitations on Potential to Emit,'' and requested authority to issue such limitations as conditions in State operating permits. On June 16, 1994, Ohio submitted a commitment to revise Rule 3745–35–07 to clarify that the rule provides for USEPA objection to permits after issuance. The revisions are approved provided Ohio fulfills this commitment by October 25, 1995.

(i) Incorporation by reference.

(A) Rule 3745–35–07, adopted April 4, 1994, effective April 20, 1994.

(3) Conditional Approval—On August 17, 1995, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan. The submittal pertained to a plan for the implementation of the federal transportation conformity requirements at

the State or local level 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. This conditional approval is based, in part, on the State's commitment, submitted in a letter on April 1, 1996, to submit revised transportation conformity rules to incorporate the two amendments to the federal transportation conformity regulations. The State of Ohio committed to revise its transportation conformity rules by November 14, 1996. If the State ultimately fails to meet its commitment to meet these requirements within one year of final conditional approval, then USEPA's action for the State's requested SIP revision will automatically convert to a final disapproval.

(i) Incorporation by reference. August 1, 1995, Ohio Administrative Code Chapter 3745–101, effective August 21, 1995.

(4) On March 1, 1996, Ohio submitted revisions to its Permit to Install rules as a revision to the State implementation plan. The request was supplemented on April 16, 1997, September 5, 1997, December 4, 1997, and April 21, 1998.

(i) Incorporation by reference.

(A) Rule 3745–31–01 through 3745–31–20, effective September 25, 1998.

(b) On October 9, 2000, the Ohio Environmental Protection Agency submitted a revision to Ohio Administrative Code (OAC) 3745–21–09(BBB). The revision removed a requirement that for the agerite resin D process, the VOC emissions from the vapor recovery system vents and neutralization and distillation system vents (except wash kettle or still feed condenser vents, stills vacuum jet tailpipe vents, and process emergency safety relief devices) be vented to an emissions control device that is designed and operated to achieve an emissions control efficiency of at least 90 percent, by weight. In place of this deleted emissions control efficiency requirement, the revised paragraph now specifies a total annual VOC emissions limit of 1.0 ton from the recovery system and neutralization and distillation system vents. The revision lacked test procedures and record keeping requirements compatible with the revised emission limit. On March 1, 2010, Ohio submitted a commitment to revise OAC 3745–21–09(BBB) to include the necessary test procedures and record keeping requirements by September 16, 2011. When EPA determines the state has met its commitment, OAC 3745–21–09(BBB) will be incorporated by reference into the SIP.

(c) On August 22, 2008, the Ohio Environmental Protection Agency submitted a revision to Ohio Administrative Code (OAC) 3745–17–11. The rule establishes a particulate emission limit for coating operations in lieu of generic emission limits based on the weight of processed materials. On July 2, 2010, Ohio submitted a commitment to amend OAC 3745–17–11 by November 25, 2011. The amendment would provide that any exemption granted by the state for sources too large to meet the coating work practice requirement must be submitted for EPA approval as a State Implementation Plan (SIP) revision. When EPA determines the state has met its commitment, OAC 3745–17–11 will be incorporated by reference into the SIP.

[61 FR 24460, May 15, 1996, as amended at 61 FR 24705, May 16, 1996; 66 FR 51572, Oct. 10, 2001; 75 FR 50712, Aug. 17, 2010; 75 FR 65572, Oct. 26, 2010]

## Subpart LL—Oklahoma

### § 52.1920 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Oklahoma 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 on or before June 1, 2000, 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 June 1, 2000, 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 June 1, 2000.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region 6 Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202–2733; Air and Radiation Docket (6102A), Room M1500, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, 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.*

EPA APPROVED OKLAHOMA REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Oklahoma Air Pollution Control Regulations** | | | | |
| **Subchapter 5. Registration, Emissions Inventory and Annual Operating Fees** | | | | |
| 252:100–5–1 | Purpose | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| **Regulation 1.4. Air Resources Management Permits Required Regulation 1.4.1 General Permit Requirements** | | | | |
| 1.4.1(a) | Scope and purpose | [1] 5/19/1983 | 8/25/1983, 48 FR 38635 | Minor sources only. |
| 1.4.1(b) | General requirements | 6/4/1990 | 7/23/1991, 56 FR 33715 | Minor sources only. |
| 1.4.1(c) | Necessity to obtain permit. | 6/4/1990 | 7/23/1991, 56 FR 33715 | Minor sources only. |
| 1.4.1(d) | Permit fees | [1] 5/19/1983 | 8/25/1983, 48 FR 38635 | Minor sources only. |
| **1.4.2 Construction Permit** | | | | |
| 1.4.2(a) | Standards required | 6/4/1990 | 7/23/1991, 56 FR 33715 | Minor sources only. |
| 1.4.2(b) | Stack height limitation | 6/11/1989 | 8/20/1990, 55 FR 33905 | Minor sources only. |
| 1.4.2(c) | Permit applications | 6/4/1990 | 7/23/1991, 56 FR 33715 | Minor sources only. |
| 1.4.2(d) | Action on applications | [1] 5/19/1983 | 8/25/1983, 48 FR 38635 | Minor sources only. |
| 1.4.2(e) | Public review | 6/11/1989 | 8/20/1990, 55 FR 33905 | Minor sources only. |
| 1.4.2(f) | Construction permit conditions. | [1] 5/19/1983 | 8/25/1983, 48 FR 38635 | Minor sources only. |
| 1.4.2(g) | Cancellation of authority to construct or modify. | [1] 2/6/1984 | 7/27/1984, 49 FR 30184 | Minor sources only. |
| 1.4.2(h) | Relocation permits | 11/14/1990 | 7/23/1991, 56 FR 33715 | Minor sources only. |
| **1.4.3 Operating Permit** | | | | |
| 1.4.3(a) | Requirements | [1] 5/19/1983 | 8/25/1983, 48 FR 38635 | Minor sources only. |
| 1.4.3(b) | Permit applications | [1] 5/19/1983 | 8/25/1983, 48 FR 38635 | Minor sources only. |
| 1.4.3(c) | Operating permit conditions. | [1] 5/19/1983 | 8/25/1983, 48 FR 38635 | Minor sources only. |
| **Regulation 3.8. Control of Emission of Hazardous Air Contaminants** | | | | |
| 3.8(a) | Purpose | 04/19/1982 | 08/15/1983, 48 FR 36819. | |
| 3.8(b) | Definitions | 04/19/1982 | 08/15/1983, 48 FR 36819. | |
| 3.8(c) | Emission Standards for Hazardous Air Contaminants. | 04/19/1982 | 08/15/1983, 48 FR 36819. | |
| **OKLAHOMA ADMINISTRATIVE CODE, TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 4 (OAC 252:4). RULES OF PRACTICE AND PROCEDURE** | | | | |
| **Subchapter 1. General Provisions** | | | | |
| 252:4–1–1 | Purpose and authority | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–1–2 | Definitions | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–1–3 | Organization | 6/11/2001 | 11/26/2010, 75 FR 72695. | |

EPA APPROVED OKLAHOMA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| 252:4–1–4 | Office location and hours; communications. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–1–5 | Availability of a record | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–1–6 | Administrative fees | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–1–7 | Fee credits for regulatory fees. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–1–8 | Board and councils | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–1–9 | Severability | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| **Subchapter 3. Meetings and Public Forums** | | | | |
| 252:4–3–1 | Meetings | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–3–2 | Public forums | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| **Subchapter 5. Rulemaking** | | | | |
| 252:4–5–1 | Adoption and revocation | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–5–2 | Rule development | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–5–3 | Petitions for rulemaking | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–5–4 | Notice of permanent rulemaking. | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–5–5 | Rulemaking hearings | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–5–6 | Council actions | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–5–7 | Presentation to Board | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–5–8 | Board actions | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–5–9 | Rulemaking record | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| **Subchapter 7. Environmental Permit Process** | | | | |
| **PART 1. THE PROCESS** | | | | |
| 252:4–7–1 | Authority | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–2 | Preamble | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–3 | Compliance | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–4 | Filing an application, | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–5 | Fees | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–6 | Receipt of applications | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–7 | Administrative completeness review. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–8 | Technical review | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–9 | When review times stop | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–10 | Supplemental time | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–11 | Extensions | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–12 | Failure to meet deadline | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–13 | Notices | 6/11/2001 | 11/26/2010, 75 FR 72695 | NOT in SIP: Paragraph (e) and paragraph (f) requirements for permits other than Part 70 permits. |
| 252:4–7–14 | Withdrawing applications | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–15 | Permit issuance or denial | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–16 | Tier II and III modifications. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–17 | Permit decision-making authority. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–18 | Pre-issuance permit review and correction. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–19 | Consolidation of permitting process. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| **PART 3. AIR QUALITY DIVISION TIERS AND TIME LINES** | | | | |
| 252:4–7–31 | Air quality time lines | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–33 | Air quality applications—Tier II. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4–7–34 | Air quality applications—Tier III. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |

EPA APPROVED OKLAHOMA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Subchapter 9. Administrative Proceedings** | | | | |
| PART 1. ENFORCEMENT | | | | |
| 252:4–9–1 | Notice of Violation (''NOV''). | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–2 | Administrative compliance orders. | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–3 | Determining penalty | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–4 | Assessment orders | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–5 | Considerations for self-reporting of noncompliance. | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| PART 3. INDIVIDUAL PROCEEDINGS | | | | |
| 252:4–9–31 | Individual proceedings filed by DEQ. | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–32 | Individual proceedings filed by others. | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–33 | Scheduling and notice of hearings. | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–34 | Administrative Law Judges and Clerks. | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–35 | Service | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–36 | Responsive pleading | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–37 | Prehearing conferences | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–38 | Discovery | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–39 | Subpoenas | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–40 | Record | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–41 | Motions | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–42 | Continuances | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–43 | Summary judgment | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–44 | Default | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–45 | Withdrawal and dismissal | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–46 | Orders in administrative hearings. | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| PART 5. AIR QUALITY ADVISORY COUNCIL HEARINGS | | | | |
| 252:4–9–51 | In general | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–52 | Individual proceedings | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–53 | Variance | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4–9–54 | State implementation plan hearings. | 6/11/2001 | 12/29/2008, 73 FR 79400 | NOT in SIP: in the first sentence, the phrase ''under 252:100–11'' and the last sentence which begins with ''Additional requirements for a SIP hearing * * *.'' |
| **Appendices for OAC 252:Chapter 4** | | | | |
| 252:4, Appendix A | Petition for Rulemaking Before the Environmental Quality Board. | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4, Appendix B | Petition for Declaratory Ruling. | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| 252:4, Appendix C | Permitting process summary. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:4, Appendix D | Style of the Case in an Individual Proceeding. | 6/11/2001 | 12/29/2008, 73 FR 79400. | |
| **CHAPTER 100 (OAC 252:100). AIR POLLUTION CONTROL** | | | | |
| **Subchapter 1. General Provisions** | | | | |
| 252:100–1–1 | Purpose | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–1–2 | Statutory definitions | 05/26/1994 | 11/03/1999, 64 FR 59629. | |

EPA APPROVED OKLAHOMA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| 252:100–1–3 | Definitions | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| **Subchapter 3. Air Quality Standards and Increments** | | | | |
| 252:100–3–1 | Purpose | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–3–2 | Primary standards | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–3–3 | Secondary standards | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–3–4 | Significant deterioration increments. | 7/1/1996 | 12/29/2008, 73 FR 79400. | |
| **Subchapter 5. Registration, Emissions Inventory and Annual Operating Fees** | | | | |
| 252:100–5–1 | Purpose | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–5–1.1 | Definitions | 6/11/2001 | 11/26/2010, 75 FR 72695 | NOT in SIP: Paragraph (D) under ''Regulated air pollutants''. |
| 252:100–5–2 | Registration of potential sources of air contaminants. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–5–2.1 | Emission inventory | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–5–2.2 | Annual operating fees | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–5–3 | Confidentiality of proprietary information. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| **Subchapter 8. Permits for Part 70 Sources** | | | | |
| **PART 1. GENERAL PROVISIONS** | | | | |
| 252:100–8–1 | Purpose | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–1.1 | Definitions | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–1.2 | General information | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–1.3 | Duty to comply | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–1.4 | Cancellation or extension of a construction permit or authorization under a general construction permit. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–1.5 | Stack height limitations | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| **PART 5. PERMITS FOR PART 70 SOURCES** | | | | |
| 252:100–8–2 | Definitions | 6/11/2001 | 11/26/2010 75 FR 72695 | NOT in SIP: Paragraph (C) under ''Insignificant activities''. |
| 252:100–8–3 | Applicability | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–4 | Requirements for construction and operating permits. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–5 | Permit applications | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–6 | Permit content | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–6.1 | General permits | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–6.2 | Temporary sources | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–6.3 | Special provisions for affected (acid rain) sources. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–7 | Permit issuance | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–7.1 | Permit renewal and expiration. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–7.2 | Administrative permit amendments and permit modifications. | 6/11/2001 | 11/26/2010 , 75 FR 72695. | |
| 252:100–8–7.3 | Reopening of operating permits for cause. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–7.4 | Revocations of operating permits. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–7.5 | Judicial review | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–8 | Permit review by EPA and affected states. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |

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|---|---|---|---|---|
| **PART 7. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REQUIREMENTS FOR ATTAINMENT AREAS** | | | | |
| 252:100–8–30 | Applicability | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–31 | Definitions | 6/11/2001 | 11/26/2010, 75 FR 72695 | Revisions submitted on June 24, 2010 are approved as follows: a major source that is major for $NO_X$ shall be considered major for ozone in the definition of Major Stationary Source; Regulated NSR pollutant definition; and definition of Significant. |
| 252:100–8–32 | Source applicability determination. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–33 | Exemptions | 6/11/2001 | 11/26/2010, 75 FR 72695 | The revision to OAC 252:100–8–33(c)(E) submitted on June 24, 2010 is approved. |
| 252:100–8–34 | Best available control technology. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–35 | Air quality impact evaluation. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–36 | Source impacting Class I areas. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–37 | Innovative control technology. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| **PART 9. MAJOR SOURCES AFFECTING NONATTAINMENT AREAS** | | | | |
| 252:100–8–50 | Applicability | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–51 | Definitions | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–52 | Source applicability determination. | 6/11/2001 | 11/26/2010, 75 FR 72695 | NOT in SIP: paragraph (b)(2). |
| 252:100–8–53 | Exemptions | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| 252:100–8–54 | Requirements for sources located in nonattainment areas PSD or NNSR program submissions containing rule changes for $PM_{2.5}$. | 6/11/2001 | 11/26/2010, 75 FR 72695. | |
| **Subchapter 9. Excess Emission and Malfunction Reporting Requirements** | | | | |
| 252:100–9–1 | Purpose | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–9–2 | Definitions | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–9–3 | General requirements | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–9–4 | Maintenance procedures | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–9–5 | Malfunctions and releases. | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–9–6 | Excesses resulting from engineering limitations. | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| **Subchapter 13. Open Burning** | | | | |
| 252:100–13–1 | Purpose | 6/12/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–13–2 | Definitions | 6/12/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–13–5 | Open burning prohibited | 6/12/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–13–7 | Allowed open burning | 6/12/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–13–9 | General conditions and requirements for allowed open burning. | 6/12/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–13–10 | Disaster relief | 6/12/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–13–11 | Responsibility for consequences of open burning. | 6/12/2000 | 12/29/2008, 73 FR 79400. | |

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|---|---|---|---|---|
| **Subchapter 15. Motor Vehicle Pollution Control Devices** | | | | |
| 252:100–15–1 | Purpose | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–15–2 | Definitions | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–15–3 | Scope | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–15–4 | Prohibitions | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–15–5 | Maintenance, repair, or testing. | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–15–6 | Liquefied petroleum gas | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| **Subchapter 17. Incinerators** | | | | |
| PART 1. GENERAL PROVISIONS | | | | |
| 252:100–17–1 | Purpose | 6/25/1998 | 12/29/2008, 73 FR 79400. | |
| 252:100–17–1.1 | Reference to 40 CFR | 6/25/1998 | 12/29/2008, 73 FR 79400. | |
| 252:100–17–1.2 | Terminology related to 40 CFR. | 6/25/1998 | 12/29/2008, 73 FR 79400. | |
| PART 3. INCINERATORS | | | | |
| 252:100–17–2 | Applicability | 6/1/2001 | 12/29/2008, 73 FR 79400. | |
| 252:100–17–2.1 | Exemptions | 6/25/1998 | 12/29/2008, 73 FR 79400. | |
| 252:100–17–2.2 | Definitions | 6/25/1998 | 12/29/2008, 73 FR 79400. | |
| 252:100–17–3 | Opacity | 6/25/1998 | 12/29/2008, 73 FR 79400. | |
| 252:100–17–4 | Particulate matter | 6/25/1998 | 12/29/2008, 73 FR 79400. | |
| 252:100–17–5 | Incinerator design requirements. | 6/1/2001 | 12/29/2008, 73 FR 79400. | |
| 252:100–17–5.1 | Alternative incinerator design requirements. | 6/1/2001 | 12/29/2008, 73 FR 79400. | |
| 252:100–17–7 | Test methods | 6/25/1998 | 12/29/2008, 73 FR 79400. | |
| **Subchapter 19. Control of Emission of Particulate Matter** | | | | |
| 252:100–19–1 | Purpose | 6/1/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–19–1.1 | Definitions | 6/1/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–19–4 | Allowable particulate matter emission rates from fuel-burning units. | 6/1/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–19–10 | Allowable particulate matter emission rates from indirectly fired wood fuel-burning units. | 6/1/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–19–11 | Allowable particulate matter emission rates from combined wood fuel and fossil fuel fired steam generating units. | 6/1/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–19–12 | Allowable particulate matter emission rates from directly fired fuel-burning units and industrial processes. | 6/1/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–19–13 | Permit by rule | 6/1/2000 | 12/29/2008, 73 FR 79400. | |
| **Subchapter 23. Control of Emissions from Cotton Gins** | | | | |
| 252:100–23–1 | Purpose | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–23–2 | Definitions | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–23–3 | Applicability, general requirements. | 6/1/2000 | 12/29/2008, 73 FR 79400 | NOT in SIP: paragraph (b)(2). |
| 252:100–23–4 | Visible emissions (opacity) and particulates. | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–23–5 | Emission control equipment. | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–23–6 | Fugitive dust controls | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–23–7 | Permit by rule | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| **Subchapter 24. Particulate Matter Emissions from Grain, Feed or Seed Operations** | | | | |
| 252:100–24–1 | Purpose | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–24–2 | Definitions | 6/1/1999 | 12/29/2008, 73 FR 79400. | |

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| 252:100–24–3 | Applicability, general requirements. | 6/1/2000 | 12/29/2008, 73 FR 79400 | NOT in SIP: paragraph (b)(2). |
| 252:100–24–4 | Visible emissions (opacity) limit. | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–24–5 | Certification | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–24–6 | Fugitive dust controls | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–24–7 | Permit by rule | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| **Subchapter 25. Visible Emissions and Particulates** | | | | |
| 252:100–25–1 | Purpose | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–25–2 | General prohibition | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–25–2.1 | Definitions | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–25–3 | Opacity Limit | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–25–4 | Alternative for particulates. | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–25–5 | Continuous emission monitoring for opacity. | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| **Subchapter 29. Control of Fugitive Dust** | | | | |
| 252:100–29–I | Purpose | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–29–2 | General provisions | 6/1/2001 | 12/29/2008, 73 FR 79400. | |
| 252:100–29–3 | Precautions required in maintenance or non-attainment areas. | 6/1/2001 | 12/29/2008, 73 FR 79400. | |
| 252:100–29–4 | Exception for agricultural purposes. | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| **Subchapter 31. Control of Emission of Sulfur Compounds** | | | | |
| PART 1. GENERAL PROVISIONS | | | | |
| 252:100–31–1 | Purpose | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–31–2 | Definitions | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–31–3 | Performance testing | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| PART 3. EXISTING EQUIPMENT STANDARDS | | | | |
| 252:100–31–12 | Sulfur oxides | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–31–13 | Sulfuric acid mist | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–31–14 | Hydrogen sulfide | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–31–15 | Total reduced sulfur | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| PART 5. NEW EQUIPMENT STANDARDS | | | | |
| 252:100–31–25 | Sulfur oxides | 7/1/1995 | 12/29/2008, 73 FR 79400. | |
| 252:100–31–26 | Hydrogen sulfide | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| **Subchapter 33. Control of Emission of Nitrogen Oxides** | | | | |
| 252:100–33–I | Purpose | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–33–1.1 | Definitions | 6/1/2001 | 12/29/2008, 73 FR 79400. | |
| 252:100–33–1.2 | Applicability | 6/1/2001 | 12/29/2008, 73 FR 79400. | |
| 252:100–33–2 | Emission limits | 6/1/2001 | 12/29/2008, 73 FR 79400. | |
| **Subchapter 35. Control of Emission of Carbon Monoxide** | | | | |
| 252:100–35–1 | Purpose | 6/1/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–35–1.1 | Definitions | 6/1/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100–35–2 | Emission limits | 6/1/2000 | 12/29/2008, 73 FR 79400. | |
| **Subchapter 37. Control of Emission of Organic Materials** | | | | |
| PART 1. GENERAL PROVISIONS | | | | |
| 252:100–37–1 | Purpose | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–37–2 | Definitions | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–37–3 | Applicability and compliance. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–37–4 | Exemptions | 6/11/1999 | 12/29/2008, 73 FR 79400. | |

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|---|---|---|---|---|
| 252:100–37–5 | Operation and maintenance. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| PART 3. CONTROL OF VOCs IN STORAGE AND LOADING OPERATIONS | | | | |
| 252:100–37–15 | Storage of VOCs | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–37–16 | Loading of VOCs | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| PART 5. CONTROL OF VOCs IN COATING OPERATIONS | | | | |
| 252:100–37–25 | Coating of parts and products. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–37–26 | Clean up with VOCs | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| PART 7. CONTROL OF SPECIFIC PROCESSES | | | | |
| 252:100–37–35 | Waste gas disposal | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–37–36 | Fuel-burning and refuse-burning equipment. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–37–37 | Effluent water separators | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–37–38 | Pumps and compressors | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| PART 9. PERMIT BY RULE FOR VOC STORAGE AND LEADING FACILITIES | | | | |
| 252:100–37–41 | Applicability | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–37–42 | Permit-by-rule requirements. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| **Subchapter 39. Emission of Organic Materials in Nonattainment Areas** | | | | |
| PART 1. GENERAL PROVISIONS | | | | |
| 252:100–39–1 | Purpose | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–2 | Definitions | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–3 | General applicability | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–4 | Exemptions | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| PART 3. PETROLEUM REFINERY OPERATIONS | | | | |
| 252:100–39–15 | Petroleum refinery equipment leaks. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–16 | Petroleum refinery process unit turnaround. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–17 | Petroleum refinery vacuum producing system. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–18 | Petroleum refinery effluent water separators. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| PART 5. PETROLEUM PROCESSING AND STORAGE | | | | |
| 252:100–39–30 | Petroleum liquid storage in vessels with external floating roofs. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| PART 7. SPECIFIC OPERATIONS | | | | |
| 252:100–39–40 | Cutback asphalt (paving) | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–41 | Storage, loading and transport/delivery of VOCs. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–42 | Metal cleaning | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–43 | Graphic arts systems | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–44 | Manufacture of pneumatic rubber tires. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–45 | Petroleum (solvent) dry cleaning. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–46 | Coating of parts and products. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100–39–47 | Control of VOC emissions from aerospace industries coatings operations. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |

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|---|---|---|---|---|
| 252:100–39–49 | Manufacturing of fiberglass reinforced plastic products. | 6/11/1999 | 12/29/2008, 73 FR 79400. | |
| **Subchapter 43. Sampling and Testing Methods** | | | | |
| **Part 1. General Provisions** | | | | |
| 252:100–43–1 | Purpose | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–43–2 | Test procedures | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| 252:100–43–3 | Conduct of tests | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| **Part 3. Specific Methods** | | | | |
| 252:100–43–15 | Gasoline vapor leak detection procedure by combustible gas detector. | 05/26/1994 | 11/03/1999, 64 FR 59629. | |
| **Subchapter 45. Monitoring of Emissions** | | | | |
| 252:100–45–1 | Purpose | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–45–2 | Monitoring equipment required. | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–45–3 | Records required | 5/26/1994 | 11/3/1999, 64 FR 59629. | |
| 252:100–45–4 | Compliance certifications | 7/1/1995 | 12/29/2008, 73 FR 79400. | |
| 252:100–45–5 | Enforceability | 7/1/1995 | 12/29/2008, 73 FR 79400. | |
| **Appendices for OAC 252: Chapter 100** | | | | |
| 252:100, Appendix A | Allowable Emissions for Incinerators with Capacities of 100/lbs/hr or Greater. | 6/25/1998 | 12/29/2008, 73 FR 79400. | |
| 252:100, Appendix B | Allowable Emissions for Incinerators with Capacities less than 100 lbs/hr. | 6/25/1998 | 12/29/2008, 73 FR 79400. | |
| 252:100, Appendix C | Allowable Rate of Emissions for Indirectly Fired Fuel-Burning Units. | 6/1/2001 | 12/29/2008, 73 FR 79400. | |
| 252:100, Appendix D | Allowable Rate of Emissions for Indirectly Fired Wood Fuel-Burning Units. | 6/1/2000 | 12/29/2008, 73 FR 79400. | |
| 252:100, Appendix E | Primary Ambient Air Quality Standards. | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100, Appendix F | Secondary Ambient Air Quality Standards. | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| 252:100, Appendix G | Allowable Rate of Emissions. | 5/26/1994 | 11/30/1999, 64 FR 59629. | |
| 252:100, Appendix L | PM–10 Emission Factors for Permit by Rule for Grain Elevators. | 6/1/1999 | 12/29/2008, 73 FR 79400. | |
| **Oklahoma Administrative Code, Title 595. Department of Public Safety, Chapter 20 (OAC 595:20). Inspection and Equipment for Motor Vehicles** | | | | |
| **Subchapter 3. Emission and Mechanical Inspection of Vehicles** | | | | |
| 595:20–3–1 | General instructions | 05/26/1994 | 02/29/1996, 61 FR 7709 | Subsection (2) only. |
| 595:20–3–3 | When emission anti-tampering inspection required where population less than 500,000. | 5/26/1994 | 02/29/1996, 61 FR 7709. | |
| 595:20–3–5 | Emission inspection areas. | 05/26/1994 | 02/29/1996, 61 FR 7709. | |
| 595:20–3–6 | Documentation for every inspection. | 05/26/1994 | 02/29/1996 61 FR 7709. | |

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|---|---|---|---|---|
| 595:20–3–12 | Inspection required each year. | 05/26/1994 | 02/29/1996 61 FR 7709. | |
| 595:20–3–25 | Motorcycle or motor-driven cycles (Class ''B''). | 05/26/1994 | 02/29/1996 61 FR 7709. | |
| 595:20–3–26 | Trailer and semitrailer trucks, (Class ''C''). | 05/26/1994 | 02/29/1996 61 FR 7709. | |
| 595:20–3–27 | School Buses (Class ''D''). | 05/26/1994 | 02/29/1996 61 FR 7709. | |
| 595:20–3–41 | Supervisory responsibility of inspection station owners and operators. | 05/26/1994 | 02/29/1996 61 FR 7709 | Subsection (o) only. |
| 595:20–3–42 | Responsibility for signs, forms, etc. | 05/26/1994 | 02/29/1996 61 FR 7709. | |
| 595:20–3–46 | Security measures | 05/26/1994 | 02/29/1996 61 FR 7709 | Subsections (a) and (b) only. |
| 595:20–3–61 | Refund of unused stickers. | 05/26/1994 | 02/29/1996 61 FR 7709 | Subsections (a), (b), (e), and (f) only. |
| 595:20–3–63 | Rejected vehicles | 05/26/1994 | 02/29/1996 61 FR 7709 | Subsections (b) and (g) only. |
| **Subchapter 7. Inspection Stickers and Monthly Tab Inserts for Windshield and Trailer/Motorcycle** | | | | |
| 595:20–7–1 | General | 05/26/1994 | 02/29/1996 61 FR 7709 | Subsections (c) and (f) only. |
| 595:20–7–2 | Inspection certificate | 05/26/1994 | 02/29/1996 61 FR 7709 | Subsection (a) only. |
| 595:20–7–3 | Rejection receipt—Form VID 44. | 05/26/1994 | 02/29/1996 61 FR 7709. | |
| 595:20–7–4 | Station monthly report—Form VID 21. | 05/26/1994 | 02/29/1996 61 FR 7709 | Subsection (a) only. |
| 595:20–7–5 | Signature card—Form VID 17. | 05/26/1994 | 02/29/1996 61 FR 7709 | Subsection (a) only. |
| 595:20–7–6 | Request for inspection stickers—Form VID 19. | 05/26/1994 | 02/29/1996 61 FR 7709 | Subsection (a) only. |
| 595:20–7–7 | Request for refund—Form VID 25. | 05/26/1994 | 02/29/1996 61 FR 7709 | Subsection (a) only. |
| **Subchapter 9. Class AE Inspection Station, Vehicle Emission Anti-Tampering Inspection** | | | | |
| 595:20–9–1 | General | 05/26/1994 | 02/29/1996 61 FR 7709 | Subsection (a) only. |
| 595:20–9–3 | Vehicle emission inspection. | 05/26/1994 | 02/29/1996 61 FR 7709 | Subsections (l) and (m) only. |
| 595:20–9–7 | Catalytic Converter System (C.A.T.). | 05/26/1994 | 02/29/1996, 61 FR 7709. | |
| 595:20–9–10 | Evaporative emission control system (E.N.P.). | 05/26/1994 | 02/29/1996, 61 FR 7709 | Subsections (a), (b), and (c) only. |
| 595:20–9–11 | Air injection system (A.I.S. or A.I.R.). | 05/26/1994 | 02/29/1996, 61 FR 7709 | Subsection (a) only. |
| 595:20–9–12 | Positive crankcase ventilation system (P.C.V. Valve). | 05/26/1994 | 02/29/1996, 61 FR 7709 | Subsection (a) only. |
| 595:20–9–13 | Oxygen sensor | 05/26/1994 | 02/29/1996, 61 FR 7709 | Subsection (a) only. |
| 595:20–9–14 | Thermostatic air intake system (T.A.C.). | 05/26/1994 | 02/29/1996, 61 FR 7709 | Subsections (a) and (b) only. |
| 595:20–9–15 | Exhaust gas recirculation system (E.G.R.). | 05/26/1994 | 02/29/1996, 61 FR 7709 | Subsection (a) only. |
| **Subchapter 11. Annual Motor Vehicle Inspection and Emission Anti-Tampering Inspection Records and Reports** | | | | |
| 595:20–11–1 | General | 05/26/1994 | 02/29/1996, 61 FR 7709. | |
| 595:20–11–2 | Inspection certificate—VEC–1. | 05/26/1994 | 02/29/1996, 61 FR 7709 | Subsection (a) only. |
| 595:20–11–3 | Rejection certificate—VIID–44. | 05/26/1994 | 02/29/1996, 61 FR 7709 | Subsection (a) only. |
| 595:20–11–4 | Appeal procedure | 05/26/1994 | 02/29/1996, 61 FR 7709. | |

[1] Submitted.

(d) *EPA approved state source-specific requirements.*

EPA APPROVED OKLAHOMA SOURCE-SPECIFIC REQUIREMENTS

| Name of source | Permit No. | State submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| General Motors, Oklahoma City: Addendum I to Chapter 4, Emissions Offset Agreement for Permit Application. | ..... | 03/28/1977 | 12/20/1977, 42 FR 63781. | Ref: 52.1960(c)(10). |
| McAlester Army Ammunition Plant McAlester, OK. | Variance ..... | 09/21/1979 | 05/26/1981, 46 FR 28159. | Ref: 52.1960(c)(21). |
| Mesa Petroleum Company. | Variance ..... | 02/06/1984 | 07/27/1984, 49 FR 30184. | Ref: 52.1960(c)(31). |
| Rockwell International, Tulsa. | Alternate RACT ..... | 03/09/1990 | 06/12/1990, 55 FR 23730. | Ref: 52.1960(c)(36). |
| McDonald Douglas, Tulsa | Alternate RACT ..... | 03/09/1990 | 06/12/1990, 55 FR 23730. | Ref: 52.1960(c)(36). |
| American Airlines, Tulsa | Alternate RACT ..... | 03/09/1990 | 06/12/1990, 55 FR 23730. | Ref: 52.1960(c)(36). |
| Nordam Lansing Street facility, Tulsa. | Alternate RACT ..... | 03/09/1990 | 06/12/1990, 55 FR 23730. | Ref: 52.1960(c)(36). |
| Conoco Refinery, Ponca City. | 88–116–C ..... | 11/07/1989 | 03/06/1992, 57 FR 08077. | Ref: 52.1960(c)(42). |
| Conoco Refinery, Ponca City. | 88–117–O ..... | 11/07/1989 | 03/06/1992, 57 FR 08077. | Ref: 52.1960(c)(42). |

(e) *EPA approved nonregulatory provisions and quasi-regulatory measures.*

EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE OKLAHOMA SIP

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Chapter 1, Abstract ..... | Statewide ..... | 10/16/1972 | 05/14/1973, 38 FR 12696. | Ref: 52.1960(c)(6). |
| Chapter 2, Description of Regions. | Statewide ..... | 01/28/1972 | 05/31/1972, 37 FR 10842. | Ref: 52.1960(b). |
| Chapter 3, Legal Authority. | Statewide ..... | 10/16/1972 | 05/14/1973, 38 FR 12696. | Ref: 52.1960(c)(6). |
| Chapter 4, Control Strategy. | Statewide ..... | 10/16/1972 | 05/14/1973, 38 FR 12696. | Ref: 52.1960(c)(6). |
| A. Part D Requirements .. | Nonattainment areas ..... | 04/02/1979 | 02/13/1980, 45 FR 09733. | Ref: 52.1960(c)(14). |
| B. Photochemical Oxidants (Ozone). | Statewide ..... | 04/02/1979 | 02/13/1980, 45 FR 09733. | Ref: 52.1960(c)(14). |
| C. Carbon Monoxide ..... | Statewide ..... | 04/02/1979 | 02/13/1980, 45 FR 09733. | Ref: 52.1960(c)(14). |
| D. Total Suspended Particulates. | Statewide ..... | 04/02/1979 | 02/13/1980, 45 FR 09733. | Ref: 52.1960(c)(14). |
| E. Public notification ..... | Statewide ..... | 04/02/1979 | 05/14/1982, 47 FR 20771. | Ref: 52.1960(c)(17). |
| F. Lead SIP ..... | Statewide ..... | 03/05/1980 | 04/16/1982, 47 FR 16328. | Ref: 52.1960(c)(18). |
| G. PM10 SIP ..... | Statewide ..... | 08/22/1989 | 02/12/1991, 56 FR 05653. | Ref: 52.1960(c)(38). |
| H. Tulsa County Ozone Plan. | Tulsa County ..... | 02/20/1985 | 01/31/1991, 56 FR 03777. | Ref: 52.1960(c)(39). |
| I. Oklahoma County Carbon Monoxide Plan. | Oklahoma County ..... | 10/17/1985 | 08/08/1991, 56 FR 37651. | Ref: 52.1960(c)(40). |

EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE OKLAHOMA SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| J. Central Oklahoma EAC area 8-hour ozone standard attainment demonstration, Emission Reduction Strategies, Clean Air Plan, and Memorandum of Agreement between the ODEQ and ACOG defining duties and responsibilities of each party for implementation of the Central Oklahoma EAC area Emission Reduction Strategies. | Canadian, Cleveland, Grady, Lincoln, Logan, McClain, and Oklahoma Counties. | 12/22/2004 | 8/16/2005, 70 FR 48078. | |
| K. Tulsa EAC Area 8-hour ozone standard attainment demonstration, Clean Air Plan, Transportation Emission Reduction Strategies, and Memorandum of Agreement between the ODEQ and INCOG defining duties and responsibilities of each party for implementation of the Tulsa Area Transportation Emission Reduction Strategies. | Tulsa County and portions of Creek, Osage, Rogers and Wagoner Counties. | 12/22/2004 | 8/19/2005, 70 FR 48645. | |
| Chapter 5, Compliance Schedules. | Statewide | 10/16/1972 | 05/14/1973, 38 FR 12696. | Ref: 52.1960(c)(6). |
| Chapter 6, Emergency Episode Control Plan. | Statewide | 08/22/1989 | 02/12/1991, 56 FR 05653. | Ref: 52.1960(c)(38). |
| Chapter 7, Atmospheric Surveillance System. | Statewide | 03/07/1980 | 08/06/1981, 46 FR 40005. | Ref: 52.1960(c)(22). |
| Chapter 8, Source Surveillance System. | Statewide | 10/16/1972 | 05/14/1973, 38 FR 12696. | Ref: 52.1960(c)(6). |
| Chapter 9, Resources | Statewide | 04/02/1979 | 02/13/1980, 45 FR 09733. | Ref: 52.1960(c)(14). |
| Chapter 10, Intergovernmental Cooperation. | Statewide | 04/02/1979 | 05/14/1982, 47 FR 20771. | Ref: 52.1960(c)(17). |
| Small Business Assistance Program. | Statewide | 11/19/1992 | 06/23/1994, 59 FR 32365. | Ref: 52.1960(c)(45). |
| Oklahoma Vehicle Anti-Tampering Program. | Statewide | 05/16/1994 | 02/29/1996, 61 FR 07709. | Ref: 52.1960(c)(46). |
| Oklahoma Visibility Protection Plan. | Statewide | 06/08/1990 | 11/08/1999, 64 FR 60683. | Ref: 52.1960(c)(49). |

EPA APPROVED STATUTES IN THE OKLAHOMA SIP

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **1992 Oklahoma Clean Air Act (63 O.S.A. 1992, Sections 1–1801 to 1–1819)** | | | | |
| Section 1–1801 | Citation | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1802 | Purpose | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1803 | Municipal Regulations | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1804.1 | Definitions | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1805.1 | Administrative Agency Powers | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1806.1 | Adoption of Rules | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1807.1 | Air Quality Council | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1808.1 | Powers and Duties of the Air Quality Council. | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1809 | Chief of Air Quality Council/ Citizen Complaints. | 05/15/1992 | 06/23/1994, 59 FR 32365. | |

EPA APPROVED STATUTES IN THE OKLAHOMA SIP—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 1–1810 | Variances | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1811 | Compliance Orders | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1812 | Field Citation Program/Administrative Penalties. | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1813 | Permitting Program | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1814 | Fees | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1815 | Emission Standards/Toxic Air Contaminant Emissions/Oil and Gas Emissions. | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1816 | Small Business Assistance Program. | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1817 | Criminal Penalties | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1818 | Civil Action | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| Section 1–1819 | Keeping Certain Rules and Enforcement Actions Effective. | 05/15/1992 | 06/23/1994, 59 FR 32365. | |
| **1992 Oklahoma Environmental Quality Act (27A O.S.A., Sections 1 to 12)** | | | | |
| Section 1 | Citation | 06/12/1992 | 06/23/1994, 59 FR 32365. | |
| Section 2 | Purpose | 06/12/1992 | 06/23/1994, 59 FR 32365. | |
| Section 3 | Definitions | 06/12/1992 | 06/23/1994, 59 FR 32365. | |
| Section 4 | Transition | 06/12/1992 | 06/23/1994, 59 FR 32365. | |
| Section 5 | Pollution Control Coordinating Board and Department of Pollution Control. | 06/12/1992 | 06/23/1994, 59 FR 32365. | |
| Section 6 | Jurisdictional Areas of Environmental Responsibility. | 06/12/1992 | 06/23/1994, 59 FR 32365. | |
| Section 7 | Environmental Quality Board | 06/12/1992 | 06/23/1994, 59 FR 32365. | |
| Section 8 | Executive Director | 06/12/1992 | 06/23/1994, 59 FR 32365. | |
| Section 9 | Department of Environmental Quality. | 06/12/1992 | 06/23/1994, 59 FR 32365. | |
| Section 10 | Advisory Councils | 06/12/1992 | 06/23/1994, 59 FR 32365. | |
| Section 11 | Time Periods for Certain Permits and Complaints. | 06/12/1992 | 06/23/1994, 59 FR 32365. | |
| Section 12 | Resolution | 06/12/1992 | 06/23/1994, 59 FR 32365. | |
| Interstate transport for the 1997 ozone and $PM_{2.5}$ NAAQS. | Statewide | 5/1/2007 | 11/26/2010, 75 FR 72701 | Approval for revisions to prohibit interference with Prevention of Significant Deterioration in any other State. |

[65 FR 47328, Aug. 2, 2000; 65 FR 52476, 52477, Aug. 29, 2000, as amended at 70 FR 48080, Aug. 16, 2005; 70 FR 48647, Aug. 19, 2005; 70 FR 53275, Sept. 7, 2005; 73 FR 79404, Dec. 29, 2008; 75 FR 72701, Nov. 26, 2010]

## §52.1921 Classification of regions.

The Oklahoma plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Central Oklahoma Intrastate | I | III | III | III | I |
| Northeastern Oklahoma Intrastate | I | III | III | III | I |
| Southeastern Oklahoma Intrastate | III | III | III | III | III |
| North Central Oklahoma Intrastate | III | III | III | III | III |
| Southwestern Oklahoma Intrastate | III | III | III | III | III |
| Northwestern Oklahoma Intrastate | III | III | III | III | III |
| Metropolitan Fort Smith Interstate | II | III | III | III | III |
| Shreveport-Texarkana-Tyler Interstate | II | III | III | III | III |

[37 FR 10887, May 31, 1972, as amended at 45 FR 9741, Feb. 13, 1980]

### § 52.1922 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Oklahoma'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, except as noted below.

[45 FR 9741, Feb. 13, 1980, as amended at 61 FR 16062, Apr. 11, 1996]

### §§ 52.1923–52.1928 [Reserved]

### § 52.1929 Significant deterioration of air quality.

(a) *Regulation for preventing significant deterioration of air quality.* The Oklahoma plan, as submitted, does not apply to certain sources in the State. Therefore the provisions of § 52.21 except paragraph (a)(1) are hereby incorporated, and made part of the Oklahoma State implementation plan, and are applicable to the following major stationary sources or major modifications:

(i) Sources permitted by EPA prior to approval of the Oklahoma PSD program for which EPA retains enforcement authority.

(ii) Sources proposing to locate on lands over which Oklahoma does not have jurisdiction under the Clean Air Act to issue PSD permits.

(b) The plan revisions submitted by the Governor of Oklahoma on August 22, 1989, as adopted on March 23, 1989, by the Oklahoma State Board of Health and effective June 11, 1989, amendments to OAPCR 1.4.4 ''Major Sources—Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas'' is approved as meeting the requirements of Part C of the Clean Air Act for preventing significant deterioration of air quality.

(c)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in Oklahoma'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 $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 ($CO_2e$) 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 $CO_2e$.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the EPA-approved procedures in Oklahoma Air Pollution Control Regulation Title 252, Chapter 100, Subchapter 8, Part 7) and a significant net emissions increase (as defined in the EPA-approved Oklahoma Air Pollution Control Regulation 252:100–8–31, definitions for ''net emissions increase'' and ''significant'' occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in 252:100–8–31 of the EPA-approved definition for ''significant'' of Oklahoma's Air Pollution Control Regulations.

[56 FR 5656, Feb. 12, 1991, as amended at 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003; 75 FR 82559, Dec. 30, 2010; 76 FR 11965, Mar. 4, 2011]

### § 52.1930 [Reserved]

### § 52.1931 Petroleum storage tank controls.

(a) Notwithstanding any provisions to the contrary in the Oklahoma implementation plan, the petroleum storage tanks listed in paragraphs (b) through (e) of this section shall be subject to the requirements of section 15.211 of the Oklahoma Air Pollution Control Regulations and to the monitoring, inspection, reporting, and other procedural requirements of the Oklahoma implementation plan and the Clean Air Act. The owner or operator of each affected facility shall secure compliance with section 15.211 in accordance with the schedule set forth below.

(b) Tanks 121 and 122 for crude oil storage at the Sun Oil Company refinery at Duncan, Oklahoma, shall be in compliance with section 15.211 no later than August 1, 1979.

(c) Tanks 118 and 119 for gasoline storage at the Apco Oil Corporation refinery at Cyril, Oklahoma, shall be in compliance with section 15.211 no later than February 1, 1979.

(d) Tank 286 for crude oil storage at the Continental Pipe Line Company property in Oklahoma County, Oklahoma (section 32–12N–2W) shall be in compliance with section 15.211 no later than February 1, 1979.

(e) The three 80,000 barrel capacity crude oil storage tanks at the Champlin Petroleum Company, Noble Station, 13th and Bryan Streets, Oklahoma City, Oklahoma, shall be in compliance with section 15.211 no later than September 1, 1979.

(f) Action on the part of Sun Oil Company, Apco Oil Corporation, Continental Pipe Line Company and Champlin Petroleum Company of controlling hydrocarbon emissions creditable as offsets for General Motors Corporation, Oklahoma City, Oklahoma, in no way relieves these companies from meeting all requirements under the Oklahoma Air Quality Implementation Plan or under the Federal Clean Air Act as amended.

[42 FR 63782, Dec. 20, 1977]

### §§ 52.1932–52.1933 [Reserved]

### § 52.1934 Prevention of air pollution emergency episodes.

(a) The plan originally submitted by the Governor of Oklahoma on January 28, 1972, as Chapter six, was revised for particulate matter and submitted for parallel processing by the Episode Control Plan for the State of Oklahoma'' § 2.2 and § 3.2 table II as adopted September 6, 1988, by the Oklahoma Air Quality Council are approved as meeting the requirements of section 110 of the Clean Air Act and 40 CFR part 51 subpart H.

[56 FR 5656, Feb. 12, 1991]

### § 52.1935 Small business assistance program.

The Governor of Oklahoma submitted on November 19, 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 32370, June 23, 1994]

### § 52.1960 Original Identification of plan section.

(a) This section identifies the original ''State of Oklahoma Air Quality Control Implementation Plan'' and all revisions submitted by Oklahoma that were federally approved prior to June 1, 2000.

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) An opinion of the State Attorney General concerning the State's legal authority in emergency episode prevention and public disclosure was submitted February 15, 1972. (Non-regulatory)

(2) Letter from State Department of Health concerning emergency episode prevention, sampling site locations and governmental cooperation was submitted on February 25, 1972. (Non-regulatory)

(3) Letter of May 4, 1972, from the State Department of Health clarifies Regulations 4, 13, 14, and Title 63 of the State air quality regulations concerning emission data, emergency episodes, compliance schedules and new source review. (Non-regulatory)

(4) Revisions concerning Regulations 4 through 8, 13 and 15 through 18 were submitted by the Governor on July 14, 1972.

(5) Certification on October 4, 1972, of amendments to Regulation 14 of the State regulations was submitted by the Governor. (Non-regulatory)

(6) Corrections of the plan submitted previously and consolidated were submitted on October 16, 1972. (Non-regulatory)

(7) Sections 16.1, 16.3, and 16.5 of Regulation No. 16, ''Control of Emissions of Sulfur Compounds,'' the Control Strategy which relates to sulfur oxides control under the applicable sections of Regulation 16, and emission limitations on existing sources as adopted on December 1, 1974 and submitted by the Governor on March 4, 1975.

(8) Revision to Oklahoma Regulation 4.2 (public availability of emission data) was submitted by the Governor on October 7, 1975.

(9) Administrative revisions to Oklahoma SIP Chapter 1, Table 2, Oklahoma Ambient Air Quality Standards, Chapter 8, Source Surveillance and Enforcement System, section 8 A, B, and C relating to permits, and addition of Appendix Q, relating to Oklahoma Air Quality Standards, were submitted by the Oklahoma State Department of Health on May 16, 1975, with clarification submitted on June 17, 1977. (Non-regulatory).

(10) Consent agreements creditable as emission offsets were submitted by the Governor on March 28, 1977 as Addendum 1 to Chapter IV of the Oklahoma Air Quality Implementation Plan.

(11) Revisions of Oklahoma Regulation No. 15 for control of emissions of organic materials were adopted (effective date) December 31, 1974, and submitted by the Governor on June 16, 1975.

(12) Revision to Oklahoma Regulation No. 3, Defining Terms Used in Oklahoma Air Pollution Control Regulations, were submitted by the Governor on November 28, 1977. The revisions include amendments adopted by the State on June 2, 1974 and June 11, 1977. (See § 52.1926(a).)

(13) A general update of Chapter 7: Air Quality Surveillance, was submitted by the Governor on July 19, 1978. (Non-regulatory).

(14) Revisions to the plan for attainment of standards for ozone, carbon monoxide, and particulate matter (Part D requirements) were submitted by the Governor on April 2, 1979.

(15) A revised schedule including specific dates of the overall TSP program was submitted by the State on March 28, 1980.

(16) Revisions to Regulation No. 17, Regulation No. 14 section 14.313, Regulation No. section 14.313(b), Regulation No. 14 section 14.313(c)(i), Regulation No. 15 section 15.50, Regulation No. 15 section 15.53, and Regulation No. 3 (Part D requirements) were submitted by the Governor on April 11, 1980.

(17) Revisions to the plan for intergovernmental consultation, interstate pollution abatement, public notification, and the State Board were submitted by the Governor on April 2, 1979;

a letter of commitment for new source notification was submitted by the Acting Chief of the Oklahoma Air Quality Service on March 31, 1982; a Public Notification Workplan was submitted by the Chief of the Oklahoma Air Quality Service on January 14, 1980; the Oklahoma Code of Ethics for State Officials and Employees, with a clarification letter, was submitted by the Oklahoma Commissioner of Health on March 9, 1982; and a clarification letter was submitted by the Acting Chief of the Oklahoma Air Quality Service on February 23, 1982.

(18) The Oklahoma State Implementation Plan for lead was submitted to EPA on March 5, 1980, by the Governor of Oklahoma as adopted by the State Air Quality Council on November 13, 1979. Letters of clarification dated October 19 and December 9, 1981, also were submitted.

(19) Revisions to Regulation No. 15 (i.e., the addition of sections 15.57, 15.58, and 15.59) were adopted by the State Board of Health on April 30, 1980 and submitted by the Governor on June 10, 1980.

(20) Revisions to Regulation No. 15 (i.e., revisions to sections 15.524, 15.585, and 15.59, and the addition of Sections 15.60 and 15.61) were adopted by the State Board of Health on May 9, 1981 and submitted by the Governor on September 14, 1981.

(21) A variance to the State Regulations 7 and 8 for McAlester Army Ammunition Plant located in McAlester, Oklahoma was submitted by the State on September 21, 1979 and approved by the State Board of Health on September 8, 1979.

(22) On March 7, 1980, the Governor submitted final revisions to the ambient monitoring portion of the plan.

(23) [Reserved]

(24) A revision to the Air Pollution Control Regulation 2.1, as adopted by the Oklahoma Air Quality Council on January 19, 1982, was submitted by the Governor on April 12, 1982.

(25) Revision to Oklahoma Regulation No. 1.4 Air Resources Management-Permits Required (1.4.1–1.4.3) and Major Sources—Nonattainment areas (1.4.5) was submitted by the Governor on April 12, 1982. A letter of commitment and a letter of clarification for Regulation 1.4 was submitted by the State on April 30, 1982 and December 9, 1982, respectively.

(26) On April 2, 1979, the State of Oklahoma submitted an amendment to Regulation 1.3 *Defining Terms Used in Oklahoma Air Pollution Control Regulations* (i.e., Table II) and on April 12, 1982, and on May 19, 1983, the State submitted revisions to the State's Permit Regulation 1.4 including adding 1.4.4 [Major Sources—Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas] to provide for PSD new source review. A Letter of Clarification of October 6, 1982, was also submitted.

(27) Revision to Oklahoma Regulation 3.8 (Control of Emission of Hazardous Air Contaminants) submitted by the Governor on February 8, 1983.

(28) Revision to Oklahoma Regulation 3.4—Control of Emission of Sulfur Compounds was submitted by the Governor on May 19, 1983, which changed subsections 3.4(c)(1)(A)(i)(a)(3) and 3.4(c)(1)(C)(i)(a). The revision was adopted by the Oklahoma State Board of Health on May 12, 1983. A letter of clarification on subsection 3.4(c)(1)(C)(i)(a) was submitted by the State on October 14, 1983.

(29) Revision of Oklahoma Regulation 1.4—Air Resources Management—Permits Required was submitted by the Governors on May 19, 1983. A letter of clarification on subsection 1.4.1(c)(3) was submitted by the State on September 23, 1983.

(30) Revision to Oklahoma Regulation No. 1.5—Reports Required: Excess Emissions During Startup, Shutdown and Malfunction of Equipment was submitted by the Governor on February 8, 1983. Letters of clarification were submitted by the State on October 18, 1982 and May 24, 1983.

(31) Revision to Regulation 1.4 ''Air Resources Management—Permits Required'' and variance and extension for Mesa Petroleum Company submitted by the Governor on February 6, 1984. A letter of clarification on section 1.4.2(f) Cancellation of Authority to Construct or Modify was submitted by the State on February 17, 1984.

(32) [Reserved]

(33) Revision to Regulation 3.1 ''Pertaining to the Control of Smoke, Visible Emissions and Particulates'' submitted by the Governor on February 6, 1984. On May 16, 1984, the Oklahoma State Department of Health submitted a letter of clarification on Regulation 3.1.

(34) Oklahoma Air Pollution Control Regulation 1.4.2(b) ''Stack Height Limitation'' and amendments to OAPCR 1.4.2(e) ''Public Review'' as adopted on May 8, 1986, and submitted by the Governor on April 30, 1986, to meet the requirements of the Federal stack height regulations.

(i) Incorporation by reference.

(A) Oklahoma Air Pollution Control Regulation (OAPCR) 1.4.2(b) ''Stack Height Limitation'' as adopted on May 8, 1986, and amendments to OAPCR 1.4.2(b) section 1.4.2(b)(1)(G) as adopted on July 9, 1987, and effective August 10, 1987. In addition, amendments to OAPCR 1.4.2(b) section 1.4.2(b)(1)(C); and amendments to OAPCR 1.4.2(e) ''Public Review'' section 1.4.2(e)(1)(A) as adopted March 23, 1989, effective June 11, 1989, by the Oklahoma Board of Health.

(ii) Additional material.

(A) Commitment letter dated July 8, 1988, from the Director of the Permits and Enforcement Division of the Oklahoma Air Quality Service, Oklahoma State Department of Health.

(35) May 8, 1985, revisions to Oklahoma Air Pollution Control Regulation 3.4.(c)(1)(C) ''Gas Sweetening and Sulfur Recovery Plants'' were submitted by the Governor on March 31, 1986.

(i) Incorporation by reference.

(A) Amendments to Oklahoma Air Pollution Control Regulation 3.4(c)(1)(C) (Gas Sweetening and Sulfur Recovery Plants); adopted May 8, 1985, by the Oklahoma Air Quality Council.

(36) On March 9, 1990, the Governor submitted Oklahoma Air Pollution Control Regulation 3.7.5—4(h) ''Control of VOS Emissions from Aerospace Industries Coatings Operations.'' This regulation was adopted by the Oklahoma Air Quality Council on December 5, 1989, and by the Oklahoma Board of Health on February 8, 1990. The regulation became effective when it was signed by the Governor as an emergency rule on February 12, 1990. Also on March 9, 1990, the Governor of Oklahoma submitted four source specific alternate RA.T determination Orders issued by the Oklahoma Commissioner of Health for the Rockwell International, McDonnell Douglas-Tulsa. American Airlines and Nordam facilities in Tulsa County.

(i) Incorporation by reference.

(A) Oklahoma Air Pollution Control Regulation 3.7.5—4(h) ''Control of VOS Emissions from Aerospace Industries Coatings Operations'' as adopted by the Oklahoma Air Quality Council on December 5, 1989, and the Oklahoma Board of Health on February 8, 1990, and approved by the Governor on February 12, 1990.

(B) Oklahoma Commissioner of Health Order issued and effective February 21, 1990, for Rockwell International, Tulsa approving an Alternate Reasonably Available Control Technology (ARACT).

(C) Oklahoma Commissioner of Health Order issued and effective February 21, 1990, for McDonnell Douglas-Tulsa approving an Alternate Reasonably Available Control Technology (ARACT).

(D) Oklahoma Commissioner of Health Order issued and effective February 21, 1990, for American Airlines approving an Alternate Reasonably Available Control Technology (ARACT).

(E) Oklahoma Commissioner of Health Order issued and effective February 21, 1990, for Nordam's Lansing Street facility approving an Alternate Reasonably Available Control Technology (ARACT).

(ii) Additional material.

(A) *Rockwell International Tulsa.* (*1*) The document prepared by Rockwell International titled ''Rockwell International NAA-Tulsa Alternate RACT Determination'' dated October 30, 1989.

(*2*) The document prepared by Rockwell titled ''Rockwell International NAA-Tulsa Alternate RACT Determination Supplemental Submittal'' dated November 22, 1989.

(B) *McDonnell Douglas.* (*1*) The document prepared by McDonnell Douglas-Tulsa titled ''Source Specific RACT Determination'' dated October 30, 1989.

(*2*) The document prepared by McDonnell Douglas-Tulsa titled

''ARACT/Follow-up Submission'' dated November 20, 1989.

(C) *American Airlines*. (*1*) The document prepared by American Airlines titled ''American Airlines Tulsa Alternate RACT'' dated October 30, 1989.

(*2*) The document prepared by American Airlines titled ''ARACT/Follow-up Submission'' dated November 22, 1989.

(D) *Nordam*. (*1*) The document prepared by Nordam titled ''Source Specific RACT Determination'' dated November 29, 1989.

(*2*) The document prepared by Nordam titled ''ARACT/Follow-up Submission'' dated January 10, 1990.

(37) On May 8, 1989, the Governor submitted Oklahoma Air Pollution Control Regulation 1.5 ''Excess Emission and Malfunction Reporting Requirements''. This regulation was adopted by the Oklahoma Board of Health on June 23, 1988, and approved by the Oklahoma Legislature on February 24, 1989. The regulation became effective on March 11, 1989.

(i) Incorporation by reference.

(A) Revisions to Oklahoma Air Pollution Control Regulation 1.5 ''Excess Emission and Malfunction Reporting Requirements'', OAPCR 1.5 title change, §1.5(a)(1), §1.5(b)(1)(B), §1.5(b)(1)(E), §1.5(c), title, §1.5(c)(1), §1.5(e)(1), and §1.5(e)(2), as adopted by the Oklahoma Board of Health on June 23, 1988, and approved by the Oklahoma Legislature on February 24, 1989.

(38) On August 22, 1989, the Governor submitted Oklahoma's Committal SIP for the Group II area of Lawton, Oklahoma. In addition, the submittal included the State's Group III SIP for the remainder of the State and amendments to the Oklahoma Air Pollution Control Regulations 1.1, 1.2, 1.4.4, and 1.4.5, and amendments to Chapter 6 ''Emergency Episode Control Plan for the State of Oklahoma''.

(i) Incorporation by reference.

(A) Amendments to Oklahoma Air Pollution Control Regulation (OAPCR) 1.1 ''Defining Terms Used in Oklahoma Air Pollution Control Regulations'' §1.1(b)(97), §1.1(b)(98), §1.1(b)(99) and §1.1(b)(145), as adopted October 11, 1989, by the Oklahoma State Board of Health and effective May 25, 1990. Amendments to OAPCR 1.1, §1.1(b)(127), and §1.1(b)(128), as adopted March 23, 1989, by the Oklahoma State Board of Health and effective June 11, 1989.

(B) Amendments to OAPCR 1.2 ''Oklahoma Air Quality Standards and Increments'' Table 1.2(1), as adopted January 28, 1988, by the Oklahoma State Board of Health and effective June 21, 1988.

(C) Amendments to OAPCR 1.4.4 ''Major Sources—Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas'' §1.4.4(b)(22)(A), §1.4.4(d)(4), §1.4.4(d)(9), §1.4.4(d)(10), §1.4.4(d)(11), and §1.4.4(d)(12), as adopted March 23, 1989, by the Oklahoma State Board of Health and effective June 11, 1989.

(D) Amendments to OAPCR 1.4.5. ''Major Sources—Nonattainment Areas'' §1.4.5(b)(18), and §1.4.5(c)(1)(C), as adopted March 23, 1989, by the Oklahoma State Board of Health and effective June 11, 1989.

(39) On February 20, 1985, the Governor of Oklahoma, submitted a SIP revision designed to achieve the ozone standard in Tulsa County. Supplemental information was submitted on August 23, 1985, January 21, June 2, September 2, and December 22, 1986. The anti-tampering regulation was submitted to EPA by the Governor on October 8, 1985. On March 31, 1986, the Governor of Oklahoma submitted one new regulation. On May 8, 1989, the Governor of Oklahoma submitted one revised regulation. On March 9, 1990, the Governor of Oklahoma submitted four new regulations and several miscellaneous changes to the existing SIP approved regulations in Tulsa County. EPA is approving one regulation (OAPCR 3.7.5–4(f) ''Petroleum (Solvent) Dry Cleaning'') under part A, section 110 of the Clean Air Act. This regulation does not represent RACT under part D, section 172 of the Clean Air Act.

(i) Incorporation by reference.

(A) Oklahoma Air Pollution Control Regulation (OAPCR) 3.7 ''Control of Emissions of Organic Materials'' §3.7.5–4(f) as adopted by the Oklahoma State Board of Health on February 7, 1985, and effective July 1, 1986.

(B) Oklahoma Air Pollution Control Regulation (OAPCR) 3.7 ''Control of Emissions of Organic Materials'' §3.7.5–4(f), §3.7.5–4(f)(1)(A), §3.7.5–4(f)(1)(B)(vi),

§ 3.7.5–4(f)(1)(B)(vii), § 3.7.5–4(f)(2)(B), § 3.7.5–4(f)(3)(A)(iv), § 3.7.5–4(f)(3)(B), § 3.7.5–4(f)(4), § 3.7.5–4(f)(4)(A), § 3.7.5–4(f)(4)(A)(i), § 3.7.5–4(f)(4)(A)(ii), § 3.7.5–4(f)(4)(A)(iii), § 3.7.5–4(f)(5), and § 3.7.5–4(f)(5)(A) as amended by the Oklahoma State Board of Health on January 29, 1987, and effective January 29, 1987.

(C) Amendments to Oklahoma Air Pollution Control Regulation (OAPCR) 3.7 ''Control of Emissions of Organic Materials'' § 3.7.5–1(a), § 3.7.5–2(a)(2)(A), § 3.7.5–4(b), § 3.7.5–4(e)(2)(A), § 3.7.5–4(f)(1)(A), § 3.7.5–4(f)(2)(A), § 3.7.5–4(f)(2)(B), and § 3.7.5–4(i) as amended by the Oklahoma State Board of Health on March 23, 1989, and effective June 11, 1990.

(D) Amendments to Oklahoma Air Pollution Control Regulation (OAPCR) 3.7 ''Control of Emissions of Organic Materials'' § 3.7.1(b)(10), § 3.7.1(b)(11), § 3.7.1(b)(12), § 3.7.1(b)(13), § 3.7.1(b)(14), § 3.7.5–2(a)(1)(B)(i), § 3.7.5–2(a)(2), § 3.7.5–2(a)(3)(A)(iv), § 3.7.5–2(a)(3)(A)(v), § 3.7.5–2(a)(4)(A)(ii), § 3.7.5–2(a)(5)(A), § 3.7.5–2(a)(6)(A)(i), § 3.7.5–2(a)(6)(A)(iii), § 3.7.5–2(a)(6)(B), § 3.7.5–2(a)(8)(A)(i), § 3.7.5–2(a)(9), § 3.7.5–2(b)(1), § 3.7.5–2(b)(2), § 3.7.5–2(b)(2)(A)(i), § 3.7.5–2(c)(1), § 3.7.5–2(c)(1)(A), § 3.7.5–2(c)(1)(B), § 3.7.5–2(c)(2), § 3.7.5–2(c)(3), § 3.7.5–2(c)(4), § 3.7.5–3(a)(2)(B), § 3.7.5–3(a)(3)(B)(i), § 3.7.5–4(b)(1)(A)(i), § 3.7.5–4(b)(1)(A)(ii), § 3.7.5–4(b)(1)(A)(iii), § 3.7.5–4(b)(3)(F), § 3.7.5–4(c)(1)(A), § 3.7.5–4(c)(1)(A)(ii), § 3.7.5–4(c)(1)(D), § 3.7.5–4(c)(1)(E), § 3.7.5–4(c)(2)(A)(i), § 3.7.5–4(c)(2)(A)(ii), § 3.7.5–4(c)(2)(A)(iii), § 3.7.5–4(c)(2)(A)(iii)(a), § 3.7.5–4(c)(2)(A)(iii)(d), § 3.7.5–4(c)(2)(C), § 3.7.5–4(c)(3), § 3.7.5–4(c)(3)(A), § 3.7.5–4(c)(3)(A)(i), § 3.7.5–4(c)(3) (B) through (C) added, § 3.7.5–4(c)(4), § 3.7.(d)(5)(A), § 3.7.5–4(f)(1)(A), new § 3.7.5–4(g), § 3.7.5–4(i)(1)(B), § 3.7.5–4(i)(1)(B)(iii), § 3.7.5–4(i)(1)(B)(iv), § 3.7.5–4(i)(1)(D), § 3.7.5–4(i)(1)(E), and § 3.7.5–4(i)(2)(G), as amended/adopted by the Oklahoma State Board of Health on October 11, 1989, and effective May 25, 1990.

(E) Amendments to Oklahoma Air Pollution Control Regulation (OAPCR) 3.7 ''Control of Emissions of Organic Materials'' § 3.7.5–2(a)(1)(A), § 3.7.5–2(a)(1)(B), § 3.7.5–2(a)(1)(B)(i), § 3.7.5–2(a)(1)(B)(vii), § 3.7.5–2(a)(6)(A)(i), § 3.7.5–2(c)(3)(B), § 3.7.5–2(c)(4), § 3.7.5–4(g)(6), § 3.7.5–4(g)(11), § 3.7.5–4(i)(1)(D), § 3.7.5–4(i)(1)(E), § 3.7.5–4(i)(1)(F), § 3.7.5–4(i)(1)(G), and new § 3.7.5–4(j) as amended/ adopted by the Oklahoma State Board of Health on February 8, 1990, and effective May 25, 1990.

(F) Oklahoma Official Motor Vehicle Inspection Rules and Regulations Manual adopted December 5, 1985, and effective January 1, 1986.

(G) 47 O.S. SUPP. 856.1 et seq. adopted May 24, 1984, and effective May 24, 1984.

(H) OP. Oklahoma Attorney General number 84–174 (December 12, 1984).

(I) February 20, 1985, plan commitments for Tulsa County, including transportation control measures, page 8, and Reasonable Further Progress schedules and reporting commitments, pages 10 and 11, dated June 3, 1986.

(J) Title 37, chapter 4, section 167, Tulsa City Ordinance number 16466 as approved and effective October 15, 1985, by the City of Tulsa.

(K) An October 17, 1989, commitment letter, to develop and incorporate test methods into OAPCR 3.7 for determining the capture efficiency of control devices associated with coating operations.

(L) A January 16, 1990, commitment letter stating that the DPS will annually conduct unannounced visits to 10 percent of the Tulsa inspection stations.

(M) A September 28, 1990, Memorandum of Understanding.

(N) An October 12, 1990, letter to report semiannually to EPA, information relating to the effectiveness and enforcement of the I/M program.

(ii) Additional material.

(A) February 20, 1985, narrative plan revision designed to achieve the ozone standard in Tulsa County, including control strategy, modeling analysis, transportation control plan and measures, I/M program description, and negative declarations.

(B) A written interpretation by the DPS dated June 26, 1987, of the term ''proper replacement'' in § 856.1(C) of the Oklahoma statutes to mean ''original equipment manufacturer (OEM) or equivalent''.

(40) On October 17, 1985, the Governor of Oklahoma submitted a SIP revision designed to achieve the carbon monoxide standard in Oklahoma County.

Supplemental information was submitted on January 29, 1986, November 7, 1986, October 12, 1990, and October 15, 1990. The anti-tampering regulation was submitted to EPA by the Governor on October 8, 1985.

(i) Incorporation by reference.

(A) Oklahoma Official Motor Vehicle Inspection Rules and Regulations Manual adopted December 5, 1985, and effective January 1, 1986.

(B) 47 O.S. SUPP. Section 856.1 et seq. adopted May 24, 1984, and effective May 24, 1984.

(C) OP. Oklahoma Attorney General number 84–174 (December 12, 1984).

(D) October 17, 1985, plan reporting commitments for Oklahoma County Reasonable Further Progress schedule, page 6.

(E) The City of Oklahoma City Ordinance No. 12,575, as passed by the Council of the City of Oklahoma City on March 31, 1970, and approved by the Mayor on March 31, 1970.

(ii) Additional material.

(A) A February 7, 1991, commitment letter stating that the DPS will annually conduct unannounced visits at 10 percent of the Oklahoma County inspection stations.

(B) An October 12, 1990, letter committing to report semiannually to EPA, information relating to the effectiveness and enforcement of the I/M program.

(41) On November 14, 1990, the Governor submitted revisions to Oklahoma Air Pollution Control Regulation (Regulation) 1.1 ''Defining Terms Used in Oklahoma Air Pollution Control Regulations'', Regulation 1.2 ''Oklahoma Air Quality Standards and Increments'', and Regulation 1.4 ''Permits''. These regulations were adopted by the Oklahoma Air Quality Council on April 3, 1990, and by the Oklahoma Board of Health on April 12, 1990. These regulations became effective when they were signed by the Governor as emergency rules on June 4, 1990.

(i) Incorporation by reference.

(A) Revisions to Oklahoma Air Pollution Control Regulation 1.1, Regulation 1.2, and Regulation 1.4, as adopted by the Oklahoma Air Quality Council on April 3, 1990, by the Oklahoma Board of Health on April 12, 1990, and became effective on June 4, 1990: Oklahoma Air Pollution Control Regulations 1.1(b)(13), 1.1(b)(14), 1.1(b)(15), 1.1(b)(16), 1.1(b)(82)(D), 1.2—Table 1.2(2), 1.4.1(a)(1), 1.4.1(b)(3)(B), 1.4.1(b)(3)(C), 1.4.2(a)(2)(ii), 1.4.2(c), 1.4.2(h)(2), 1.4.4(b)(3)(D), 1.4.4(b)(13), 1.4.4(b)(14), 1.4.4(b)(15) and 1.4.4(d)(12), 1.4.4(d)(13)(C).

(ii) Additional material.

(A) April 23, 1991, letter from Mr. John Drake, Chief, Air Quality Service, Oklahoma State Department of Health, to Mr. A. Stanley Meiburg, Director, Air, Pesticides & Toxics Division, EPA, Region 6.

(42) On November 7, 1989, the Governor of Oklahoma submitted a revision to the SIP consisting of a construction permit, number 88–116–C, for a cogeneration unit and an operating permit, number 88–117–O, for a sulfur recovery unit. The revision involves a sulfur dioxide emissions trade for the Conoco, Incorporated, Ponca City Refinery.

(i) Incorporation by reference.

(A) Permit number 88–116–C, as adopted by the Oklahoma State Department of Health (OSDH) on May 23, 1989.

(B) Permit number 88–117–O, as adopted by the Oklahoma State Department of Health (OSDH) on June 22, 1990.

(ii) Additional material.

(A) The document issued by Conoco Ponca City Refinery, titled, ''Level II Modeling Analysis in Support of Alternate Emissions Reduction Permit for Sulfur Recovery Plant'' dated April 1990.

(B) The document issued by Conoco Ponca City Refinery, titled, ''Level III Remodeling for an $SO_2$ Bubble Trade'' dated June 3, 1991 (revised July 8, 1991).

(43) A revision to the Oklahoma SIP to include revisions to Oklahoma Title 310, Chapter 200, Subchapter 31, entitled Control of Emissions of Sulfur Compounds.

(i) Incorporation by reference.

(A) Revisions to Oklahoma Title 310, Chapter 200, Subchapter 31, entitled Control of Emissions of Sulfur Compounds, Part 1. ''General Provisions,'' Section 310:200–31–2, ''Definitions;'' Section 310:200–31–3, ''Performance testing;'' Part 3. ''Existing Equipment Standards,'' Section 310:200–31–12, ''Sulfur oxides;'' Section 310:200–31–13,

''Sulfuric acid mist;'' Section 310:200–31–14, ''Hydrogen sulfide;'' Section 310:200–31–15, ''Total reduced sulfur;'' Part 5. ''New Equipment Standards,'' Section 310:200–31–25, ''Sulfur oxides;'' and Section 310:200–31–26, ''Hydrogen sulfide,'' as adopted by the Oklahoma State Board of Health on March 24, 1993, and effective June 1, 1993.

(44) A revision to the Oklahoma SIP to include Oklahoma Administrative Code, Chapter 310:200, Subchapter 23, entitled, ''Control of Emissions From Cotton Gins,'' submitted by the Governor on May 16, 1994.

(i) Incorporation by reference.

(A) Addition of Oklahoma Administrative Code, Chapter 310:200, Subchapter 23, entitled, ''Control of Emissions From Cotton Gins,'' as adopted by the Oklahoma Air Quality Council on April 30, 1992, and effective June 1, 1993.

(ii) Additional material—None.

(45) The State is required to implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program as specified in the plan revision submitted by the Governor on November 19, 1992. This plan submittal, as adopted by the Oklahoma Air Quality Council on October 13, 1992, was developed in accordance with section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Enrolled House Bill No. 2251 (Oklahoma Clean Air Act of 1992), signed into law by the Governor on May 15, 1992, and effective upon signature. Included in this Act are provisions establishing a small business stationary source compliance assistance program; creating the State Ombudsman Office for small business; establishing Ombudsman duties; creating a Compliance Advisory Panel; establishing membership of Panel; and establishing Panel duties.

(B) Enrolled House Bill No. 2227 (Oklahoma Environmental Quality Act), signed into law by the Governor on June 12, 1992, and effective upon signature, authorizing the creation of the Oklahoma Department of Environmental Quality (ODEQ).

(ii) Additional material.

(A) Revision entitled, ''The Oklahoma Small Business Stationary Source Assistance Program, Chapter 11 of the State Implementation Plan, October 13, 1992.''

(46) A revision to the Oklahoma SIP to include revisions to Oklahoma Department of Public Safety regulation Title 595, Chapter 20, Subchapter 3—Emission and Mechanical Inspection of Vehicles, Subchapter 7—Inspection Stickers and Monthly Tab Inserts for Windshield and Trailer/Motorcycle, Subchapter 9—Class AE Inspection Station, Vehicle Emission Anti-tampering Inspection and Subchapter 11—Annual Motor Vehicle Inspection and Emission Anti-Tampering Inspection Records and Reports, adopted by the State on April 6, 1994, effective May 26, 1994 and submitted by the Governor on May 16, 1994.

(i) Incorporation by reference.

(A) Revisions to Oklahoma Department of Public Safety regulation Title 595, Chapter 20: 3–1(2); 3–3; 3–5; 3–6; 3–12; 3–25; 3–26; 3–27; 3–41(o); 3–42; 3–46(a) and (b); 3–61(a),(b),(e) and (f); 3–63(b) and (g); 7–1(c) and (f); 7–2(a); 7–3; 7–4(a); 7–5(a); 7–6(a); 7–7(a); 9–1(a); 9–3(l) and (m); 9–7; 9–10(a),(b) and (c); 9–11(a); 9–12(a); 9–13(a); 9–14(a) and (b); 9–15(a); 11–1; 11–2(a); 11–3(a); 11–4 effective May 26, 1994.

(ii) Additional material.

(A) State SIP revision entitled, ''Oklahoma Vehicle Anti-Tampering Program SIP Revision,'' which includes a completeness determination, SIP narrative, hearing records and other documentation relevant to the development of this SIP.

(47) A revision to the Oklahoma SIP to include revisions to Oklahoma Air Pollution Control Regulation 3.7—Control of Emissions of Organic Materials, adopted by the State on October 2, 1990, effective May 11, 1991 and submitted by the Governor on May 16, 1994.

(i) Incorporation by reference.

(A) Revisions to Oklahoma Air Pollution Control Regulations 3.7, Sections 3.7.5–4(g)(7)(A)(i)(b), 3.7.5–4(g)(9)(A), 3.7.5–4(i)(3)(B)(1), and 3.7.5–4(i)(3)(B)(3) effective May 11, 1991.

(ii) Additional material.

(A) State SIP revision entitled, ''Oklahoma Alternative Standards SIP Revision,'' which includes a completeness determination, SIP narrative,

hearing records and other documentation relevant to the development of this SIP.

(48) Revisions to Oklahoma Department of Environmental Quality (ODEQ) regulations in the Oklahoma SIP adopted by the Oklahoma Legislature on March 30, 1994, effective May 26, 1994, and submitted by the Governor on May 16, 1994.

(i) Incorporation by reference.

(A) *Oklahoma Register*, May 16, 1994, pages 2031 and 2032, approving the transfer of the Oklahoma Air Quality Control Rules into Title 252, Chapter 100, of the Oklahoma Administrative Code.

(B) Oklahoma Administrative Code, Title 252, Chapter 100 (OAC:252:100), Oklahoma Air Quality Control Rules, adopted by the Oklahoma Legislature on March 30, 1994, effective May 26, 1994.

(1) Subchapter 1, General Provisions.

(2) Subchapter 3, Air Quality Standards and Increments.

(3) Subchapter 5, Registration of Air Contaminant Sources.

(4) Subchapter 9, Excess Emissions and Reporting Requirements.

(5) Subchapter 13, Prohibition of Open Burning.

(6) Subchapter 15, Motor Vehicle Pollution Control Devices.

(7) Subchapter 17, Incinerators.

(8) Subchapter 19, Particulate Matter Emissions from Fuel-Burning Equipment.

(9) Subchapter 23, Control of Emissions from Cotton Gins.

(10) Subchapter 25, Smoke, Visible Emissions and Particulates.

(11) Subchapter 27, Particulate Matter Emissions from Industrial and Other Processes and Operations.

(12) Subchapter 29, Control of Fugitive Dust.

(13) Subchapter 31, Control of Emission of Sulfur Compounds.

(14) Subchapter 33, Control of Emission of Nitrogen Oxides.

(15) Subchapter 35, Control of Emission of Carbon Monoxide.

(16) Subchapter 37, Control of Emissions of Organic Materials.

(17) Subchapter 39, Control of Emission of Organic Materials in Nonattainment Areas

(18) Subchapter 43, Sampling and Testing Methods.

(19) Subchapter 45, Monitoring of Emissions.

(20) Appendix A, Allowable Emissions for Incinerators with Capacities in Excess of 100 lbs/hr.

(21) Appendix B, Allowable Emissions for Incinerators with Capacities Less Than 100 lbs/hr.

(22) Appendix C, Particulate Matter Emission Limits for Fuel-Burning Equipment.

(23) Appendix E, Primary Ambient Air Quality Standards.

(24) Appendix F, Secondary Ambient Air Quality Standards.

(25) Appendix G, Allowable Rate of Emissions.

(ii) The following previously approved ODEQ regulations remain in the Oklahoma SIP:

(A) Regulation 1.4, ''Air Resources Management Permits Required,'' as approved by EPA on: August 25, 1983 (48 FR 38636), at 52.1920(c)(26); April 2, 1984 (49 FR 13039), at 52.1920(c)(29); July 27, 1984 (49 FR 30185), at 52.1920(c)(31); August 20, 1990 (55 FR 33907), at 52.1920(c)(34); February 12, 1991 (56 FR 5655), at 52.1920(c)(38); and July 23, 1991 (56 FR 33717), at 52.1920(c)(41).

(B) Regulation 3.8, ''Control of Emission of Hazardous Air Contaminants,'' approved by EPA on August 15, 1983 (48 FR 36819), at 52.1920(c)(27).

(iii) Additional materials—None.

(49) Oklahoma visibility protection plan submitted by the Governor of Oklahoma on June 18, 1990.

(i) Incorporation by reference. Oklahoma Air Pollution Control Regulations, Sections 1.4.4(f)(2), 1.4.4(f)(7), 1.4.4(f)(11), and 1.4.4(g), as amended by the Oklahoma State Department of Health on July 9, 1987, effective August 10, 1987.

(ii) Additional information''Oklahoma Visibility Protection Plan,'' submitted by the Governor of Oklahoma on June 18, 1990.

[37 FR 10887, May 31, 1972. Redesignated and amended at 65 FR 47328, Aug. 2, 2000]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1960, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart MM—Oregon

### § 52.1970 Identification of plan.

(a) Title of plan: ''State of Oregon Clean Air Act Implementation Plan.''

(b) The plan was officially submitted on January 25, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Amendments to the implementation plan including ORS chapters 449, 192, and 340 submitted on May 3, 1972, by the Governor.

(2) Transportation control strategy for oxidants and carbon monoxide in the Oregon portion of the Portland Interstate Region submitted on October 26, 1972, by the Governor.

(3) Compliance schedules submitted on February 9, 1973, by the Department of Environmental Quality.

(4) Revision to the transportation control plan submitted on April 13, 1973, by the Governor.

(5) Compliance schedules submitted on May 30, 1973, by the Department of Environmental Quality.

(6) Compliance schedules submitted on June 8, 1973, by the Department of Environmental Quality.

(7) Compliance schedules submitted on June 22, 1973, by the Department of Environmental Quality.

(8) Compliance schedules submitted on June 25, 1973, by the Department of Environmental Quality.

(9) Compliance schedules submitted on July 31, 1973, by the Department of Environmental Quality.

(10) Compliance schedules submitted on August 3, 1973, by the Department of Environmental Quality.

(11) Request for an extension to May 31, 1976, of the attainment date for carbon monoxide and photochemical oxidants and miscellaneous additions (Nonregulatory) to the transportation control plan submitted on September 21, 1973, by the Governor.

(12) Miscellaneous additions (Nonregulatory) to the transportation control plan submitted on August 20, 1973, by the Department of Environmental Quality.

(13) Plan for maintenance of the national standards submitted on August 27, 1973, by the Department of Environmental Quality.

(14) Revision to Oregon Administrative Rules (OAR) Chapter 340, sections 25–105 through 25–130,—Hot Mix Asphalt Plans and sections 25–155 through 25–195 Kraft Pulp Mills submitted on February 8, 1973, by the Department of Environmental Quality.

(15) Change to regulations for the Lane Regional Air Pollution Authority submitted on February 13, 1973, by the Department of Environmental Quality.

(16) Special air pollution control rules for Clackamas, Columbia, Multnomah and Washington Counties and certification of the dissolution of regulations for the Columbia-Willamette Air Pollution Authority submitted on January 17, 1974, by the Department of Environmental Quality.

(17) Revision to Oregon Administrative Rules (OAR) Chapter 340, sections 12–030 through 12–055 Civil Penalties submitted on February 19, 1975, by the Department of Environmental Quality.

(18) Oregon Revised Statute 468.095 for public availability of emission data submitted on August 1, 1975, by the Department of Environmental Quality.

(19) Indirect Source Regulation (OAR, Chapter 340 sections 20–100 through 20–135) submitted on July 24, 1975, by the Department of Environmental Quality.

(20) Indirect Source Regulation (Title 20—Indirect Sources), of the Lane Regional Air Pollution Authority Rules and Regulations, submitted November 18, 1975 by the Department of Environmental Quality.

(21) Air Contaminant Discharge Permits (Oregon Administrative Rules 340–20–140 through 340–20–185) submitted February 17, 1976.

(22) Lane Regional Air Pollution Authority Regulation, Title 22—Permits, submitted June 7, 1976.

(23) Oregon Revised Statutes sections 468.450 through 468.485 submitted on August 1, 1975, by the Department of Environmental Quality.

(24) Oregon Administrative Rules (OAR) Chapter 340, sections 26–005 through 26–025, submitted on February 17, 1976, by the Department of Environmental Quality.

(25) Request for an extension to May 31, 1978, of the attainment date for particulate matter national secondary ambient air quality standards in the

Eugene/Springfield Air Quality Maintenance Area.

(26) Revision to the field burning regulations submitted on June 28, 1979; September 13, 1979, October 10, 1979; and March 11, 1980, by the Department of Environmental Quality.

(27) On June 20 and 29, 1979, the Governor submitted: (i) Carbon monoxide (CO) and ozone ($O_3$) attainment plans for the Oregon portion of the Portland-Vancouver AQMA, Salem, and Medford-Ashland AQMA, and (ii) a carbon monoxide (CO) attainment plan for the Eugene-Springfield AQMA.

(28) On June 20, 1979, the Governor requested an extension beyond 1982 for the attainment of carbon monoxide (CO) in Portland, Eugene-Springfield and Medford.

(29) On June 29, 1979, the Governor requested an extension beyond 1982 for the attainment of ozone ($O_3$) in Portland.

(30) On February 14, 1980, the State Department of Environmental Quality submitted its official response to EPA's proposed SIP actions which were published in the FEDERAL REGISTER on January 21, 1980 (45 FR 3929).

(31) On May 6, 1980, the State Department of Environmental Quality submitted recodified portions of Oregon Revised Statutes (ORS) 449 which authorize Oregon's automobile inspection/maintenance program. This submittal, requested by EPA, included chapters ORS 468.360 through 468.420, 481.190, 481.200, 483.800, 483.820, and 483.825.

(32) Revisions to the program for controlling the open burning of grass seed fields submitted on April 22, 1980, by the Department of Environmental Quality.

(33) Oregon Administrative Rules (OAR) Chapter 340, sections 24–300 through 24–350 for the vehicle inspection and maintenance program, submitted on July 26, 1980, by the Oregon Department of Environmental Quality.

(34) On December 27, 1979, the State of Oregon Department of Environmental Quality submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR part 58, subpart C §58.20.

(35) On December 31, 1980, the State Department of Environmental Quality submitted an Oregon Air Containment Discharge Permit No. 36–6041 Addendum No. 1 issued to Spaulding Pulp and Paper Company on December 11, 1980; Oregon Air Discharge Containment Discharge Permit No. 26–3025, issued to Industrial Laundry Dry Cleaners, Inc., on December 1980 and Oregon Environmental Quality Commission Stipulation and Consent Final Order concerning Vanply, Inc., dated December 30, 1980.

(36) On September 8, October 16, December 5, December 19, 1980, May 29, 1981 and September 9, 1981, DEQ submitted revisions to the SIP designed to satisfy the conditions of approval published by EPA on June 24, 1980 (45 FR 42265).

(37) Specific air pollution control rules for the Medford AQMA (OAR 340–30–005 through 340–30–070) submitted by the Department of Environmental Quality on May 26, 1978, and revisions submitted by the Department of Environmental Quality on February 14, 1980 (OAR–340–010 and 340–30–020), October 29, 1980 (OAR 340–30–016, 340–30–035 and 340–30–045), May 22, 1981 (OAR 340–30–010, 340–30–030 and 340–30–045) and September 9, 1981 (OAR 340–30–060).

(38) Revisions to the Lane Regional Air Pollution Authority rules submitted by the Department of Environmental Quality on March 14, 1977 (Title 22, Sections 010 and 020 and Table A), June 29, 1979 (Title 11, Section 015; Title 12, Sections 005 and 010; Title 13; Title 20, Sections 110, 115, 120, 125, 129 and 130; Title 21, Sections 010 and 030; Title 32, Sections 005 and 010; Title 33, Sections 005, 010, 015 and 065; Title 36; Title 42; Title 43; Title 44; and Title 45), November 6, 1979 (Title 22,Section 020 and Table A), and January 30, 1980 (Title 36).

(39) Conditions 5 and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in Bly, Oregon (Permit Number: 18–0037) submitted by the Department of Environmental Quality on March 24, 1981.

(40) Condition 4, 5, and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in North Bend, Oregon (Permit Number: 06–0007) submitted by the Department of Environmental Quality on March 27, 1981.

(41) Revisions to the agricultural open field burning rules (OAR 340–26–005 through 340–26–030) submitted by the Department of Environmental Quality on April 23, 1981, and amended ''Smoke Management Program Operational Guidelines'' submitted by the Department of Environmental Quality on July 8, 1981.

(42) Revisions to the rules for sulfite pulp mills (OAR 340–25–350 through 340–25–390) submitted by the Department of Environmental Quality on June 2, 1980.

(43) Revisions to the Air Quality Schedule of Civil Penalties (OAR 340–12–050) submitted by the Department of Environmental Quality on February 14, 1980.

(44) Revision to the ambient air quality standard for ozone (OAR 340–31–030) submitted by the Department of Environmental Quality on June 20, 1979.

(45) On March 24, 1981, the State Department of Environmental Quality submitted control strategies for the Portland secondary total suspended particulates nonattainment area.

(46) On March 23, 1981, the State Department of Environmental Quality submitted control strategies for the Eugene-Springfield secondary total suspended particulates nonattainment area.

(47) On October 16, 1980, the State Department of Environmental Quality submitted revisions to the control strategies for the Salem ozone nonattainment area.

(48) On August 17, 1981, the State Department of Environmental Quality submitted amendments to the operating rules for the Portland motor vehicle inspection program (OAR 340–24–300 through 350).

(49) On March 11, 1982, the State of Oregon Department of Environmental Quality submitted three revisions to the Lane Regional Air Pollution Authority rules. They are:

(i) Title 11 Definitions (Section 015.013, Air Conveying Systems),

(ii) Title 22 Permits (Section 020, Fees),

(iii) Title 32 Emission Standards (Section 800, Air Conveying System).

(50) On March 11, 1982, the State of Oregon Department of Environmental Quality submitted a revision to their State ambient air quality standard for ozone (from 0.08 ppm to 0.12 ppm.

(51) Amendments to the Air Contaminant Discharge Permit Rules submitted by the State Department of Environmental Quality on February 15, 1977 (OAR 340–20–140 through 185), July 24, 1979 (OAR 340–20–155 Table A, 165, 175 and 180) and May 22, 1981 (OAR 340–20–155 Table A).

(52) Prevention of Significant Deterioration Rules (OAR 340–31–100, 105 subsections (12), (15) and (16), 110, 115, 120 and 130) submitted by the State Department of Environmental Quality on June 20, 1979, and September 9, 1981.

(53) New Source Review Rules (OAR 340–20–220 to 275, except Section 225 subsections 7 and 11), except to the extent that they apply to marine vessel emissions, submitted by the State Department of Environmental Quality on September 9, 1981, and deletion of Special Permit Requirements for Sources Locating In or Near Nonattainment Areas (OAR 340–20–190 through 195).

(54) Plant Site Emission Limit Rules (OAR 340–20–300 through 320) submitted by the State Department of Environmental Quality on September 9, 1981, and deletion of the Plant Site Emission Limit Rules (OAR 340–20–196 and 197).

(55) On July 20, 1982, the State of Oregon Department of Environmental Quality submitted: (i) Carbon monoxide (CO) and ozone ($O_3$) attainment plans for Portland which build upon those plans submitted in June 1979 and (ii) a request to extend the Portland CO and $O_3$ attainment dates to December 31, 1985, and December 31, 1987, respectively.

(56) On August 9, 1982, the State of Oregon Department of Environmental Quality submitted a revision to remove the Mid-Willamette Valley Air Pollution Authority Regulations from the Oregon state implementation plan.

(57) Amendments to the rules for primary aluminum plants submitted by the Oregon State Department of Environmental Quality on February 21, 1974 (OAR 340–25–255 to 290), February 14, 1980 (OAR 340–25–265(4)(b) and 265(5)) and August 9, 1982 (OAR 340–25–255 to 285).

(58) Amendments to the rules for equipment burning salt laden wood waste from logs stored in salt water

(OAR 340–21–020) and removal of Conditions 4, 5, and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in North Bend, Oregon (Permit Number: 06–0007) submitted by the Oregon State Department of Environmental Quality on October 18, 1982.

(59) On August 16, 1982, the State of Oregon Department of Environmental Quality submitted a revision to OAR 340–24–300 to 24–350 (Vehicle Inspection Program Rules).

(60) On January 24, 1983, the State of Oregon Department of Environmental Quality submitted a revision to add a lead strategy to the Oregon Implementation Plan and revise the State lead ambient air quality standard to agree with the Federal standard.

(61) On December 13, 1982, the State of Oregon Department of Environmental Quality submitted two revisions to the Lane Regional Air Pollution Authority rules. The revisions are: (1) Title 32, Emission Standards (Section 800, Air Conveying Systems)—revision to compliance date and (2) Title 33, Prohibited Practices and Control of Special Classes (Section 070, Kraft Pulp Mills)—new rules.

(62) Title 22 ''PERMITS'' of the Lane Regional Air Pollution Authority Rules, except to the extent that they apply to marine vessel emissions and except the definitions of ''dispersion technique'' and ''good engineering practice stack height'', and Title 32 ''EMISSION STANDARDS'' Sections 32–100 through 32–104 of the Lane Regional Authority Rules, submitted by the State Department of Environmental Quality on March 2, 1983; clarifying letter dated June 20, 1984.

(63) On May 6, 1983, the Oregon Department of Environmental Quality submitted revisions to its rules as follows:

(A) Revisions to the ''New Source Review'' rule consisting of an amended section OAR 340–20–225, specifically, the deletion of the definitions of ''Dispersion Technique'' (OAR 340–20–225(7)) and ''Good Engineering Practice Stack Height'' (OAR 340–20–225(11)), the renumbering of OAR 340–20–225, the revision of the definition of ''Nonattainment Area'' (OAR 340–20–225(14)), and changes to numerous references to coincide with the new numbering; the deletion of subsection OAR 340–20–240(7) ''Growth Increments'' and the addition of a new section OAR 340–20–241 ''Growth Increments;'' an amended section OAR 340–20–245, specifically, revised subsections OAR 340–20–245(2)(c) and OAR 340–20–245(4), and changes to numerous references to coincide with the new numbering of the definitions in OAR 340–20–225; and amendment to subsection )AR 340–20–260(2); a revised reference in OAR 340–20–265(6) to coincide with the new numbering of a definition; and the deletion of section OAR 340–20–275 ''Stack Heights''.

(B) The addition of a new ''Stack Heights and Dispersion Techniques'' rule (OAR 340–20–340 and 345);

(C) Revisions to the ''Portable Hot Mix Asphalt Plants'' rule (OAR 340–25–120; and

(D) The deletion of OAR 340–22–108 ''Applicability of Alternative Control Systems.''

(64) Amendments to the fees in the ''Air Contaminant Discharge Permit'' rule (OAR 340–20–155 Table 1 and OAR 340–20–165) submitted by the Oregon Department of Environmental Quality on June 3, 1983.

(65) On October 26, 1983, and December 14, 1983, the State of Oregon Department of Environmental Quality submitted four separate revisions to their plan. On October 26, 1983, the State submitted a revised air emergency episode plan (OAR 340–27–005 through 340–27–030 (effective October 7, 1983), revisions to gasoline marketing rules for the Medford-Ashland ozone nonattainment area (OAR 340–22–110(1)(a), effective October 7, 1983, and a revised ozone ambient air quality standard for the Lane Regional Air Pollution Authority (Section 31–035 Ozone, effective July 12, 1983). On December 14, 1983, the State submitted revisions to the automobile inspection and maintenance program for Portland (OAR 340–24–306 through 340-24–350, effective November 18, 1983). EPA is also approving OAR 340–27–035 which requires an ''operation and maintenance manual'' for administering the provisions of the Emergency Episode Plan (effective October 7, 1983).

(66) On October 20, 1982, the State of Oregon Department of Environmental Quality submitted a revision to the

Medford, Oregon, Carbon Monoxide Attainment Plan which is contained in the Oregon State Implementation Plan. This plan builds upon the plan submitted in June 1979.

(67) On April 25, 1983, the State Department of Environmental Quality submitted Section 4.10, ''Medford-Ashland Air Quality Maintenance Area State Implementation Plan for Particulate Matter.''

(68) Amendments to the Open Burning Rules (OAR 340–23–022 through 115), submitted by the State Department of Environmental Quality on June 5, 1984.

(69) Amendments to the Refuse Burning Equipment Limitations rules, specifically OAR 340–21–005 (1) and (4), OAR 340–21–025(2)(b), and OAR 340–21–027, were submitted by the State Department of Environmental Quality on January 16, 1984; and amendments to the Open Field Burning rules, specifically, the addition of new sections 340–21–001, 340–26–003, 340–26–031, 340–26–035, 340–26–040 and 340–21–045, revisions to sections 340–26–005, 340–26–013, 340–26–015, 340–26–010 and replacing it with a new section 340–26–010, the deletion of the existing section 340–26–011 and 340–26–020, were submitted by the State Department of Environmental Quality on March 14, 1984.

(70) On December 10, 1984, the Oregon Department of Environmental Quality submitted revisions to its Civil Penalty Rules (OAR 340–12) which deleted Sections 005 through 025 and 052 through 068; amended Sections 030, 040 and 050; and added Sections 070 and 075. Sections 035 and 045 were retained.

(71) Revisions to the Oregon State Implementation Plan were submitted by the Director on July 26, 1984, and August 7, 1984. Revisions are woodstove certification program rules (OAR 340–21–100 to 340–21–190), Oregon Revised Statutes 468.630 to 468.655 and amendment to field burning introduction (OAR 340–26–001) and repeal the field burning rules relating to tax credits (OAR 340–26–030).

(i) Incorporation by reference:

(A) Woodstove certification program rules (OAR 340–21–100 to 340–21–190) as published in the Oregon Administrative Rules, November 1984.

(B) The Oregon Revised Statutes 468.630 to 468.655 as signed by the Governor on July 5, 1984.

(C) Amendment to the field burning rule introduction (OAR 340–60–001) as adopted by the Oregon Environmental Commission on June 29, 1984.

(72) Revisions to the Oregon SIP were submitted by the Director on May 6, 1985. Revisions are: Definitions to the Vehicle Inspection Operating Rules (OAR 340–24–305 (20) and (22)) and the Light Duty Motor Vehicle Emission Control Test Method (OAR 340–24–310 through 350 as amended).

(i) Incorporation by reference.

(A) Amendments to OAR (340–24–305 (20) and (22)) as adopted by the Environmental Quality Commission on November 2, 1984.

(B) Amendments to OAR 340–24–310 through 350 as amended as adopted by the Environmental Quality Commission on April 19, 1985.

(73) Amendments to the Lane Regional Air Pollution Authority Rules for Air Conveying Systems (Title 32, section 800) were submitted by the State Department of Environmental Quality on May 6, 1985.

(i) Incorporation by reference.

(A) Letter of May 6, 1985, to EPA from the Oregon Department of Environmental Quality, and Amendments to Title 32, section 800 of the Lane Regional Air Pollution Authority (LRAPA) as part of the Oregon State Implementation Plan. Revisions were approved at the LRAPA Board of Directors meeting on January 8, 1985, and approved by the Environmental Quality Commission on April 19, 1985.

(74) On September 25, 1984, the State of Oregon Department of Environmental Quality submitted an amendment to OAR 340–20–047, specifically Section 5.2 ''VISIBILITY PROTECTION PLAN FOR CLASS I AREAS.'' On September 25, 1984, October 22, 1985, and March 19, 1986, the State of Oregon Department of Environmental Quality submitted amendments to the ''New Source Review'' rules, specifically, amendments to OAR 340–20–225, OAR 340–20–230(1)(e) and (f), OAR 340–20–245(5), and OAR 340–20–245(7) (submitted on 9/25/84), amendments to OAR 340–20–245(3) (submitted on 9/25/84 and 10/22/85), OAR 340–20–276 (submitted on 9/25/84),

and amendments to OAR 340–20–276(1) (submitted on 10/22/85 and 3/19/86).

(i) Incorporation by reference.

(A) Letter of September 25, 1984, from the Oregon State Department of Environmental Quality to EPA Region 10. Revisions to the Oregon Administrative Rules, Chapter 340, Division 20, adopted by the Environmental Quality Commission on September 14, 1984, as follows:

(*1*) OAR 340–20–047, Section 5.2 ''VISIBILITY PROTECTION PLAN FOR CLASS I AREAS,'' except for ''Reserved'' subsections 5.2.5 ''Best Available Retrofit Technology,'' 5.2.6 ''Integral Vistas,'' and 5.2.7 ''Control Strategies;''

(*2*) OAR 340–20–225 ''Definitions'' as amended;

(*3*) OAR 340–20–230 ''Procedural Requirements,'' subsection (1) ''Information Required,'' paragraphs (e) and (f) as amended;

(*4*) OAR 340–20–245 ''Requirements for Sources in Attainment or Unclassified Areas (Prevention of Significant Deterioration),'' subsection (5) ''Air Quality Monitoring,'' paragraph (a) as amended;

(*5*) OAR 340–20–245 ''Requirements for Sources in Attainment or Unclassified Areas (Prevention of Significant Deterioration),'' subsection (7) ''Sources Impacting Class I areas'' as amended.

(B) Letter of October 22, 1985, from the Oregon State Department of Environmental Quality to EPA Region 10. Revisions to the Oregon Administrative Rules, Chapter 340, Division 20, adopted by the Environmental Quality Commission on September 27, 1985, as follows:

(*1*) OAR 340–20–245 ''Requirements for Sources in Attainment or Unclassified Areas (Prevention of Significant Deterioration),'' subsection (3) ''Exemption for Sources Not Significantly Impacting Designated Nonattainment Areas,'' paragraph (a) as amended.

(C) Letter of March 19, 1986, from the Oregon State Department of Environmental Quality to EPA Region 10. Revisions to the Oregon Administrative Rules, Chapter 340, Division 20, adopted by the Environmental Quality Commission on November 22, 1985, as follows:

(*1*) OAR–340–20–276 ''Visibility Impact'' as amended.

(75) A revision to the Oregon State Implementation Plan was submitted by the Director of Department of Environmental Quality (DEQ) on October 9, 1985, and supplemented with technical appendices on February 13, 1986. This revision adds a mandatory vehicle Inspection and Maintenance (I/M) program to the existing Medford Carbon Monoxide plan, modifies the Oregon I/M regulations for underhood inspections by eliminating tampering checks of 1974 and older model vehicles and removes the existing section 110(a)(2)(I) construction moratorium.

(i) Incorporation by reference.

(A) A letter dated October 9, 1985, from Department of Environmental Quality to EPA Region 10.

(B) A letter dated February 13, 1986, from Department of Environmental Quality to EPA Region 10.

(C) OAR 340–24–301 (Boundary Designations), OAR 340–24–320 (Light Duty Motor Vehicle Emission Control Test Criteria), and OAR 340–24–325 (Heavy Duty Motor Vehicle Emission Control Test Criteria), which were adopted by the Environmental Quality Commission on September 27, 1985.

(D) October 20, 1982 letter to EPA from the Department of Environmental Quality and section 4.9.3.2 (Emission Reduction Necessary for Attainment) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area 1982 State Implementation Plan Revision for Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

(E) Section 4.9.5.1 (Reasonable Further Progress) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area 1982 State Implementation Plan Revision for Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

(F) Section 4.9.5.5 (Conformity of Federal Actions) of the Control Strategy for Medford-Ashland Quality Maintenance Area 1982 State Implementation Plan Revision for Carbon Monoxide as adopted by the Enviromental Quality Commission on October 15, 1982.

(G) Section 4.9.4 (Control Strategy) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area

1982 State Implementation Plan Revision for the Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

(76) Revisions to the Oregon State Implementation Plan were submitted by the Director of the Department of Environmental Quality on August 5, 1985. Revisions are: Extension of existing emission standards for veneer dryers (OAR 340–25–315) to include sources located in special problem areas, and the deletion of any references to the implementation of compliance dates which have already passed.

(i) Incorporation by reference.

(A) Letter of August 5, 1985, from the Department of Environmental Quality to EPA and Amendments to OAR 340–25–315, Veneer and Plywood Operations Rule, as adopted by the Environmental Quality Commission on July 19, 1985.

(77) On February 28, 1985, the Director of the Oregon Department of Environmental Quality submitted a request to EPA to redesignate the Medford-Ashland Air Quality Maintenance Area (AQMA) from nonattainment to attainment for the primary $O_3$ standard and a plan to maintain that standard.

(i) Incorporation by reference:

(A) Letter of February 28, 1985, from Oregon State Department of Environmental Quality to EPA Region 10.

(B) Oregon Administrative Rules, Chapter 340, Division 20, Section 4.8 ''Medford-Ashland Air Quality Maintenance Area Plan for Maintenance of Ozone Standard,'' adopted by the Oregon Environmental Quality Commission on January 25, 1985.

(78) On May 30, 1986, the State of Oregon Department of Environmental Quality submitted a new rule, OAR 340–20–037 ''Stack Heights and Dispersion Techniques'' and requested the deletion of the existing rules, OAR 340–20–340 and 345 ''Stack Heights and Dispersion Techniques''. On October 23, 1987, the State of Oregon Department of Environmental Quality submitted a letter indicating how this new rule will be implemented until a definition of the terms ''emission limitation'' and ''emission stan

(i) Incorporation by reference.

(A) Letter of May 30, 1986, from the Oregon State Department of Environmental Quality to EPA Region 10. Revisions to the Oregon Administrative Rules, Chapter 340, Division 20, Section 037 ''Stack Heights and Dispersion Techniques'', adopted by the Environmental Quality Commission on April 25, 1986.

(B) Letter of October 23, 1987, from the Oregon State Department of Environmental Quality to EPA Region 10.

(79) Revisions to the Oregon State Implementation Plan were submitted by the Director of the Department of Environmental Quality of October 15, 1986. Revisions are: OAR 340–24–330 (Light Duty Motor Vehicle Emission Control Cutpoints or Standards) and OAR 340–24–335 (Heavy Duty Gasoline Motor Vehicle Emission Control Emission Standards).

(i) Incorporation by reference.

(A) Letter dated October 15, 1986 from the Director of the Department of Environmental Quality to EPA Region 10.

(B) OAR 340–24–330 (Light Duty Motor Vehicle Emission Control Cutpoints or Standards) as adopted by the Environmental Quality Commission on September 12, 1986.

(C) OAR 340–24–335 (Heavy Duty Gasoline Motor Vehicle Emission Control Emission Standards) as adopted by the Environmental Quality Commission on September 12, 1986.

(80) On May 23, 1986, the State of Oregon Department of Environmental Quality submitted a new paragraph (12), of OAR 340–20–165 ''Fees'', as a revision to the State Implementation Plan. This paragraph allows regional air pollution authorities to set a permit fee schedule for sources within their jurisdiction.

(i) Incorporation by reference.

(A) Letter dated May 23, 1986, from the State of Oregon Department of Environmental Quality to EPA Region 10. Oregon Administrative Rule, Chapter 340, Division 20, Section 340–20–165 ''Fees'', paragraph (12), adopted by the Environmental Quality Commission on March 14, 1986.

(81) Oregon Administrative Rules (OAR) Chapter 340, Division 20, Sections 200 through 215 (Conflict of Interest) submitted by the Director of the Department of Environmental Quality on May 30, 1986. These rules apply only to the Department of Environmental Quality and the Environmental Quality

Commission, and not to the Lane Regional Air Pollution Authority and its Board of Directors.

(i) Incorporation by reference.

(A) Letter dated May 20, 1986, from the State of Oregon Department of Environmental Quality to EPA Region 10. Oregon Administrative Rules, Chapter 340, Division 20, Sections 200, 205, 210, and 215 (Conflict of Interest) which was adopted by the Environmental Quality Commission on April 25, 1986.

(82) On November 24, 1986, and supplemented on January 8, 1987, the Director of the Department of Environmental Quality submitted the Grants Pass carbon monoxide control strategy as a revision to the Oregon State Implementation Plan.

(i) Incorporation by reference.

(A) Letter dated November 24, 1986, from the Director of the Department of Environmental Quality to EPA Region 10.

(B) State of Oregon Clean Air Act Implementation Plan Section 4.11 Grants Pass Carbon Monoxide Control Strategy as adopted by the Environmental Quality Commission on October 24, 1986.

(ii) Additional information.

(A) Letter dated January 8, 1987, from the Director of the Department of Environmental Quality to EPA Region X.

(B) Technical appendices for the Grants Pass Carbon Monoxide Control Strategy, Appendix 4.11.1 through 10.

(83) On March 3, 1987, the Director of the Department of Environmental Quality submitted amendments to the Oregon visibility protection program as a revisions to the Oregon state implementation plan, specifically OAR 340–20–047, section 5.2 ''Visibility Protection Plan for Class I Areas,'' OAR 629–43–043 ''Smoke Management Plan,'' and Directive 1–4–1–601 ''Operational Guidance for the Oregon Smoke Management Program.''

(i) Incorporation by reference.

(A) Two letters dated March 3, 1987, from the Director of the Department of Environmental Quality to EPA Region 10 establishing the effective dates for Oregon Administrative Rules referenced in paragraphs (c)(83)(i) (B), (C), and (D) of this section.

(B) Oregon Administrative Rule, Chapter 340, Division 20, section 047, section 5.2 ''Visibility Protection Plan for Class I Areas'' as adopted by the Environmental Quality Commission on October 24, 1986.

(C) Oregon Administrative Rule, Chapter 629, Division 43, section 043 ''Smoke Management Plan'' as adopted by the Environmental Quality Commission on December 12, 1986.

(D) Directive 1–4–1–601 ''Operational Guidance for the Oregon Smoke Management Program'' as adopted by the Environmental Quality Commission on December 12, 1986.

(84) On September 28, 1988, the Director of the Department of Environmental Quality submitted the Lane Regional Air Pollution Authority Section 12-025 ''Conflict of Interest,'' of Title 12, ''Duties and Powers of Board and Director,'' adopted as Oregon Administrative Rules, Chapter 340, Division 20, Section 047, as a revision to the State implementation plan.

(1) Incorporation by reference.

(i) September 28, 1988, letter from the Director of the Department of Environmental Quality to EPA Region 10.

(ii) Lane Regional Air Pollution Authority Section 12-025 ''Conflict of Interest,'' of Title 12, ''Duties and Powers of Board and Director,'' as adopted as Oregon Administrative Rules, Chapter 340, Division 20, Section 047. This rule was adopted by the Environmental Quality Commission on September 9, 1988.

(85) On February 17, 1989, the State of Oregon Department of Environmental Quality submitted amendments to the Procedures for Issuance, Denial, Modification, and Revocation of Permits (OAR 340–14–007, 010, 020 (and 025), Air Contaminant Discharge Permit Notice Policy (OAR 340–20–150), and the New Source Review Procedural Requirements (OAR 340–20–230).

(i) Incorporation by reference.

(A) February 17, 1989, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon Administrative Rules, Chapter 340, Division 14 (Procedures for Issuance, Denial, Modification, and Revocation of Permits), section –007 (Exceptions); –010 (Definitions) (3); –020 (Application for a Permit) (1), (4)(b),

and (5); –025 (Issuance of a Permit) (2), (3), (4), (5), and (6) as adopted by the Environmental Quality Commission on June 10, 1988.

(C) Oregon Administrative Rules, Chapter 340, Division 20 (Air Pollution Control, Air Contaminant Discharge Permit), Section –150 (Air Contaminant Discharge Permit Notice Policy) as adopted by the Environmental Quality Commission on June 10, 1988.

(D) Oregon Administrative Rules, Chapter 340, Division 20 (Air Pollution Control, New Source Review), Section –230 (Procedural Requirements) (3)(D) as adopted by the Environmental Quality Commission on June 10, 1988.

(86) Revisions to the Oregon State Implementation Plan were submitted by the Director of the Department of Environmental Quality on February 24, 1989. The revision is to OAR–340–24–300 through 350 (Vehicle Inspection Program Operating Rules, Test Procedures and Licensed Exhaust Analyzer).

(i) Incorporation by reference.

(A) Letter dated February 24, 1989, from the Director of the Department of Environmental Quality to EPA Region 10.

(B) OAR 340–24–301 [Boundary Designations] (2); OAR 340–24–310 [Light Duty Motor Vehicle Emission Control Test Method] (6); OAR 340–24–320 (Light Duty Motor Vehicle Emission Control Test Criteria) (3)(a) introductory text, (3)(b)(4), (5), and (6)(a); OAR 340–24–325 [Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria] (3)(a) introductory text, (4), and (5); OAR 340–24–330 (Light Duty Motor Vehicle Emission Control Cutpoints or Standards) (3); and OAR 340–24–350 (Gas Analytical System Licensing Criteria) (1)(a)(C), (1)(a)(E), and (1)(c) as adopted by the Environmental Quality Commission on September 9, 1988.

(87) On May 30, 1986, the Director of the Department of Environmental Quality submitted revisions to Volume 2 ''The Federal Clean Air Act Implementation Plan (and Other State Regulations)'' and on July 11, 1986, a revised Section 3 ''Statewide Regulatory Provisions'' 'Subsection 3.1 Oregon Administrative Rule—Chapter 340' (OAR 340–30–015, 030, 031, 040, and 055) as revisions to the Oregon State Implementation Plan.

(i) Incorporation by reference.

(A) May 30, 1986, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) July 11, 1986, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(C) Volume 2 ''The Federal Clean Air Act Implementation Plan (and Other State Regulations)'' Section 1 (Introduction); Section 2 (General Administration); Section 3 (Statewide Regulatory Provisions) Introduction; Section 4 (Control Strategies for Nonattainment Areas) Introduction; Section 5 (Control Strategies for Attainment and Nonattainment Areas) Introduction and Section 5.2 (Prevention of Significant Deterioration); Section 6 (Ambient Air Quality Monitoring Program); Section 8 (Public Involvement); and Section 9 (Plan Revisions and Reporting), dated January 1986, as adopted by the Environmental Quality Commission on April 25, 1986.

(D) Volume 2 ''The Federal Clean Air Act Implementation Plan (and Other State Regulations),'' Section 3 (Statewide Regulatory Provisions), Subsection 3.1 Oregon Administrative Rule—Chapter 340 (OAR 340–14–005 to 050 [Procedures for Issuance, Denial, Modification, and Revocation of Permits] dated 10–1–89, OAR 340–20–046 [Records; Maintaining and Reporting] effective 10–1–72, OAR 340–20–047 [State of Oregon Clean Air Act Implementation Plan] effective 9–30–85, OAR 340–30–015 [Wood Waste Boilers] effective 10–29–80, and OAR 340–31–105 [Definitions]) effective 9–8–81.

(E) Volume 2 ''The Federal Clean Air Act Implementation Plan (and Other State Regulations),'' Section 3 ''(Statewide Regulatory Provisions)'', Subsection 3.1 Oregon Administrative Rule—Chapter 340, Division 30 (Specific Air Pollution Control Rules for the Medford-Ashland Air Quality Maintenance Area), Section 015 (Wood Waste Boilers); Section 030 (Wood Particle Dryers at Particleboard Plants); Section 031 (Hardboard Manufacturing Plants); Section 040 (Charcoal Processing Plants); and Section 055 (Source

Testing) as adopted by the Environmental Quality Commission on June 13, 1986.

(88) A revision to the Oregon State Implementation Plan was submitted by the Director of the Oregon Department of Environmental Quality on September 14, 1989. The revision OAR–340–22–300 (Standard for Automotive Gasoline) is approved in full with the exception of section 300 (6). EPA only approves the sampling procedures and test methods specified in 40 CFR part 80 and is taking no action on the other test procedures referenced in section 300 (6) specifically the ASTM D#323 method and the California Air Resources rule methods.

(i) Incorporation by reference.

(A) Letter dated September 14, 1989, from the Director of the Oregon Department of Environmental Quality to EPA Region 10. (B) Oregon Administrative Rule, chapter 340, Division 22 (General Gaseous Emissions), section 300 (standard for Automotive Gasoline) as adopted by the Environmental Quality Commission on June 2, 1989.

(89) On January 2, 1991, the Director of the Department of Environmental Quality submitted revisions to State of Oregon's Air Quality Control Plan Volume 2 (the Federal Clean Air Act State Implementation Plan and other State Regulations) as follows: OAR chapter 340, Division 20, Sections 350 to 380 (Excess Emissions). The Department of Environmental Quality also repealed OAR 340–21–070 and OAR 340–21–075 from the state of Oregon's Air Quality Control Plan Volume 2.

(i) Incorporation by reference.

(A) January 2, 1991, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon Administrative Rules, Chapter 340, Division 20 (General); –350 (Purpose and Applicability); –355 (Definitions); –360 (Planned Startup and Shutdown); –365 (Scheduled Maintenance); –370 (Upsets and Breakdowns); –375 (Reporting Requirements); and –380 (Enforcement Action Criteria) as adopted by the Environmental Quality Commission on may 25, 1990, and were effective on January 2, 1991.

(90) On January 14, 1991, the State of Oregon Department of Environmental Quality submitted amendments to the Parking Offsets in the Portland Central business District (OAR–340–20–405 through 340–20–430) in the State of Oregon Air Quality Control Program.

(i) Incorporation by reference.

(A) Letter dated January 4, 1991, from the Director of the Department of Environmental Quality to EPA Region 10 submitting an amendment to the Oregon Implementation Plan.

(B) Oregon Administrative Rules Chapter 340, Division 20 (Air Pollution) Control), section 405 through 430 (Parking Offsets in the Portland Central Business district). These rules were adopted by the Environmental Quality Commission on December 14, 1990.

(91) On September 14, 1989, the State of Oregon Department of Environmental Quality submitted an amendment to the rules for Notice of Construction and Approval of Plans (OAR–340–20–030).

(i) Incorporation by reference.

(A) September 14, 1989, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon Administrative Rules, Chapter 340, Division 20 (Air Pollution Control, Notice of Construction and Approval of Plans) Section –030 (Procedure), (4)(a) as adopted by the Environmental Quality Commission on April 14, 1989.

(92) On November 15, 1991, the Director of the Department of Environmental Quality submitted revisions to State of Oregon's Air Quality Control Plan Volume 2 (the Federal Clean Air Act State Implementation Plan and other State Regulations) as follows: Division 34—Residential Woodheating in OAR Chapter 340 which contains OAR 340–34–001 to 34–115 (Oregon Woodstove Certification—previously Division 21–100 to 21–190 of OAR Chapter 340); a new section OAR 340–34–150 to 34–175 (Woodburning Curtailment); and a new section OAR 340–34–200 to 34–215 (Woodstove Removal Contingency Program for $PM_{10}$ Nonattainment Areas). Also OAR 340–23–030, 043, & 090 (Rules for Open Burning).

(i) Incorporation by reference.

(A) November 15, 1991, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon Administrative Rules, Chapter 340, Division 34 (Residential Wood Heating), section—001 (Purpose); –005 (Definitions); –010 (Requirements for the Sale of Woodstoves); –015 (Exemptions); –020 (Civil Penalties); –050 (Emission Performance Standards & Certification); –055 (Efficiency Testing Criteria & Procedures); –060 (General Certification Procedures); –065 (Changes in Woodstove Design); –070 (Labelling Requirements); –075 (Removal Label); –080 (Label Approval); –085 (Laboratory Accreditation Requirements); –090 (Accreditation Criteria); –095 (Application for Laboratory Efficiency Accreditation); –100 (On-Site Laboratory Inspection and Stove Testing Proficiency Demonstration); –105 (Accreditation Application Deficiency, Notification and Resolution); –110 (Final Department Administrative Review and Certificate of Accreditation); –115 (Revocation and Appeals); –150 (Applicability); –155 (Determination of Air Stagnation Conditions); –160 (Prohibition on Woodburning During Periods of Air Stagnation); –165 (Public Information Program); –170 (Enforcement); –175 (Suspension of Department Program); –200 (Applicability); –205 (Removal and Destruction of Uncertified Stove Upon Sale of Home); –210 (Home Seller's Responsibility to Verify Stove Destruction); –215 (Home Seller's Responsibility to Disclose) as adopted by the Environmental Quality Commission on November 8, 1991 and effective on November 13, 1991.

(C) Oregon Administrative Rules, Chapter 340, Division 23 (Rules for Open Burning), section –030 (Definitions); –043 (Open Burning Schedule); and –090 (Coos, Douglas, Jackson and Josephine Counties) as adopted by the Environmental Quality Commission on November 8, 1991 and effective on November 13, 1991.

(93) On November 15, 1991, the Director of the Department of Environmental Quality submitted revisions to State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air Act State Implementation Plan and other State Regulations) as follows: Division 21—General Emission Standards for Particulate Matter in Chapter 340 which contains OAR 340–21–200 to –245.

(i) Incorporation by reference.

(A) November 15, 1991, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon State implementation plan.

(B) Oregon Administrative Rules, chapter 340, Division 21 (General Emission Standards for Particulate Matter) section Industrial Contingency Requirements for PM–10 Nonattainment Areas; –200 (Purpose); –205 (Relation to Other Rules); –210 (Applicability); –215 (Definitions); –220 (Compliance Schedule for Existing Sources); –225 (Wood-Waste Boilers); –230 (Wood Particulate Dryers at Particleboard Plants); –235 (Hardboard Manufacturing Plants) –240 (Air Conveying Systems); and –245 (Fugitive Emissions) as adopted by the Environmental Quality Commission on November 8, 1991 and effective on November 13, 1991.

(94) On May 30, 1986, and on November 15, 1991, the Director of the Department of Environmental Quality submitted revisions to State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air Act State Implementation Plan and other State Regulations) as follows: Division 25—Board Products Industries in OAR Chapter 340 which contains OAR 340–25–305 to 315.

(i) Incorporation by reference.

(A) November 15, 1991, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon Administrative Rules, Chapter 340, Division 25 (Specific Industrial Standards) section–305 (Definitions); and –315 (Veneer and Plywood Manufacturing Operations) as adopted by the Environmental Quality Commission on November 8, 1991 and effective on November 13, 1991.

(C) May 30, 1986, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(95) On May 20, 1988, the Director of the Department of Environmental Quality submitted revisions to State of

Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air Act State Implementation Plan and other State Regulations) as follows: Chapter 340 Division 27 (Air Pollution Emergencies) section -005, -010, and -012.

(i) Incorporation by reference.

(A) May 20, 1988, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon Administrative Rules, chapter 340, Division 27 (Air Pollution Emergencies) section -005 (Introduction); -010 (Episode Stage Criteria for Air Pollution Emergencies) and -012 (Special Conditions) as adopted by the Environmental Quality Commission on April 29, 1988, and effective on May 19, 1988.

(96) On May 30, 1986, December 5, 1986, May 8, 1987, March 3, 1989, March 12, 1990, June 8, 1990, and November 15, 1991, the Director of the Department of Environmental Quality submitted revisions to the State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air State Implementation Plan and Other State Regulations). The revisions updated the Lane Regional Air Pollution Authority rules by adding new Titles 12, 14, 34, 38, and 47; revising existing Titles 11, 12, 15 (previously Title 13), 32, 33, 50 (previously Title 31), and 51; rescinding existing Titles 21, 22, and 36; and removing existing Titles 20, 42, 44, and 45 from the EPA-approved state implementation plan.

(i) Incorporation by reference.

(A) May 30, 1986, letter from the Director of the Oregon Department of Environmental Quality (ODEQ) to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 11 (Policy and General Provisions), Title 12 (General Duties and Powers of Board and Director), Title 14 (Definitions), Title 32 (Emission Standards) and Title 33 (Prohibited Practices and Control of Special Classes), Title 34 (Air Contaminant Discharge Permits), Title 38 (New Source Review), and Title 47 (Rules for Open Outdoor Burning) as adopted by the Environmental Quality Commission on April 25, 1986, and state effective on May 8, 1986.

(B) December 5, 1986, letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 14 (Definitions) and Title 38 (New Source Review) as adopted by the Environmental Quality Commission on October 24, 1986, and state effective on October 24, 1986.

(C) May 8, 1987, letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 34 (Air Contaminant Discharge Permits) as adopted by the Environmental Quality Commission on April 17, 1987, and state effective on April 22, 1987.

(D) March 3, 1989, letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 34 (Air Contaminant Discharge Permits), as adopted by the Environmental Quality Commission on November 4, 1988, and state effective on December 20, 1988.

(E) March 3, 1989, letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 14 (Definitions), Title 31 which was revised and repromulgated as Title 50 (Ambient Air Standards), Title 38 (New Source Review), and Title 51 (Air Pollution Emergencies), as adopted by the Environmental Quality Commission on November 4, 1988, and state effective on December 20, 1988.

(F) March 12, 1990, letter from ODEQ to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 34 (Air Contaminant Discharge Permits) as adopted by the Environmental Quality Commission on March 2, 1990, and state effective on February 14, 1991.

(G) June 8, 1990, letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 13 (Enforcement Procedures) which was revised and repromulgated as Title 15 (Enforcement Procedures and Civil Penalties) as adopted by the Environmental Quality Commission on May 25, 1990, and state effective on February 14, 1991.

(H) November 15, 1991, letter from the Director of ODEQ to EPA Region 10 submitting amendment to the Oregon state implementation plan. Revisions were a new Title 12 (Definitions), and changes to Title 34 (Air Contaminant Discharge Permits) and Title 38 (New Source Review) as adopted by the Environmental Quality Commission on November 8, 1991, and state effective on November 13, 1991.

(I) August 26, 1993, supplemental information letter from ODEQ to EPA Region 10 assuring EPA that draft and proposed regulations submitted from Lane Regional Air Pollution Authority (LRAPA) as final versions of the rules were in fact made final with no change.

(97) On October 13, 1989, and November 15, 1991, the Director of the Department of Environmental Quality submitted revisions to OAR chapter 340 Division 30 (Specific Air Pollution Control Rules for Areas With Unique Air Quality Control Needs) as revisions to the State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air State Implementation Plan and Other State Regulations).

(i) Incorporation by reference.

(A) October 13, 1989, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) November 15, 1991, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(C) Oregon Administrative Rule 340 Division 30 (Specific Air Pollution Control Rules for Medford-Ashland Air Quality Maintenance Area and the Grants Pass Urban Growth Area) –010 (Definitions); –015 (Wood Waste Boilers) (except for (3)(c)); –025 (Air Conveying Systems); –040 (Charcoal Producing Plants); –043 (Control of Fugitive Emissions (Medford-Ashland AQMA Only); –044 (Requirement for Operating and Maintenance Plans (Medford-Ashland AQMA Only); –045 (Compliance Schedules); –046 (Emission Limits Compliance Schedules); –050 (Continuous Monitoring); –055 (Source Testing; –065 (New Source); –067 (Rebuilt Sources); as adopted by the Environmental Quality Commission on September 7, 1989, and effective on September 7, 1989.

(D) Oregon Administrative Rule 340 Division 30 (Specific Air Pollution Control Rules for Areas with Unique Air Quality Control Needs) section –005 (Purpose and Application; –010 (Definitions); –012 (Application); –015 (Wood Waste Boilers) (except for (3)(c)); –021 (Veneer Dryer Emission Limitations); –030 (Wood Particle Dryers At Particleboard Plants); –043 (Control of Fugitive Emissions (Medford-Ashland AQMA Only); –044 (Requirements for Operating and Maintenance Plans (Medford-Ashland AQMA Only); –046 (Emission Limits Compliance Schedules); –050 (Continuous Monitoring); –055 (Source Testing); –065 (New Sources); –067 (Rebuilt Sources); –115 (Dual Fuel Feasibility Study for Wood-Waste Boilers); –200 (Application), –205 (Compliance Schedule for Existing Sources), –210 (Woodwaste Boilers); –215 (Wood Particle Dryers At Particleboard Plants); –220 (Hardboard Manufacturing Plants); –225 (Air Conveying System), and –230 (Fugitive Emissions) as adopted by the Environmental Quality Commission on November 8, 1991, and effective on November 13, 1991.

(98) On October 14, 1992, the Director of the Department of Environmental Quality submitted revisions to Oregon's Sampling Manual (Volumes I and II) and the inclusion of a new Continuous Emission Monitoring Manual as revision to the State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air State Implementation Plan and Other State Regulations).

(i) Incorporation by reference.

(A) October 14, 1992, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon's Sampling Manual (Volumes I and II) as adopted by the Oregon Environmental Quality Commission on January 23, 1992, and effective on January 23, 1992.

(C) Continuous Emission Monitoring Manual as adopted by the Oregon Environmental Quality Commission on January 23, 1992, and effective on February 4, 1992.

(99) On November 21, 1990, the Director of the Department of Environmental Quality (ODEQ) submitted a State Implementation Plan for Particulate Matter, Grants Pass, Oregon, Moderate Nonattainment Area, A Plan for Attaining and Maintaining the National Ambient Air Quality Standards for $PM_{10}$. On November 15, 1991, the Director of ODEQ submitted an Addendum to the November 21, 1990 submittal.

(i) Incorporation by reference.

(A) November 21, 1990, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting revisions to the Oregon state implementation plan.

(B) November 15, 1991, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting revisions to the Oregon state implementation plan.

(C) State Implementation Plan for Particulate Matter, Grants Pass, Oregon Nonattainment Area, A Plan for Attaining and Maintaining the National Ambient Air Quality Standards for $PM_{10}$ dated November 1990, adopted by the Environmental Quality Commission on November 2, 1990 and effective on November 2, 1990.

(D) $PM_{10}$ Control Strategy for Particulate Matter (Addendum) Grants Pass, Oregon Nonattainment Area, A Plan for Attaining and Maintaining the National Ambient Air Quality Standards for $PM_{10}$ dated October 1991, adopted by the Environmental Quality Commission on November 8, 1991, and effective on November 13, 1991.

(100) On May 15, 1991, the Director of the Department of Environmental Quality submitted revisions to the State of Oregon Implementation plans for volatile organic compound emissions (OAR 340–22–100 through 340–22–220, General Emission Standards for Volatile Organic Compounds), to bring about attainment of the National ambient air quality standards in ozone nonattainment areas.

(i) Incorporation by reference.

(A) May 15, 1991, letter from Oregon Department of Environmental Quality to EPA Region 10 submitting the VOC nonattainment area state implementation plan for Oregon.

(B) OAR 340–22–100 through 340–22–220, General Emission Standards for Volatile Organic Compounds, as adopted on May 14, 1991, and became effective on May 16, 1991.

(101) On July 28, 1989, the state of Oregon, through the Oregon Department of Environmental Quality, submitted a maintenance plan and a request to redesignate Eugene-Springfield to attainment for carbon monoxide (CO).

(i) Incorporation by reference.

(A) July 28, 1989, letter from Oregon Department of Environmental Quality to EPA Region 10 submitting a maintenance plan and a redesignation request for the Eugene-Springfield CO Air Quality Maintenance Area (AQMA). This plan was submitted as an amendment to the State of Oregon Implementation Plan and adopted by the Oregon Department of Environmental Quality Commission on December 9, 1988.

(B) Attainment Demonstration and Maintenance Plan for the Eugene-Springfield AQMA for CO.

(C) Letter from Lane Regional Air Pollution Authority and Lane Council of Governments, dated February 27, 1992, to EPA Region 10, committing to submit a contingency plan if a violation of the CO NAAQS occurs.

(102) On November 16, 1992, and on November 15, 1993, the Director of the Department of Environmental Quality submitted Emission Statement Rules as amendments to the State of Oregon Implementation Plan. The November 15, 1993, Emission Statement Rules revision to OAR chapter 340, Division 28, State of Oregon Implementation Plan, superseded the November 16, 1992 submittal.

(i) Incorporation by reference.

(A) November 16, 1992, letter from Oregon Department of Environmental Quality to EPA Region 10 submitting the emission statement SIP revision. This revision was submitted as an amendment to the State of Oregon Implementation Plan and adopted by the Environmental Quality Commission on November 10, 1992.

(B) Emission Statement Rules submitted as an amendment to the State of Oregon Implementation Plan, effective November 12, 1992.

(C) November 15, 1993, letter from Oregon Department of Environmental

Quality to EPA Region 10 submitting a revision to the Emission Statement Rules. This revision was submitted as an amendment to the State of Oregon Implementation Plan and adopted by the Environmental Quality Commission on September 10 and October 29, 1993.

(D) Emission Statement Rules submitted as an amendment to the State of Oregon Implementation Plan, revising the air quality regulations in OAR, Chapter 340, Division 28, effective September 24, 1993.

(E) December 20, 1993, Completeness Determination letter to Oregon Department of Environmental Quality from EPA Region 10, advising that the November 15, 1993, Emission Statement Rules submittal is a technically and administratively complete SIP revision.

(103) On May 14, 1993, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted a committal state implementation plan (SIP) for a basic inspection and maintenance (I/M) program for Portland and Medford-Ashland CO nonattainment areas. On November 15, 1993, ODEQ submitted the basic I/M program.

(i) Incorporation by reference.

(A) May 14, 1993, letter from the Director of ODEQ to EPA Region 10 submitting a committal SIP for the I/M program.

(B) November 15, 1993, letter from the Director of ODEQ to EPA Region 10 submitting the I/M program for moderate CO nonattainment areas.

(C) OAR 340–24–309 through 350, ''Motor Vehicles,'' adopted on October 29, 1993, and effective on November 4, 1993.

(104) On November 16, 1992, the Oregon State Department of Environmental Quality submitted the formal SIP revision to Oregon's Administrative Rules (OAR) 340–20–136 and 340–22–440 through 340–22–640, adopted as part of the state of Oregon Clean Air Act Implementation Plan through OAR 340–20–047. This revision establishes and requires the implementation of an oxygenated gasoline program in the Clackamas, Jackson, Multnomah, Washington and Yamhill counties, and an eleven by twelve mile area surrounding Klamath Falls and a nine mile by nine mile area surrounding Grants Pass.

(i) Incorporation by reference.

(A) The November 16, 1992, letter from the Director of the Oregon State Department of Environmental Quality to EPA Region 10 submitting revisions to the Oregon SIP.

(B) Revisions to the Oregon SIP: Rules on Oxygenated Fuels, OAR 340–20–136 and 340–22–440 through 340–22–640, adopted as part of the State of Oregon Clean Air Act Implementation Plan through OAR 340–20–047, effective November 1, 1992.

(105) On November 15, 1993, the Director of ODEQ submitted Oregon's contingency measure plan as a revision to Oregon's SIP for carbon monoxide (CO) for Grants Pass, Medford, Portland, and Klamath Falls, Oregon.

(i) Incorporation by reference.

(A) November 15, 1993, letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon SIP.

(B) Oregon Administrative Rules, Chapter 340–22–440 through 340–22–650, Vol. 2, Sections 4.2, 4.9, 4.11, Carbon Monoxide Control Strategies, effective November 4, 1993.

(106) On February 4, 1994, the Oregon Department of Environmental Quality (ODEQ) submitted the formal SIP revision to Oregon's Administrative Rules (OAR) 340–34–005 through 340–34–115 (Residential Woodheating and Woodstove Certification Program). This revision includes the repeal of OAR 340–34–55, OAR 340–34–65 as well as OAR 340–34–075 through 340–34–115.

(i) Incorporation by reference.

(A) February 4, 1994, letter from the Director of ODEQ to EPA Region 10 submitting a revision to the Woodstove Certification and Efficiency Testing Program.

(B) OAR 340–34–005 through 115, Residential Woodheating and Woodstove Certification Program, adopted on December 10, 1993, and effective on January 3, 1994.

(107) On November 15, 1991, the ODEQ submitted a PM–10 nonattainment area SIP for La Grande, Oregon.

(i) Incorporation by reference.

(A) November 15, 1991 letter from ODEQ to EPA Region 10 submitting the

PM–10 nonattainment area SIP for La Grande, Oregon.

(B) PM–10 Control Strategy for Particulate Matter, October 1991, La Grande, Oregon Nonattainment Area, as adopted by the Environmental Quality Commission on November 8, 1991.

(108) On November 15, 1991 the Director of ODEQ submitted amendments to Oregon's SIP to include a PM–10 control strategy for Eugene-Springfield and LRAPA title 39.

(i) Incorporation by reference.

(A) November 15, 1991 letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon SIP.

(B) The PM–10 control strategy for Eugene-Springfield, adopted by the OEQC on January 31, 1991, and LRAPA title 39 (Contingency for PM–10 sources in the Eugene-Springfield nonattainment area), adopted by the OEQC on November 8, 1991.

(C) April 13, 1994 letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon SIP.

(D) Amendments to Lane Regional Air Pollution Authority Rules as a revision to the Oregon SIP (title 16), adopted by the OEQC on March 11, 1994.

(109) On October 27, 1993, the Director of ODEQ submitted OAR 340–24–307, Motor Vehicle Inspection Program Fee Schedule, as an amendment to the Oregon SIP. On November 15, 1993, the Director of ODEQ submitted Section 3.1, OAR 340–24–309 through 340–24–350 and section 5.4, Motor Vehicle Inspection and Maintenance Plan, as amendments to the Oregon SIP. On June 14, 1994 EPA's Regional Administrator, Chuck Clarke, received Section 3.1, OAR 340–24–309 through 340–24–355 and section 5.4, Motor Vehicle Inspection and Maintenance Plan, from the Director of ODEQ as amendments to the Oregon SIP.

(i) Incorporation by reference.

(A) October 27, 1993 letter from the Director of ODEQ to the Regional Administration of EPA submitting a revision to the Oregon SIP, Motor Vehicle Inspection Program Fee Schedule.

(B) November 15, 1993 letter from the Director of ODEQ to the Regional Administrator of EPA submitting revisions to the Oregon SIP, Vehicle Inspection and Maintenance Program.

(C) June 13, 1994 letter from the Director of ODEQ to the Regional Administrator of EPA submitting revisions to the Oregon SIP, Vehicle Inspection and Maintenance Program.

(D) Oregon's Motor Vehicle Inspection Program Fee Schedule, OAR 340–24–307, adopted by the Environmental Quality Commission on January 29, 1993.

(E) Oregon's Vehicle Inspection and Maintenance Program, OAR 340–24–309, 310, 315, 320, 330, 335, 340, 350, and Volume 2 Section 5.4, Motor Vehicle Inspection and Maintenance Plan, adopted by the Environmental Quality Commission on October 29, 1993.

(F) Oregon's Vehicle Inspection and Maintenance Program, Section 3.1, OAR 340–24–300 through 340–24–355, and Section 5.4, adopted by the Environmental Quality Commission on June 3, 1994.

(110) On May 28, 1993, the Director of ODEQ submitted two separate sets of revisions to its air quality regulations, OAR, Chapter 340, Division 25. One submittal was housekeeping amendments affecting all of Division 25; the second submittal was specifically Kraft Pulp Mill rules (OAR 340–25–150 through –205) and Neutral Sulfite Semi-Chemical Pulp Mill regulations (OAR 340–25–220 through –234). On November 15, 1993, the Director of ODEQ submitted a revision to OAR, Chapter 340, Division 25. On April 13, 1994, the Director of ODEQ submitted revisions to the Oregon SIP for LRAPA's Title 47, Outdoor Open Burning.

(i) Incorporation by reference.

(A) EPA received on May 28, 1993, two letters from the Director, ODEQ, to the Regional Administrator, EPA, submitting housekeeping amendments to Division 25: Housekeeping amendments to Division 25 (OAR 340–25–005 through 025 and OAR 340–25–105 through 340–25–430), effective March 10, 1993; and revisions to the Oregon SIP for Kraft Pulp Mill Amendments and Neutral Sulfite Semi-Chemical Pulp Mill Regulations: Kraft Pulp Mill Rules (OAR 340–25–150 through 205) and the Neutral Sulfite Semi-Chemical Pulp Mill Pulp Mills (OAR 340–25–220 through 234), excluding

all references to total reduced sulfur, effective January 24, 1990.

(B) November 15, 1993, letter from the Director, ODEQ, to the Regional Administrator, EPA, submitting revisions to the Oregon SIP for OAR, Chapter 340, Division 25: Amendments to OAR Chapter 340, Division 25 (OAR 340–25–160, 340–25–222, 340–25–275, 230–25–310, 340–25–420), effective November 4, 1993.

(C) April 13, 1994, letter from the Director, ODEQ, to the Regional Administrator, EPA, submitting revisions to LRAPA, Title 47: Title 47, Lane Regional Air Pollution Authority, August 11, 1992, *Outdoor Open Burning,* effective January 1, 1993.

(111) The EPA approves a revision to the State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air Act State Implementation Plan and other State Regulations), specifically a revision to Section 2.2—Legal Authority and a revision to Chapters 468 and 468A of the Oregon Revised Statutes (ORS).

(i) Incorporation by reference.

(A) On July 29, 1992 and August 30, 1994, ODEQ submitted to EPA a revision to Oregon Revised Statutes (ORS), Chapter 468 (1993 Edition), and Chapter 468A (1993 Edition), both of which were amended and adopted through August 1993 and in effect on November 4, 1993; and a revised Section 2.2—Legal Authority, including subsections 2.2.1 through 2.2.9, dated and revised July 29, 1992, the date of the official attached transmittal letter.

(112) On November 16, 1992, the Director for the Oregon Department of Environmental Quality (ODEQ) submitted the Oregon State Small Business Stationary Source Technical and Environmental Compliance Assistance Program and on May 16, 1995, the Administrator for ODEQ submitted the Small Business Assistance Program Confidentiality Option as revisions to the Oregon State Implementation Plan.

(i) Incorporation by reference.

(A) The November 16, 1992 letter from the Director of the Oregon Department of Environmental Quality submitting the Small Business Stationary Source Technical and Environmental Compliance Assistance Program to EPA; The Oregon Air Quality Small Business Assistance Program State Implementation Plan Revision adopted on October 16, 1992, and evidence that the State has the necessary legal authority, Oregon Revised Statutes 468A.330 (Small Business Stationary Source Technical and Environmental Compliance Assistance Program).

(B) The May 16, 1995 letter from the Administrator of the Oregon Department of Environmental Quality, Air Quality Division, submitting the Small Business Assistance Program confidentiality option to EPA; The Air Quality Guidance, Restriction of Information Obtained by the AQ Small Business Assistance Program adopted on May 16, 1995.

(113) On April 14, 1995, the Oregon Department of Environmental Quality submitted a revision to its SIP for the State of Oregon to include the Transportation Conformity: OAR 340–20–710 through 340–20–1080.

(i) Incorporation by reference.

(A) April 14, 1995 letter from ODEQ director Lydia Taylor to EPA Regional Administrator Chuck Clarke submitting a revision to the Oregon SIP to include the Transportation Conformity: OAR 340–20–710 through 340–20–1080; Division 20, Air Pollution Control, Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act, effective March 29, 1995.

(114) On November 20, 1995, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted a Reasonably Available Control Technology Standards (RACT) determination for VOC emissions from the Intel Corporation facility in Portland, Oregon.

(i) Incorporation by reference.

(A) The letter dated November 20, 1995, from the Director of ODEQ submitting a SIP revision for a RACT determination contained in Intel's Oregon Title V Operating Permit for VOC emissions, consisting of permit #34–2681 expiration date 10–31–99, page 11 of 32 pages, effective date September 24, 1993 (State-effective date of the Oregon Title V Program).

(115) A minor revision consisting of clarification of existing air quality

control regions and nonattainment and maintenance areas of Oregon (the revision did not change any existing boundaries) was submitted to EPA from ODEQ for inclusion into the Oregon SIP.

(i) Incorporation by reference.

(A) Letter dated September 20, 1995 from the Director of the ODEQ to the EPA Regional Administrator submitting a revision to better define Oregon's existing air quality boundaries found in State regulations OAR 340–23–065 through 340–23–075 (Rules for Open Burning), OAR 340–31–120 (Air Pollution Control Standards for Air Purity and Quality), and OAR 340–31–500 through 340–31–530 (The Air Quality Control Regions and Nonattainment and Maintenance Areas of Oregon), effective May 25, 1995.

(116) On May 27, 1993, September 27, 1995, and October 8, 1996, the Director of ODEQ submitted to the Regional Administrator of EPA revisions to its Oregon SIP: the Oregon Administrative Rules (OAR), Housekeeping Amendments (Chapter 340, Divisions 21 through 24, 26, 27, 30, and 34); OAR, Division 22, General Gaseous Emissions (340–22–100, –130, and –137); and OAR, Divisions 20, 21, 22, 25, 27 and 30).

(i) Incorporation by reference.

(A) May 27, 1993, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules: Housekeeping Amendments, Oregon Administrative Rules, Chapter 340, Divisions 21 through 24, 26, 27, 30, and 34, State-effective on March 10, 1993.

(B) September 27, 1995, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules: Permits and Fees for Stage I Vapor Recovery Program, Division 22, General Gaseous Emissions, Sections 100, 130, and 137, State-effective on November 2, 1994.

(C) October 8, 1996, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules: OAR 340–020–0047 (State-effective on September 24, 1996); OAR 340–21–0005, –0015, –0020, –0025, –0030, –0035, –0045, –0050, and –0235 (State-effective on January 29, 1996); OAR 340–022–0102 (State-effective on March 29, 1996), and –0130 (State-effective on December 6, 1995); OAR 340–025–0260 and –0265 (State-effective on December 6, 1995), –0280 (State-effective on December 6, 1995), –0320 and –0325 (State-effective on January 29, 1996); OAR –027–0005 (State-effective on September 24, 1996); OAR 030–0007, –0010 and –0031 (State-effective on January 29, 1996).

(117) On November 20, 1996, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted source-specific Reasonably Available Control Technology (RACT) determinations to EPA as SIP revisions for VOC emissions standards.

(i) Incorporation by reference.

(A) Two letters dated November 20, 1995, from Director of the Oregon Department of Environmental Quality (ODEQ) submitting SIP revisions for RACT determinations for VOC emissions for: Cascade General, Inc., a ship repair yard in Portland, Oregon, Permit No. 26–3224 (issued to the Port of Portland), dated October 4, 1995; and, White Consolidated, Inc. (doing business as Schrock Cabinet Co.), a wood cabinet manufacturing facility in Hillsboro, Oregon, Permit No. 34–2060, dated August 1, 1995.

(118) On October 13, 1989, the Director of the Oregon Department of Environmental Quality submitted an amendment to OAR Chapter 340, Division 30. On May 28, 1993, the Director of the Oregon Department of Environmental Quality submitted amendments to OAR Chapter 340, Division 14, and Division 31. On November 15, 1993, the Director of the Oregon Department of Environmental Quality submitted amendments to OAR Chapter 340, Division 14, Division 20, and Division 31, and a new Division 28. On November 14, 1994, June 1, 1995, October 8, 1996, and January 22, 1997, the Director of the Oregon Department of Environmental Quality submitted amendments to OAR Chapter 340, Division 28. On September 27, 1995, the Director of the Oregon Department of Environmental Quality submitted amendments to OAR Chapter 340, Division 31.

(i) Incorporation by reference.

(A) OAR 340–14–005, –010, –015, –020, –025, –030, –035, –040, –045, and –050, effective March 10, 1993; and OAR 340–14–007, effective September 24, 1993.

(B) OAR 340–28–500, –510, –520, –810, –1030, –1040, –1120, –1130, –1400, –1450,

–1520, –1600, –1700, –1710, and –1920, effective September 24, 1993; OAR 340–28–100, –200, –300, –700, –800, –820, –900, –1000, –1020, –1100, –1110, –1140, –1420, –1440, –1500, –1510, –1730, –1740, –1750, –1760, –1770, –1900, –1940, –1950, –1960, –1970, –1980, –1990, and –2000, effective November 4, 1993; OAR 340–28–600, –610, –620, and –640, effective January 1, 1994; OAR 340–28–1910 and –2270, effective October 29, 1994; OAR 340–28–1930, effective May 1, 1995; OAR 340–28–1060, effective January 29, 1996; OAR 340–28–1410 and –1430, effective September 24, 1996; and OAR 340–28–110, –400, –630, –1010 and –1720, effective October 22, 1996.

(C) OAR 340–30–111, effective September 26, 1989.

(D) OAR 340–31–010, 340–31–015, 340–31–020, 340–31–025, 340–31–030, 340–31–040, 340–31–055, 340–31–100, 340–31–115, and 340–31–130, effective March 10, 1993; and OAR 340–31–005, OAR 340–31–110, and 340–31–120, effective July 12, 1995.

(119) November 15, 1991, and September 20, 1995, letters from the Director, Oregon Department of Environmental Quality, to the Region 10 Regional Administrator, EPA, submitting the PM–10 Klamath Falls, Oregon, PM–10 Control Plan and amendments as revisions to its SIP.

(i) Incorporation by reference.

(A) State Implementation Plan for PM–10 in Klamath Falls, dated October 1991 and revised August 1995; and Appendix 4: Ordinances and Commitments, Ordinance No. 6630 (adopted September 16, 1991), and Ordinance No. 63 (adopted July 31, 1991)—Chapters 170 and 406.

(120) The Oregon Department of Environmental Quality (ODEQ) and the Washington Department of Ecology (WDOE) submitted Maintenance Plans that demonstrate continued attainment of the NAAQS for $O_3$ and requested redesignation of the Pdx/Van interstate nonattainment area from nonattainment to attainment for $O_3$. The SIP revision requests were submitted by the WDOE on June 13, 1996, and by ODEQ on August 30, 1996. A number of other $O_3$ supporting revisions were included in this submittal, such as: the 1990 $O_3$ Emission Inventories; changes to the NSR programs; regulations implementing the hybrid low enhanced I/M programs; an expanded vehicle inspection boundary; minor RACT rule changes (Vancouver only); Employee Commute Options rule (Portland only); Voluntary Parking Ratio rule (Portland only); PSEL management rules (Portland only); and local area source supporting rules.

(i) Incorporation by reference.

(A) Ozone Maintenance Plan and Redesignation Request for the Portland/Vancouver AQMA (Oregon Portion) effective August 14, 1996.

(B) Oregon Inspection and Maintenance SIP revision to Section 5.4; OAR 340–024–0100, –0300, –0305, –0306, –0307, –0308, –0309, –0312 (with the exception of all language in (4) (a) referring to a ''sixth hill extrapolation''), –0314 , –0318, –0320, –0325, –0330, –0332, –0335, –0337, –0340, –0355, –0357, and –0360, State effective on November 26, 1996.

(C) New Source Review: OAR 340–020–0047; OAR 340–028–0110, 1900 through 1940, 1960, 1970, and 2000; OAR 340–030–0111, State effective on November 26, 1996.

(D) Supporting Regulations approved as part of the Ozone non-attainment redesignation package: OAR 340–022–0400, –0401, –0402, –0403, –0700, –0710, –0720, –0730, –0740, –0750, –0760, –0800, –0810, –0820, –0830, –0840, –0850, –0860, –0900, –0910, –0920, –0930, –0940, –0950, –1000, –1010, –1020, –1030, –1040, –1050, –1100, –1110, –1120, –1130, State effective on 8/14/96; OAR 340–024–0301, State effective on 8/12/96; OAR 340–030–0700, –0710, –0720, –0730, –0740, –0800, –0810, –0820, –0830, –0840, –0850, –0860, –0870, –0880, –0890, –0900, –0910, –0920, –0930, –0940, –0950, –0960, –0970, –0980, –0990, –1000, –1010, –1020, –1030, –1040, –1050, –1060, –1070, –1080, –1100, –1110, –1120, –1130, –1140, –1150, –1160, –1170, –1180, –1190, State effective on 8/14/96; and OAR 340–031–0500, –0520, –0530, State effective on 8/19/96.

(121) On April 7, 1997, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted a Reasonably Available Control Technology (RACT) determination for VOC emissions from PCC Structurals, Inc., Large Parts Campus, at 4600 SE Harney Drive, Portland, Oregon.

(i) Incorporation by reference.

(A) The letter dated April 7, 1997, from the Director of ODEQ submitting

a SIP revision for a RACT determination contained in PCC Structurals, Inc.'s Oregon Title V Operating Permit for VOC emissions, consisting of permit #26–1867, expiration date 4–1–2000, effective date April 4, 1997. Only conditions 19, 20, and 21 in PCC Structurals' Addendum No. 2 to permit #26–1867 are incorporated into the SIP.

(122) On August 30, 1996, the Director of the Oregon Department of Environmental Quality submitted to the Regional Administrator of EPA a revision to the Carbon Monoxide State Implementation Plan for the Portland area containing a Maintenance Plan that demonstrated continued attainment of the NAAQS for carbon monoxide through the year 2007.

(i) Incorporation by reference.

(A) Letter dated August 30, 1996, from Oregon to EPA requesting the redesignation of the Portland carbon monoxide nonattainment area to attainment and submitting the Maintenance Plan; Revision to the State Implementation Plan: Carbon Monoxide Maintenance Plan and Redesignation Request for the Portland Metro Area, adopted July 12, 1996.

(B) Letter dated April 17, 1997, from Oregon to EPA submitting replacement pages to the Maintenance Plan and appendices.

(ii) Additional material.

(A) Appendices to the Maintenance Plan and Redesignation Request for Portland (Metro) Area—State Implementation Plan Revision for Carbon Monoxide, dated July 12, 1996: Appendix D2–1 (Volume 3), CO Air Monitoring Network; Appendix D2–2 (Volume 3), Meteorological Analysis; Appendix D2–3 (Volume 3), Review of Bag Study Results Which Demonstrates The DEQ Network of Sites Records Higher CO Concentrations Than Screened Intersections; Appendix D2–4 (Volume 3), Emission Inventory and Forecast Portland (Metro) Area (Carbon Monoxide); Appendix D2–4–1 (Volume 3), Base Year (1990) Emission Inventory Portland (Metro) Area (Carbon Monoxide); Appendix D2–4–2 (Volume 3), Attainment Year (1991) Emission Inventory Portland (Metro) Area (Carbon Monoxide); Appendix D2–4–3 (Volume 3), Regional Emission Forecast Portland (Metro) Area; Appendix D2–4–4 (Volume 3), Subregional Emission Inventories and Forecast Portland (Metro) Area (Carbon Monoxide); Appendix D2–4–5 (Volume 3), Metro Model Assumptions, Link-Based Emissions Calculation Methodology, and Travel Demand Forecasting Model Summary; Appendix D2–5 (Volume 3), Conformity Process; Appendix D2–6 (Volume 3), Historical and Projected Population and Households; Appendix D2–7 (Volume 3), Metro Council Resolution Concerning Portland CO Maintenance Plan, Emission Budgets, and Contingency Plan; Appendix D2–8 (Volume 3), CCTMP Zoning Codes Incorporated Into the Portland Carbon Monoxide Maintenance Plan; Appendix D2–9 (Volume 3), Motor Vehicle Inspection Program Changes; Appendix D2–10 (Volume 3), Land-Use Measures and TCM Substitution; Appendix D2–11 (Volume 3), New Source Review Program Changes; Appendix D2–12 (Volume 3), Rollforward Analysis; Appendix D2–13 (Volume 3), CCTMP Zoning Codes Used as Supporting Documentation in the Portland Carbon Monoxide Maintenance Plan; Appendix D2–14 (Volume 3), Miscellaneous Oregon Administrative Rule Amendments—Supporting Rules, OAR Chapter 340, Section 340–020–0047 (State of Oregon Clean Air Act Implementation Plan); and Sections 340–031–0520 and 340–031–0530 (Maintenance Area Designation).

(123) On May 22, 1997, ODEQ submitted changes to the definition of Volatile Organic Compounds (VOC) in the Oregon Administrative Rules (OAR) consistent with changes made in the federal definition and delisted certain compounds no longer considered VOCs under the new definition. On November 13, 1997, ODEQ submitted changes in the OAR that increased Air Contaminant Discharge Permit Fees for stationary sources to recover costs of operating the state permit program.

(i) Incorporation by reference.

(A) Oregon Administrative Rules 340–022–0102(73) and 340–028–0110(129), effective May 9, 1997; Oregon Administrative Rule 340–028–1750, effective August 27, 1997.

(124) On October 30, 1997 the director of the Oregon Department of Environmental Quality (ODEQ) submitted a source specific Reasonable Available

Control Technology (RACT) determination as a SIP revision for VOC emissions and standards.

(i) Incorporation by reference.

(A) Letter dated October 30, 1997 from the Director of ODEQ submitting a SIP revision for Dura Industries, Inc., an architectural surface coating operation in Portland, Oregon—permit #26–3112 dated September 14, 1995.

(125) On June 1, 1995 and January 22, 1997, the Director of ODEQ submitted to the Regional Administrator of EPA new sections to Division 30 and revisions to Divisions 20, 21, 22, 25, and 30.

(i) Incorporation by reference.

(A) OAR–340–020–0047; OAR–340–022–0170; OAR–340–022–0840; OAR–340–022–0930; OAR–340–022–0055; OAR–340–028–0110; OAR–340–028–0400; OAR–340–028–0630; OAR–340–028–1010; OAR–340–028–1720; OAR–340–030–0015; OAR–340–030–0044; OAR–340–030–0050; OAR–340–030–0055; OAR–340–030–0320; OAR–340–030–0330: These rules were all state adopted on October 11, 1996.

(126) On August 31, 1995, and October 8, 1996, the Director of ODEQ submitted to the Regional Administrator of EPA revisions to its Oregon SIP: the Oregon Administrative Rules (OAR) Chapter 340, Division 25, Specific Industrial Standards (OAR 340–25–305, 320 and 325).

(i) Incorporation by reference.

(A) August 31, 1995, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules (OAR); OAR 340–25–305, State effective on February 17, 1995.

(B) October 8, 1996, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules (OAR); OAR 340–25–320 and OAR 340–25–325, State effective on January 29, 1996.

(127) December 9, 1996, letter from the Director, Oregon Department of Environmental Quality, to the Region 10 Regional Administrator, EPA, submitting the Attainment Plan for the Oakridge, Oregon PM–10 nonattainment area as a revision to its SIP.

(i) Incorporation by reference.

(A) State Implementation Plan for PM–10 in Oakridge, dated August 1996, and Appendices XII, XIII and XIV.

(ii) Additional Material: Appendix I through VI and VIII through XI of the State Implementation Plan for PM–10 in Oakridge dated August 1996.

(128) On June 1, 1995 the State of Oregon submitted to EPA an attainment plan for the Lakeview PM10 nonattainment area. This SIP revision is designed to bring about the attainment of the PM10 NAAQS in Lakeview and satisfy Federal requirements applicable to moderate PM10 nonattainment areas.

(i) Incorporation by reference.

(A) June 1, 1995 letter from the Director, Oregon Department of Environmental Quality, the Governor's designee, to Region 10 Regional Administrator, EPA, submitting the Lakeview, Oregon PM10 Control Plan.

(B) Revision to the Oregon State Implementation Plan: Lakeview, Oregon PM10 Control Plan; Appendix 3, Lakeview Detailed Emissions Inventories; Appendix 4, Ordinances and Commitments; Appendix 5, Demonstration of Attainment; Appendix 9, Woodburning Curtailment Survey Protocol; Appendix 10, Legal Description of Lakeview PM10 Nonattainment Area.

(C) Supporting regulations approved as part of the revision, state effective May 1, 1995: OAR 340–20–047; OAR 340–21–010, –012, –025, –200; OAR 340–30–043, –300, –310, –340; OAR 340–34–150, –200, –210.

(129) The Environmental Protection Agency (EPA) approves various amendments to the Oregon State Air Quality Control Plan contained in a submittal to EPA, dated October 8, 1997.

(i) Incorporation by reference.

(A) EPA is approving or taking no action on the modified Oregon Transportation Conformity Rules submitted on October 8, 1998. EPA is approving: OAR 340–20–710, 340–20–720, 340–20–730, 340–20–750, 340–20–760 340–20–770, 340–20–780, 340–20–790, 340–20–800, 340–20–810, 340–20–820, 340–20–830, 340–20–840, 340–20–850, 340–20–860 340–20–870, 340–20–880, 340–20–890, 340–20–900, 340–20–910 340–20–1000, 340–20–1010, 340–20–1020, 340–20–1030, 340–20–1040, 340–20–1050, 340–20–1060 and 340–20–1070, effective September 23, 1998.

(B) EPA is taking no action on sections OAR 340–020–730(3), 340-020–750(4), 340–020–750(4)(b), 340–020–800(3)-(6), 340–020–890(5), 340–020–900(6)(c), 340–020–910(1)(b), 340–020–1000(1)(a) and (2), and 340–020–1030(2).

(C) EPA approves the changes made to certain sections of the Oregon Administrative Rules: ''Determining Conformity of General Federal Actions to State and Federal Implementation Plans' found in: OAR 340–020–1510, 340–020–1520, 340–020–1530, 340–020–1570, 340–020–1580, and 340–020–1590, effective September 23, 1998.

(130) The Environmental Protection Agency (EPA) approves various amendments to the Oregon State RACT rules for volatile organic compounds which are contained in a submittal to EPA, dated December 7, 1998.

(i) Incorporation by reference.

(A) EPA is approving the revised Oregon Regulations, as effective October 12, 1998: OAR 340–022–0100; OAR 340–022–0102; OAR 340–022–0104; OAR 340–022–0106; OAR 340–022–0107; OAR 340-022–110; OAR 340–022–0120; OAR 340–022–0125; OAR 340–022–0130; OAR 340–022–0170; OAR 340–022–0175; OAR 340–022–0180; OAR 340–022–0300; OAR 340–022–0400; OAR 340–022–0401; and OAR 340–022–0402.

(B) EPA is repealing/removing the following provision from the current incorporation by reference: OAR 340–022–0403, as effective August 14, 1996.

(131) On December 3, 1998, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted a revision to the definition section of the Oregon Administrative Rules (OAR), as effective October 14, 1998.

(i) Incorporation by reference.

(A) OAR 340–028–0110, as effective October 14, 1998, except for the following: (16) Capture system, (25) Continuous compliance determination method, (27) Control device, (29) Data, (39)(b) Emission Limitation and Emission Standard, (47) Exceedance, (48) Excursion, (55) Inherent process equipment, (67) Monitoring, (86) Pollutant-specific emissions unit, (88) Predictive emission monitoring system (PEMS), Table 1, Table 2, and Table 3.

(B) Remove the following provision from the current incorporation by reference: OAR 340–028-0110, as effective October 6, 1995, except for Table 1, Table 2, and Table 3.

(132) On June 18, 1999, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted a SIP revision to repeal the Consumer Products Rules, repeal the Architectural Coatings Rules, revise and partially repeal the Motor Vehicle Refinishings Rules, and revise the Volatile Organic Compounds definitions.

(i) Incorporation by reference.

(A) Oregon Administrative Rule (OAR) 340–022–0102 (73) and OAR 340–028–0110 (139), as effective May 21, 1999; and OAR 340–022–0700, OAR 340–022–0710, OAR 340–022–0740, and OAR 340–022–0760, as effective July 12, 1999.

(B) Remove the following provisions from the current incorporation by reference: OAR 340–022-0102 (73), as effective May 9, 1997; OAR 340–028–0110 (139), as effective October 14, 1998; OAR 340–022–0800, OAR 340–022–0820, OAR 340–022–0830, OAR 340–022–0850, and OAR 340–022–0860, OAR 340–022–0700, OAR 340–022–0720, OAR 340–022–0730, OAR 340–022-0740, OAR 340–022–0750, OAR 340–022–0760, OAR 340–022–1000, OAR 340–022–1020, OAR 340–022–1030, OAR 340–022–1040, and OAR 340–022–1050 as effective May 25, 1995; OAR 340–022–0840, as effective October 22, 1996; and OAR 340–022–710, OAR 340–022–810, OAR 340–022–1010, as effective August 14, 1996.

(133) On November 10, 1999, the Oregon Department of Environmental Quality requested the redesignation of Grants Pass to attainment for carbon monoxide. The State's maintenance plan and base year emissions inventory are complete and the redesignation satisfies all the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rule (OAR) 340–204–0030, OAR 340–204–0040, and OAR 340–204–0090, as effective October 22, 1999.

(B) Remove without replacement the following provisions from the current incorporation by reference of the State Implementation Plan: OAR 340–031–0520 and OAR 340–031–0530, as effective August 19, 1996 and OAR 340–022–0470, as effective November 4, 1993.

(134) On December 12, 1996, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted revisions to Lane Regional Air Pollution Authority (LRAPA) Title 32 and Title 33, as effective on November 20, 1994. On August 26, 1998, the Director of ODEQ submitted revisions to LRAPA

Title 12, Title 30, and Title 33, as effective on March 8, 1994. On February 23, 2001, the Director of ODEQ submitted revisions to LRAPA Title 34, as effective June 13, 2000.

(i) Incorporation by reference.

(A) Title 12, as effective March 8, 1994; Title 30, as effective March 8, 1994, except for Section 30–020(2), Section 30–020(8), Section 30–025(9), Section 30–030(1)(I), Section 30–030(2)(E), and Section 30–045(3); Title 32, as effective November 10, 1994, except for Section 32–075, Section 32–080, Section 32–095, Section 32–100, Section 32–101, Section 32–102, Section 32–103, and Section 32–104; Title 33, as effective November 10, 1994, except for Section 33–005, Section 33–020, Section 33–055, Section 33–070(1)(Definitions for Non-Condensibles, Other Sources, and Total Reduced Sulfur (TRS)), Section 33–070(3)(A), Section 33–070(6)(B), Section 33–070(7)(A), Section 33–070(7)(B), Section 33–070(8)(C)(1)(a), Section 33–070(8)(C)(2)(a), Section 33–080, and Section 33–085; and Title 34, as effective June 13, 2000, except for Section 34–025, Section 34–035, Section 34–060(6), Section 34–060(8), Section 34–080, Section 34–160, Section 34–170, Section 34–180, Section 34–190, Section 34–200, Section 34–210, Section 34–220, and Section 34–230.

(B) Remove the following provisions from the current incorporation by reference: Section 12–005, Section 12–010, Section 12–020, and Section12–035 of Title 12, as effective November 8, 1983; Section 12–025 of Title 12, as effective September 9, 1988; Title 12, as effective February 13, 1990; Title 14, as effective July 12, 1988; Title 15, as effective February 13, 1990; Section 32–005, Section 32–010, Section 32–025, Section 32–030, Section 32–035, Section 32–040, Section 32–045, Section 32–055, Section 32–065, Section 32–100, Section 32–101, Section 32–102, and Section 32–103 of Title 32, as effective 9–14–82; Section 32–800 of Title 32, as effective 1–8–85; Section 32–104 and Section 32–990 of Title 32, as effective 11–8–83; Section 33–020, Section 33–025, Section 33–030, Section 33–045, Section 33–055, Section 33–060, and Section 33–065 of Title 33, as effective 5–15–79; Section 33–070 of Title 33, as effective 9–14–82; Section 34–001, Section 34–010, Section 34–015, Section 34–020, Section 34–025, Section 34–030, Section 34–035, Section 34–040, Section 34–045, Section 34–050, and Table A of Title 34, as effective 1–9–90; and Section 34–005 of Title 34, as effective 2–13–90.

(ii) Additional Material:

(A) Title 15, Enforcement Procedure and Civil Penalties, as effective June 13, 1995.

(135) The Oregon Department of Environmental Quality submitted a Visibility SIP revision on August 26, 1993, smoke management provisions on August 26, 1993, revisions to the Oregon field burning program on July 3, 1997, and amendments to the smoke management program regarding the Blue Mountains rules on September 27, 1995. EPA approves these revisions with the exception of the provision that changes the review period of the Visibility SIP from every three years to every 5 years (OAR 340–20–047 Section 5.2.4.2 and OAR 340–20–047 Section 5.2.5.1)

(i) Incorporation by reference.

(A) OAR 629–24–301 effective August 1, 1987.

(B) OAR 629–43–043 effective April 13, 1987.

(C) ORS 477.515 effective 1971.

(D) Directive 1–4–1–601, *Operational Guidance for the Oregon Smoke Management Program*, effective October 23, 1992.

(E) OAR 340–26–0035 and 340–26–0040, effective March 10, 1993; OAR 340–26–0001, 340–26–0031, 340–26–0033, and 340–26–0045, effective May 11, 1993; 340–26–0003, 340–26–0005, 340–26–0010, 340–26–0012, 340–26–0013, 340–26–0015, and 340–26–0055, effective May 31, 1994.

(F) OAR 837–110–0010, 837–110–0020, 837–110–0030, 837–110–0040, 837–110–0070, 837–110–0080, 837–110–0090, 837–110–0110, 837–110–0120, 837–110–0130, and 837–110–0150, effective February 7, 1994; 837–110–0160, effective August 11, 1993; and 837–110–0050, 837–110–0060, and 837–110–0140, effective February 7, 1989.

(G) Union County Ordinance #1992–4 effective July 1, 1992.

(H) Jefferson County Ordinance #–0–58–89 effective May 31, 1989.

(I) Remove the following provision from the current incorporation by reference: OAR 340–26–025 effective March 7, 1984.

(ii) Additional materials.

(A) OAR 340–20–047 Section 5.2 effective August 11, 1992 (except section

5.2.4.2 and section 5.2.5.1 introductory paragraph)

(B) ''Oregon Smoke Management Plan, Appendix 5, Operational Guidance for the Oregon Smoke Management Program, Criteria for National Forest and Bureau of Land Management Lands in the Blue Mountains of NE Oregon (Volume 3, Section A1)'', effective July 12, 1995.

(136) On November 20, 2000, the Oregon Department of Environmental Quality requested the redesignation of Klamath Falls to attainment for carbon monoxide. The State's maintenance plan and base year emissions inventory are complete and the redesignation satisfies all the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rule (OAR) 340–204–0030, OAR 340–204–0040, and OAR 340–204–0090, as effective October 25, 2000.

(137) On May 31, 2001, the Oregon Department of Environmental Quality requested the redesignation of Medford to attainment for carbon monoxide. The State's maintenance plan, base/attainment year emissions inventory, and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rules 340–204–0090, as effective March 27, 2001.

(138) On December 15, 1998, the Director of the Oregon Department of Environmental Quality submitted a SIP revision to repeal the rule for parking offsets in the Portland Central Business District, as state effective September 23, 1998.

(i) Incorporation by reference.

(A) Remove the following provisions from the current incorporation by reference: OAR 340–020–0400, 340–020–0405, 340–020–0410, 340–020–0420, and 340–020–0430.

(139) On November 5, 1999, March 7, 2000, June 26, 2001, and November 4, 2002, the Oregon Department of Environmental Quality submitted numerous amendments to the Oregon Administrative Rules as revisions to the Oregon State implementation plan. The revisions included a rule recodification, a marine vapor loading rule, and permitting rules.

(i) Incorporation by reference.

(A) The following sections of Oregon Administrative Rule 340: 200–0030, 202–0200, 204–0010, 204–0020, 204–0050, 204–0060, 204–0070, 204–0080, 206–0010, 206–0020, 206–0030, 206–0040, 206–0050, 206–0060, 206–0070, 210–0010, 210–0020, 212–0010, 212–0110, 214–0100, 214–0120, 222–0030, 224–0020, 226–0200, 228–0010, 228–0020, 228–0100, 228–0110, 228–0120, 228–0130, 228–0200, 228–0210, 232–0010, 232–0020, 232–0040, 232–0050, 232–0060, 232–0070, 232-0080, 232–0085, 232–0090, 232–0100, 232–0120, 232–0130, 232–0140, 232–0150, 232–0160, 232–0170, 232–0180, 232–0190, 232–0200, 232–0210, 232–0220, 232–0230, 234–0010 (except paragraphs (25), (28)(a) & (46)), 234–0100, 234–0110, 234–0120, 234–0130, 234–0140, 234–0200, 234–0210 (except paragraph (1)), 234–0220, 234–0230, 234–0240 (except paragraph (2)), 234–0250 (except pargraphs (1) & (2)), 234–0260 (except paragraphs (3)(a)(A) & (3)(b)(A)), 234–0270, 234–0300, 234–0310 (except paragraph (1)), 234–0320 (except paragraph (2)), 234–0330, 234–0340 (except paragraph (2)), 234–0350 (except paragraph (1)), 234–0360 (except paragraph (3)(a)(A)), 234–0400, 234–0410, 234–0420, 234–0430, 234–0500, 234–0510, 234–0520, 234–0530, 236–0010, 236–0100, 236–0110, 236–0120 (except paragraphs (1)(a), (3)(a), & (3)(e)), 236–0130, 236–0140 (except the words ''gaseous and particulate fluorides and'' in paragraph (1), paragraph (1)(b), the sentence ''A schedule for measurement of fluoride levels in forage for new plants and ambient air for new and existing plants shall be submitted.'' in paragraph (1)(c), the words ''and Method 13A or 13B and Method 14 or Method 14A for fluorides or other alternative method in 40 CFR 63.849'' in paragraph (3)), 236–0150 (except paragraphs (1)(d) and (1)(e)), 236–0200, 236–0210, 236–0220, 236–0230, 236–0400, 236–0410, 236–0420, 236–0430, 236–0440, 240–0010, 240–0100, 240–0300, 242–0010, 242–0020, 242–0030, 242–0040, 242–0050, 242–0060, 242–0070, 242–0080, 242–0090, 242–0100, 242–0110, 242–0120, 242–0130, 242–0140, 242–0150, 242–0160, 242–0170, 242–0180, 242–0190, 242–0200, 242–0210, 242–0220, 242–0230, 242–0240, 242–0250, 242–0260, 242–0270, 242–0280, 242–0290, 242–0300, 242–0310, 242–0320, 242–0330, 242–0340, 242–0350, 242–0360, 242–0370, 242–0380, 242–0390, 242–0400, 242–0410, 242–0420, 242–0430, 242–0440, 242–0500, 242–0510, 242–0520, 242–0600, 242–0610, 242–0620, 242–0630, 242–0700, 242–0710, 242–0720, 242–0730, 242–0740, 242–0750, 242–0760, 242–0770, 242–0780, 242–0790, 250–0010, 250–0020, 250–0030, 250–0040,

250–0050, 250–0060, 250–0070, 250–0080, 250–0090, 250–0100, 252–0010, 252–0020 (except paragraph (3)), 252–0030, 252–0040, 252–0050 (except paragraphs (4) & (5)(b)), 252–0060, 252–0070, 252–0080, 252–0090, 252–0100 (except paragraphs (3) through (6)), 252–0110, 252–0120, 252–0130, 252–0140, 252–0150, 252–0160, 252–0170, 252–0180, 252–0190 (except paragraph (5)), 252-0200 (except paragraph (6)(c)), 252–0210 (except paragraph (1)(b)), 252-0220 (except paragraphs (1)(a) & (2)), 252–0230, 252–0240, 252–0250 (except paragraph (2)), 252–0260, 252–0270, 252–0280, 252–0290, 258–0010, 258–0100, 258–0110, 258–0120, 258–0130, 258–0140, 258–0150, 258–0160, 258–0170, 258–0180, 258–0190, 258–0200, 258–0210, 258–0220, 258–0230, 258–0240, 258–0250, 258–0260, 258–0270, 258–0280, 258–0290, 258–0300, 258–0310, 258–0400, 262–0010, 262–0020, 262–0030, 262–0040, 262–0100, 262–0110, 262–0120, 262–0130, 262–0200, 262–0210, 262–0220, 262–0230, 262–0240, 262–0250, 262–0300, 262–0310, 262–0320, 262–0330, 266–0010, 266–0020, 266–0030, 266–0040, 266–0050, 266–0060, 266–0070, 266–0080, 266–0090, 266–0100, 266–0110, 266–0120, 266–0130, and 268–0020, as effective October 14, 1999; 204–0040, as effective October 25, 2000; 204–0090, as effective March 27, 2001; 232–0030 and 232-0110 as effective June 1, 2001; 200–0010, 200–0020 (except paragraph (58)), 200–0025, 202–0010, 202–0050, 202–0060, 202–0070, 202–0080, 202–0090, 202–0100, 202–0130, 202–0210, 202–0220, 204–0030, 209–0010, 209–0020, 209–0030, 209–0040, 209–0050, 209–0060, 209–0070, 209–0080, 210–0100, 210–0110, 210–0120, 210–0205, 210–0215, 210–0225, 210–0230, 210–0240, 210–0250, 212–0120, 212–0130, 212–0140, 212–0150, 212–0200, 212–0210, 212–0220, 212–0230, 212–0240, 212–0250, 212–0260, 212–0270, 212–0280, 214–0010, 214–0110, 214–0114, 214–0130, 214–0200, 214–0210, 214–0220, 216–0010, 216–0020, 216–0025, 216–0030, 216–0040, 216–0052, 216–0054, 216–0056, 216–0060, 216–0064, 216–0066, 216–0070, 216–0082, 216–0084, 216–0090, 216–0094, 222–0010, 222–0020, 222–0040, 222–0042, 222–0043, 222–0045, 222–0070, 222–0080, 222–0090, 224–0010, 224–0030, 224–0040, 224–0050, 224–0080, 224–0100, 225–0010, 225–0020(10), 225–0030, 225–0040, 225–0070, 225–0090(1)(c), 226–0010, 226–0100, 226–0110, 226–0120, 226–0130, 226–0140, 226–0210, 226–0300, 226–0310, 226–0320, 226–0400, 240–0020, 240–0030, 240–0110, 240–0120, 240–0130, 240–0140, 240–0150, 240–0160, 240–0170, 240–0180, 240–0190, 240–0200, 240–0210, 240–0220, 240–0230, 240–0240, 240–0250, 240–0270, 240–0310, 240–0320, 240–0330, 240–0340, 240–0350, 240–0360, 240–0400, 240–0410, 240–0420, 240–0430, 240–0440, 268–0010, and 268–0030, as effective July 1, 2001; 222–0041, 224–0060, 224–0070, 225–0020 (except paragraph (10)), 225–0045, 225–0050, 225–0060, and 225–0090 (except paragraph (1)(c)), as effective October 8, 2002; 225–0020(10) and 225–0090(1)(c), as effective October 8, 2002, through April 6, 2003.

(B) Remove the following old divisions of Oregon Administrative Rule 340 from the current incorporation by reference: 12, 14, 20, 21 (except for sections 21–015, 21–050, 21–055, 21–060, 21–200, 21–205, 21–210, 21–215, 21–220, 21–225, 21–230, 21–235, 21–240, and 21–245), 22, 25, 26, 27, 28 (except for 28–1400, 28–1410, 28–1420, 28–1430, 28–1440, and 28–1450), 30, 31, and 34.

(ii) Additional Material:

(A) The following sections of Oregon Administrative Rule 340: Division 12, 200–0100, 200–0110, 200–0120, as effective July 1, 2001; and 262–0050, as effective October 14, 1999.

(140) On November 4, 2002, the Oregon Department of Environmental Quality requested the redesignation of Klamath Falls to attainment for PM–10. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rule 340–204–0040(3)(b) as effective October 8, 2002.

(141) On November 4, 2002, the Oregon Department of Environmental Quality requested the redesignation of Grants Pass to attainment for PM–10. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rules 340–204–0030 (except Notes) and 340–204–0040 (except Notes), as effective October 8, 2002.

(142) The Environmental Protection Agency (EPA) approves various amendments to the Oregon State Implementation Plan which are contained in four separate submittals to EPA, dated November 5, 1999, November 27, 2000, January 10, 2003 and April 19, 2004 which include revisions to the inspection and maintenance program.

(i) Incorporation by reference.

(A) The following sections of the Oregon Administrative Rules 340: 256–

0200, 256–0310, 256–0330, 256–0340, 256–0350, 256–0370, 256–0380, 256–0390, 256–0400, 256–0410, 256–0420, 256–0450, 256–0460, and 256–0470, as effective October 14, 1999; 256–0355, 256–0440, and 256–0465, as effective October 25, 2000; 256–0356, as effective October 4, 2001; and 256–0010, 256–0300, as effective October 24, 2003.

(B) Remove the following old sections of the Oregon Administrative Rules 340 from the current incorporation by reference: 024–100, 024–300, 024–301, 024–305, 024–306, 024–307, 024–308, 024–309, 024–312, 024–314, 024–318, 024–320, 024–325, 024–330, 024–332, 024–335, 024–337, 024–340, 024–355, 024–357, and 024–360.

(ii) Additional Material:

(A) Oregon SIP Volume 2, Section 5.4, as effective October 24, 2003.

(143) On December 2, 2002, the Oregon Department of Environmental Quality submitted a SIP revision to repeal the Perchloroethylene Dry Cleaning rule and revise related parts of the Introduction and Definitions sections of Division 232.

(i) Incorporation by reference.

(A) The following sections of the Oregon Administrative Rules 340: 232–0010 and 232–0030, as effective December 26, 2001.

(144) The Oregon Department of Environmental Quality submitted a Visibility SIP revision on January 22, 2003. EPA approves these revisions.

(i) Incorporation by reference.

(A) OAR 340–200–0040, Sections 5.2–5.11, effective May 3, 2002.

(145) On December 27, 2004, the Oregon Department of Environmental Quality submitted to the Regional Administrator of EPA, the Second Portland Area Carbon Monoxide Maintenance Plan that demonstrates continued attainment of the NAAQS for carbon monoxide through the year 2017.

(i) Incorporation by reference.

(A) Oregon Administrative Rules, Chapter 340: 240–0090 and 240–0440, as effective December 15, 2004.

(146) On October 25, 2005, the Oregon Department of Environmental Quality submitted a PM10 maintenance plan and requested redesignation of the La Grande PM10 nonattainment area to attainment for PM10. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rule 340–204–0030 and 0040, as effective September 9, 2005.

(147) On October 25, 2005, the Oregon Department of Environmental Quality submitted a PM10 maintenance plan and requested redesignation of the Lakeview PM10 nonattainment area to attainment for PM10. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) The following sections of Oregon Administrative Rule 340: 204–0030, 204–0040, 224–0060 (2)(d) and 225–0020(8), as effective September 9, 2005.

(148) On March 10, 2005, the Oregon Department of Environmental Quality submitted a PM10 attainment and maintenance plan and requested redesignation of the Medford-Ashland PM10 nonattainment area to attainment for PM10. On May 14, 2004, the Oregon Department of Environmental Quality submitted revisions to Oregon Administrative Rules, Chapter 340, Divisions 224 and 225 to clarify the requirements for creating and using emission offsets and to make other minor revisions. The State's attainment and maintenance plan, redesignation request, and rule revisions meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) The following sections of Oregon Administrative Rules 340: 204–0010, 224–0070, 225–0045, 225–0090, 240–0030, 240–0100, 240–0110, 240–0120, 240–0130, 240–0140, 240–0150, 240–0180, 240–0190, 240–0210, 240–0220, and 240–0230 as effective January 4, 2005; 224–0010, 224–0030, 224–0050, 224–0080, and 225–0050 as effective April 14, 2004 and; 224–0060, and 225–0020 as effective September 9, 2005.

(B) The following sections of the Codified Ordinances of Jackson County: 1810.01, as effective May 2, 1990; 1810.02, as effective August 22, 2001; 1810.03, as effective December 20, 1989; 1810.04, as effective May 2, 1990; 1810.05, as effective May 2, 1990; 1810.06, as effective December 4, 1985; 1810.07, as effective August 22, 2001; 1810.08, as effective December 20, 1989; Exhibit A, as effective May 2, 1990; Exhibit B, as effective May 2, 1990; Exhibit C, as effective

May 2, 1990; and Exhibit D, as effective May 2, 1990.

(C) The following sections of the Code of the City of Medford, Oregon: 5.550 as effective March 16, 2000; 7.220, as effective September 17, 1998; 7.222, as effective September 17, 1998; 7.224, as effective September 17, 1998; 7.240 as effective August 2, 1990, and 7.242 as effective September 17, 1998.

(D) The following sections of the City of Central Point Municipal Code: 8.01.010, 8.01.012, 8.01.014, 8.01.020, 8.01.030, and 8.01.032 as effective 1998; 8.04.040 H., as effective 1979; and 8.04.095 as effective 1994.

(E) The following sections of the City of Ashland Municipal Code: 10.30.005 and 10.30.010 as effective 1998; 10.30.020, as effective 2000; 10.30.030 and 10.30.040, as effective 1993; 9.24.010, 9.24.020, 9.24.030, 9.24.040, and 9.24.050 as effective 1998.

(F) The following sections of the City of Talent ordinances: Ordinance #565, as effective August 20, 1992; and Ordinance #98–635–0, as effective March 4, 1998.

(G) The following sections of the City of Phoenix code: 8.16.040, as effective 1982; 8.16.050, as effective 1982; 8.16.090, as effective 1982; 8.20.010, as effective 1998; 8.20.020, as effective 1998; 8.20.030 as effective 1998; 8.20.040, as effective 1998; and 8.20.050 as effective 1998.

(H) The following sections of the City of Jacksonville code: Ordinance 375, amending 8.08.100 of the Jacksonville Municipal Code as effective April 21, 1992; City of Jacksonville Code Chapter 8.10, as effective February 1992.

(I) The following sections of the City of Eagle Point Code: 8.08.160, as effective 2000; 8.08.170, as effective 1990; 8.08.180, as effective 1990; 8.08.190 as effective 1990; and 8.08.200 as effective 1990.

(J) Remove the following old sections of the Oregon Administrative Rules 340 from the current incorporation by reference: 240–0200, 240–0240, and 240–0270.

(ii) Additional Material.

(A) The following sections of the Codified Ordinances of Jackson County: 1810.09 as effective December 20, 1989, and 1810.99, as effective October 29, 2003.

(B) The following sections of the Code of the City of Medford, Oregon: 7.226, as effective November 20, 1989; and 7.300 as effective April 6, 2000.

(C) The following sections of the City of Central Point Municipal Code: 8.04.100, 8.04.110, 8.04.120, 8.04.130, and 8.04.140 as effective 1966, and 8.04.150 as effective 1995.

(D) The following sections of the City of Ashland Municipal Code: 10.30.050, as effective 1993; and 9.24.060, as effective 1998.

(149) On August 9, 2007, the Oregon Department of Environmental Quality submitted a CO maintenance plan and requested redesignation of the Salem CO nonattainment area to attainment for CO. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) The following revised sections of Oregon Administrative Rule 340: 204–0030 Designation of Nonattainment Areas (1) and (2) and 204–0040 Designation of Maintenance Areas (except (2)(c)), as effective June 28, 2007.

[37 FR 10888, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1970, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## § 52.1971 Classification of regions.

The Oregon plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Portland Interstate | I | IA | III | I | I |
| Southwest Oregon Intrastate | II | III | III | III | III |
| Northwest Oregon Intrastate | III | III | III | III | III |
| Central Oregon Intrastate | II | III | III | III | III |

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Eastern Oregon Intrastate | II | III | III | III | III |

[37 FR 10888, May 31, 1972, as amended at 45 FR 42278, June 24, 1980]

### § 52.1972 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Oregon's plan for the attainment and maintenancce of the national standards under section 110 of the Clean Air Act.

[65 FR 29958, May 10, 2000]

### § 52.1973 Approval of plans.

(a) *Carbon monoxide*. (1) EPA approves as a revision to the Oregon State Implementation Plan, the Second Portland Area Carbon Monoxide Maintenance Plan, effective December 15, 2004, and submitted to EPA on December 27, 2004.

(2) EPA approves as a revision to the Oregon State Implementation Plan, the Salem carbon monoxide maintenance plan submitted to EPA on August 9, 2007.

(b) *Lead*. [Reserved]

(c) *Nitrogen Dioxide*. [Reserved]

(d) *Ozone*. [Reserved]

(e) *Particulate Matter*.

(1) EPA approves as a revision to the Oregon State Implementation Plan, the Klamath Falls PM–10 maintenance plan submitted to EPA on November 4, 2002.

(2) EPA approves as a revision to the Oregon State Implementation Plan, the Grants Pass PM–10 maintenance plan submitted to EPA on November 4, 2002.

(3) EPA approves as a revision to the Oregon State Implementation Plan, the La Grande PM10 maintenance plan adopted by the Oregon Environmental Quality Commission on August 11, 2005 and submitted to EPA on October 25, 2005.

(4) EPA approves as a revision to the Oregon State Implementation Plan, the Lakeview PM10 maintenance plan adopted by the Oregon Environmental Quality Commission on August 11, 2005 and submitted to EPA on October 25, 2005.

(5) EPA approves as a revision to the Oregon State Implementation Plan, the Medford PM10 attainment and maintenance plan adopted by the Oregon Environmental Quality Commission on December 10, 2004 and submitted to EPA on March 10, 2005.

(f) *Sulfur Dioxide*. [Reserved]

[68 FR 60041, Oct. 21, 2003, as amended at 68 FR 61116, Oct. 27, 2003; 71 FR 3770, Jan. 24, 2006; 71 FR 3770, Feb. 23, 2006; 71 FR 35160, 35163, 35174, June 19, 2006; 73 FR 79661, Dec. 30, 2008]

### §§ 52.1974–52.1976 [Reserved]

### § 52.1977 Content of approved State submitted implementation plan.

The following sections of the State air quality control plan (as amended on the dates indicated) have been approved and are part of the current state implementation plan.

STATE OF OREGON AIR QUALITY CONTROL PROGRAM

VOLUME 2–THE FEDERAL CLEAN AIR ACT IMPLEMENTATION PLAN (AND OTHER STATE REGULATIONS)

Section

*1. Introduction (1–86)*

*2. General Administration (1–86)*

2.1 Agency Organization (1–86)
2.2 Legal Authority (1–86)
2.3 Resources (1–86)
2.4 Intergovernmental Cooperation and Consultation (1–86)
2.5 Miscellaneous Provisions (1–86)

*3. Statewide Regulatory Provisions*

3.1 OREGON ADMINISTRATIVE RULES—CHAPTER 340 INCORPORATION BY REFERENCE (MARCH 24, 2003)

DIVISION 21—GENERAL EMISSION STANDARDS FOR PARTICULATE MATTER

21–015 Visible Air Contaminant Limitations (1/29/96)

*Fugitive Emissions*

21–050 Definitions (1/29/96)
21–055 Applicability (3/10/93)
21–060 Requirements (3/10/93)

*Industrial Contingency Requirements for PM–10 Nonattainment Areas*

21–200 Purpose (5/1/95)
21–205 Relation to other Rules (3/10/93)
21–210 Applicability (3/10/93)
21–215 Definitions (3/10/93)
21–220 Compliance Schedule for Existing Sources (3/10/93)
21–225 Wood-Waste Boilers (3/10/93)
21–230 Wood Particulate Dryers at Particleboard Plants (3/10/93)
21–235 Hardboard Manufacturing Plants (1/29/96)
21–240 Air Conveying Systems (3/10/93)
21–245 Fugitive Emissions (3/10/93)

DIVISION 23—RULES FOR OPEN BURNING

23–022 How to Use these Open Burning Rules (3/10/93)
23–025 Policy (3/10/93)
23–030 Definitions (6/16/84, except for paragraph (15) is 3/10/93)
23–035 Exemptions, Statewide (3/10/93)
23–040 General Requirements Statewide (3/10/93)
23–042 General Prohibitions Statewide (3/10/93)
23–043 Open Burning Schedule (3/10/93)
23–045 County Listing of Specific Open Burning Rules (3/10/93)

*Open Burning Prohibitions*

23–055 Baker, Clatsop, Crook, Curry, Deshutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties (3/10/93)
23–060 Benton, Linn, Marion, Polk, and Yamhill Counties (3/10/93)
23–065 Clackamas County (3/10/93)
23–070 Multnomah County (3/10/93)
23–075 Washington County (3/10/93)
23–080 Columbia County (3/10/93)
23–085 Lane County (3/10/93)
23–090 Coos, Douglas, Jackson and Josephine Counties (3/10/93)
23–100 Letter Permits (3/10/93)
23–105 Forced Air Pit Incinerators (3/10/93)
23–110 Records and Reports (3/10/93)
23–115 Open Burning Control Areas (3/10/93)

DIVISION 24—MOTOR VEHICLES

*Pertaining to Motor Vehicles Inspection*

24–100 County Designations (11/26/96)

*Motor Vehicle Emission Control Inspection Test Criteria, Methods and Standards*

24–300 Scope (11/26/96)
24–301 Boundary Designations (3/10/93)
24–305 Definitions (11/26/96)
24–306 Government-Owned Vehicle, Permanent Fleet Vehicle and U.S. Government Vehicle Testing Requirements (11/26/96)
24–307 Motor Vehicle Inspection Program Fee Schedule (11/26/96)
24–308 Department of Defense Personnel Participating in the Privately Owned Vehicle Import Control Program (11/26/96)
24–309 Light Duty Motor Vehicle and Heavy Duty Gasoline Motor Vehicle Emission Control Test Method for Basic Program (11/26/96)
24–312 Light Duty Motor Vehicle Emission Control Test Method for Enhanced Program (11/26/96)
24–314 Motorcycle Noise Emission Control Test Method, except all language in (4)(a) referring to a ''sixth hill extrapolation'' (11/26/96)
24–318 Renew Registration for Light Duty Motor Vehicles and Heavy Duty Gasoline Motor Vehicles Temporarily Operating Outside of Oregon (11/26/96)
24–320 Light Duty Motor Vehicle Emission Control Test Criteria for Basic Program (11/26/96)
24–325 Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria (11/26/96)
24–330 Light Duty Motor Vehicle Emission Control Standards for Basic Program (11/26/96)
24–332 Light Duty Motor Vehicle Emission Control Standards for Enhanced Program (11/26/96)
24–335 Heavy-Duty Gasoline Motor Vehicle Emission Control Emission Standards (11/26/96)
24–337 Motor Vehicle Propulsion Noise Standards (11/26/96)
24–340 Criteria for Qualifications of Persons Eligible to Inspect Motor Vehicles and Motor Vehicle Pollution Control Systems and Execute Certificates (11/26/96)
24–355 Gas Analytical System Licensing Criteria for Basic Program (11/26/96)
24–357 Gas Analytical System Testing for Enhanced Program (11/26/96)
24–360 Agreement with Independent Contractor; Qualifications of Contractor; Agreement Provisions (11/26/96)

DIVISION 28—STATIONARY SOURCE AIR POLLUTION CONTROL AND PERMITTING PROCEDURES

*Excess Emissions and Emergency Provision*

28–1400 Purpose and Applicability (9/24/93)
28–1410 Planned Startup and Shutdown (9/24/96)
28–1420 Scheduled Maintenance (11/4/93)
28–1430 Upsets and Breakdowns (9/24/96)
28–1440 Reporting Requirements (11/4/93)
28–1450 Enforcement Action Criteria (9/24/93)

DIVISION 200—GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

200–0010 Purpose and Application (7/1/01)
200–0020 General Air Quality Definitions, except (58) (7/1/01)
200–0025 Abbreviations and Acronyms (7/1/01)
200–0030 Exceptions (10/14/99)

DIVISION 202—AMBIENT AIR QUALITY STANDARDS AND PSD INCREMENTS

202–0010 Definitions (7/1/01)

*Ambient Air Quality Standards*

202–0050 Purpose and Scope of Ambient Air Quality Standards (7/1/01)
202–0060 Suspended Particulate Matter (7/1/01)
202–0070 Sulfur Dioxide (7/1/01)
202–0080 Carbon Monoxide (7/1/01)
202–0090 Ozone (7/1/01)
202–0100 Nitrogen Dioxide (7/1/01)
202–0130 Ambient Air Quality Standard for Lead (7/1/01)

*Prevention of Significant Deterioration Increments*

202–0200 General (10/14/99)
202–0210 Ambient Air Increments (7/1/01)
202–0220 Ambient Air Ceilings (7/1/01)

DIVISION 204—DESIGNATION OF AIR QUALITY AREAS

204–0010 Definitions (10/14/99)
204–0020 Designation of Air Quality Control Regions (10/14/99)
204–0030 Designation of Nonattainment Areas (7/1/01)
204–0040 Designation of Maintenance Areas (10/25/00)
204–0050 Designation of Prevention of Significant Deterioration Areas (10/14/99)
204–0060 Redesignation of Prevention of Significant Deterioration Areas (10/14/99)
204–0070 Special Control Areas (10/14/99)
204–0080 Motor Vehicle Inspection Boundary Designations (10/14/99)
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DIVISION 206—AIR POLLUTION EMERGENCIES

206–0010 Introduction (10/14/99)
206–0020 Definitions (10/14/99)
206–0030 Episode Stage Criteria for Air Pollution Emergencies (10/14/99)
206–0040 Special Conditions (10/14/99)
206–0050 Source Emission Reduction Plans (10/14/99)
206–0060 Regional Air Pollution Authorities (10/14/99)
206–0070 Operations Manual (10/14/99)

DIVISION 209—PUBLIC PARTICIPATION

209–0010 Purpose (7/1/01)
209–0020 Applicability (7/1/01)
209–0030 Public Notice Categories and Timing (7/1/01)
209–0040 Public Notice Information (7/1/01)
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11–010 Construction and Validity (10–9–79)/11–8–93

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Title 16 Home Wood Heating Curtailment Program Enforcement

16–001 Purpose (7–13–93)/10–24–94
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34–020 Information Exempt from Disclosure (6–13–00)/October 2, 2001
34–030 Source Registration (6–13–00)/October 2, 2001
34–040 Compliance Schedules for Existing Sources Affected by New Rules (6–13–00)/October 2, 2001

Rules Applicable to Sources Required To Have ACDP or Title V Operating Permits

34–050 Applicability (6–13–00)/October 2, 2001
34–060 Plant Site Emission Limit Rules (6–13–00)/October 2, 2001 *except for sections (6) and (8)
34–070 Sampling, Testing and Monitoring of Air Contaminant Emissions (6–13–00)/October 2, 2001

Rules Applicable to Sources Required To Have Air Contaminant Discharge Permits (ACDP)

34–090 Purpose and Applicability (6–13–00)/October 2, 2001
34–100 Permit Categories (6–13–00)/October 2, 2001
34–110 Permit Required (6–13–00)/October 2, 2001
34–120 Synthetic Minor Sources (6–13–00)/October 2, 2001
34–130 General Procedures for Obtaining ACDP Permits (6–13–00)/October 2, 2001
34–140 Permit Duration (6–13–00)/October 2, 2001
34–150 ACDP Fees (6–13–00)/October 2, 2001
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Title 38 New Source Review

38–001 General Applicability (2–13–90)/11–8–93
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38–010 General Requirements for Major Sources and Major Modifications (2–13–90)/11–8–93
38–015 Additional Requirements for Major Sources or Major Modifications Located in Nonattainment Areas (2–13–90)/11–8–93
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Title 39 Contingency for PM10 Sources in Eugene-Springfield Non-Attainment Area

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39–005 Relation to Other Rules (11–13–91)/10–24–94
39–010 Applicability (11–13–91)/10–24–94
39–015 Definitions (11–13–91)/10–24–94
39–020 Compliance Schedule for Existing Sources (11–13–91)/10–24–94
39–025 Wood-Waste Boilers (11–13–91)/10–24–94
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39–050 Air Conveying Systems (11–13–91)/10–24–94
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39–060 Open Burning (11–13–91)/10–24–94

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50–025 Sulfur Dioxide (7–12–88)/11–8–93
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50–035 Ozone (7–12–88)/11–8–93
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51–015 Emission Reduction Plans (7–12–88)/11–8–93
51–020 Preplanned Abatement Strategies (7–12–88)/11–8–93
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[59 FR 25334, May 16, 1994, as amended at 60 FR 2692, Jan. 11, 1995; 66 FR 40620, Aug. 3, 2001; 68 FR 2904, Jan. 22, 2003]

### §§ 52.1978–52.1981 [Reserved]

### § 52.1982 Control strategy: Ozone.

(a) Part D—Approval. (1) The Salem/Portland and Medford/Ashland area attainment plans are approved as satisfying Part D requirements with the following clarification as to their implementation:

(i) DEQ source test method 24 will be used in conjunction with method 25 for determining compliance of surface coating operations.

(ii) The phrase ''in most cases'' in rule OAR 340–232–0060(1) applies to approximately 1,200 gasoline service stations where compliance is determined by observing whether specific emission control equipment, selected from a specific list on file at DEQ, is in place and operating properly.

[46 FR 54940, Nov. 5, 1981, as amended at 68 FR 2909, Jan. 22, 2003]

### §§ 52.1983–52.1986 [Reserved]

### § 52.1987 Significant deterioration of air quality.

* * * * *

(d) The requirements of sections 160 through 165 of the Clean Air Act are not met for greenhouse gases since the plan does not include approvable procedures for permitting major sources of greenhouse gas emissions. Therefore, the Oregon Department of Environmental Quality rules identified in paragraph (a) of this section, and the Lane Regional Air Pollution Authority rules identified in paragraph (b) of this section, are hereby incorporated by reference with the following changes and made part of the applicable plan for the State of Oregon:

(1) The definition of ''*Regulated NSR pollutant*'' at § 52.21(b)(50) and the definition of ''*Subject to regulation*'' at § 52.21(b)(49) are incorporated by reference, replacing the definition of ''Regulated air pollutant'' at OAR 340–200–0020(97), for the purpose of greenhouse gases only;

(2) The provisions of § 52.21(q) *Public participation* are incorporated by reference for the purposes of EPA permits issued pursuant to this paragraph; and

(3) All references to ''Director'' in the Oregon Department of Environmental Quality rules and the Lane Regional Air Pollution Authority rules incorporated in this paragraph shall mean the EPA Administrator for the purposes of EPA permits issued pursuant to this paragraph.

[75 FR 82254, Dec. 30, 2010]

### § 52.1988 Air contaminant discharge permits.

(a) Except for compliance schedules under OAR 340–200–0050, emission limitations and other provisions contained in Air Contaminant Discharge Permits issued by the State in accordance with the provisions of the Federally-approved rules for Air Contaminant Discharge Permits (OAR chapter 340, Division 216), Plant Site Emission Limit (OAR chapter 340, Division 222), Alternative Emission Controls (OAR 340–226–0040) and Public Participation (OAR chapter 340, Division 209), shall be applicable requirements of the Federally-approved Oregon 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. Plant site emission limits and alternative emission limits (bubbles) established in Federal Operating Permits issued by the State in accordance with the Federally-approved rules for Plant Site Emission Limit (OAR chapter 340, Division 222) and Alternative Emission Controls (OAR 340–226–0040), shall be applicable requirements of the Federally-approved Oregon 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) Emission limitations and other provisions contained in Air Contaminant Discharge Permits and Federal Operating Permits established by the Lane Regional Air Pollution Authority pursuant to the rules applicable to sources required to have ACDP or Title V Operating Permits (Title 34, Sections

050, 060 (except for 060(6) ''Plant Site Emission Limits for Sources of Hazardous Air Pollutants'' and 060(8) ''Alternative Emission Controls (Bubble)''), and 070) and the rules applicable to sources required to have air contaminant discharge permits (ACDP) (Title 34, Sections 090 through 150), shall be applicable requirements of the Federally-approved Oregon 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.

[62 FR 10462, Mar. 7, 1997, as amended at 66 FR 40622, Aug. 3, 2001; 68 FR 2909, Jan. 22, 2003]

### § 52.1989 Interstate Transport for the 1997 8-hour ozone NAAQS and 1997 $PM_{2.5}$ NAAQS.

(a) On June 23, 2010 and December 23, 2010, the Oregon Department of Environmental Quality submitted a SIP revision, adopted by the Oregon Environmental Quality Commission on April 30, 2010, to meet the requirements of Clean Air Act section 110(a)(2)(D)(i). EPA approves the portion of this submittal relating to significant contribution to nonattainment of the NAAQS in any other state and interference with maintenance of the NAAQS by any other state.

(b) [Reserved]

[76 FR 33651, June 9, 2011]

EFFECTIVE DATE NOTE: At 76 FR 33651, June 9, 2011, § 52.1989 was added, effective July 11, 2011.

## Subpart NN—Pennsylvania

### § 52.2020 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Pennsylvania 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) of this section 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 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 on or after December 1, 2008 will be incorporated by reference in the next update to the SIP compilation.

(2)(i) EPA Region III certifies that the following rules/regulations and source-specific requirements provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations and source-specific requirements which have been approved as part of the State implementation plan as of December 1, 2008:

(A) Materials in Notebook ''1. 40 CFR 52.2020(c)(1)—Pa Department of Transportation (Pa DOT); 2. 40 CFR 52.2020(c)(2)—Allegheny County Health Department (ACHD); 3. 40 CFR 52.2020(c)(3)—Philadelphia Air Management Services (AMS).''

(B) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 6.''

(ii) EPA Region III certifies that the following rules/regulations and source specifc requirements 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 November 1, 2006. No additional revisions were made between November 1, 2006 and December 1, 2008:

(A) Materials in Notebook ''40 CFR 52.2020(c)(1)—Pa Department of Environmental Protection (DEP).''

(B) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 1, Part 1.''

(C) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 1, Part 2.''

(D) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 2, Part 1.''

(E) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 2, Part 2.''

(F) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 3.''

(G) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 4.''

(H) Materials in Notebook ''40 CFR 52.2020(d)(1)—Source-specific Requirements—Volume 5.''

(I) Materials in Notebook ''40 CFR 52.2020(d)(2)–(d)(4)—Source-specific Requirements.''

(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, 1301Constitution 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*

(1) EPA-APPROVED PENNSYLVANIA REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| **Title 25—Environmental Protection Article III—Air Resources Chapter 121—General Provisions** | | | | |
| Section 121.1 | Definitions | 11/20/10 | 5/23/11, 76 FR 29649. | Definition of ''coating line'' added. Revision of definitions for ''coating'' and ''paper coating.'' |
| Section 121.2 | Purpose | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 121.3 | Applicability | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 121.4 | Regional Organization of the Department. | 5/23/92 | 12/22/94, 59 FR 65971. | (c)(94). |
| Section 121.7 | Prohibition of Air Pollution | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 121.8 | Compliance responsibilities | 8/13/77 | 12/17/79, 44 FR 73031. | (c)(21); correction published 8/22/80 (45 FR 56060). |
| Section 121.9 | Circumvention | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 121.10 | Existing orders | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 121.11 | Severability clause | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1); no longer in PA DEP rules. |
| **Chapter 123—Standards for Contaminants** | | | | |
| **Fugitive Emissions** | | | | |
| Section 123.1(a) through (c). | Prohibition of certain fugitive emissions. | 8/29/77 | 12/17/79, 44 FR 73031. | (c)(21); Paragraph 123.1(d) is not in the SIP. |
| Section 123.2 | Fugitive particulate matter | 8/13/83 | 7/27/84, 49 FR 30183. | (c)(60). |
| **Particulate Matter Emissions** | | | | |
| Section 123.11 | Combustion units | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Appendix A [Graph] | Particulate Matter—Combustion Units. | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 123.12 | Incinerators | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 123.13(a) through (c). | Processes | 8/27/80 | 11/13/81, 46 FR 55971. | (c)(39); paragraph 123.13(d) is not in the SIP. |
| Appendix B [Graph] | Particulate Matter—Processes Listed in Table 1. | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Appendix C [Graph] | Particulate Matter—Processes Not Listed in Table 1. | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |

(1) EPA-APPROVED PENNSYLVANIA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| **Sulfur Compound Emissions** | | | | |
| Section 123.21 | General | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 123.22 | Combustion units. [General provisions—air basins and non-air basins. | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 123.22(a) | Combustion units—non air basins. | 8/1/79 | 8/18/81, 46 FR 43423. | (c)(36); approved as part of the control strategy for the Armstrong County sulfur dioxide nonattainment area. |
| Section 123.22(b) | Combustion units—Erie Air Basin. | 8/1/79 | 8/8/79, 44 FR 46465 | (c)(20); correction published 1/23/80 (45 FR 5303). |
| Section 123.22(c) | Combustion units—Southeast PA Air Basin. | 10/1/78 | 6/4/79, 44 FR 31980 | (c)(18). |
| Section 123.22(c) | Combustion units—Upper Beaver Valley Air Basin. | 8/21/82 | 7/5/83, 48 FR 30630 | (c)(53). |
| Section 123.22(d) | Combustion units—Lower Beaver Valley Air Basin. | 1/1/81 | 12/16/81, 46 FR 61267. | (c)(40). |
| Figure 4 [Graph] | Sulfur Oxides—Combustion Units. | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 123.24 | Primary zinc smelters | 8/11/75 | 4/30/76, 41 FR 18077. | (c)(14). |
| Section 123.25 | Monitoring requirements | 10/27/90 | 6/30/93, 58 FR 34911. | (c)(81). |
| **Odor Emissions** | | | | |
| Section 123.31 | Limitations | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1); SIP version of Section 123.31 is different from State version. |
| **Visible Emissions** | | | | |
| Section 123.41 | Limitations | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 123.42 (Except paragraph 123.42(4)). | Exceptions | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1); Paragraph 123.42(4) is declared not in SIP at (c)(21). |
| Section 123.43 | Measuring Techniques | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 123.44 | Limitations of visible fugitive air contaminants from operation of any coke oven battery. | 12/27/97 | 6/11/02, 67 FR 39854. | (c)(189). |
| Section 123.45 | Alternative opacity limitations | 6/20/81 | 1/19/83, 48 FR 2319 | (c)(48). |
| Appendix D [Chart] | Alternate Opacity Limitation—Application. | 6/20/81 | 1/19/83, 48 FR 2319 | (c)(48). |
| Section 123.46 | Monitoring requirements | 6/20/81 | 1/19/83, 48 FR 2319 | (c)(48). |
| **Nitrogen Compound Emissions** | | | | |
| Section 123.51 | Monitoring requirements | 10/20/90 | 9/23/92, 57 FR 43905. | (c)(74). |
| **$NO_X$ Allowance Requirements** | | | | |
| Section 123.101 | Purpose | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.102 | Source $NO_X$ allowance requirements and $NO_X$ allowance control period. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.103 | General $NO_X$ allowance provisions. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.104 | Source authorized account representative requirements. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.105 | NATS provisions | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.106 | $NO_X$ allowance transfer protocol. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.107 | $NO_X$ allowance transfer procedures. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.108 | Source emissions monitoring requirements. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |

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| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| Section 123.109 | Source emissions reporting requirements. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.110 | Source compliance requirements. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.111 | Failure to meet source compliance requirements. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.112 | Source operating permit provision requirements. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145) |
| Section 123.113 | Source recordkeeping requirements. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.114 | General $NO_X$ allocation provisions. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.115 | Initial $NO_X$ allowance $NO_X$ allocations. | 3/11/00 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.116 | Source opt-in provisions | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.117 | New $NO_X$ affected source provisions. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.118 | Emission reduction credit provisions. | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.119 | Bonus $NO_X$ allowance awards | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Section 123.120 | Audit | 11/1/97 | 6/6/00, 65 FR 35840 | (c)(145). |
| Appendix E [Chart] | Appendix E [$NO_X$ Allowances Chart]. | 3/11/00 | 6/6/00, 65 FR 35840 | (c)(145). |
| **Chapter 126—Standard for Motor Fuels** | | | | |
| **Subchapter A—Oxygenate Content of Gasoline** | | | | |
| Section 126.101 | General | 8/19/95 | 12/17/99, 64 FR 70589. | (c)(142). |
| Section 126.102 | Sampling and testing | 8/19/95 | 12/17/99, 64 FR 70589. | (c)(142). |
| Section 126.103 | Recordkeeping and reporting | 8/19/95 | 12/17/99, 64 FR 70589. | (c)(142). |
| Section 126.104 | Labeling requirements | 8/19/95 | 12/17/99, 64 FR 70589. | (c)(142). |
| **Subchapter C—Gasoline Volatility Requirements** | | | | |
| Section 126.301 (a) through (c). | Compliant fuel requirement | 11/1/97 | 6/8/98, 63 FR 31116 | (c)(131). |
| Section 126.302 (Except Paragraph (a)(6) pertaining to RFG). | Recordkeeping and reporting | 11/1/97 | 6/8/98, 63 FR 31116 | (c)(131). |
| Section 126.303(a) | Compliance and test methods | 11/1/97 | 6/8/98, 63 FR 31116 | (c)(131). |
| **Subchapter D—Motor Vehicle Emissions Control Program** | | | | |
| **General Provisions** | | | | |
| Section 126.401 | Purpose | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |
| Section 126.402 | NLEV scope and applicability | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |
| **Pennsylvania Clean Vehicles Program** | | | | |
| Section 126.411 | General Requirements | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |
| Section 126.412 | Emission requirements | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |
| Section 126.413 | Exemptions | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |
| **Applicable Motor Vehicle Testing** | | | | |
| Section 126.421 | New motor vehicle certification testing. | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |
| Section 126.422 | New motor vehicle compliance testing. | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |

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|---|---|---|---|---|
| Section 126.423 | Assembly line testing | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |
| Section 126.424 | In-use motor vehicle enforcement testing. | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |
| Section 126.425 | In-use surveillance testing | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |
| **Motor Vehicle Manufacturers' Obligations** | | | | |
| Section 126.431 | Warranty and recall | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |
| Section 126.432 | Reporting requirements | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |
| **Motor Vehicle Dealer Responsibilities** | | | | |
| Section 126.441 | Responsibilities of motor vehicle dealers. | 12/5/98 | 12/28/99, 64 FR 72564. | (c)(141)(i)(C). |
| **Chapter 127—Construction, Modification, Reactivation, and Operation of Sources** | | | | |
| **Subchapter A—General** | | | | |
| Section 127.1 | Purpose | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.3 | Operational flexibility | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| **Subchapter B—Plan Approval Requirements** | | | | |
| Section 127.11 | Plan approval requirements | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.11a | Reactivation of sources | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.12 | Content of applications | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.12a | Compliance review | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.12b | Plan approval terms and conditions. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.12c | Plan approval reporting requirements. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.13 | Extensions | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.13a | Plan approval changes for cause. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.13b | Denial of Plan approval application. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.13c | Notice of basis for certain plan approval decisions. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.14 | Exemptions | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.25 | Compliance requirement | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.32 | Transfer of plan approvals | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.35 | Maximum achievable control technology standards for hazardous air pollutants. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.36 | Health risk-based emission standards and operating practice requirements. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.44 | Public Notice | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.45 | Contents of notice | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.46 | Filing protests | 8/13/83 | 7/27/84, 49 FR 30183. | (c)(60). |
| Section 127.47 | Consideration of protests | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |

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| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| Section 127.48 | Conferences and hearings | 8/13/83 | 7/27/84, 49 FR 30183. | (c)(60). |
| Section 127.49 | Conference or hearing procedure. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.50 | Conference or hearing record | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.51 | Plan approval disposition | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| **Subchapter D—Prevention of Significant Deterioration of Air Quality** | | | | |
| Section 127.81 | Purpose | 6/18/83 | 8/21/84, 49 FR 33127. | (c)(57). |
| Section 127.82 | Scope | 6/18/83 | 8/21/84, 49 FR 33127. | (c)(57). |
| Section 127.83 | Adoption of Program | 6/18/83 | 8/21/84, 49 FR 33127. | (c)(57). |
| **Subchapter E—New Source Review** | | | | |
| Section 127.201 | General requirements | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.202 | Effective date | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.203 | Facilities subject to special permit requirements. | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.204 | Emissions subject to this subchapter. | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.205 | Special permit requirements | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.206 | ERC general requirements | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.207 | ERC generation and creation | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.208 | ERC use and transfer requirements. | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.209 | ERC registry system | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.210 | Offset ratios | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.211 | Applicability determination | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.212 | Portable facilities | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.213 | Construction and demolition | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.214 | Exemption | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.215 | Reactivation | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.216 | Circumvention | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| Section 127.217 | Clean Air Act Titles III–V applicability. | 1/15/94 | 12/9/97, 62 FR 64722. | (c)(107). |
| **Subchapter F—Operating Permit Requirements** | | | | |
| **General** | | | | |
| Section 127.401 | Scope | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.402 | General provisions | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.403 | Permitting of sources operating lawfully without a permit. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.404 | Compliance schedule for repermitting. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |

(1) EPA-APPROVED PENNSYLVANIA REGULATIONS—Continued

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|---|---|---|---|---|
| **Permit Applications** | | | | |
| Section 127.411 | Content of applications. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.412 | Compliance review forms | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.413 | Municipal notification | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.414 | Supplemental information | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| **Review of Applications** | | | | |
| Section 127.421 | Review of Applications | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.422 | Denial of permits | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.423 | Notice of basis for certain operating permit decisions. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.424 | Public notice | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.425 | Contents of notice | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.426 | Filing protests | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.427 | Consideration of protest | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.428 | Conferences and hearings | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.429 | Conference or hearing procedure. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.430 | Conference or hearing record | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.431 | Operating permit disposition | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| **Operating Permit Conditions** | | | | |
| Section 127.441 | Operating permit terms and conditions. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.442 | Reporting requirements | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.443 | Operating permit requirements | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.444 | Compliance requirements | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.445 | Operating permit compliance schedules. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.446 | Operating permit duration | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.447 | Alternate operating scenarios | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.448 | Emissions trading at facilities with Federally enforceable emissions cap. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.449 | De minimis emission increases | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.450 | Administrative operating permit amendments. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| **Operating Permit Modifications** | | | | |
| Section 127.461 | Operating permit changes for cause. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.462 | Minor operating permit modifications. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.463 | Operating permit revisions to incorporate applicable standards. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |

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| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| Section 127.464 | Transfer of operating permits | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| **Subchapter H—General Plan Approvals and Operating Permits** | | | | |
| **General** | | | | |
| Section 127.601 | Scope | 11/26/94 | 7/30/96, 61 FR 39594. | (c)(111). |
| **Issuance of General Plan Approvals and General Operating Permits** | | | | |
| Section 127.611 | General plan approvals and general operating permits. | 11/26/94 | 7/30/96, 61 FR 39594. | (c)(111). |
| Section 127.612 | Public notice and review period | 11/26/94 | 7/30/96, 61 FR 39594. | (c)(111). |
| **Use of General Plan Approvals and Permits** | | | | |
| Section 127.621 | Application for use of general plan approvals and general operating permits. | 11/26/94 | 7/30/96, 61 FR 39594. | (c)(111). |
| Section 127.622 | Compliance with general plan approvals and general operating permits. | 11/26/94 | 7/30/96, 61 FR 39594. | (c)(111). |
| **Subchapter I—Plan Approval and Operating Permit Fees** | | | | |
| Section 127.701 | General provisions | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.702 | Plan approval fees | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.703 | Operating permit fees under Subchapter F. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| Section 127.707 | Failure to pay fee | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(C). |
| **Subchapter J—General Conformity** | | | | |
| Section 127.801 | Purpose | 11/9/96 | 9/29/97, 62 FR 50870. | (c)(126). |
| Section 127.802 | Adoption of Standards | 11/9/96 | 9/29/97, 62 FR 50870. | (c)(126). |
| **Chapter 129—Standards for Sources** | | | | |
| **Miscellaneous Sources** | | | | |
| Section 129.11 | Nitric acid plants | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 129.12 | Sulfuric acid plants | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 129.13 | Sulfur recovery plants | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| APPENDIX A | Allowable emissions, sulfur oxides—sulfur recovery plants. | 4/23/94 | 3/23/98, 63 FR 13789. | (c)(129). |
| Section 129.14 | Open burning operations | 8/9/76 | 8/19/80, 45 FR 55178. | (c)(33). |
| Section 129.15 | Coke pushing operations | 8/29/77,12/31/77 | 12/17/79, 44 FR 73031. | (c)(21); correction published 8/22/80, 45 FR 56060. |
| Section 129.16 | Door maintenance, adjustment and replacement practices. | 12/12/77 | 7/17/79, 44 FR 41429. | (c)(19). |
| Section 129.18 | Municipal waste incinerators | 10/27/90 | 6/30/93, 58 FR 34911. | (c)(81). |
| **Sources of VOCs** | | | | |
| Section 129.51 | General | 11/20/10 | 5/23/11, 76 FR 29649. | Paragraph 129.51(a) is amended. |
| Section 129.52 | Surface coating processes | 11/20/10 | 5/23/11, 76 FR 29649. | Paragraph 129.52(j) is added. |

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|---|---|---|---|---|
| Section 129.52b | Control of VOC emissions from paper, film, and foil surface coating processes. | 11/20/10 | 5/23/11, 76 FR 29649. | New section is added. |
| Section 129.54 | Seasonal operation of auxiliary incineration equipment. | 8/3/91 | 5/13/93, 58 FR 28362. | (c)(79). |
| Section 129.55 | Petroleum refineries—specific sources. | 6/20/81 | 1/19/83, 48 FR 2319 | (c)(48). |
| Section 129.56 | Storage tanks greater than 40,000 gallons capacity containing VOCs. | 9/5/98 | 7/26/00, 65 FR 45920. | (c)(147). |
| Section 129.57 | Storage tanks less than or equal to 40,000 gallons capacity containing VOCs. | 6/20/81 | 1/19/83, 48 FR 2319 | (c)(48). |
| Section 129.58 | Petroleum refineries—fugitive sources. | 8/13/83 | 7/27/84, 49 FR 30183. | (c)(60). |
| Section 129.59 | Bulk gasoline terminals | 8/3/91 | 5/13/93, 58 FR 28362. | (c)(79). |
| Section 129.60 | Bulk gasoline plants | 8/3/91 | 5/13/93, 58 FR 28362. | (c)(79). |
| Section 129.61 | Small gasoline storage tank control (Stage I control). | 8/3/91 | 5/13/93, 58 FR 28362. | (c)(79). |
| Section 129.62 | General standards for bulk gasoline terminals, bulk gasoline plants, and small gasoline storage tanks. | 5/23/94 | 12/22/94, 59 FR 65971. | (c)(94). |
| Section 129.63 | Degreasing operations | 12/22/01 | 1/16/03, 68 FR 2208 | (c)(195)(i)(B)(2). |
| Section 129.64 | Cutback asphalt paving | 8/13/83 | 7/27/84, 49 FR 30183. | (c)(60). |
| Section 129.65 | Ethylene production plants | 8/1/79 | 5/20/80 | (c)(22). |
| Section 129.66 | Compliance schedules and final compliance dates. | 5/23/92 | 12/22/94, 59 FR 65971. | (c)(94). |
| Section 129.67 | Graphic arts systems | 9/5/98 | 7/26/00, 65 FR 45920. | (c)(147). |
| Section 129.68 | Manufacture of synthesized pharmaceutical products. | 8/3/91 | 5/13/93, 58 FR 28362. | (c)(79). |
| Section 129.69 | Manufacture of pneumatic rubber tires. | 5/23/92 | 12/22/94, 59 FR 65971. | (c)(94). |
| Section 129.71 | Synthetic organic chemical and polymer manufacturing—fugitive sources. | 5/23/92 | 12/22/94, 59 FR 65971. | (c)(94). |
| Section 129.72 | Manufacture of surface active agents. | 5/23/92 | 12/22/94, 59 FR 65971. | (c)(94). |
| Section 129.73 | Aerospace manufacturing and rework. | 4/10/99 | 6/25/01, 66 FR 33645. | (c)(155). |
| Section 129.75 | Mobile equipment repair and refinishing. | 11/27/99 | 8/14/00, 65 FR 49501. | (c)(148). |
| **Mobile Sources** | | | | |
| Section 129.81 | Organic liquid cargo vessel loading and ballasting. | 9/28/91 | 9/28/93, 58 FR 50517. | (c)(84). |
| Section 129.82 | Control of VOCs from gasoline dispensing facilities (Stage II). | 4/10/99 | 5/21/01, 66 FR 27875. | (c)(153). |
| **Stationary Sources of $NO_X$ and VOCs** | | | | |
| Section 129.91 | Control of major sources of $NO_X$ and VOCs. | 6/10/00 | 7/20/01, 66 FR 37908. | (c)(152). |
| Section 129.92 | RACT proposal requirements | 4/23/94 | 3/23/98, 63 FR 13789. | (c)(129). |
| Section 129.93 [Except for 129.93(c)(6 & 7)]. | Presumptive RACT emission limitations. | 4/23/94 | 3/23/98, 63 FR 13789. | (c)(129). |
| Section 129.94 | $NO_X$ RACT emission averaging general requirements. | 4/23/94 | 3/23/98, 63 FR 13789. | (c)(129). |
| Section 129.95 | Recordkeeping | 4/23/94 | 3/23/98, 63 FR 13789. | (c)(129). |
| **Wood Furniture Manufacturing Operations** | | | | |
| Section 129.101 | General provisions and applicability. | 6/10/00 | 7/20/01, 66 FR 37908. | (c)(152). |

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|---|---|---|---|---|
| Section 129.102 | Emission standards | 6/10/00 | 7/20/01, 66 FR 37908. | (c)(152). |
| Section 129.103 | Work practice standards | 6/10/00 | 7/20/01, 66 FR 37908. | (c)(152). |
| Section 129.104 | Compliance procedures and monitoring requirements. | 6/10/00 | 7/20/01, 66 FR 37908. | (c)(152). |
| Section 129.105 | Recordkeeping requirements | 6/10/00 | 7/20/01, 66 FR 37908. | (c)(152). |
| Section 129.106 | Reporting requirements | 6/10/00 | 7/20/01, 66 FR 37908. | (c)(152). |
| Section 129.107 | Special provisions for facilities using an emissions averaging approach. | 6/10/00 | 7/20/01, 66 FR 37908. | (c)(152). |
| **Additional $NO_X$ Requirements** | | | | |
| Section 129.201 | Boilers | 4/12/08 | 12/10/09, 74 FR 65446. | Revised section. |
| Section 129.202 | Stationary combustion turbines | 4/12/08 | 12/10/09, 74 FR 65446. | Revised section. |
| Section 129.203 | Stationary internal combustion engines. | 12/11/04 | 9/29/06, 71 FR 57428. | SIP-effective date is 10/30/06. |
| Section 129.204 | Emission accountability | 4/12/08 | 12/10/09, 74 FR 65446. | Revised section. |
| Section 129.205 | Zero emission renewable energy production credit. | 12/11/04 | 9/29/06, 71 FR 57428. | SIP-effective date is 10/30/06. |
| **Chapter 130—Standards for Products** | | | | |
| **Subchapter A—Portable Fuel Containers** | | | | |
| Section 130.101 | Applicability | 10/5/02 | 12/8/04, 69 FR 70893. | (c)(229). |
| Section 130.102 | Definitions | 10/5/02 | 12/8/04, 69 FR 70893. | (c)(229). |
| Section 130.103 | Performance Standards for portable fuel containers and spill-proof spouts. | 10/5/02 | 12/8/04, 69 FR 70893. | (c)(229). |
| Section 130.104 | Exemptions | 10/5/02 | 12/8/04, 69 FR 70893. | (c)(229). |
| Section 130.105 | Innovative products | 10/5/02 | 12/8/04, 69 FR 70893. | (c)(229). |
| Section 130.106 | Administrative requirements | 10/5/02 | 12/8/04, 69 FR 70893. | (c)(229). |
| Section 130.107 | Variances | 10/5/02 | 12/8/04, 69 FR 70893. | (c)(229). |
| Section 130.108 | Test procedures | 10/5/02 | 12/8/04, 69 FR 70893. | (c)(229). |
| **Subchapter B—Consumer Products** | | | | |
| **General Provisions** | | | | |
| Section 130.201 | Applicability | 10/11/08 | 10/18/10, 75 FR 63717. | |
| Section 130.202 | Definitions | 10/11/08 | 10/18/10, 75 FR 63717. | |
| **Standard** | | | | |
| Section 130.211 | Table of standards | 10/11/08 | 10/18/10, 75 FR 63717. | |
| Section 130.212 | Products diluted prior to use | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.213 | Products registered under FIFRA. | 10/11/08 | 10/18/10, 75 FR 63717. | |
| Section 130.214 | Requirements for charcoal lighter materials. | 10/11/08 | 10/18/10, 75 FR 63717. | |
| Section 130.215 | Requirements for aerosol adhesives. | 10/11/08 | 10/18/10, 75 FR 63717. | |

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| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| Section 130.216 | Requirements for floor wax strippers. | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.217 | Sell-through of products | 10/11/08 | 10/18/10, 75 FR 63717. | Adds section to allow for the sell-through of product manufactured prior to applicable effective dates. |
| **Exemptions** | | | | |
| Section 130.331 | Products for shipment and use outside this Commonwealth. | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.332 | Antiperspirants and deodorants | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.333 | LVP–VOC | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.334 | Products registered under FIFRA. | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.335 | Air fresheners | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.336 | Adhesives | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.337 | Bait station insecticides | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.338 | Fragrances | 10/11/08 | 10/18/10, 75 FR 63717. | Added section. |
| **Innovative Products** | | | | |
| Section 130.351 | Innovative products exemption | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.352 | Request for exemption | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| **Administrative Requirements** | | | | |
| Section 130.371 | Code-dating | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.372 | Most restrictive limit | 10/11/08 | 10/18/10, 75 FR 63717. | |
| Section 130.373 | Additional labeling requirements for aerosol adhesives. | 10/11/08 | 10/18/10, 75 FR 63717. | |
| **Reporting Requirements** | | | | |
| Section 130.391 | Required reporting of information to the Department. | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.392 | Confidentiality | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| **Variances** | | | | |
| Section 130.411 | Application for variance | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.412 | Variance orders | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.413 | Termination of variance | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.414 | Modification of variance | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| **TEST METHODS** | | | | |
| Section 130.431 | Testing for compliance | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| **ACP for Consumer Products** | | | | |
| Section 130.451 | Alternative methods of compliance. | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230) |

(1) EPA-APPROVED PENNSYLVANIA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| Section 130.452 | Exemption | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.453 | Request for exemption | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.454 | Application for an ACP | 10/11/08 | 10/18/10,75 FR 63717.. | |
| Section 130.455 | Recordkeeping and availability of requested information. | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.456 | Surplus reductions and surplus trading. | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.457 | Limited-use surplus reduction credits for early reformulations of ACP products. | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.458 | Reconciliation of shortfalls | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.459 | Notification of modifications to an ACP by the responsible ACP party. | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.460 | Modifications that require Department preapproval. | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.461 | Other modifications | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.462 | Modification of an ACP by the Department. | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.463 | Cancellation of an ACP | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.464 | Treatment of information | 10/5/02 | 12/8/04, 69 FR 70895. | (c)(230). |
| Section 130.465 | Other applicable requirements | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| **Public Hearing Requirements** | | | | |
| Section 130.471 | Public hearings | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| **Subchapter C—Architectural and Industrial Maintenance Coatings** | | | | |
| Section 130.601 | Applicability | 10/25/03 | 11/23/04, 69 FR 68080. | (c)(227). |
| Section 130.602 | Definitions | 10/11/08 | 10/18/10, 75 FR 63717.. | |
| Section 130.603 | Standards | 10/25/03 | 11/23/04, 69 FR 68080. | (c)(227). |
| Section 130.604 | Container labeling requirements | 10/25/03 | 11/23/04, 69 FR 68080. | (c)(227). |
| Section 130.605 | Reporting requirements | 10/25/03 | 11/23/04, 69 FR 68080. | (c)(227). |
| Section 130.606 | Application for variance | 10/25/03 | 11/23/04, 69 FR 68080. | (c)(227). |
| Section 130.607 | Variance orders | 10/25/03 | 11/23/04, 69 FR 68080. | (c)(227). |
| Section 130.608 | Termination of variance | 10/25/03 | 11/23/04, 69 FR 68080. | (c)(227). |
| Section 130.609 | Extension, modification or revocation of variance. | 10/25/03 | 11/23/04, 69 FR 68080. | (c)(227). |
| Section 130.610 | Public hearings | 10/25/03 | 11/23/04, 69 FR 68080. | (c)(227). |
| Section 130.611 | Compliance provisions and test methods. | 10/25/03 | 11/23/04, 69 FR 68080. | (c)(227). |
| **Chapter 131—Ambient Air Quality Standards** | | | | |
| Section 131.1 | Purpose | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 131.2 | National Ambient Air Quality Standards. | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 131.3 | Ambient air quality standards | 8/13/83 | 7/27/84, 49 FR 30183. | (c)(60); Amendment removed a lead standard provision. The remaining standards are not SIP-related. |

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| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| Section 131.4 | Application of ambient air quality standards. | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| **Chapter 135—Reporting of Sources** | | | | |
| **General** | | | | |
| Section 135.1 | Definitions | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 135.2 | Applicability [of sources] | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 135.3 | Reporting | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 135.4 | Reporting forms and guides | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 135.5 | Recordkeeping | 10/10/92 | 1/12/95, 60 FR 2081 | (c)(96). |
| **Emission Statements** | | | | |
| Section 135.21 | Emission statements | 10/10/92 | 1/12/95, 60 FR 2081 | (c)(96). |
| **Chapter 137—Air Pollution Episodes** | | | | |
| **General** | | | | |
| Section 137.1 | Purpose | 1/28/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 137.2 | Monitoring facilities | 1/28/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 137.3 | Episode criteria | 6/9/90 | 6/16/93, 58 FR 33203. | (c)(75). |
| Section 137.4 | Standby plans | 12/27/97 | 6/11/02, 67 FR 39854. | (c)(189). |
| Section 137.5 | Implementation of emission reduction procedures. | 1/28/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| **Level Actions** | | | | |
| Section 137.11 | Forecast level actions | 1/28/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 137.12 | Alert level actions | 1/28/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 137.13 | Warning level actions | 1/28/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 137.14 | Emergency level actions | 1/28/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| **Chapter 139—Sampling and Testing** | | | | |
| **Subchapter A—Sampling and Testing Methods and Procedures** | | | | |
| **General** | | | | |
| Section 139.1 | Sampling facilities | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 139.2 | Sampling by others | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 139.3 | General requirements | 8/1/79 | 8/8/79, 44 FR 46465 | (c)(20); Correction published 1/23/80 (45 FR 5303). |
| Section 139.4 | References | 6/10/00 | 7/20/01, 66 FR 37908. | (c)(152). |
| Section 139.5 | Revisions to the source testing manual and continuous source monitoring manual. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(D). |
| **Stationary Sources** | | | | |
| Section 139.11 | General requirements | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 139.12 | Emissions of particulate matter | 3/7/98 | 6/11/02, 67 FR 39854. | (c)(189). |

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|---|---|---|---|---|
| Section 139.13 (Except Provisions applicable to $H_2S$ and TRS). | Emissions of $SO_2$, $H_2S$, TRS and $NO_2$. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(D). |
| Section 139.14 | Emissions of VOCs | 6/10/00 | 7/20/01, 66 FR 37908. | (c)(152). |
| Section 139.16 | Sulfur in fuel oil | 8/13/83 | 7/27/84, 49 FR 30183. | (c)(60). |
| Section 139.17 | General requirements | 6/20/81 | 1/19/83, 48 FR 2319 | (c)(48). |
| Section 139.18 | Calculation of alternative opacity limitations. | 6/20/81 | 1/19/83, 48 FR 2319 | (c)(48). |
| **Ambient Levels of Air Contaminants** | | | | |
| Section 139.31 | General | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section 139.32 | Sampling and analytical procedures. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(D). |
| Section 139.33 | Incorporation of Federal procedures. | 3/20/72 | 5/31/72, 37 FR 10842. | (c)(1). |
| **Subchapter B—Monitoring Duties of Certain Sources** | | | | |
| **General** | | | | |
| Section 139.51 | Purpose | 8/29/77 | 7/17/79, 44 FR 41429. | (c)(19). |
| Section 139.52 | Monitoring methods and techniques. | 8/29/77 | 7/17/79, 44 FR 41429. | (c)(19). |
| Section 139.53 | Filing monitoring reports | 8/13/83 | 7/27/84, 49 FR 30183. | (c)(60). |
| **Subchapter C—Requirements for Continuous In-Stack Monitoring for Stationary Sources** | | | | |
| Section 139.101 | General Requirements | 3/7/98 | 6/11/02, 67 FR 39854. | (c)(189). |
| Section 139.102 | References | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(D). |
| Section 139.103 | Opacity monitoring requirements. | 11/26/94 | 7/30/96, 61 FR 39597. | (c)(110)(i)(D). |
| Section 139.111 | Waste incinerator monitoring requirements. | 12/27/97 | 6/11/02, 67 FR 39854. | (c)(189). |
| **Chapter 141—Alternate Standards** | | | | |
| Section 141.1 | Imposing alternate standards authorized. | 5/14/88 | 9/17/92, 57 FR 42894. | (c)(73). |
| **Chapter 145—Interstate Pollution Transport Reduction** | | | | |
| **Subchapter A—$NO_X$ Budget Trading Program** | | | | |
| **General Provisions** | | | | |
| Section 145.1 | Purpose | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.2 | Definitions | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.3 | Measurements, abbreviations and acronyms. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.4 | Applicability | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.5 | Retired unit exemption | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.6 | Standard requirements | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.7 | Computation of time | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |

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| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| Section 145.8 | Transition to CAIR $NO_X$ Trading Programs. | 4/12/08 | 12/10/09, 74 FR 65446. | New section. |
| **$NO_X$ Account** | | | | |
| Section 145.10 | Authorization and responsibilities of the $NO_X$ authorized account representative. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.11 | Alternate $NO_X$ authorized account representative. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.12 | Changing the $NO_X$ authorized account representative; and changes in the Alternate $NO_X$ authorized account representative; changes in the owners and operators. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.13 | Account certificate of representation. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.14 | Objections concerning the $NO_X$ authorized account representative. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| **Compliance Certification** | | | | |
| Section 145.30 | Compliance certification report | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.31 | Department's action on compliance certifications. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| **$NO_X$ Allowance Allocations** | | | | |
| Section 145.40 | State Trading Program budget | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.41 | Timing Requirements for $NO_X$ allowance allocations. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.42 | $NO_X$ Allowance allocations | 12/11/04 | 9/29/06, 71 FR 57428. | Revised; SIP-effective date is 10/30/06. |
| Section 145.43 | Compliance supplement pool | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| **Accounting Process for Deposit Use and Transfer of Allowances** | | | | |
| Section 145.50 | $NO_X$ Allowance Tracking System accounts. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.51 | Establishment of accounts | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.52 | $NO_X$ Allowance Tracking System responsibilities of $NO_X$ authorized account representative. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.53 | Recordation of $NO_X$ allowance allocations. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.54 | Compliance | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.55 | Banking | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.56 | Account error | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.57 | Closing of general accounts | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| **$NO_X$ Allowance Transfers** | | | | |
| Section 145.60 | Submission of $NO_X$ allowance transfers. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.61 | $NO_X$ transfer recordation | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.62 | Notification | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |

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| **Recording and Recordkeeping Requirements** | | | | |
| Section 145.70 | General monitoring requirements. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.71 | Initial certification and recertification procedures. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.72 | Out of control periods | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.73 | Notifications | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.74 | Recordkeeping and reporting | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.75 | Petitions | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.76 | Additional requirements to provide heat input data. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| **Opt-In Process** | | | | |
| Section 145.80 | Applicability for opt-in sources | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.81 | Opt-in source general provisions. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.82 | $NO_X$ authorized account representative for opt-in sources. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.83 | Applying for a $NO_X$ budget opt-in approval. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.84 | Opt-in process | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.85 | $NO_X$ budget opt-in application contents. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.86 | Opt-in source withdrawal from $NO_X$ Budget Trading Program. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.87 | Opt-in unit change in regulatory status. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| Section 145.88 | $NO_X$ allowance allocations to opt-in units. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| **Emission Reduction Credit Provisions** | | | | |
| Section 145.90 | Emission reduction credit provisions. | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| **Interstate Pollution Transport Reduction Requirements** | | | | |
| Section 145.100 | Applicability to upwind states | 9/23/00 | 8/21/01, 66 FR 43795. | (c)(168). |
| **Subchapter B—Emissions of $NO_X$ from Stationary Internal Combustion Engines** | | | | |
| Section 145.111 | Applicability | 12/11/04 | 9/29/06, 71 FR 57428. | New Section SIP-effective date is 10/30/06. |
| Section 145.112 | Definitions | 12/11/04 | 9/29/06, 71 FR 57428. | New Section SIP-effective date is 10/30/06. |
| Section 145.113 | Standard requirements | 4/12/08 | 12/10/09, 74 FR 65446. | New subsection d. |
| **Subchapter C—Emissions of $NO_X$ from Cement Manufacturing** | | | | |
| Section 145.141 | Applicability | 12/11/04 | 9/29/06, 71 FR 57428. | New Section SIP-effective date is 10/30/06. |
| Section 145.142 | Definitions | 12/11/04 | 9/29/06, 71 FR 57428. | New Section SIP-effective date is 10/30/06. |
| Section 145.143 | Standard requirements | 4/12/08 | 12/10/09, 74 FR 65446. | |
| **Subchapter D. CAIR $NO_X$ and $SO_2$ Trading Programs—General Provisions** | | | | |
| Section 145.201 | Purpose | 4/12/08 | 12/10/09, 74 FR 65446. | |

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| Section 145.202 | Definitions | 4/12/08 | 12/10/09, 74 FR 65446. | |
| Section 145.203 | Applicability | 4/12/08 | 12/10/09, 74 FR 65446. | |
| Section 145.204 | Incorporation of Federal regulations by reference. | 4/12/08 | 12/10/09, 74 FR 65446. | |
| **ADDITIONAL REQUIREMENTS FOR CHAPTER 127 EMISSION REDUCTION CREDIT PROVISIONS** | | | | |
| Section 145.205 | Emission reduction credit provisions. | 4/12/08 | 12/10/09, 74 FR 65446. | |
| **ADDITIONAL REQUIREMENTS FOR CAIR $NO_X$ ANNUAL TRADING PROGRAM** | | | | |
| Section 145.211 | Timing Requirements for CAIR $NO_X$ allowance allocations. | 4/12/08 | 12/10/09, 74 FR 65446. | |
| Section 145.212 | CAIR $NO_X$ allowance allocations. | 4/12/08 | 12/10/09, 74 FR 65446. | |
| Section 145.213 | Supplemental monitoring, recordkeeping and reporting requirements for gross electrical output and useful thermal energy for units subject to 40 CFR 96.170–96.175. | 4/12/08 | 12/10/09, 74 FR 65446. | |
| **ADDITIONAL REQUIREMENTS FOR CAIR $NO_X$ OZONE SEASON TRADING PROGRAM** | | | | |
| Section 145.221 | Timing requirements for CAIR $NO_X$ ozone season allowance allocations. | 4/12/08 | 12/10/09, 74 FR 65446. | |
| Section 145.222 | CAIR $NO_X$ Ozone Season allowance allocations. | 4/12/08 | 12/10/09, 74 FR 65446. | |
| Section 145.223 | Supplemental monitoring, recordkeeping and reporting requirements for gross electrical output and useful thermal energy for units subject to 40 CFR 96.370–96.375. | 4/12/08 | 12/10/09, 74 FR 65446. | |
| **Title 67—Transportation** | | | | |
| **Part I—Department of Transportation<br>Subpart A—Vehicle Code Provisions<br>Article VII—Vehicle Characteristics** | | | | |
| **Chapter 175—Vehicle Equipment and Inspection** | | | | |
| **Subchapter A—General Provisions** | | | | |
| Section 175.2 | Definitions | 9/27/97 | 6/17/99, 64 FR 32411. | ''Temporary Inspection Approval Indicator'' only. |
| Section 175.2 | Definitions | 12/3/88 | 10/6/05, 70 FR 58313. | Definitions which apply to safety inspection program in non-I/M counties. |
| Section 175.3 | Application of equipment rules | 12/3/88 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| Section 175.4 | Vehicles required to be inspected. | 12/3/88 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| Section 175.6 | Annual inspection | 12/3/88 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| Section 175.7 | Inspection of vehicle reentering this Commonwealth. | 12/3/88 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| Section 175.8 | Newly purchased vehicles | 2/19/94 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| Section 175.11 | Coordination of safety and emission inspection. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| **Subchapter B—Official Inspection Stations** | | | | |
| Section 175.21 | Appointment | 12/3/88 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |

(1) EPA-APPROVED PENNSYLVANIA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| Section 175.22 | Making application | 12/3/88 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| Section 175.23(a) and (c). | Approval | 12/3/88 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| Section 175.24 | Required certificates and station signs. | 12/3/88 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| Section 175.25(a), (b)(1), (b)(3), and (c). | Inspection area | 12/3/88 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| Section 175.26(a) introductory sentence and (a)(3). | Tools and equipment | 9/28/96 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| Section 175.27 | Hours | 12/3/88 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| Section 175.28 [Except for (c)(2), (g)(2), (g)(3), and (g)(5)–((9)]. | Certified Inspection Mechanics | 12/3/88 | 10/6/05, 70 FR 58313.. | Applies to safety inspection program in non-I/M counties. |
| Section 175.29(f)(4) | Obligations and responsibilities of station. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 175.29 | Obligations and responsibilities of stations. | 9/27/97 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties (except for (f)(4), which applies to I/M and non-I/M programs). |
| Section 175.31 | Fleet inspection stations | 12/3/88 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| **Subchapter C—Certificate of Inspection** | | | | |
| Section 175.41(a), (b)(1), (b)(3), (c), (d), (e)(1), (e)(3), (e)(5), and (f)(4). | Procedure | 9/27/97 | 10/6/05, 70 FR 58313. | Applies statewide; To I/M program and non-I/M safety inspection program. |
| Section 175.42 | Recording inspection | 9/27/97 | 6/17/99, 64 FR 32411. | |
| Section 175.43 | Security | 9/27/97 | 6/17/99, 64 FR 32411. | |
| Section 175.44 | Ordering certificates of inspection. | 9/27/97 | 6/17/99, 64 FR 32411. | |
| Section 175.45 | Violation of use of certificate of inspection. | 9/27/97 | 6/17/99, 64 FR 32411. | |
| **Subchapter D—Schedule of Penalties and Suspensions: Official Inspection Stations and Certified Mechanics** | | | | |
| Section 175.51 | Cause for suspension | 2/19/94 | 10/6/05, 70 FR 58313. | New section; Applies to safety inspection program in non-I/M counties. |
| Section 175.52 | Reapplication | 12/3/88 | 10/6/05, 70 FR 58313. | New section; Applies to safety inspection program in non-I/M counties. |
| **Subchapter E—Passenger Cars and Light Trucks** | | | | |
| Section 175.61 | Application of subchapter | 12/3/88 | 10/6/05, 70 FR 58313. | New section; Applies to safety inspection program in non-I/M counties. |
| Section 175.72(d) | Fuel systems | 12/3/88 | 10/6/05, 70 FR 58313. | New section; Applies to safety inspection program in non-I/M counties. |
| Section 175.80(d) | Inspection procedure | 5/13/99 | 10/6/05, 70 FR 58313. | New section; Applies to safety inspection program in non-I/M counties. |
| **Subchapter H—Motorcycles** | | | | |
| Section 175.141 | Application of subchapter | 12/3/88 | 10/6/05, 70 FR 58313. | New section; Applies to safety inspection program in non-I/M counties. |

(1) EPA-APPROVED PENNSYLVANIA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| **Subchapter J—Motor-Driven Cycles and Motorized Pedalcycles** | | | | |
| Section 175.171 | Application | 12/3/88 | 10/6/05, 70 FR 58313. | New section; Applies to safety inspection program in non-I/M counties. |
| **Subchapter K—Street Rods, Specially Constructed and Reconstructed Vehicles** | | | | |
| Section 175.201 | Application of subchapter | 12/3/88 | 10/6/05, 70 FR 58313. | New section; Applies to safety inspection program in non-I/M counties. |
| Section 175.202 | Conditions | 12/3/88 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| Section 175.220(d) [introductory sentence only]. | Inspection procedure | 5/13/99 | 10/6/05, 70 FR 58313. | Applies to safety inspection program in non-I/M counties. |
| **Subchapter L—Animal-Drawn Vehicles, Implements of Husbandry and Special Mobile Equipment** | | | | |
| Section 175.221 | Application | 12/3/88 | 10/6/05, 70 FR 58313. | |
| **Chapter 177—Enhanced Emission Inspection Program** | | | | |
| **Subchapter A—General Provisions** | | | | |
| Section 177.1 | Purpose | 10/1/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.2 | Application of equipment rules | 10/1/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.3 | Definitions | 11/22/03 | 10/6/05, 70 FR 58313. | |
| **Implementation of Emission Inspection Program** | | | | |
| Section 177.22 | Commencement of inspection | 11/22/03 | 10/6/05, 70 FR 58313. | Retitled and revised. |
| Section 177.23 | Notification of requirement for emission inspection. | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.24 | Program evaluation | 11/22/03 | 10/6/05, 70 FR 58313. | |
| **I/M Program** | | | | |
| Section 177.51 | Program requirements | 11/22/03 | 10/6/05, 70 FR 58313. | Excludes paragraphs (c)(1), (c)(2), and (c)(3), and reference to those paragraphs. |
| Section 177.52 | Emission inspection prerequisites. | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.53 | Vehicle inspection process | 11/22/03 | 10/6/05, 70 FR 58313. | |
| **Subchapter B—Subject Vehicles** | | | | |
| Section 177.101 | Subject vehicles | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.102 | Inspection of vehicles reentering this Commonwealth. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.103 | Used vehicles after sale or resale. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.104 | Vehicles registered in nondesignated areas or other states. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.105 | Vehicles requiring emission inspection due to change of address. | 11/22/03 | 10/6/05, 70 FR 58313. | |

(1) EPA-APPROVED PENNSYLVANIA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| **Subchapter C—Emission Test Procedures and Emission Standards** | | | | |
| **General** | | | | |
| Section 177.201 | General requirements | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.202 | Emission test equipment | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.202a | OBD–I/M check equipment | 11/22/03 | 10/6/05, 70 FR 58313. | New section. |
| Section 177.202b | Equipment for gas cap test and visual inspection. | 11/22/03 | 10/6/05, 70 FR 58313. | New section. |
| Section 177.203 | Test procedures | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.204 | Basis for failure | 11/22/03 | 10/6/05, 70 FR 58313. | Retitled and revised. |
| **Recall Provisions** | | | | |
| Section 177.231 | Requirements regarding manufacturer recall notices. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.232 | Compliance with recall notices | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.233 | Failure to comply | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| **Emission Inspection Report** | | | | |
| Section 177.251 | Record of test results | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.252 | Emission inspection report | 11/22/03 | 10/6/05, 70 FR 58313. | Retitled and revised. |
| Section 177.253 | Responsibility of the station owner for vehicles which fail the emission inspection. | 11/22/03 | 10/6/05, 70 FR 58313. | Retitled and revised. |
| **Retest** | | | | |
| Section 177.271 | Procedure | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.272 | Prerequisites | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.273 | Content of repair data form | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.274 | Retest fees | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.275 | Repair technician training and certification. | 11/22/03 | 10/6/05, 70 FR 58313. | New section. |
| **Issuance of Waiver** | | | | |
| Section 177.281 | Issuance of waiver | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.282 | Annual adjustment of minimum waiver expenditure for emission inspection. | 11/22/03 | 10/6/05, 70 FR 58313. | Excludes/removes the sentence and partial sentence, ''The minimum expenditure for the first 2 years after commencement of the program in an affected area is $150. Beginning with the 3rd year of the program in an affected area''. |
| **Procedures Relating to Certificates of Emission Inspection** | | | | |
| Section 177.291 | Procedures relating to certificates of emission inspection. | 11/22/03 | 10/6/05, 70 FR 58313. | Retitled and revised. |
| Section 177.292 | Recording inspection | 11/22/03 | 10/6/05, 70 FR 58313. | |

(1) EPA-APPROVED PENNSYLVANIA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| **On-Road Testing** | | | | |
| Section 177.301 | Authorization to conduct on-road emission testing. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.302 | On-road testing devices | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.304 | Failure of on-road emission test | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.305 | Failure to produce proof of correction of on-road emission test failure. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| **Subchapter D—Official Emission Inspection Station Requirements** | | | | |
| **General** | | | | |
| Section 177.401 | Appointment | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.402 | Application | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.403 | Approval of emission inspection station. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.404 | Required certificates and station signs. | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.405 | Emission inspection areas | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.406 | Equipment | 11/22/03 | 10/6/05, 70 FR 58313. | Retitled and revised. |
| Section 177.407 | Hours of operation | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.408 | Certified emission inspectors | 11/22/03 | 10/6/05, 70 FR 58313. | |
| **Obligations and Responsibilities of Station Owners/Agents** | | | | |
| Section 177.421 | Obligations and responsibilities of station owners/agents. | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.422 | Commonwealth emission inspection stations. | 11/22/03 | 10/6/05, 70 FR 58313. | Retitled and revised. |
| Section 177.423 | Fleet emission inspection stations. | 11/22/03 | 10/6/05, 70 FR 58313. | Retitled and revised. |
| Section 177.424 | General emission inspection stations. | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.425 | Security | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.426 | Ordering certificates of emission inspection. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.427 | Violations of use of certificate of emission inspection. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| **Quality Assurance** | | | | |
| Section 177.431 | Quality assurance | 11/22/03 | 10/6/05, 70 FR 58313. | |
| **Subchapter E—Equipment Manufacturers' and Contractors' Requirements and Obligations** | | | | |
| **Equipment Manufacturers' Requirements** | | | | |
| Section 177.501 | Equipment approval procedures | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.502 | Service commitment | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.503 | Performance commitment | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.504 | Revocation of approval | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |

(1) EPA-APPROVED PENNSYLVANIA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| **Contractor Obligations** | | | | |
| Section 177.521 | Contractor obligations and responsibilities. | 11/22/03 | 10/6/05, 70 FR 58313. | |
| **Subchapter F—Schedule of Penalties and Hearing Procedure** | | | | |
| **Schedule of Penalties and Suspensions** | | | | |
| Section 177.601 | Definitions | 11/22/03 | 10/6/05, 70 FR 58313. | New section. |
| Section 177.602 | Schedule of penalties for emission inspection stations. | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.603 | Schedule of penalties for emission inspectors. | 11/22/03 | 10/6/05, 70 FR 58313. | |
| **Additional Violations** | | | | |
| Section 177.605 | Subsequent violations | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Section 177.606 | Multiple violations | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| **Departmental Hearing Procedure** | | | | |
| Section 177.651 | Notice of alleged violation and opportunity to be heard prior to immediate suspension. | 11/22/03 | 10/6/05, 70 FR 58313. | Retitled and revised. |
| Section 177.652 | Official documents | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| **Restoration After Suspension** | | | | |
| Section 177.671 | Restoration of certification of an emission inspector after suspension. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.672 | Restoration of certification of an emission inspection station after suspension. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| Section 177.673 | Restoration of certification of certified repair technician after suspension. | 9/27/97 | 6/17/99, 64 FR 32411. | (c)(139). |
| **Registration Recall Procedure for Violation of §§ 177.301–177.305 (Relating Toon-Road Resting)** | | | | |
| Section 177.691 | Registration Recall Committee | 11/22/03 | 10/6/05, 70 FR 58313. | |
| Appendix A | Acceleration Simulation Mode: Pennsylvania Procedures, Standards, Equipment Specifications and Quality Control Requirements. | 11/22/03 | 10/6/05, 70 FR 58313. | Replaces previous Appendix A. |
| Appendix B | Department Procedures and Specifications. | 11/22/03 | 10/6/05, 70 FR 58313. | Replaces previous Appendix B. |

(2) EPA-APPROVED ALLEGHENY COUNTY HEALTH DEPARTMENT (ACHD) REGULATIONS

| Article XX or XXI citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| **Part A—General** | | | | |
| 2101.01 | Short Titles | 10/20/95 | 11/14/02, 67 FR 68935 | In SIP at 52.2020(c)(92); citation change only at (c)(192). |
| 2101.02.a, .02.c | Declaration of Policy and Purpose. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2101.03 | Effective Date and Repealer. | 10/20/95 | 11/14/02, 67 FR 68935 | In SIP at (c)(92); citation change only at (c)(192). |
| 2101.04 | Existing Orders | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |

(2) EPA-APPROVED ALLEGHENY COUNTY HEALTH DEPARTMENT (ACHD) REGULATIONS—Continued

| Article XX or XXI citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| 2101.05 | Existing Permits and Licenses. | 3/31/98 | 8/30/04, 69 FR 52831 | 52.2420(c)(209). |
| 2101.06 | Construction and Interpretation. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2101.07 (Except paragraphs .07.c.2 and c.8). | Administration and Organization. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2101.10 | Ambient Air Quality Standards (Except: PM10—County & Free silica portion; Pb (1-hr & 8-hr avg.); settled particulates, beryllium, sulfates, fluorides, and hydrogen sulfide). | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2101.11 | Prohibition of Air Pollution. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2101.12 | Interstate Air Pollution. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2101.13 | Nuisances | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2101.14 | Circumvention | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2101.20 | Definitions | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2101.20 | Definitions related to gasoline volatility. | 5/15/98, 9/1/99 | 4/17/01, 66 FR 19724 | (c)(151). |
| 2101.20 | Definitions | 7/10/03 | 6/24/05, 70 FR 36511. | |
| 2101.20 | Definitions | 5/24/10 | 12/28/10 75 FR 81480 | Addition of four new definitions: Exterior panels, interior panels, flat wood panel coating, and tileboard |
| **Part B—Permits Generally** | | | | |
| 2102.01 | Certification | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2102.02 | Applicability | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2102.03.a through .k | Permits Generally | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2102.04 | Installation Permits | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2102.05 | Installation Permits for New and Modified Major Sources. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2102.06 | Major Sources Locating In or Impacting a Nonattainment Area. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2102.08 | Emission Offset Registration. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2102.10 | Installation Permit Application and Administration Fees. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| **Part C—Operating Permits** | | | | |
| 2103.01 | Transition | 10/20/95 | 8/30/04, 69 FR 52831 | (c)(209). |
| **Subpart 1—Operating Permits (All Major and Minor Permits)** | | | | |
| 2103.10.a., b | Applicability, Prohibitions, Records. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2103.11 | Applications | 10/20/95 | 8/30/04, 69 FR 52831 | (c)(209). |
| 2103.12 | Issuance, Standard Conditions. | 3/31/98 | 8/30/04, 69 FR 52831 | (c)(209). |
| 2103.13 | Expiration, Renewals, Reactivation. | 10/20/95 | 8/30/04, 69 FR 52831 | (c)(209). |
| 2103.14 | Revisions, Amendments, Modifications. | 1/12/01 | 8/30/04, 69 FR 52831 | (c)(209). |

(2) EPA-APPROVED ALLEGHENY COUNTY HEALTH DEPARTMENT (ACHD) REGULATIONS—Continued

| Article XX or XXI citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| 2103.15 | Reopenings, Revocations. | 10/20/95 | 8/30/04, 69 FR 52831 | (c)(209). |
| **Subpart 2—Additional Requirements for Major Permits** | | | | |
| 2103.20.b.4 | Applicability, Prohibitions, Records. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| **Part D—Pollutant Emission Standards** | | | | |
| 2104.01 | Visible Emissions | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2104.02 | Particulate Mass Emissions. | 8/15/97 | 6/12/98, 63 FR 32126 | (c)(133)(i)(B)(*1*); Citation changes approved on 11/12/02 (67 FR 68935) at (c)(192). |
| 2104.03 | Sulfur Oxide Emissions. | 7/10/03 | 7/21/04, 69 FR 43522 | (c)(216)(i)(C). |
| 2104.05 | Materials Handling | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2104.06 | Violations | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2104.07 | Stack Heights | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| **Part E—Source Emission and Operating Standards** | | | | |
| 2105.01 | Equivalent Compliance Techniques. | 7/10/03 | 6/24/05, 70 FR 36511. | |
| 2105.02 | Other Requirements Not Affected. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.03 | Operation and Maintenance. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.04 | Temporary Shutdown of Incineration Equipment. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.06 | Major Sources of Nitrogen Oxides and Volatile Organic Compounds. | 10/20/95 | 10/7/02, 67 FR 62389 | (c)(157). |
| **Subpart 1—VOC Sources** | | | | |
| 2105.10 | Surface Coating Processes. | 5/24/10 | 12/28/10, 75 FR 81480 | Revision to *Applicability,* section 2105.10(a). |
| 2105.11 | Graphic Arts Systems. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.12 | Volatile Organic Compound Storage Tanks. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.13 | Gasoline Loading Facilities. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.14 | Gasoline Dispensing Facilities—Stage II Control. | 7/10/05 | 1/17/08, 73 FR 3190. | |
| 2105.15 | Degreasing Operations. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.16 | Cutback Asphalt Paving. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.17 | Ethylene Production Processes. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.19 | Synthetic Organic Chemical & Polymer Manufacturing—Fugitive Sources. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| **Subpart 2—Stag, Coke, and Miscellaneous Sulfur Sources** | | | | |
| 2105.20 | Slag Quenching | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.21 | Coke Oven and Coke Gas Oven. | 4/1/07 | 7/13/09, 74 FR 3329 | Revision to paragraph 2105.21.f (Combustion Stacks). |

(2) EPA-APPROVED ALLEGHENY COUNTY HEALTH DEPARTMENT (ACHD) REGULATIONS—Continued

| Article XX or XXI citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| | | | | 2. EPA approved revisions effective 10/20/95 on 11/14/02 (67 FR 68935) at (c)(192). |
| 2105.22 | Miscellaneous Sulfur Emitting Processes. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| **Subpart 3—Incineration and Combustion Sources** | | | | |
| 2105.30 (except paragraphs .b.3 and .f). | Incinerators | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192); Section 2105.30.f. is federally enforceable as part of the applicable section 111(d) plan. |
| **Subpart 4—Miscellaneous Fugitive Sources** | | | | |
| 2105.40 | Permit Source Premises. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.41 | Non-Permit Premises. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.42 | Parking Lots and Roadways. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.43 | Permit Source Transport. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.44 | Non-Permit Source Transport. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.45 | Construction and Land Clearing. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.46 | Mining | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.47 | Demolition | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.48 | Areas Subject to Sections 2105.40 Through 2105.47. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.49.a, .b | Fugitive Emissions | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| **Subpart 5—Open Burning and Abrasive Blasting Sources** | | | | |
| 2105.50 (except paragraph .50.d). | Open Burning | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| Article XX, Section 533 | Abrasive Blasting | 10/9/86 | 10/19/87, 51 FR 38758 | (c)(69). |
| **Subpart 7—Miscellaneous VOC Sources** | | | | |
| 2105.70 | Petroleum Refineries. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.71 | Pharmaceutical Products. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.72 | Manufacturer of Pneumatic Rubber Tires. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2105.74 | Aerospace Manufacturing and Rework. | 7/10/03 | 6/24/05, 70 FR 36511. | |
| 2105.75 | Mobile Equipment Repair and Refinishing. | 7/10/03 | 6/24/05, 70 FR 36511. | |
| 2105.76 | Wood Furniture Manufacturing Operations. | 7/10/03 | 6/24/05, 70 FR 36511. | |
| 2105.77 | Control of VOC Emissions from Large Appliance and Metal Furniture Surface Coating Processes. | 5/24/10 | 12/28/10, 75 FR 81480 | New Regulation. |
| 2105.78 | Control of VOC Emissions from Flat Wood Paneling Coating Processes. | 5/24/10 | 12/28/10, 75 FR 81480 | New Regulation. |

(2) EPA-APPROVED ALLEGHENY COUNTY HEALTH DEPARTMENT (ACHD) REGULATIONS—Continued

| Article XX or XXI citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| 2105.79 | Control of VOC Emissions from Paper, Film, and Foil Surface Coating Processes. | 5/24/10 | 12/28/10, 75 FR 81480 | New Regulation. |
| **Subpart 9—Transportation Related Sources** | | | | |
| 2105.90 | Gasoline Volatility | 5/15/98 9/1/99 | 4/17/01, 66 FR 19724 | (c)(151). |
| **Part F—Air Pollution Episodes** | | | | |
| 2106.01 | Air Pollution Episode System. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2106.02 | Air Pollution Source Curtailment Plans. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2106.03 | Episode Criteria | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2106.04 | Episode Actions | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2106.05 | USX-Clairton Works PM–10 Self Audit Emergency Action Plan. | 8/15/97 | 6/12/98, 63 FR 32126 | (c)(133)(i)(B)(*3*). |
| **Part G—Methods** | | | | |
| 2107.01 | General | 10/20/95 | 1/14/02, 67 FR 68935 | (c)(192). |
| 2107.02 | Particulate Matter | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2107.03 | Sulfur Oxides | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2107.04 (except paragraph .04.h). | Volatile Organic Compounds. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2107.05 | Nitrogen Oxides | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2107.06 | Incinerator Temperatures. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2107.07 | Coke Oven Emissions. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2107.08 | Coke Oven Gas | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2107.10 | Sulfur Content of Coke. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2107.11 | Visible Emissions | 4/1/07 | 7/13/09, 74 FR 3329. | |
| 2107.15 | Gasoline Volatility and RFG. | 5/15/98 | 4/17/01, 66 FR 19724 | (c)(151). |
| 2107.20.c, .g through .j, .m and .n. | Ambient Measurements. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| **Part H—Reporting, Testing & Monitoring** | | | | |
| 2108.01 | Reports Required | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2108.01.a. | Termination of Operation. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2108.01.b | Shutdown of Control Equipment. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2108.01.c | Breakdowns | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2108.01.d. | Cold Start | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2108.01.e (Except paragraphs e.1.A &.B). | Emissions Inventory Statements. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2108.01.f | Orders | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2108.01.g | Violations | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2108.02 | Emissions Testing | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2108.03 | Continuous Emission Monitoring. | 4/1/07 | 7/13/09, 74 FR 3329 | Revision to paragraph 2108.03.f (Violations). |
| 2108.04 | Ambient Monitoring | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| **Part I—Enforcement** | | | | |
| 2109.01 | Inspections | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2109.02 (except paragraph.02.a.7). | Remedies | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |

(2) EPA-APPROVED ALLEGHENY COUNTY HEALTH DEPARTMENT (ACHD) REGULATIONS—Continued

| Article XX or XXI citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| 2109.03a. (introductory sentence), b. through f. | Enforcement Orders. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2109.04 | Orders Establishing an Additional or More Restrictive Standard. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2109.05 | Emergency Orders | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2109.06 (Except paragraphs .06.a.2, .a.3, and .a.4). | Civil Proceedings | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2109.10 | Appeals | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |
| 2109.20 | General Federal Conformity. | 10/20/95 | 11/14/02, 67 FR 68935 | (c)(192). |

(3) EPA-APPROVED PHILADELPHIA AMS REGULATIONS

| Rule citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| **Title 3—Air Management Code** | | | | |
| Chapter 3–100 | General Provisions | 10/20/69 | 5/31/72, 37 FR 10842. | (c)(1). |
| Chapter 3–200 (Except § 3–207(4)). | Prohibited Conduct | 10/4/76 | 6/4/79, 44 FR 31980. | (c)(18). |
| Chapter 3–300 | Administrative Provisions | 9/21/72 | 3/12/79, 44 FR 13480. | (c)(15). |
| **Regulation I—General Provisions** | | | | |
| Section I | Definitions | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section II (Except portions of paragraph II.B). | Source Registration and Emission Reporting. | 5/4/74 | 9/9/75, 40 FR 41787. | (c)(12). |
| Section III | Testing and Test Methods | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section IV | Availability of Technology | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section V | Improvement and Plan | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section VI | Pre-existing Regulations | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section VII | Circumvention | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section VIII | Severability | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section IX | Effective Date | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section XI.D | Compliance with Federal Regulations—Stack Height Regulations. | 3/27/86 | 1/23/89, 54 FR 3029. | (c)(70). |
| **Regulation II—Air Contaminant and Particulate Matter Emissions** | | | | |
| Section I | No Title [General Provisions] | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section II | Open Fires | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section IV | Visible Emissions | 5/4/74 | 9/9/75, 40 FR 41787. | (c)(12). |
| Section V | Particulate Matter Emissions from the Burning of Fuels. | 8/27/81 | 4/16/82, 47 FR 16325. | (c)(43). |
| Section VI | Selection of Fuel for Particulate Matter Emission Control. | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |

(3) EPA-APPROVED PHILADELPHIA AMS REGULATIONS—Continued

| Rule citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| Section VII | Particulate Matter Emissions from Chemical, Metallurgical, Mechanical and Other Processes. | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section VIII | Fugitive Dust | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Table 1 | No Title [Allowable Process Weight Emissions]. | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| **Regulation III—The Control of Emissions of Oxides and Sulfur Compounds** | | | | |
| Section I | No Title [General Provisions] | 4/29/70 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section II | Control of Emission of Sulfur Compounds. | 5/10/80 | 9/17/81, 46 FR 46133. | (c)(37). |
| Section III | Control of Sulfur in Fuels | 8/27/81 | 4/16/82, 47 FR 16325. | (c)(43). |
| **Regulation IV—Governing Air Pollution Control Measures During High Air Pollution Episodes** | | | | |
| Section I | Definitions | 2/5/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section II | Declaration of Conditions | 2/5/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section III | Termination of Conditions | 2/5/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section IV | Alert and Notification System by the Health Commissioner and the Emergency Coordinator. | 2/5/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section V | Advance Preparation for High Air Pollution Episodes. | 2/5/71 | 5/31/72, 37 FR 10842. | (c)(1) |
| Section VI | Actions and Restrictions | 2/5/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section VII | Severability | 2/5/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section VIII | Effective Date | 2/5/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Table I | Minimum Abatement Strategies for Emission Reduction Plans—Stage I Condition. | 2/5/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Table II | Minimum Abatement Strategies for Emission Reduction Plans—Stage II Condition. | 2/5/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Table III | Minimum Abatement Strategies for Emission Reduction Plans—Emergency Condition. | 2/5/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Table IV | Emergency Business and Establishment List. | 2/5/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| **Regulation V—Control of Emissions of Organic Substances From Stationary Sources** | | | | |
| Section I (Except for definitions related to paragraphs V.C.& V.D.). | Definitions | 11/28/86 | 6/16/93, 58 FR 33200. | (c)(83). |
| Section I | Definitions | 5/23/88 | 4/6/93, 48 FR 17778. | (c)(78). |
| Section II | Storage Tanks | 7/10/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section III | Oil-Effluent Water Separator | 7/10/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section IV | Pumps and Compressors | 7/10/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section V (Except paragraphs V.C and V.D). | Organic Material Loading | 7/10/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section VI | Solvents | 7/10/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section VII | Processing of Photochemically Reactive Materials. | 7/10/71 | 5/31/72, 37 FR 10842. | (c)(1). |

(3) EPA-APPROVED PHILADELPHIA AMS REGULATIONS—Continued

| Rule citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| Section VIII | Architectural Coatings | 7/10/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section IX | Disposal of Solvents | 7/10/71 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section X | Compliance with Pennsylvania Standards for Volatile Organic Compounds (VOC). | 11/28/86 | 6/16/93, 58 FR 33192. | (c)(82). |
| Section XI | Petroleum Solvent Dry Cleaning | 11/28/86 | 4/12/93, 58 FR 19066. | (c)(77). |
| Section XII | Pharmaceutical Tablet Coating | 11/28/86 | 6/16/93, 58 FR 33200. | (c)(83). |
| Section XIII | Process Equipment Leaks | 5/23/98 | 4/6/93, 58 FR 17778. | (c)(78). |
| Section XXII | Circumvention | 7/10/71 recodified 5/23/88 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section XXIII | Severability | 7/10/71 recodified 5/23/88 | 5/31/72, 37 FR 10842. | (c)(1). |
| Section XXIV | Effective Date | 7/10/71 recodified 5/23/88 | 5/31/72, 37 FR 10842. | (c)(1). |
| **Regulation VII—Control of Emissions of Nitrogen Oxides From Stationary Sources** | | | | |
| Section I | Definitions | 7/1/72 | 5/14/73, 38 FR 12696. | (c)(7). |
| Section II | Fuel Burning Equipment | 11/20/85 | 1/14/87, 52 FR 1456. | (c)(65). |
| Section III | Nitric Acid Plants | 7/1/72 | 5/14/73, 38 FR 12696. | (c)(7). |
| Section IV | Emissions Monitoring | 7/1/72 | 5/14/73, 38 FR 12696. | (c)(7). |
| Section V | Circumvention | 7/1/72 | 5/14/73, 38 FR 12696. | (c)(7). |
| Section VI | Severability | 7/1/72 | 5/14/73, 38 FR 12696. | (c)(7). |
| Section VII | Effective Date | 7/1/72 | 5/14/73, 38 FR 12696. | (c)(7). |
| **Regulation VIII—Control of Emissions of Carbon Monoxide From Stationary Sources** | | | | |
| Section I | Definitions | 8/20/72 | 5/14/73, 38 FR 12696. | (c)(7). |
| Section II | General | 8/20/72 | 5/14/73, 38 FR 12696. | (c)(7). |
| Section III | Emissions Monitoring | 8/20/72 | 5/14/73, 38 FR 12696. | (c)(7). |
| Section IV | Circumvention | 8/20/72 | 5/14/73, 38 FR 12696. | (c)(7). |
| Section V | Severability | 8/20/72 | 5/14/73, 38 FR 12696. | (c)(7). |
| Section VI | Effective Date | 8/20/72 | 5/14/73, 38 FR 12696. | (c)(7). |
| **Regulation XI—Control of Emissions From Incinerators** | | | | |
| Section I | Definitions | 5/4/74 | 9/9/75, 40 FR 41787. | (c)(12). |
| Section II | General Provisions | 5/4/74 | 9/9/75, 40 FR 41787. | (c)(12). |
| Section III (Except paragraph III.E. (odors)). | Emissions Limitations | 5/4/74 | 9/9/75, 40 FR 41787. | (c)(12). |
| Section IV | Design | 5/4/74 | 9/9/75, 40 FR 41787. | (c)(12). |
| Section V | Operation | 5/4/74 | 9/9/75, 40 FR 41787. | (c)(12). |
| Section VI | Permits and Licenses | 5/4/74 | 9/9/75, 40 FR 41787. | (c)(12). |

(3) EPA-APPROVED PHILADELPHIA AMS REGULATIONS—Continued

| Rule citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| Section VII | Circumvention | 5/4/74 | 9/9/75, 40 FR 41787. | (c)(12). |
| Section VIII | Severability | 5/4/74 | 9/9/75, 40 FR 41787. | (c)(12). |
| Section IX | Effective Date | 5/4/74 | 9/9/75, 40 FR 41787. | (c)(12). |
| **Regulation XIII—Construction, Modification, Reactivation and Operation of Sources** | | | | |
| Section I | Introduction | 10/30/95 | 3/28/03, 68 FR 15059. | (c)(203). |
| Section II | Program Adoption | 10/30/95 | 3/28/03, 68 FR 15059. | (c)(203). |

(d) *EPA-approved source-specific requirements*

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| **For exceptions, *see* the applicable paragraphs in 40 CFR § 52.2063(c)** | | | | | |
| ARCO Chemical Company | 04–313–052 | Beaver | 12/9/86 | 5/16/90, 55 FR 20267 | (c)(71). |
| IMC Chemical Group | 39–313–014 | Lehigh | 12/10/86 | 5/16/90, 55 FR 20267 | (c)(72). |
| Aristech Chemical Corp | 86–I–0024–P | Allegheny | 8/28/86 3/3/87 | 6/16/93, 58 FR 33197 | (c)(80). |
| The Knoll Group | 46–326–001A | Montgomery | 3/24/93 | 10/19/93, 58 FR 53885 | (c)(87). |
| ESSROC Materials | PA–48–0004A | Northampton | 12/20/94 | 08/08/95, 60 FR 40292 | (c)(98)(i)(B)(*1*). |
| Pennsylvania Power and Light Co. (PP&L)—Brunner Island | PA–67–2005 | York | 12/22/94 | 08/08/95, 60 FR 40292 | (c)(98)(i)(B)(*2*). |
| PPG Industries, Inc.—South Middleton | OP–21–2002 | Cumberland | 12/22/94 | 08/08/95, 60 FR 40292 | (c)(98)(i)(B)(*3*). |
| Stroehmann Bakeries—Dauphin County | PA–22–2003 | Dauphin | 12/22/94 | 08/08/95, 60 FR 40292 | (c)(98)(i)(B)(*4*). |
| General Electric Transportation Systems—Erie | OP–25–025 | Erie | 12/21/94 | 08/08/95, 60 FR 40292 | (c)(98)(i)(B)(*5*). |
| J. E. Baker Co. (Refractories)—York | OP–67–2001 | York | 12/22/94 | 08/08/95, 60 FR 40292 | (c)(98)(i)(B)(*6*). |
| Lafarge Corp | OP–39–0011 | Lehigh | 12/23/94 | 08/08/95, 60 FR 40292 | (c)(98)(i)(B)(*7*). |
| Lafarge Corp | PA–39–0011A | Lehigh | 12/23/94 | 08/08/95, 60 FR 40292 | (c)(98)(i)(B)(*7*). |
| West Penn Power—Armstrong | PA–03–000–023 | Armstrong | 12/29/94 | 08/08/95, 60 FR 40292 | (c)(98)(i)(B)(*8*). |
| West Penn Power—Armstrong | PA–03–306–004 | Armstrong | 3/28/94 | 08/08/95, 60 FR 40292 | (c)(98)(i)(B)(*8*). |
| West Penn Power—Armstrong | PA–03–306–006 | Armstrong | 11/22/94 | 08/08/95, 60 FR 40292 | (c)(98)(i)(B)(*8*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Plain and Fancy Kitchens, Inc | PA–38–318–019C | Lebanon | 12/23/94 | 08/08/95, 60 FR 40292 | (c)(98)(i)(B)(*9*). |
| Stroehmann Bakeries—Bradford County | PA–08–0001 | Bradford | 2/9/95 | 08/10/95, 60 FR 40758 | (c)(101)(i)(B). |
| Stroehmann Bakeries—Bradford County | OP–08–0001A | Bradford | 2/9/95 | 08/10/95, 60 FR 40758 | (c)(101)(i)(B). |
| Stroehmann Bakeries—Lycoming County | PA–41–0001 | Lycoming | 2/9/95 | 08/10/95, 60 FR 40758 | (c)(101)(i)(B). |
| Stroehmann Bakeries—Lycoming County | OP–41–0001A | Lycoming | 2/9/95 | 08/10/95, 60 FR 40758 | (c)(101)(i)(B). |
| Philadelphia Electric Co. (PECO)—Eddystone | OP–23–0017 | Delaware | 12/28/94 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*1*). |
| Philadelphia Electric Co. (PECO)—Eddystone | PA–23–0017 | Delaware | 12/28/94 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*1*). |
| Gilberton Power Co.—John Rich Memorial | OP–54–0004 | Schuylkill | 12/20/94 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*2*). |
| Bethlehem Steel—Coke and Chemical Production | OP–48–0013 | Northampton | 12/20/94 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*3*). |
| Bethlehem Steel—Foundry | OP–48–0014 | Northampton | 12/20/94 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*3*). |
| Bethlehem Steel—Structural Products | OP–48–0010 | Northampton | 12/20/94 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*3*). |
| Bethlehem Steel—Forging | OP–48–0015 | Northampton | 12/20/94 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*3*). |
| Westwood Energy Properties, Inc. (CRS Sirrine, Inc.) | OP–54–000–6 | Schuylkill | 12/27/94 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*4*). |
| PECO Energy Co.—Front Street | OP–46–0045 | Montgomery | 3/31/95 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*5*). |
| Crawford Furniture Manufacturing Corp.—Clarion County | OP–16–021 | Clarion | 3/27/95 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*6*). |
| Schuylkill Energy Resources | OP–54–0003 | Schuylkill | 5/19/95 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*7*). |
| Columbia Gas Transmission Corp.—Milford Compressor Station | OP–52–0001 | Pike | 4/21/95 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*9*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_x$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Texas Eastern Transmission Corp.—Entriken Compressor Station | OP–31–2003 | Huntingdon | 5/16/95 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*10*). |
| Columbia Gas Transmission Corp.—Greencastle Compressor Station | OP–28–2003 | Franklin | 4/21/95 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*11*). |
| Lord Corporation—Aerospace Div | OP–25–095 | Erie | 3/30/95 | 09/08/95, 60 FR 46768 | (c)(102)(i)(B)(*12*). |
| Tennessee Gas Pipeline Co. (TENNECO)—Station 313 | PA–53–0001<br>OP–53–0001<br>CP–53–0001 | Potter | 11/27/95 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*1*). |
| Corning Asahi Video Products—State College | OP–14–0003 | Centre | 12/27/94 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*2*). |
| Corning Asahi Video Products—State College | OP–14–309–009C | Centre | 5/5/94 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*2*). |
| Corning Asahi Video Products—State College | OP–14–309–010A | Centre | 8/18/94 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*2*). |
| Corning Asahi Video Products—State College | OP–14–309–037A | Centre | 5/5/94 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*2*). |
| Columbia Gas Transmission Corp.—Easton Compressor Station | OP–48–0001<br>PA–48–0001A | Northampton | 5/19/95 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*3*). |
| Texas Eastern Transmission Corp.—Bedford Compressor Station | OP–05–2007 | Bedford | 5/16/95 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*4*). |
| Texas Eastern Transmission Corp.—Marietta Compressor Station | PA–36–2025 | Lancaster | 5/16/95 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*5*). |
| Hercules Cement Co | OP–48–0005<br>PA–48–0005A | Northampton | 12/23/94 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*6*). |
| ESSROC (formerly Lone Star Industries, Inc.) | OP–48–0007 | Northampton | 12/29/94 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*7*). |
| Pennsylvania Power and Light Co. (PP&L)—Montour | OP–47–0001<br>PA–47–0001A | Montour | 12/27/94 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*8*). |
| Pennsylvania Electric Co. (PENELEC)—Shawville | PA–17–0001 | Clearfield | 12/27/94 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*9*). |
| Zinc Corp. of America—Potter Twp | OP–04–000–044 | Beaver | 12/29/94 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*10*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| The Proctor and Gamble Paper Products Company Mehoopany | OP–66–0001 PA–66–0001A | Wyoming | 12/20/94 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*11*). |
| Columbia Gas Transmission Corp.—Union City Compressor Station | OP–25–892 | Erie | 4/11/95 | 04/09/96, 61 FR 15709 | (c)(103)(i)(B)(*12*). |
| James River Corp.—Chambersburg | OP–28–2006 | Franklin | 6/14/95 | 02/12/96, 61 FR 05303 | (c)(104)(i)(C)(*1*). |
| Appleton Papers, Inc.—Harrisburg | OP–21–2004 | Cumberland | 5/24/95 | 02/12/96, 61 FR 05303 | (c)(104)(i)(C)(*2*). |
| Air Products and Chemicals, Inc.—Corporate R & D | OP–39–0008 | Lehigh | 5/25/95 | 02/12/96, 61 FR 05303 | (c)(104)(i)(C)(*3*). |
| Elf Atochem North America, Inc.—King of Prussia | OP–46–0022 | Montgomery | 6/27/95 | 02/12/96, 61 FR 05303 | (c)(104)(i)(C)(*4*). |
| York City Sewer Authority (Wastewater Treatment Plant) | OP–67–2013 | York | 3/1/95 | 02/12/96, 61 FR 05303 | (c)(104)(i)(C)(*5*). |
| Glasgow, Inc.—Ivy Rock | OP–46–0043 | Montgomery | 6/7/95 | 02/12/96, 61 FR 05303 | (c)(104)(i)(C)(*6*). |
| Glasgow, Inc.—Spring House | OP–46–0029 | Montgomery | 6/7/95 | 02/12/96, 61 FR 05303 | (c)(104)(i)(C)(*7*). |
| Glasgow, Inc.—Catanach | OP–15–0021 | Chester | 6/7/95 | 02/12/96, 61 FR 05303 | (c)(104)(i)(C)(*8*). |
| Glasgow, Inc.—Freeborn | OP–23–0026 | Delaware | 6/7/95 | 02/12/96, 61 FR 05303 | (c)(104)(i)(C)(*9*). |
| UGI Utilities—Hunlock Creek | OP–40–0005 PA–40–0005A | Luzerne | 12/20/94 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*1*). |
| Solar Turbines, Inc. (York Cogeneration Facility) | PA–67–2009 | York | 8/17/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*2*). |
| Solar Turbines, Inc. (York Cogeneration Facility) | CP–67–2009 | York | 8/17/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*2*). |
| Columbia Gas Transmission Corp.—Renovo Compressor Station | OP–18–0001 PA–18–0001 | Clinton | 7/18/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*3*). |
| National Fuel Gas Supply Corp.—East Fork Compressor Station | OP–53–0007 PA–53–0007A | Potter | 7/17/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*4*). |
| York County Solid Waste & Refuse Authority (Y.C.R.R.C.) | PA–67–2006 | York | 8/25/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*5*). |
| W. R. Grace and Co.—FORMPAC Div | PA–06–1036 | Berks | 5/12/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*6*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| W. R. Grace and Co.—Reading Plant | PA–06–315–001 | Berks | 6/4/92 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*6*). |
| CNG Transmission Corp.—Cherry Tree Sta | PA–32–000–303 | Indiana | 7/5/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*7*). |
| EPC Power Corp. of Bethlehem (Crozer Chester CoGen) | OP–23–0007 | Delaware | 6/8/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*8*). |
| C–P Converters, Inc.—York | OP–67–2030 | York | 8/30/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*9*). |
| Fisher Scientific Co. International—Indiana | OP–32–000–100 | Indiana | 7/18/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*10*). |
| Adelphi Kitchens, Inc.—Robesonia Factory | OP–06–1001 | Berks | 4/4/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*11*). |
| Birchcraft Kitchens, Inc.—Reading Factory | OP–06–1005 | Berks | 4/4/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*12*). |
| Glasgow, Inc.—Bridgeport Asphalt Plant | OP–46–0044 | Montgomery | 6/7/95 | 05/16/96, 61 FR 24706 | (c)(108)(i)(B)(*13*). |
| Caparo Steel Co.—Farrell | OP–43–285 | Mercer | 11/3/95 | 12/20/96, 61 FR 67229 | (c)(113)(i)(B)(*1*); 52.2037(g). |
| Sharon Steel Corp.—Farrell | OP–43–017 | Mercer | 11/3/95 | 12/20/96, 61 FR 67229 | (c)(113)(i)(B)(*2*); 52.2036(f); 52.2037(e). |
| DMi Furniture, Inc.—Timely Plant #7 (Gettysburg) | OP–01–2001 | Adams | 6/13/95 | 03/12/97, 62 FR 11079 | (c)(114)(i)(B)(*1*). |
| R. R. Donnelley and Sons Co.—Lancaster West Plant | OP–36–2026 | Lancaster | 7/14/95 | 03/12/97, 62 FR 11079 | (c)(114)(i)(B)(*2*). |
| International Paper Company—Hammermill Papers Division | OP–18–0005 | Clinton | 12/27/94 | 01/29/97, 62 FR 04167 | (c)(115)(i)(B). |
| Lucent Technology (formerly AT&T Corp.)—Reading | PA–06–1003 | Berks | 6/26/95 | 04/18/97, 62 FR 19051 | (c)(117)(i)(B)(*1*). |
| Garden State Tanning, Inc.—Fleetwood Plant | PA–06–1014 | Berks | 6/21/95 | 04/18/97, 62 FR 19051 | (c)(117)(i)(B)(*2*). |
| Glidden Co., The—Reading | OP–06–1035 | Berks | 2/15/96 | 04/18/97, 62 FR 19051 | (c)(117)(i)(B)(*3*). |
| Maier's Bakery—Reading Plant | PA–06–1023 | Berks | 9/20/95 | 04/18/97, 62 FR 19047 | (c)(118)(i)(B)(*1*). |
| Morgan Corp.—Morgantown Plant | OP–06–1025 | Berks | 8/31/95 | 04/18/97, 62 FR 19047 | (c)(118)(i)(B)(*2*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Allentown Cement Co., Inc.—Evansville Plant | PA–06–1002 | Berks | 10/11/95 | 04/18/97, 62 FR 19047 | (c)(118)(i)(B)(*3*). |
| Quaker Maid (Schrock Cabinet Group)—Leesport | OP–06–1028 | Berks | 10/27/95 | 04/18/97, 62 FR 19047 | (c)(118)(i)(B)(*4*). |
| Brentwood Industries, Inc.—Reading Plant | PA–06–1006 | Berks | 2/12/96 | 04/18/97, 62 FR 19047 | (c)(118)(i)(B)(*5*). |
| Metropolitan Edison Co. (MetEd)—Titus Station | PA–06–1024 | Berks | 3/9/95 | 04/18/97, 62 FR 19047 | (c)(118)(i)(B)(*6*). |
| ICI Fluoropolymers—Downingtown | PA–15–0009<br>CP–15–0009 | Chester | 10/3/95 | 04/18/97, 62 FR 19047 | (c)(118)(i)(B)(*7*). |
| Synthetic Thread Co., Inc.—Bethlehem | PA–39–0007A | Lehigh | 8/10/95 | 04/18/97, 62 FR 19047 | (c)(118)(i)(B)(*8*). |
| Bird-in-Hand Woodwork, Inc. (Childcraft Education Corp.) | OP–36–2022 | Lancaster | 9/27/95 | 04/18/97, 62 FR 19047 | (c)(118)(i)(B)(*9*). |
| Heinz Pet Products—Bloomsburg | OP–19–0003 | Columbia | 11/27/95 | 08/21/97, 62 FR 44413 | (c)(119)(i)(B)(*1*). |
| Graco Children's Products, Inc.—Elverson | OP–15–0006 | Chester | 11/30/95 | 08/21/97, 62 FR 44413 | (c)(119)(i)(B)(*2*). |
| Texas Eastern Transmission Corp.—Bernville | OP–06–1033 | Berks | 1/31/97 | 04/18/97, 62 FR 19049 | (c)(120)(i)(B)(*1*). |
| Texas Eastern Transmission Corp.—Bechtelsville | OP–06–1034 | Berks | 1/31/97 | 04/18/97, 62 FR 19049 | (c)(120)(i)(B)(*2*). |
| Carpenter Technology Corp.—Reading Plant | OP–06–1007 | Berks | 9/27/96 | 04/18/97, 62 FR 19049 | (c)(120)(i)(B)(*3*), (ii)(B). |
| North American Fluoropolymers Co. (NAFCO) | 06–1026, CP–06–1026 | Berks | 4/19/95<br>6/1/95 | 04/18/97, 62 FR 19049 | (c)(120)(i)(B)(*4*), (ii)(B). |
| CNG Transmission Corp.—Ellisburg Compressor Station | PA–53–0004A | Potter | 2/29/96 | 06/11/97, 62 FR 31732 | (c)(121)(i)(B)(*1*). |
| CNG Transmission Corp.—Ellisburg Compressor Station | OP–53–0004 | Potter | 2/29/96 | 06/11/97, 62 FR 31732 | (c)(121)(i)(B)(*1*). |
| CNG Transmission Corp.—Ellisburg Compressor Station | CP–53–0004A | Potter | 2/29/96 | 06/11/97, 62 FR 31732 | (c)(121)(i)(B)(*1*). |
| CNG Transmission Corp.—Greenlick Compressor Station | PA–53–0003A | Potter | 12/18/95 | 06/11/97, 62 FR 31732 | (c)(121)(i)(B)(*2*). |
| CNG Transmission Corp.—Greenlick Station | CP–53–0003A | Potter | 12/18/95 | 06/11/97, 62 FR 31732 | (c)(121)(i)(B)(*2*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| CNG Transmission Corp.—Greenlick Compressor Station | OP–53–0003 | Potter | 2/18/95 | 06/11/97, 62 FR 31732 | (c)(121)(i)(B)(*2*). |
| CNG Transmission Corp.—Crayne Station | 30–000–089 | Greene | 2/22/95 | 06/11/97, 62 FR 31732 | (c)(121)(i)(B)(*3*). |
| CNG Transmission Corp.—State Line Station | OP–53–0008 | Potter | 1/10/96 | 06/11/97, 62 FR 31732 | (c)(121)(i)(B)(*4*). |
| CNG Transmission Corp.—Big Run Station | PA–33–147 | Jefferson | 6/27/95 | 06/11/97, 62 FR 31732 | (c)(121)(i)(B)(*5*). |
| Medusa Cement Company | OP–37–013 | Lawrence | 7/27/95 | 06/03/97, 62 FR 30250 | (c)(122)(i)(B)(*1*). |
| Keystone Cement Co | OP–48–0003 | Northampton | 5/25/95 | 06/03/97, 62 FR 30250 | (c)(122)(i)(B)(*2*). |
| Lehigh Portland Cement Company | OP–67–2024 | York | 5/26/95 | 06/03/97, 62 FR 30250 | (c)(122)(i)(B)(*3*). |
| Mercer Lime and Stone Company | OP–10–023 | Butler | 5/31/95 | 06/03/97, 62 FR 30250 | (c)(122)(i)(B)(*4*). |
| Con-Lime, Inc | OP–14–0001 | Centre | 6/30/95 | 06/03/97, 62 FR 30250 | (c)(122)(i)(B)(*5*). |
| Pennzoil Products Co.—Rouseville | PA–61–016 | Venango | 9/8/95 | 06/11/97, 62 FR 31738 | (c)(124)(i)(B). |
| R. R. Donnelley & Sons Co.—Lancaster East Plant | OP–36–2027 | Lancaster | 7/14/95 | 07/21/97, 62 FR 33891 | (c)(125)(i)(B); 52.2036j. |
| Panther Creek Partners | OP–13–0003 | Carbon | 12/2/96 | 09/29/97, 62 FR 50871 | (c)(128)(i)(B). |
| Allegro Microsystems, W.G., Inc.—Willow Grove | OP–46–0006 | Montgomery | 12/19/97 | 03/09/98, 63 FR 11370 | (c)(130)(i)(B)(*1*). |
| Hale Products, Inc.—Conshohocken | OP–46–0057 | Montgomery | 11/21/97 | 03/09/98, 63 FR 11370 | (c)(130)(i)(B)(*2*). |
| Con-Lime, Inc.—Bellefonte | OP–14–0001 | Centre | 1/7/98 | 03/09/98, 63 FR 11370 | (c)(130)(i)(B)(*3*). |
| Coastal Aluminum Rolling Mills, Inc.—Williamsport | OP–41–0007 | Lycoming | 11/21/97 | 03/09/98, 63 FR 11370 | (c)(130)(i)(B)(*4*). |
| ABP/International Envelope Co | OP–15–0023 | Chester | 11/2/95 | 03/09/98, 63 FR 11370 | (c)(130)(i)(B)(*5*). |
| Brown Printing Company | CP–46–0018 | Montgomery | 9/26/96 10/27/97 | 03/09/98, 63 FR 11370 | (c)(130)(i)(B)(*6*). |
| Fibre-Metal Products Company | OP–23–0025 | Delaware | 2/20/98 | 06/29/98, 63 FR 35145 | (c)(132)(i)(B)(*1*). |
| Finnaren & Haley, Inc | OP–46–0070 | Montgomery | 3/5/98 | 06/29/98, 63 FR 35145 | (c)(132)(i)(B)(*2*). |
| Fres-co System USA, Inc | OP–09–0027 | Bucks | 3/5/98 | 06/29/98, 63 FR 35145 | (c)(132)(i)(B)(*3*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_x$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Graphic Packaging Corporation | OP–15–0013 | Chester | 2/28/98 | 06/29/98, 63 FR 35145 | (c)(132)(i)(B)(*4*). |
| Montour Oil Service Company, a division of Sun Company, Inc | OP–41–0013 | Lycoming | 3/19/98 | 06/29/98, 63 FR 35145 | (c)(132)(i)(B)(*5*). |
| Atlantic Refining and Marketing Corp. (Sun Co., Inc. (R&M)) | OP–49–0015 | Northampton | 3/19/98 | 06/29/98, 63 FR 35145 | (c)(132)(i)(B)(*6*). |
| Transwall Corporation | OP–15–0025 | Chester | 3/10/98 | 06/29/98, 63 FR 35145 | (c)(132)(i)(B)(*7*). |
| Tavo Packaging (formerly Mead Packaging Company) | OP–09–0008 | Bucks | 11/8/95 | 06/29/98, 63 FR 35145 | (c)(132)(i)(B)(*8*). |
| CNG Transmission Corp.—Harrison Compressor Station | PA–53–0005A | Potter | 4/16/96 | 10/08/98, 63 FR 54050 | (c)(134)(i)(B)(*1*). |
| CNG Transmission Corp.—Harrison Compressor Station | OP–53–0005 | Potter | 4/16/96 | 10/08/98, 63 FR 54050 | (c)(134)(i)(B)(*1*). |
| CNG Transmission Corp.—Harrison Station | CP–53–0005A | Potter | 4/16/96 | 10/08/98, 63 FR 54050 | (c)(134)(i)(B)(*1*). |
| CNG Transmission Corp.—Leidy Station | PA–18–0004A | Clinton | 3/25/96 | 10/08/98, 63 FR 54050 | (c)(134)(i)(B)(*2*). |
| CNG Transmission Corp.—Leidy Compressor Station | OP–18–0004 | Clinton | 2/29/96 | 10/08/98, 63 FR 54050 | (c)(134)(i)(B)(*2*). |
| CNG Transmission Corp.—Leidy Station | CP–18–0004A | Clinton | 3/25/96 | 10/08/98, 63 FR 54050 | (c)(134)(i)(B)(*2*). |
| CNG Transmission Corp.—Sabinsville Compressor Station | PA–59–0002A | Tioga | 12/18/95 | 10/08/98, 63 FR 54050 | (c)(134)(i)(B)(*3*). |
| CNG Transmission Corp.—Sabinsville Compressor Station | OP–59–0002 | Tioga | 12/18/95 | 10/08/98, 63 FR 54050 | (c)(134)(i)(B)(*3*). |
| CNG Transmission Corp.—Sabinsville Station | CP–59–0002A | Tioga | 12/18/95 | 10/08/98, 63 FR 54050 | (c)(134)(i)(B)(*3*). |
| CNG Transmission Corp.—Tioga Station | OP–59–0006 | Tioga | 1/16/96 | 10/08/98, 63 FR 54050 | (c)(134)(i)(B)(*4*). |
| Eldorado Properties Corp.—Northumberland Terminal | OP–49–0016 | Northumberland | 5/1/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*1*). |
| Endura Products, Inc | OP–09–0028 | Bucks | 5/13/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*2*). |
| Ford Electronics & Refrigeration Company | OP–46–0036 | Montgomery | 4/30/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*3*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| H & N Packaging, Inc. (formerly Paramount Packaging Corp.) | OP–09–0038 | Bucks | 6/8/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*4*). |
| Lancaster County Solid Waste Management Authority | 36–02013 | Lancaster | 6/3/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*5*). |
| Monsey Products Co.—Kimberton | OP–15–0031 | Chester | 6/4/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*6*). |
| Ortho-McNeil Pharmaceutical—Spring House | OP–46–0027 | Montgomery | 6/4/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*7*). |
| Piccari Press, Inc | OP–09–0040 | Bucks | 4/29/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*8*). |
| Pierce and Stevens Corp.—Kimberton | OP–15–0011 | Chester | 3/27/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*9*). |
| PQ Corporation—Chester | OP–23–0016 | Delaware | 6/16/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*10*). |
| Reynolds Metals Company Downington | OP–15–0004 | Chester | 5/8/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*11*). |
| Rhone-Poulenc Rorer Pharmaceutical, Inc | OP–46–0048B | Montgomery | 4/2/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*12*). |
| Superior Tube Company | OP–46–0020 | Montgomery | 4/17/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*13*). |
| Uniform Tubes Inc | OP–46–0046A | Montgomery | 3/26/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*14*). |
| U.S. Air Force—Willow Grove Air Reserve Station | OP–46–0072 | Montgomery | 5/1/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*15*). |
| Naval Air Station, Joint Reserve Base—Willow Grove | OP–46–0079 | Montgomery | 5/4/98 | 11/06/98, 63 FR 59884 | (c)(136)(i)(B)(*16*). |
| Columbia Gas Transmission Corp.—Artemas Compressor Station | 05–2006 | Bedford | 4/19/95 | 12/03/98, 63 FR 66755 | (c)(137)(i)B)(*1*). |
| Columbia Gas Transmission Corp.—Donegal Compressor Station | 63–000–631 | Washington | 7/10/95 | 12/03/98, 63 FR 66755 | (c)(137)(i)B)(*2*). |
| Columbia Gas Transmission Corp.—Gettysburg Compressor Station | 01–2003 | Adams | 4/21/95 | 12/03/98, 63 FR 66755 | (c)(137)(i)B)(*3*). |
| Columbia Gas Transmission Corp.—Eagle Compressor Station | OP–15–0022 | Chester | 2/1/96 | 12/03/98, 63 FR 66755 | (c)(137)(i)B)(*4*). |
| Columbia Gas Transmission Corp.—Downingtown | CP–15–0020 | Chester | 9/15/95 | 12/03/98, 63 FR 66755 | (c)(137)(i)B)(*5*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| GKN Sinter Metals, Inc | OP–12–0002 | Cameron | 10/30/98 | 04/16/99, 64 FR 18821 | (c)(138)(i)(B)(*1*). |
| Cabinet Industries, Inc.—Water Street Plant | OP–47–0005 | Montour | 9/21/98 | 04/16/99, 64 FR 18821 | (c)(138)(i)(B)(*2*). |
| Springs Window Fashions Division, Inc | OP–41–0014 | Lycoming | 9/29/98 | 04/16/99, 64 FR 18821 | (c)(138)(i)(B)(*3*). |
| Centennial Printing Corp | OP–46–0068 | Montgomery | 10/31/96 5/11/98 | 04/16/99, 64 FR 18821 | (c)(138)(i)(B)(*4*). |
| Strick Corp.—Danville | OP–47–0002 | Montour | 8/28/96 | 04/16/99, 64 FR 18821 | (c)(138)(i)(B)(*5*). |
| Handy and Harmon Tube Co.—Norristown | OP–46–0016 | Montgomery | 9/25/95 | 04/16/99, 64 FR 18821 | (c)(138)(i)(B)(*6*). |
| Boeing Defense & Space Group—Helicopters Div | CP–23–0009 | Delaware | 9/3/97 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*1*). |
| Delaware County Regional Authority's Western Regional Treatment Plant (DELCORA WRTP) | OP–23–0032 | Delaware | 3/12/97 5/16/97 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*2*). |
| Delbar Products, Inc.—Perkasie | OP–09–0025 | Bucks | 2/1/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*3*). |
| Department of Public Welfare (NSH)—Norristown | OP–46–0060 | Montgomery | 1/21/98 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*4*). |
| Dopaco, Inc.—Downingtown | CP–15–0029 | Chester | 3/6/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*5*). |
| Garlock, Inc. (Plastomer Products) | PA–09–0035 | Bucks | 3/12/97 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*6*). |
| Interstate Brands Corporation (formerly, Continental Baking Company) | PLID (51–) 5811 | Philadelphia | 4/10/95 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*7*). |
| J. B. Slevin Company Inc.—Lansdowne | OP–23–0013 | Delaware | 9/3/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*8*). |
| Laclede Steel Co.—Fairless Hills | OP–09–0023 | Bucks | 7/17/95 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*9*). |
| LNP Engineering Plastics, Inc.—Thorndale | OP–15–0035 | Chester | 10/31/97 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*10*). |
| Lukens Steel Co.—Coatesville | OP–15–0010 | Chester | 5/6/99 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*11*). |
| Nabisco Biscuit Co | PLID (51–) 3201 | Philadelphia | 4/10/95 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*12*). |
| PECO Energy Co.—Croydon Generating Station | OP–09–0016A | Bucks | 12/20/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*13*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| PECO Energy Co.—Limerick Generating Station | OP–46–0038 | Montgomery | 7/25/95 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*14*). |
| PECO Energy Co.—USX Fairless Works Powerhouse | OP–09–0066 | Bucks | 12/31/98 4/6/99 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*15*). |
| PECO Energy Co.—West Conshohocken Plant | OP–46–0045A | Montgomery | 12/4/97 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*16*). |
| Pennsylvania Electric Co.—Front Street Station | 25–0041 | Erie | 2/25/99 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*17*). |
| American Inks and Coatings Corp.—Valley Forge | OP–15–0026A | Chester | 1/10/97 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*18*). |
| Avery Dennison Co. (Fasson Roll Division)—Quakertown | OP–09–0001A | Bucks | 10/2/97 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*19*). |
| Cabot Performance Materials—Boyertown | OP–46–0037 | Montgomery | 4/13/99 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*20*). |
| Cleveland Steel Container Corp.—Quakertown | OP–09–0022 | Bucks | 9/30/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*21*). |
| CMS Gilbreth Packaging Systems—Bristol | OP–09–0036 | Bucks | 1/7/97 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*22*). |
| CMS Gilbreth Packaging Systems—Bensalem | OP–09–0037 | Bucks | 4/10/97 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*23*). |
| Congoleum Corp.—Marcus Hook | OP–23–0021 | Delaware | 12/31/98 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*24*). |
| Epsilon Products Co.—Marcus Hook | OP–23–0012 | Delaware | 2/15/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*25*). |
| Foamex International, Inc.—Eddystone | OP–23–0006A | Delaware | 3/30/99 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*26*). |
| Forms, Inc., Spectra Graphics—Willow Grove | OP–46–0023 | Montgomery | 11/9/95 3/25/98 | 12/15/00, 65 FR78418 | (c)(143)(i)(B)(*27*). |
| Global Packaging, Inc. (formerly BG Packaging)—Oaks | OP–46–0026 | Montgomery | 8/30/96 12/24/97 | 12/15/00, 65 FR78418 | (c)(143)(i)(B)(*28*). |
| Jefferson Smurfit Corp. (Container Corp. of Amer.)—Oaks | OP–46–0041 | Montgomery | 4/18/97 | 12/15/00, 65 FR78418 | (c)(143)(i)(B)(*29*). |
| Jefferson Smurfit Corp. (Container Corp. of Amer.)—North Wales | OP–46–0062 | Montgomery | 7/15/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*30*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Lonza, Inc.—Conshohocken | OP–46–0025 | Montgomery | 4/22/97<br>6/16/98 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*31*). |
| Markel Corporation | OP–46–0081 | Montgomery | 4/9/99 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*32*). |
| McCorquodale Security Cards, Inc.—West Whiteland | OP–15–0037 | Chester | 9/3/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*33*). |
| Mike-Rich, Inc. (MRI)—Newtown | OP–09–0021 | Bucks | 12/20/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*34*). |
| Minnesota Mining and Manufacturing (3M) Company—Bristol | CP–09–0005 | Bucks | 8/8/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*35*). |
| MM Biogas Power LLC (formerly O'Brien Environmental Energy, Inc.) | CP–46–0067 | Montgomery | 10/31/97 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*36*). |
| Norwood Industries, Inc.—Frazer | OP–15–0014A | Chester | 12/20/96<br>12/2/99 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*37*). |
| NVF Company | OP–15–0030 | Chester | 4/13/99 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*38*). |
| Occidental Chemical Corp. (Vinyls Div.)—Pottstown | OP–46–0015 | Montgomery | 11/7/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*39*). |
| Philadelphia Newspapers, Inc. (Schuylkill Printing Plant) | OP–46–0012 | Montgomery | 8/30/96<br>3/15/00 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*40*). |
| The Proctor and Gamble Paper Products Co | OP–66–0001 | Wyoming | 4/4/97 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*41*). |
| Quebecor Printing Atglen, Inc.—Atglen | OP–15–0002 | Chester | 12/10/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*42*). |
| Sartomer Company, Inc | OP–15–0015 | Chester | 1/17/96<br>3/25/98 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*43*). |
| Silberline Manufacturing Co | OP–54–0041 | Schuylkill | 4/19/99 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*44*). |
| SmithKline Beecham Research Co. (formerly Sterling Winthrop, Inc.) | OP–46–0031 | Montgomery | 10/31/97<br>5/1/98 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*45*). |
| Sullivan Graphics, Inc.—York | OP–67–2023 | York | 8/22/95 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*46*). |
| Sun Company, Inc (R&M) (formerly Chevron USA)—Tinicum | OP–23–0010 | Delaware | 10/31/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*47*). |
| Sun Company, Inc (R&M) (formerly Chevron USA)—Darby | OP–23–0011 | Delaware | 10/31/96 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*48*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_x$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Universal Packaging Corporation | OP–46–0156 | Montgomery | 4/8/99 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*49*). |
| Zenith Products Corp.—Aston | OP–23–0008 | Delaware | 4/7/97 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*50*). |
| Budd Company | PLID 51–1564 | Philadelphia | 12/28/95 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*51*). |
| Bellevue Cogeneration Plant | PLID (51–) 6513 | Philadelphia | 4/10/95 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*52*). |
| MSC Pre-Finish Metals, Inc.—Morrisville | OP–09–0030 | Bucks | 11/7/96 3/31/98 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*53*). |
| Temple University, Health Sciences Center | PLID (51–) 8906 | Philadelphia | 5/27/95 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*54*). |
| TRIGEN—Schuylkill Station | PLID (51–) 4942 | Philadelphia | 5/29/95 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*55*). |
| TRIGEN—Edison Station | PLID (51–) 4902 | Philadelphia | 5/29/95 | 12/15/00, 65 FR 78418 | (c)(143)(i)(B)(*56*). |
| Advanced Glassfiber Yarns LLC (formerly Owens Corning)—Huntingdon | OP–31–02002 | Huntingdon | 4/13/99 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*1*). |
| Armstrong World Industries, Inc.—Beech Creek | OP–18–0002 | Clinton | 7/6/95 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*2*). |
| Bemis Company, Film Division | OP–40–0007A | Luzerne | 10/10/95 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*3*). |
| Brentwood Industries, Inc | PA–06–1006A | Berks | 6/3/99 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*4*). |
| Certainteed Corp.—Mountaintop | OP–40–0010 | Luzerne | 5/31/96 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*5*). |
| CNG Transmission Corp.—Ardell Station | OP–24–120 | Elk | 9/30/95 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*6*). |
| CNG Transmission Corp.—Finnefrock Station | PA–18–0003A | Clinton | 2/29/96 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*7*). |
| Consol Pennsylvania Coal Company—Bailey Prep Plant | OP–30–000–072 | Greene | 3/23/99 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*8*). |
| Consolidated Rail Corp. (CONRAIL)—Hollidaysburg Car Shop | OP–07–2002 | Blair | 8/29/95 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*9*). |
| Consolidated Rail Corp. (CONRAIL)—Juniata | OP–07–2003 | Blair | 8/29/95 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*10*). |
| Containment Solutions, Inc. (formerly called Fluid Containment—Mt. Union) | OP–31–02005 | Huntingdon | 4/9/99 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*11*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Cooper Energy Systems, Grove City | OP–43–003 | Mercer | 7/25/96 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*12*). |
| Cyprus Cumberland Resources Corp | OP–30–000–040 | Greene | 3/26/99 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*13*). |
| Defense Distribution—Susquehanna | OP–67–02041 | York | 2/1/00 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*14*). |
| EMI Company | OP–25–070 | Erie | 10/24/96 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*15*). |
| Empire Sanitary Landfill, Inc | OP–35–0009 | Lackawanna | 10/17/96 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*16*). |
| Equitrans, Inc.—Rogersville Station | (OP)30–000–109 | Greene | 7/10/95 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*17*). |
| Equitrans, Inc.—Pratt Station | (OP)30–000–110 | Greene | 7/10/95 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*18*). |
| Erie Coke Corporation—Erie | OP–25–029 | Erie | 6/27/95 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*19*). |
| Fleetwood Folding Trailers, Inc.—Somerset | (OP)56–000–151 | Somerset | 2/28/96 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*20*). |
| Gichner Systems Group, Inc | (OP)67–2033 | York | 8/5/97 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*21*). |
| Offset Paperback Manufacturers, Inc.—Dallas | (OP)40–0008 | Luzerne | 4/16/99 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*22*). |
| Overhead Door Corporation—Mifflin County | (OP)44–2011 | Mifflin | 6/4/97 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*23*). |
| SANYO Audio Manufacturing (USA) Corp | (OP)44–2003 | Mifflin | 6/30/95 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*24*). |
| Stroehmann Bakeries OP—Luzerne County | (OP)40–0014A | Luzerne | 5/30/95 | 08/06/01, 66 FR 40891 | (c)(149)(i)(B)(*25*). |
| Merck and Co., Inc.—West Point Facility | OP–46–0005 | Montgomery | 1/13/97<br>6/23/00 | 04/18/01, 66 FR 19858 | (c)(154)(i)(D). |
| Amerada Hess Corp | PA–PLID (51–) 5009 | Philadelphia | 5/29/95 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*1*). |
| Amoco Oil Company | PA–PLID (51–) 5011 | Philadelphia | 5/29/95 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*2*). |
| Cartex Corporation | OP–09–0076 | Bucks | 4/9/99 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*3*). |
| Exxon Company, USA | PA–PLID (51–) 5008 | Philadelphia | 5/29/95 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*4*). |
| GATX Terminals Corporation | PA–PLID (51–) 5003 | Philadelphia | 5/29/95 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*5*). |
| Hatfield Quality Meats, Inc.—Hatfield | OP–46–0013A | Montgomery | 1/9/97<br>10/1/98 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*6*). |
| J. L. Clark, Inc | OP–36–02009 | Lancaster | 4/16/99 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*7*). |
| Johnson Matthey, Inc.—Wayne | OP–15–0027 | Chester | 8/3/98<br>4/15/99 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*8*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Kurz Hastings, Inc | PA–PLID (51–) 1585 | Philadelphia | 5/29/95 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*9*). |
| Lawrence McFadden, Inc | PA–PLID (51–) 2074 | Philadelphia | 6/11/97 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*10*). |
| Philadelphia Baking Company | PA–PLID (51–) 3048 | Philadelphia | 4/10/95 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*11*). |
| Philadelphia Gas Works—Passyunk | PA–PLID (51–) –4921 | Philadelphia | 5/29/95 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*12*). |
| PPG Industries, Inc. (BASF) | OP–23–0005 | Delaware | 6/4/97 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*13*). |
| SmithKline Beecham Pharmaceuticals | OP–46–0035 | Montgomery | 3/27/97 10/20/98 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*14*). |
| Teva Pharmaceuticals USA (formerly Lemmon company) | OP–09–0010 | Bucks | 4/9/99 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*15*). |
| The Philadelphian Condominium Building | PA–PLID (51–) 6512 | Philadelphia | 5/29/95 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*16*). |
| Warner Company | OP–15–0001 | Chester | 7/17/95 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*17*). |
| Webcraft Technologies, Inc | OP–09–0009 | Bucks | 4/18/96 10/15/98 | 10/31/01, 66 FR 54936 | (c)(156)(i)(B)(*18*). |
| Latrobe Steel Company—Latrobe | OP–65–000–016 | Westmoreland | 12/22/95 | 10/16/01, 66 FR 52517 | (c)(158)(i)(B). |
| Allegheny Ludlum Corporation—Brackenridge | CO–260 | Allegheny | 12/19/96 | 10/18/01, 66 FR 52851 | (c)(159)(i)(B). |
| Kosmos Cement Co.—Neville Island Facility | EO–208 | Allegheny | 12/19/96 | 10/18/01, 66 FR 52857 | (c)(160)(i)(B)(*1*). |
| Armstrong Cement and Supply Company—Cabot | OP–10–028 | Butler | 3/31/99 | 10/18/01, 66 FR 52857 | (c)(160)(i)(B)(*2*). |
| Duquesne Light Company—Cheswick Power Station | CO–217 | Allegheny | 3/8/96 | 10/18/01, 66 FR 52867 | (c)(161)(i)(B)(*1*). |
| Duquesne Light Company—Elrama Plant | (PA)63–000–014 | Washington | 12/29/94 | 10/18/01, 66 FR 52867 | (c)(161)(i)(B)(*2*). |
| Pennsylvania Electric Co. (PENELEC)—Keystone Generating Station | (PA–)03–000–027 | Armstrong | 12/29/94 | 10/18/01, 66 FR 52867 | (c)(161)(i)(B)(*3*). |
| IDL, Incorporated | CO–225 | Allegheny | 7/18/96 | 10/18/01, 66 FR 52862 | (c)(162)(i)(B)(*1*). |
| Oakmont Pharmaceutical, Inc | CO–252 | Allegheny | 12/19/96 | 10/18/01, 66 FR 52862 | (c)(162)(i)(B)(*2*). |
| U.S. Air, Inc | CO–255 | Allegheny | 1/14/97 | 10/18/01, 66 FR 52862 | (c)(162)(i)(B)(*3*). |
| Lukens Steel Corporation—Houston Plant | (OP)63–000–080 | Washington | 2/22/99 | 10/16/01, 66 FR 52522 | (c)(163)(i)(B)(*1*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Allegheny Ludlum Steel Corporation—West Leechburg Plant | (OP)65–000–183 | Westmoreland | 3/23/99 | 10/16/01, 66 FR 52522 | (c)(163)(i)(B)(*2*). |
| (Allegheny Ludlum Corporation) Jessop Steel Company—Washington Plant | (OP)63–000–027 | Washington | 3/26/99 | 10/16/01, 66 FR 52522 | (c)(163)(i)(B)(*3*). |
| Koppel Steel Corporation—Koppel Plant | (OP)04–000–059 | Beaver | 3/23/01 | 10/16/01, 66 FR 52522 | (c)(163)(i)(D). |
| Consolidated Natural Gas (CNG) Transmission Corp.—Beaver Station | OP–04–000–490 | Beaver | 6/23/95 | 10/12/01, 66 FR 52055 | (c)(164)(i)(B)(*1*). |
| Consolidated Natural Gas (CNG) Transmission Corp.—Oakford Compressor Station | OP–65–000–837 | Westmoreland | 10/13/95 | 10/12/01, 66 FR 52055 | (c)(164)(i)(B)(*2*). |
| Consolidated Natural Gas (CNG) Transmission Corp.—South Oakford Station | (OP)65–000–840 | Westmoreland | 10/13/95 | 10/12/01, 66 FR 52055 | (c)(164)(i)(B)(*3*). |
| Consolidated Natural Gas (CNG) Transmission Corp.—Tonkin Compressor Station | (OP)65–000–634 | Westmoreland | 10/13/95 | 10/12/01, 66 FR 52055 | (c)(164)(i)(B)(*4*). |
| Consolidated Natural Gas (CNG) Transmission Corp.—Jeannette Station | (OP)65–000–852 | Westmoreland | 10/13/95 | 10/12/01, 66 FR 52055 | (c)(164)(i)(B)(*5*). |
| Carnegie Natural Gas Co.—Creighton Station | EO–213 | Allegheny | 5/14/96 | 10/12/01, 66 FR 52055 | (c)(164)(i)(B)(*6*). |
| Texas Eastern Transmission Corp.—Uniontown Station | (OP)26–000–413 | Fayette | 12/20/96 | 10/12/01, 66 FR 52055 | (c)(164)(i)(B)(*7*). |
| Consolidated Natural Gas (CNG) Transmission Corp.—South Bend Station | OP–03–000–180 | Armstrong | 12/2/98 | 10/12/01, 66 FR 52055 | (c)(164)(i)(B)(*8*). |
| Pruett Schaffer Chemical Company | CO–266 | Allegheny | 9/2/98 | 10/12/01, 66 FR 52050 | (c)(165)(i)(B)(*1*). |
| PPG Industries, Inc.—Springdale | CO–254 | Allegheny | 12/19/96 | 10/12/01, 66 FR 52050 | (c)(165)(i)(B)(*2*). |
| Reichhold Chemicals, Inc.—Bridgeville | CO–218 | Allegheny | 12/19/96 | 10/12/01, 66 FR 52050 | (c)(165)(i)(B)(*3*) [NOX RACT]. |
| Reichhold Chemicals, Inc.—Bridgeville | CO–219 | Allegheny | 2/21/96 | 10/12/01, 66 FR 52050 | (c)(165)(i)(B)(*4*) [VOC RACT]. |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Valspar Corporation—Pittsburgh | CO–209 | Allegheny | 3/8/96 | 10/12/01, 66 FR 52050 | (c)(165)(i)(B)(*5*). |
| Ashland Chemical Corporation | CO–227 | Allegheny | 12/30/96 | 10/16/01, 66 FR 52506 | (c)(166)(i)(B)(*1*). |
| Hercules, Inc.—West Elizabeth | EO–216 | Allegheny | 3/8/96 | 10/16/01, 66 FR 52506 | (c)(166)(i)(B)(*2*). |
| Hercules, Inc.—West Elizabeth | CO–257 | Allegheny | 1/14/97 11/1/99 | 10/16/01, 66 FR 52506 | (c)(166)(i)(B)(*3*). |
| Neville Chemical Company | CO–230 | Allegheny | 12/13/96 | 10/16/01, 66 FR 52506 | (c)(166)(i)(B)(*4*). |
| Anchor Glass Container Corp.—Plant 5 | (PA)26–000–119 | Fayette | 12/20/96 | 10/16/01, 66 FR 52527 | (c)(167)(i)(B)(*1*). |
| Anchor Hocking Specialty Glass Co.—Phoenix Glass Plant | (OP)04–000–084 | Beaver | 10/13/95 | 10/16/01, 66 FR 52527 | (c)(167)(i)(B)(*2*). |
| Corning Consumer Products Co.—Charleroi Plant | (PA)63–000–110 | Washington | 1/4/96 | 10/16/01, 66 FR 52527 | (c)(167)(i)(B)(*3*). |
| General Electric Company | CO–251 | Allegheny | 12/19/96 | 10/16/01, 66 FR 52527 | (c)(167)(i)(B)(*4*). |
| Glenshaw Glass Company, Inc | CO–270 | Allegheny | 3/10/00 | 10/16/01, 66 FR 52527 | (c)(167)(i)(B)(*5*). |
| Guardian Industries Corp | CO–242 | Allegheny | 8/27/96 | 10/16/01, 66 FR 52527 | (c)(167)(i)(B)(*6*). |
| Allegheny County Sanitary Authority | CO–222 | Allegheny | 5/14/96 | 10/16/01, 66 FR 52527 | (c)(167)(i)(B)(*7*). |
| Browning-Ferris Industries | CO–231A | Allegheny | 4/28/97 | 10/16/01, 66 FR 52527 | (c)(167)(i)(B)(*8*). |
| Chambers Development Company—Monroeville Borough Landfill | CO–253 | Allegheny | 12/30/96 | 10/16/01, 66 FR 52527 | (c)(167)(i)(B)(*9*). |
| Kelly Run Sanitation, Forward Township Landfill | CO–236 | Allegheny | 1/23/97 | 10/16/01, 66 FR 52527 | (c)(167)(i)(B)(*10*). |
| Stroehmann Bakeries—Montgomery County (Norristown) | PA–46–0003 | Montgomery | 5/4/95 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*1*). |
| Schlosser Steel, Inc | OP–46–0051 | Montgomery | 2/1/96 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*2*). |
| Perkasie Industries Corp.—Perkasie | OP–09–0011 | Bucks | 8/14/96 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*3*). |
| Quaker Chemical Corporation—Conshohocken | OP–46–0071 | Montgomery | 9/26/96 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*4*). |
| Worthington Steel Company | OP–15–0016 | Chester | 7/23/96 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*5*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Transcontinental Gas Pipeline Corp.—Sta. 200, Frazer | PA–15–0017 | Chester | 6/5/95 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*6*). |
| Rohm and Haas Company, Bucks County Plant | OP–09–0015 | Bucks | 4/20/99 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*7*). |
| SEPTA—Berridge/ Courtland Maintenance Shop | PA–51–4172 | Philadelphia | 7/27/99 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*8*). |
| Southwest Water Pollution Control Plant/ Biosolids Recycling Center | PA–51–9515 | Philadelphia | 7/27/99 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*9*). |
| Rohm and Haas Company—Philadelphia Plant | PA–51–1531 | Philadelphia | 7/27/99 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*10*). |
| Sunoco Inc. (R&M)—Philadelphia | PA(51–)1501<br>PA(51–)1517 | Philadelphia | 8/1/00 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*11*). |
| SBF Communications (owned by Avant Garde Ent.) | PA(51–)2197 | Philadelphia | 7/21/00 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*12*). |
| Smith-Edwards-Dunlap Company | PA–(51–)2255 | Philadelphia | 7/14/00 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*13*). |
| Tasty Baking Co | PLID (51–) 2054 | Philadelphia | 4/9/95 | 10/31/01, 66 FR 54942 | (c)(169)(i)(B)(*14*). |
| Armstrong World Industries, Inc.—Beaver Falls Plant | (OP)04–000–108 | Beaver | 5/29/96 | 10/17/01, 66 FR 52695 | (c)(170)(i)(B)(*1*). |
| Bacharach, Inc | CO–263 | Allegheny | 10/10/97 | 10/17/01, 66 FR 52695 | (c)(170)(i)(B)(*2*). |
| Bakerstown Container Corporation | CO–221 | Allegheny | 5/14/96 | 10/17/01, 66 FR 52695 | (c)(170)(i)(B)(*3*). |
| Chestnut Ridge Foam, Inc.—Latrobe | (OP)65–000–181 | Westmoreland | 12/29/95 | 10/17/01, 66 FR 52695 | (c)(170)(i)(B)(*4*). |
| Flexsys America LP, Monongahela Plant | (OP)63–000–015 | Washington | 3/23/01 | 10/17/01, 66 FR 52695 | (c)(170)(i)(B)(*5*). |
| Haskell of Pittsburgh, Inc | CO–224 | Allegheny | 12/19/96 | 10/17/01, 66 FR 52695 | (c)(170)(i)(B)(*6*). |
| Three Rivers Aluminum Company (TRACO) | OP–10–267 | Butler | 3/1/01 | 10/17/01, 66 FR 52695 | (c)(170)(i)(B)(*7*). |
| Tuscarora Plastics, Inc | (OP)04–000–497 | Beaver | 4/3/96 | 10/17/01, 66 FR 52695 | (c)(170)(i)(B)(*8*). |
| Witco Corporation | CO–210 | Allegheny | 5/14/96 | 10/17/01, 66 FR 52695 | (c)(170)(i)(B)(*9*). |
| GenCorp (Plastic Films Division)—Jeannette Plant | (OP)65–000–207 | Westmoreland | 1/4/96 | 10/15/01, 66 FR 52322 | (c)(171)(i)(B). |
| CENTRIA—Ambridge Coil Coating Operations Plant | (OP)04–000–043 | Beaver | 5/17/99 | 10/15/01, 66 FR 52322 | (c)(171)(i)(D). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| J & L Structural, Inc.—Aliquippa | OP–04–000–467 | Beaver | 6/23/95 | 10/16/01, 66 FR 52511 | (c)(172)(i)(B)(*1*). |
| Universal Stainless & Alloy Products, Inc | CO–241 | Allegheny | 12/19/96 | 10/16/01, 66 FR 52511 | (c)(172)(i)(B)(*2*). |
| Shenango, Inc | CO–233 | Allegheny | 12/30/96 | 10/16/01, 66 FR 52511 | (c)(172)(i)(B)(*3*). |
| LTV Steel Company | CO–259 | Allegheny | 12/30/96 | 10/16/01, 66 FR 52511 | (c)(172)(i)(B)(*4*). |
| U.S. Steel (USX Corporation.)—Clairton Works | CO–234 | Allegheny | 12/30/96 | 10/16/01, 66 FR 52511 | (c)(172)(i)(B)(*5*). |
| USX Corporation—Edgar Thomson Works | CO–235 | Allegheny | 12/30/96 | 10/16/01, 66 FR 52511 | (c)(172)(i)(B)(*6*). |
| USX, Inc.—Irvin Works | CO–258 | Allegheny | 12/30/96 | 10/16/01, 66 FR 52511 | (c)(172)(i)(B)(*7*). |
| Wheeling-Pittsburgh Steel Corporation—Allenport Plant | (OP)63–000–066 | Washington | 2/8/99 | 10/16/01, 66 FR 52511 | (c)(172)(i)(B)(*8*). |
| Koppers—Monessen Coke Plant | (OP)65–000–853 | Westmoreland | 3/20/98 | 10/16/01, 66 FR 52511 | (c)(172)(i)(B)(*9*). |
| J & L Specialty Steel, Inc.—Midland Facility | (OP)04–000–013 | Beaver | 3/23/01 | 10/16/01, 66 FR 52511 | (c)(172)(i)(B)(*10*). |
| Washington Steel Corp.—Washington Plant | (OP)63–000–023 | Washington | 9/12/96 | 10/16/01, 66 FR 52511 | (c)(172)(i)(B)(*11*). |
| Equitrans, Inc.—Hartson | (OP)63–000–642 | Washington | 7/10/95 | 10/17/01, 66 FR 52705 | (c)(173)(i)(B)(*1*). |
| Witco Corp.—Petrolia Facility | PA–10–037 | Butler | 6/27/95 | 10/17/01, 66 FR 52705 | (c)(173)(i)(B)(*2*). |
| Ranbar Electrical Materials Inc. (formerly Westinghouse Electric Co. EMD)—Manor | (OP)65–000–042 | Westmoreland | 2/22/99 | 10/17/01, 66 FR 52705 | (c)(173)(i)(B)(*3*). |
| Nova Chemicals, Inc. (formerly Arco Chemical Co.—Beaver Valley) | (OP)04–000–033 | Beaver | 4/16/99 1/24/01 | 10/17/01, 66 FR 52705 | (c)(173)(i)(B)(*4*). |
| BASF Corporation—Monaca Site | (OP)04–000–306 | Beaver | 3/23/01 | 10/17/01, 66 FR 52705 | (c)(173)(i)(B)(*5*). |
| Cardone Industries—Rising Sun Ave | PA(51–) PLID 3887 | Philadelphia | 5/29/95 | 10/30/01, 66 FR 54710 | (c)(174)(i)(B)(*1*). |
| Cardone Industries—Chew St | PA(51–) PLID 2237 | Philadelphia | 5/29/95 | 10/30/01, 66 FR 54710 | (c)(174)(i)(B)(*2*). |
| U.S. Navy, Naval Surface Warfare Center—Carderock Division | PA(51–)9724 | Philadelphia | 12/27/97 | 10/30/01, 66 FR 54710 | (c)(174)(i)(B)(*3*). |
| Wheelabrator Falls, Inc | OP–09–0013 | Bucks | 1/11/96 5/17/96 | 10/30/01, 66 FR 54710 | (c)(174)(i)(B)(*4*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| US Steel Group/USX Corporation—Fairless Works | OP–09–0006 | Bucks | 4/8/99 | 10/30/01, 66 FR 54710 | (c)(174)(i)(B)(*5*). |
| Brown Printing Company | OP–46–0018A | Montgomery | 5/17/00 | 10/30/01, 66 FR 54710 | (c)(174)(i)(B)(*6*). |
| Sun Chemical—General Printing Ink Division | PA(51–) 2052 | Philadelphia | 7/14/00 | 10/30/01, 66 FR 54710 | (c)(174)(i)(B)(*7*). |
| Sunoco Chemicals, Frankford Plant | PA(51–) 1551 | Philadelphia | 7/27/99 | 10/30/01, 66 FR 54710 | (c)(174)(i)(B)(*8*). |
| Armco, Inc. Butler Operations Main Plant | PA–10–001M | Butler | 2/23/96 | 10/15/01, 66 FR 52338 | (c)(175)(i)(B). |
| Armco, Inc. Butler Operations Stainless Plant | PA–10–001S | Butler | 2/23/96 | 10/15/01, 66 FR 52338 | (c)(175)(i)(C). |
| Pennsylvania Power Co.—Bruce Mansfield Plant | (PA)04–000–235 | Beaver | 12/29/94 | 10/15/01, 66 FR 52333 | (c)(176)(i)(B)(*1*). |
| West Penn Power Co.—Mitchell Station | (PA)63–000–016 | Washington | 6/12/95 | 10/15/01, 66 FR 52333 | (c)(176)(i)(B)(*2*). |
| Carnegie Natural Gas Company—Fisher Station | (OP)03–000–182 | Armstrong | 12/2/98 | 10/15/01, 66 FR 52333 | (c)(176)(i)(B)(*3*). |
| Apollo Gas Company—Shoemaker Station | (OP)03–000–183 | Armstrong | 9/12/96 | 10/15/01, 66 FR 52333 | (c)(176)(i)(B)(*4*). |
| Texas Eastern Transmission Corp.—Delmont Station | (OP)65–000–839 | Westmoreland | 1/9/97 | 10/15/01, 66 FR 52333 | (c)(176)(i)(B)(*5*). |
| The Peoples Natural Gas Co.—Valley Station | (OP)03–000–125 | Armstrong | 10/31/94 | 10/15/01, 66 FR 52333 | (c)(176)(i)(B)(*6*). |
| The Peoples Natural Gas Co.—Girty Compressor Station | (PA)03–000–076 | Armstrong | 10/27/95 | 10/15/01, 66 FR 52333 | (c)(176)(i)(B)(*7*). |
| AES Beaver Valley Partners—Monaca Plant | (OP)04–000–446 | Beaver | 3/23/01 | 10/15/01, 66 FR 52333 | (c)(176)(i)(B)(*8*). |
| Penreco—Karns City | OP–10–0027 | Butler | 5/31/95 | 10/12/01, 66 FR 52044 | (c)(177)(i)(B)(*1*). |
| Ashland Petroleum Company | CO–256 | Allegheny | 12/19/96 | 10/12/01, 66 FR 52044 | (c)(177)(i)(B)(*2*). |
| Bellefield Boiler Plant—Pittsburgh | EO–248 | Allegheny | 12/19/96 | 10/12/01, 66 FR 52044 | (c)(177)(i)(B)(*3*). |
| Gulf Oil, L.P | CO–250 | Allegheny | 12/19/96 | 10/12/01, 66 FR 52044 | (c)(177)(i)(B)(*4*). |
| PA Dept. of Corrections | EO–244 | Allegheny | 1/23/97 | 10/12/01, 66 FR 52044 | (c)(177)(i)(B)(*5*). |
| Pittsburgh Thermal Limited Partnership | CO–220 | Allegheny | 3/4/96 | 10/12/01, 66 FR 52044 | (c)(177)(i)(B)(*6*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| BP Exploration & Oil, Inc.—Greensburg Terminal | (OP)65–000–378 | Westmoreland | 3/23/01 | 10/12/01, 66 FR 52044 | (c)(177)(i)(B)(*7*). |
| Pittsburgh Allegheny County Thermal, Ltd | CO–265 | Allegheny | 11/9/98 | 10/12/01, 66 FR 52044 | (c)(177)(i)(B)(*8*). |
| Aristech Chemical Corporation | CO–232 | Allegheny | 12/30/96 | 10/17/01, 66 FR 52700 | (c)(178)(i)(B)(*1*). |
| Heinz U.S.A.—Pittsburgh | EO–211 | Allegheny | 3/8/96 | 10/17/01, 66 FR 52700 | (c)(178)(i)(B)(*2*). |
| Heinz U.S.A.—Pittsburgh | CO–247 | Allegheny | 10/24/96 | 10/17/01, 66 FR 52700 | (c)(178)(i)(B)(*2*). |
| Koppers Industries, Inc. (Aristech Chem. Corp) | CO–223 | Allegheny | 8/27/96 | 10/17/01, 66 FR 52700 | (c)(178)(i)(B)(*3*). |
| Nabisco Biscuit Co | CO–246 | Allegheny | 12/19/96 | 10/17/01, 66 FR 52700 | (c)(178)(i)(B)(*4*). |
| Pressure Chemical Co | CO–261 | Allegheny | 6/11/97 | 10/17/01, 66 FR 52700 | (c)(178)(i)(B)(*5*). |
| General Carbide Corp | (OP)65–000–622 | Westmoreland | 12/29/95 | 10/17/01, 66 FR 52700 | (c)(178)(i)(B)(*6*). |
| Fansteel Hydro Carbide | (OP)65–000–860 | Westmoreland | 12/12/97 | 10/17/01, 66 FR 52700 | (c)(178)(i)(B)(*7*). |
| Carbidie Corporation | (OP)65–000–720 | Westmoreland | 7/31/98 | 10/17/01, 66 FR 52700 | (c)(178)(i)(B)(*8*). |
| Dyno Nobel Inc—Donora | (OP)63–000–070 | Washington | 3/31/99 | 10/17/01, 66 FR 52700 | (c)(178)(i)(B)(*9*). |
| Newcomer Products, Inc | (OP)65–000–851 | Westmoreland | 8/7/97 | 10/17/01, 66 FR 52700 | (c)(178)(i)(B)(*10*). |
| PECO Energy Company—Cromby Generating Station | OP–15–0019 | Chester | 4/28/95 | 10/30/01, 66 FR 54699 | (c)(179)(i)(B)(*1*). |
| Waste Resource Energy, Inc. (Operator); Shawmut Bank, Conn. National Assoc. (Owner); Delaware County Resource Recovery Facility | OP–23–0004 | Delaware | 11/16/95 | 10/30/01, 66 FR 54699 | (c)(179)(i)(B)(*2*). |
| G-Seven, Ltd | OP–46–0078 | Montgomery | 4/20/99 | 10/30/01, 66 FR 54699 | (c)(179)(i)(B)(*3*). |
| Leonard Kunkin Associates | OP–09–0073 | Bucks | 6/25/01 | 10/30/01, 66 FR 54699 | (c)(179)(i)(B)(*4*). |
| Kimberly-Clark Corporation | OP–23–0014A | Delaware | 6/24/98<br>8/1/01 | 10/30/01, 66 FR 54699 | (c)(179)(i)(B)(*5*). |
| Sunoco, Inc. (R&M); Marcus Hook Plant | CP–23–0001 | Delaware | 6/8/95<br>8/2/01 | 10/30/01, 66 FR 54699 | (c)(179)(i)(B)(*6*). |
| Waste Management Disposal Services of Pennsylvania, Inc. (GROWS Landfill) | OP–09–0007 | Bucks | 12/19/97<br>7/17/01 | 10/30/01, 66 FR 54699 | (c)(179)(i)(B)(*7*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_x$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Koppel Steel Corporation—Ambridge Plant | OP–04–000–227 | Beaver | 10/12/00 | 10/15/01, 66 FR 52317 | (c)(180)(i)(B). |
| General Motors Corporation | CO–243 | Allegheny | 8/27/96 | 10/15/01, 66 FR 52327 | (c)(181)(i)(B)(*1*). |
| Oakmont Steel, Inc | CO–226 | Allegheny | 5/14/96 | 10/15/01, 66 FR 52327 | (c)(181)(i)(B)(*2*). |
| The Peoples Natural Gas Co | CO–240 | Allegheny | 8/27/96 | 10/15/01, 66 FR 52327 | (c)(181)(i)(B)(*3*). |
| U.S. Bureau of Mines | EO–215 | Allegheny | 3/8/96 | 10/15/01, 66 FR 52327 | (c)(181)(i)(B)(*4*). |
| Waste Management Disposal Services of Pennsylvania (Pottstown Landfill) | OP–46–0033 | Montgomery | 4/20/99 | 10/30/01, 66 FR 54704 | (c)(182)(i)(B)(*1*). |
| FPL Energy MH50, LP (Sunoco, Inc. (R&M)) | PA–23–0084 | Delaware | 7/26/99 | 10/30/01, 66 FR 54704 | (c)(182)(i)(B)(*2*). |
| Exelon Generation Company—(PECO)—Richmond Generating Station | PA–51–4903 | Philadelphia | 7/11/01 | 10/30/01, 66 FR 54704 | (c)(182)(i)(B)(*3*). |
| Jefferson Smurfit Corp./Container Corp. of America | PLID (PA–51–) 1566 | Philadelphia | 4/10/95 | 10/31/01, 66 FR 54947 | (c)(184)(i)(B)(*1*). |
| Maritank Philadelphia, Inc | PLID (PA–51–) 5013 | Philadelphia | 12/28/95 | 10/31/01, 66 FR 54947 | (c)(184)(i)(B)(*2*). |
| Moyer Packing Company | OP–46–0001 | Montgomery | 3/15/96 | 10/31/01, 66 FR 54947 | (c)(184)(i)(B)(*3*). |
| Tullytown Resource Recovery Facility (Waste Management of Pa., Inc.) | OP–09–0024 | Bucks | 7/14/97 | 10/31/01, 66 FR 54947 | (c)(184)(i)(B)(*4*). |
| SPS Technologies, Inc | OP–46–0032 | Montgomery | 10/30/97 | 10/31/01, 66 FR 54947 | (c)(184)(i)(B)(*5*). |
| PECO Energy Company | OP–09–0077 | Bucks | 12/19/97 | 10/31/01, 66 FR 54947 | (c)(184)(i)(B)(*6*). |
| Philadelphia Gas Works—Richmond Plant | PA–51–4922 | Philadelphia | 7/27/99 | 10/31/01, 66 FR 54947 | (c)(184)(i)(B)(*7*). |
| Exelon Generation Company—Delaware Generating Station | PA–51–4901 | Philadelphia | 7/11/01 | 10/31/01, 66 FR 54947 | (c)(184)(i)(B)(*8*). |
| Exelon Generation Company—Schuylkill Generating Station | PA–51–4904 | Philadelphia | 7/11/01 | 10/31/01, 66 FR 54947 | (c)(184)(i)(B)(*9*). |
| International Business Systems, Inc | OP–46–0049 | Montgomery | 10/29/98 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*1*). |
| Bethlehem Lukens Plate | OP–46–0011 | Montgomery | 12/11/98 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*2*). |
| Montenay Montgomery Limited Partnership | OP–46–0010A | Montgomery | 4/20/99 6/20/00 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*3*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Northeast Foods, Inc. (Bake Rite Rolls) | OP–09–0014 | Bucks | 4/9/99 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*4*). |
| Aldan Rubber Company | PA–(51–)1561 | Philadelphia | 7/21/00 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*5*). |
| Braceland Brothers, Inc | PA–(51–)3679 | Philadelphia | 7/14/00 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*6*). |
| Graphic Arts, Incorporated | PA–(51–)2260 | Philadelphia | 7/14/00 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*7*). |
| O'Brien (Philadelphia) Cogeneration, Inc.—Northeast Water Pollution Control Plant | PA–(51–)1533 | Philadelphia | 7/21/00 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*8*). |
| O'Brien (Philadelphia) Cogeneration, Inc.—Southwest Water Pollution Control Plant | PA–(51–)1534 | Philadelphia | 7/21/00 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*9*). |
| Pearl Pressman Liberty | PA–(51–)7721 | Philadelphia | 7/24/00 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*10*). |
| Arbill Industries, Inc | PA–51–3811 | Philadelphia | 7/27/99 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*11*). |
| McWhorter Technologies, Inc | PA–51–3542 | Philadelphia | 7/27/99 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*12*). |
| NortheastWater Pollution Control Plant | PA–51–9513 | Philadelphia | 7/27/99 | 10/30/01, 66 FR54691 | (c)(185)(i)(B)(*13*). |
| Newman and Company | PLID (51–) 3489 | Philadelphia | 6/11/97 | 10/30/01, 66 FR 54691 | (c)(185)(i)(B)(*14*). |
| Allegheny Ludlum Steel Corporation | (OP–)65–000–137 | Westmoreland | 5/17/99 | 10/19/01, 66 FR 53090 | (c)(186)(i)(B)(*1*). |
| INDSPEC Chemical Corporation | PA10–021 | Butler | 10/19/98 | 10/19/01, 66 FR 53090 | (c)(186)(i)(B)(*2*). |
| Stoney Creek Technologies, L.L.C | PA–23–0002 | Delaware | 2/24/99 | 11/5/01, 66 FR 55880 | (c)(187)(i)(B)(*1*). |
| Superpac, Inc | OP–09–0003 | Bucks | 3/25/99 | 11/5/01, 66 FR 55880 | (c)(187)(i)(B)(*2*). |
| Transit America, Inc | PLID (51–) 1563 | Philadelphia | 6/11/97 | 11/5/01, 66 FR 55880 | (c)(187)(i)(B)(*3*). |
| American Bank Note Company | OP–46–0075 | Montgomery | 5/19/97 8/10/98 | 11/5/01, 66 FR 55880 | (c)(187)(i)(B)(*4*). |
| Atlas Roofing Corporation—Quakertown | OP–09–0039 | Bucks | 3/10/99 | 11/5/01, 66 FR 55880 | (c)(187)(i)(B)(*5*). |
| Beckett Corporation | OP–15–0040 | Chester | 7/8/97 | 11/5/01, 66 FR 55880 | (c)(187)(i)(B)(*6*). |
| Klearfold, Inc | OP–09–0012 | Bucks | 4/15/99 | 11/5/01, 66 FR 55880 | (c)(187)(i)(B)(*7*). |
| National Label Company | OP–46–0040 | Montgomery | 7/28/97 | 11/5/01, 66 FR 55880 | (c)(187)(i)(B)(*8*). |
| Bethlehem Steel Corporation | OP–22–02012 | Dauphin | 4/9/99 | 5/23/02, 67 FR 36108 | (c)(191). |
| Hershey Chocolate USA | OP–22–2004A | Dauphin | 1/24/00 | 6/26/02, 67 FR 43002 | (c)(194)(i)(B)(*1*). |

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| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Pennsylvania Power Company New Castle Plant | OP–37–0023 | Lawrence | 4/8/99 | 6/26/02, 67 FR 43002 | (c)(194)(i)(B)(*2*). |
| Lafarge Corporation | OP–39–0011B | Lehigh | 5/19/97 | 4/1/03, 68 FR 15661 | (c)(196)(i)(B)(*1*). |
| The Peoples Natural Gas Company | (OP–)11–000–356 | Cambria | 11/23/94 | 4/1/03, 68 FR 15661 | (c)(196)(i)(B)(*2*). |
| Horsehead Resource Development Company, Inc | OP–13–0001 | Carbon | 5/16/95 | 4/1/03, 68 FR 15661 | (c)(196)(i)(B)(*3*). |
| Williams Generation Company—Hazelton | OP–40–0031A | Luzerne | 3/10/00 | 4/1/03, 68 FR 15661 | (c)(196)(i)(B)(*4*). |
| Pennsylvania Power and Light Company, Holtwood Steam Electric Station | PA–36–2016 | Lancaster | 5/25/95 | 4/1/03, 68 FR 15661 | (c)(196)(i)(B)(*5*). |
| General Electric Transportation Systems | OP–25–025A | Erie | 8/26/02 | 4/7/03, 68 FR 16724 | (c)(198)(i)(B). |
| Bethlehem Structural Products Corporation | OP–48–0013 | Northampton | 10/24/96 | 5/2/03, 68 FR 23404 | (c)(200)(i)(B)(*1*). |
| International Paper Company, Erie Mill | PA–25–028 | Erie | 12/21/94 | 5/2/03, 68 FR 23404 | (c)(200)(i)(B)(*2*). |
| National Fuel Gas Supply—Heath Compressor Station | PA–33–144A | Jefferson | 10/5/98 | 5/2/03, 68 FR 23404 | (c)(200)(i)(B)(*3*). |
| PPG Industries, Inc | OP–20–145 | Crawford | 5/31/95 | 3/24/03, 68 FR14154 | (c)(201)(i)(B). |
| Dominion Trans., Inc.—Finnefrock Station | Title V–18–00005 | Clinton | 2/16/00 | 5/7/03, 68 FR 24365 | (c)(202)(i)(B)(*1*). |
| Textron Lycoming—Oliver Street Plant | Title V–41–00005 | Lycoming | 1/12/01 | 5/7/03, 68 FR 24365 | (c)(202)(i)(B)(*2*). |
| Lafayette College, Easton Campus | OP–48–0034 | Northampton | 8/18/97 | 5/20/03, 68 FR 27471 | (c)(205)(i)(B). |
| Keystone Carbon Company | OP–24–016 | Elk | 5/15/95 | 10/17/03, 68 FR 59741 | (c)(207)(i)(B)(*1*). |
| Mack Trucks, Inc | OP–39–0004 | Northampton | 5/31/95 | 10/17/03, 68 FR 59741 | (c)(207)(i)(B)(*1*). |
| Owens-Brockway Glass Container, Inc | OP–33–033 | Jefferson | 3/27/95 | 10/17/03, 68 FR 59741 | (c)(207)(i)(B)(*1*). |
| Resilite Sport Products, Inc | OP–49–0003 | Northumberland | 12/3/96 | 10/17/03, 68 FR 59741 | (c)(207)(i)(B)(*1*). |
| Westfield Tanning Company | OP–59–0008 | Tioga | 11/27/96 | 10/17/03, 68 FR 59741 | (c)(207)(i)(B)(*1*). |
| Tarkett, Incorporated | OP–39–0002 | Lehigh | 5/31/95 | 8/6/03, 68 FR 46487 | (c)(208)(i)(B)(*1*). |
| Hacros Pigments, Inc | OP–48–0018 | Northampton | 7/31/96 | 8/6/03, 68 FR 46487 | (c)(208)(i)(B)(*2*). |
| GPU Generation Corp., Homer City Station | (OP–)32–000–055 | Indiana | 10/29/98 | 10/15/03, 68 FR 59321 | (c)(212)(i)(B)(*1*). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_X$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| GPU Generation Corp., Seward Station | (OP–)32–000–040 | Indiana | 4/30/98 | 10/15/03, 68 FR 59321 | (c)(212)(i)(B)(*2*). |
| Ebensburg Power Company, Ebensburg Cogeneration Plant | (OP–)11–000–318 | Cambria | 3/28/01 | 10/15/03, 68 FR 59321 | (c)(212)(i)(B)(*3*). |
| Sithe Pennsylvania Holdings, LLC, Warren Station | OP–62–012B | Warren | 1/20/00 | 10/15/03, 68 FR 59321 | (c)(212)(i)(B)(*4*). |
| Pennsylvania Power & Light Company, Sunbury SES | OP–55–0001A | Snyder | 7/7/97 | 10/15/03, 68 FR 59321 | (c)(212)(i)(B)(*5*). |
| Lakeview Landfill | OP–25–920 | Erie | 5/29/97 | 10/15/03, 68 FR 59321 | (c)(212)(i)(B)(*6*). |
| National Fuel Gas Supply Corp.—Roystone Compressor Station | OP–62–141F | Warren | 4/1/03 | 10/27/04, 69 FR 62583 | (c)(213)(i)(B)(*1*). |
| Crompton Corporation, Fairview Township | OP–10–037 | Butler | 6/4/03 | 5/25/04, 69 FR 29444 | (c)(213)(i)(B)(*2*). |
| Andritz, Inc | 41–00010C | Lycoming | 4/30/03 | 10/15/03, 68 FR 59318 | (c)(214)(i)(B)(*1*). |
| Brodart Company | 18–0007A | Clinton | 4/8/03 | 10/15/03, 68 FR 59318 | (c)(214)(i)(B)(*2*). |
| Erie Sewer Authority | OP–25–179 | Erie | 6/5/03 | 10/15/03, 68 FR 59318 | (c)(214)(i)(B)(*3*). |
| Hercules Cement Company | OP–48–0005A | Northampton | 4/16/99 | 11/24/03, 68 FR 65846 | (c)(217)(i)(B). |
| Tennessee Gas Pipeline Company, Station 321 | OP–58–00001A | Susquehanna | 4/16/98 | 10/27/04, 69 FR 62585 | (c)(218)(i)(B)(*1*). |
| Tennessee Gas Pipeline Company, Station 219 | OP–43–0272 | Mercer | 4/7/99 | 10/27/04, 69 FR 62585 | (c)(218)(i)(B)(*2*). |
| Information Display Technology, Inc | 32–000–085 | Indiana | 1/11/96 | 03/29/05, 70 FR 15774 | 52.2020(d)(1)(h). |
| Bedford Materials Co., Inc | 05–02005 | Bedford | 4/15/99 | 03/29/05, 70 FR 15774 | 52.2020(d)(1)(h). |
| Bollman Hat Company | 36–2031 | Lancaster | 7/3/95 | 03/29/05, 70 FR 15774 | 52.2020(d)(1)(h). |
| Armco Inc | OP–43–040 | Mercer | 9/30/99 | 03/29/05, 70 FR 15774 | 52.2020(d)(1)(h). |
| Specialty Tires of America, Inc | 32–000–065 | Indiana | 1/6/00 | 03/29/05, 70 FR 15774 | 52.2020(d)(1)(h). |
| Truck Accessories Group East | OP–49–0005 | Northumberland | 3/26/99 | 03/29/05, 70 FR 15774 | 52.2020(d)(1)(h). |
| Jeraco Enterprises, Inc | OP–49–0014 | Northumberland | 4/6/97 | 03/29/05, 70 FR 15774 | 52.2020(d)(1)(h). |
| Insulation Corporation of America | 39–0012 | Lehigh | 10/17/95 | 03/29/05, 70 FR 15774 | 52.2020(d)(1)(h). |
| Pope & Talbot, Inc | 40–0019 | Luzerne | 5/31/96 | 03/29/05, 70 FR 15774 | 52.2020(d)(1)(h). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_x$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Universal Rundle Corporation | OP–37–059 | Lawrence | 5/31/95 | 03/29/05, 70 FR 15774 | 52.2020(d)(1)(h). |
| Clark Filter | 36–02040 | Lancaster | 2/4/00 | 03/29/05, 70 FR 15774 | 52.2020(d)(1)(h). |
| The Pennsylvania State University—University Park | OP–14–0006 | Centre | 12/30/98 | 3/30/05, 70 FR 16118 | 52.2020(d)(1)(c). |
| Tennessee Gas Pipeline Company—Charleston Township | OP–59–0001 | Tioga | 5/31/95 | 3/30/05, 70 FR 16118 | 52.2020(d)(1)(c). |
| Tennessee Gas Pipeline Company—Wyalusing Township | OP–08–0002 | Bradford | 5/31/95 | 3/30/05, 70 FR 16118 | 52.2020(d)(1)(c). |
| Masland Industries | 21–2001 | Cumberland | 5/31/95 | 3/30/05, 70 FR 16118 | 52.2020(d)(1)(c). |
| ESSROC Cement Corp | OP–37–003 | Lawrence | 7/27/95 3/31/99 | 3/30/05, 70 FR 16118 | 52.2020(d)(1)(c). |
| The Magee Carpet Company | OP–19–0001 | Columbia | 1/22/97 | 3/30/05, 70 FR 16118 | 52.2020(d)(1)(c). |
| Tennessee Gas Pipeline Company—Howe Township | OP–27–015 | Forest | 7/27/00 | 3/30/05, 70 FR 16118 | 52.2020(d)(1)(c). |
| Transcontinental Gas Pipeline Corporation—Buck Township | 40–0002 40–0002A | Luzerne | 5/31/95 | 3/30/05, 70 FR 16118 | 52.2020(d)(1)(c). |
| Transcontinental Gas Pipe Line Corporation—Peach Bottom Township | 67–2012 | York | 5/5/95 | 3/30/05, 70 FR 16118 | 52.2020(d)(1)(c). |
| Standard Steel Division of Freedom Forge Corp | 44–2001 | Mifflin | 5/31/95 | 3/30/05, 70 FR 16118 | 52.2020(d)(1)(c). |
| Pope and Talbot, Inc | 35–0004 | Lackawanna | 5/31/96 | 3/30/05, 70 FR 16124 | 52.2020 (d)(1)(d). |
| Pennsylvania Power and Light Company | 22–2011 | Dauphin | 6/7/95 | 3/30/05, 70 FR 16124 | 52.2020 (d)(1)(d). |
| Ellwood Group Inc | OP–37–313 | Lawrence | 1/31/01 | 3/30/05, 70 FR 16124 | 52.2020 (d)(1)(d). |
| National Fuel Gas Supply Corporation | 53–0009A 53–0009 | Potter | 8/5/96 | 3/30/05, 70 FR 16124 | 52.2020 (d)(1)(d). |
| Department of the Army | 28–02002 | Franklin | 2/3/00 | 3/31/05, 70 FR 16416 | 52.2020(d)(1)(g). |
| Harley-Davidson Motor Company | 67–2032 | York | 4/9/97 | 3/31/05, 70 FR 16416 | 52.2020(d)(1)(g). |
| GE Transportation Systems | OP–43–196 | Mercer | 5/16/01 | 3/31/05, 70 FR 16416 | 52.2020(d)(1)(g). |
| Stone Container Corporation | 67–2002 | York | 9/3/96 | 3/31/05, 70 FR 16416 | 52.2020(d)(1)(g). |
| Stanley Storage Systems, Inc | 39–0031 | Lehigh | 6/12/98 | 3/31/05, 70 FR 16416 | 52.2020(d)(1)(g). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_x$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| York Group, Inc | 67–2014 | York | 7/3/95 | 3/31/05, 70 FR 16416 | 52.2020(d)(1)(g). |
| Strick Corporation | OP–19–0002 | Columbia | 6/6/97 | 3/31/05, 70 FR 16416 | 52.2020(d)(1)(g). |
| Grumman Olson, Division of Grumman Allied Industries | OP–41–0002 | Lycoming | 9/25/97 | 3/31/05, 70 FR 16416 | 52.2020(d)(1)(g). |
| Prior Coated Metals, Inc | 39–0005 | Lehigh | 5/26/95 | 3/31/05, 70 FR 16416 | 52.2020(d)(1)(g). |
| Schindler Elevator Corporation | 01–2007 | Adams | 5/24/95 | 3/31/05, 70 FR 16416 | 52.2020(d)(1)(g). |
| Hodge Foundry | OP–43–036 | Mercer | 3/31/99 | 3/31/05, 70 FR 16420 | 52.2020(d)(1)(a). |
| Resolite, A United Dominion Co | OP–10–266 | Butler | 10/15/99<br>2/18/00 | 3/31/05, 70 FR 16420 | 52.2020(d)(1)(a). |
| Consolidation Coal Co.—Coal Preparation Plant | 30–000–063 | Greene | 5/17/99 | 3/31/05, 70 FR 16420 | 52.2020(d)(1)(a). |
| Urick Foundry | OP–25–053 | Erie | 10/24/96 | 3/31/05, 70 FR 16420 | 52.2020(d)(1)(a). |
| Keystone Sanitary Landfill, Inc | 35–0014 | Lackawanna | 4/19/99 | 3/31/05, 70 FR 16420 | 52.2020(d)(1)(a). |
| Grinnell Corporation | 36–2019 | Lancaster | 6/30/95 | 3/31/05, 70 FR 16420 | 52.2020(d)(1)(a). |
| Buck Company Inc | 36–2035 | Lancaster | 8/1/95 | 3/31/05, 70 FR 16420 | 52.2020(d)(1)(a). |
| Owens-Brockway Glass Container, Inc | OP–16–010 | Clarion | 3/27/95<br>5/31/95 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| Alcoa Extrusion, Inc | 54–0022 | Schuylkill | 4/19/99 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| Pennsylvania Electric Company | 32–000–059 | Indiana | 12/29/94 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| National Gypsum Company | OP–60–0003 | Union | 1/17/96 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| Stoney Creek Technologies, LLC | OP–23–0002 | Delaware | 7/24/03 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| Northeastern Power Company | 54–0008 | Schuylkill | 5/26/95 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| Texas Eastern Transmission Corporation | 22–2010 | Dauphin | 1/31/97 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| The Miller Group | 54–0024 | Schuykill | 2/1/99 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| CNG Transmission Corporation | 32–000–129 | Indiana | 6/22/95 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| I.H.F.P., Inc | OP–49–0010A | Northumberland | 1/7/98 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| National Forge Company | OP–62–032 | Warren | 5/31/95 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| United Refining Company | OP–62–017 | Warren | 5/31/95<br>11/14/96 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| Petrowax Refining | OP–42–110 | McKean | 3/4/96<br>5/31/96 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_x$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Westvaco Corporation | 07–2008 | Blair | 9/29/95 | 3/31/05, 70 FR 16423 | 52.2020(d)(1)(f). |
| Naval Surface Warfare Center, Caderock Division Ship Systems Engineering Station | PA–04108 | Philadelphia | 10/18/04 | 4/29/05, 70 FR 22257 | 52.2020(d)(1)(j). |
| R.H. Sheppard Co., Inc | 67–2016 | York | 8/4/95 | 8/24/05, 70 FR 49496 | 52.2020(d)(1)(i). |
| Wheatland Tube Company | OP–43–182 | Mercer | 7/26/95 | 8/24/05, 70 FR 49496 | 52.2020(d)(1)(i). |
| Transcontinental Gas Pipeline Corporation | OP–53–0006 | Potter | 10/13/95 | 8/24/05, 70 FR 49496 | 52.2020(d)(1)(i). |
| Transcontinental Gas Pipeline Corporation | OP–19–0004 | Columbia | 5/30/95 | 8/24/05, 70 FR 49496 | 52.2020(d)(1)(i). |
| Transcontinental Gas Pipeline Corporation | PA–41–0005A | Lycoming | 8/9/95 | 8/24/05, 70 FR 49496 | 52.2020(d)(1)(i). |
| Molded Fiber Glass | OP–25–035 | Erie | 7/30/99 | 11/1/05, 70 FR 65842 | 52.2020(d)(1)(k). |
| Erie Forge and Steel, Inc | OP–25–924 | Erie | 2/10/00 | 11/1/05, 70 FR 65842 | 52.2020(d)(1)(k). |
| OSRAM SYLVANIA Products, Inc | OP–59–0007 | Tioga | 1/22/98 | 11/1/05, 70 FR 65842 | 52.2020(d)(1)(k). |
| Owens-Brockway Glass Container | OP–33–002 | Jefferson | 11/23/98 | 11/1/05, 70 FR 65842 | 52.2020(d)(1)(k). |
| Texas Eastern Transmission Corporation | 32–000–230 | Indiana | 9/25/95 | 11/1/05, 70 FR 65842 | 52.2020(d)(1)(k). |
| SKF, USA, Incorporated | 67–02010A | York | 7/19/00 | 11/1/05, 70 FR 65842 | 52.2020(d)(1)(k). |
| Johnstown America Corporation | 11–000–288 | Cambria | 1/13/99 | 11/1/05, 70 FR 65842 | 52.2020(d)(1)(k). |
| SGL Carbon Corporation | OP–24–131 | Elk | 5/12/95<br>5/31/95 | 11/1/05, 70 FR 65845 | 52.2020(d)(1)(e). |
| Salem Tube, Inc | OP–43–142 | Mercer | 2/16/99 | 11/1/05, 70 FR 65845 | 52.2020(d)(1)(e). |
| Dominion Trans, Inc | 18–00006 | Clinton | 6/15/99<br>9/29/03 | 11/1/05, 70 FR 65845 | 52.2020(d)(1)(e). |
| Waste Management Disposal Services of Pennsylvania (Pottstown Landfill) | OP–46–0033 | Berks; Montgomery | 4/20/99<br>1/27/04 | 11/2/05, 70 FR 66261 | 52.2020(d)(1)(b). |
| Waste Management Disposal Services of PA, Inc | 67–02047 | York | 4/20/99 | 11/2/05, 70 FR 66261 | 52.2020(d)(1)(b). |
| Armstrong World Industries, Inc | 36–2001 | Lancaster | 7/3/99 | 11/2/05, 70 FR 66261 | 52.2020(d)(1)(b). |
| Cogentrix of Pennsylvania Inc | OP–33–137, PA–33–302–014, OP–33–302–014, PA 33–399–004, OP 33–399–004 | Jefferson | 1/27/98<br>11/15/90<br>5/31/93<br>10/31/98<br>5/31/93 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_x$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Scrubgrass Generating Company, LP | OP–61–0181 | Venango | 4/30/98 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |
| Wheelabrator Frackville Energy Co | OP–54–005 | Schuylkill | 9/18/98 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |
| Indiana University of Pennsylvania—S.W. Jack Cogeneration Facility | OP–32–000–200 | Indiana | 9/24/98 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |
| Fleetwood Motor Homes | OP–49–0011 | Northumberland | 10/30/98 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |
| Piney Creek, LP | OP–16–0127 | Clarion | 12/18/98 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |
| Statoil Energy Power Paxton, LP | OP–22–02015 | Dauphin | 6/30/99 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |
| Harrisburg Steamworks | OP–22–02005 | Dauphin | 3/23/99 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |
| Cove Shoe Company | OP–07–02028 | Blair | 4/7/99 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |
| PP&L—Fichbach C.T. Facility | OP–54–0011 | Schuylkill | 6/1/99 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |
| PP&L—Allentown C.T. Facility | OP–39–0009 | Lehigh | 6/1/99 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |
| PP&L—Harwood C.T. Facility | OP–40–0016 | Luzerne | 6/1/99 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |
| PP&L—Jenkins C.T. Facility | OP–40–0017 | Luzerne | 6/1/99 | 3/8/06, 71 FR 11514 | 52.2020(d)(1)(l). |
| The International Metals Reclamation Co | OP–37–243 | Lawrence | 8/9/00 | 3/31/06, 71 FR 16235 | 52.2020(d)(1)(m). |
| Petrowax, PA, Inc | PA 61–020 | Venango | 1/2/96 | 3/31/06, 71 FR 16235 | 52.2020(d)(1)(m). |
| Pennsylvania Electric Company | OP–32–000–059 | Indiana | 12/29/94 | 04/28/06, 71 FR 25070 | 52.2020(d)(1)(n). |
| The Harrisburg Authority | OP–22–2007 | Dauphin | 1/02/95 | 04/28/06, 71 FR 25070 | 52.2020(d)(1)(n). |
| Texas Eastern Transmission Corp | OP–50–02001 | Perry | 4/12/99 | 04/28/06, 71 FR 25070 | 52.2020(d)(1)(n). |
| Graybec Lime, Inc | OP14–0004 | Centre | 4/16/99 | 04/28/06, 71 FR 25070 | 52.2020(d)(1)(n). |
| Techneglas, Inc | OP–40–0009A | Luzerne | 1/29/99 | 04/28/06, 71 FR 25070 | 52.2020(d)(1)(n). |
| DLM Foods (formerly Heinz USA) | CO 211 | Allegheny | 3/8/96 | 05/11/06, 71 FR 27394 | 52.2020(d)(1)(o). |
| NRG Energy Center (formerly Pittsburgh Thermal Limited Partnership) | CO220 | Allegheny | 3/4/96 | 05/11/06, 71 FR 27394 | 52.2020(d)(1)(o). |
| Tasty Baking Oxford, Inc | OP–15–0104 | Chester | 5/12/04 | 05/11/06, 71 FR 27394 | 52.2020(d)(1)(o). |
| Silberline Manufacturing Company | OP–13–0014 | Carbon | 4/19/99 | 05/11/06, 71 FR 27394 | 52.2020(d)(1)(o). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_x$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Adhesives Research, Inc | OP–67–2007 | York | 7/1/95 | 05/11/06, 71 FR 27394 | 52.2020(d)(1)(o). |
| Mohawk Flush Doors, Inc | OP–49–0001 | Northumberland | 1/20/99 | 05/11/06, 71 FR 27394 | 52.2020(d)(1)(o). |
| Bigbee Steel and Tank Company | 36–2024 | Lancaster | 7/7/95 | 6/13/06, 71 FR 34011 | 52.2020(d)(1)(p). |
| Conoco Phillips Company | OP–23–0003 | Delaware | 4/29/04 | 6/13/06, 71 FR 34011 | 52.2020(d)(1)(p). |
| The Hershey Company | 22–02004B | Dauphin | 12/23/05 | 6/13/06, 71 FR 34011 | 52.2020(d)(1)(p). |
| LORD Corporation, Cambridge Springs | OP–20–123 | Crawford | 7/27/95 | 6/13/06, 71 FR 34011 | 52.2020(d)(1)(p). |
| Pittsburgh Corning Corporation | PA–42–009 | McKean | 5/31/95 | 6/13/06, 71 FR 34011 | 52.2020(d)(1)(p). |
| Small Tube Manufacturing, LLC | 07–02010 | Blair | 2/27/06 | 6/13/06, 71 FR 34011 | 52.2020(d)(1)(p). |
| Texas Eastern Transmission Corporation, Holbrook Compressor Station | 30–000–077 | Greene | 1/3/97 | 6/13/06, 71 FR 34011 | 52.2020(d)(1)(p). |
| Willamette Industries, Johnsonburgh Mill | OP–24–009 | Elk | 5/23/95 | 6/13/06, 71 FR 34011 | 52.2020(d)(1)(p). |
| American Refining Group, Inc | OP–42–004 | McKean | 11/23/98 | 6/14/06, 71 FR 34259 | 52.2020(d)(1)(q). |
| Bellefonte Lime Company | OP–14–0002 | Centre | 10/19/98 | 6/14/06, 71 FR 34259 | 52.2020(d)(1)(q). |
| Butter Krust Baking Company, Inc | OP–49–0006 | Northumberland | 11/5/96 | 6/14/06, 71 FR 34259 | 52.2020(d)(1)(q). |
| Carnegie Natural Gas Company | 30–000–106 | Greene | 9/22/95 | 6/14/06, 71 FR 34259 | 52.2020(d)(1)(q). |
| Caterpillar, Inc | 67–2017 | York | 8/1/95 | 6/14/06, 71 FR 34259 | 52.2020(d)(1)(q). |
| Gencorp, Inc | 54–0009 | Schuykill | 5/31/96 | 6/14/06, 71 FR 34259 | 52.2020(d)(1)(q). |
| Harris Semiconductor | OP–40–0001A | Luzerne | 4/16/99 | 6/14/06, 71 FR 34259 | 52.2020(d)(1)(q). |
| Merisol Antioxidants LLC | OP–61–00011 | Venango | 4/18/05 | 6/14/06, 71 FR 34259 | 52.2020(d)(1)(q). |
| Norcon Power Partners, L.P | OP–25–923 | Erie | 9/21/95 | 6/14/06, 71 FR 34259 | 52.2020(d)(1)(q). |
| Triangle Pacific Corp | 34–2001 | Juniata | 5/31/95 | 6/14/06, 71 FR 34259 | 52.2020(d)(1)(q). |
| Viking Energy of Northumberland Limited Partnership | OP–49–0004 | Northumberland | 5/30/95 | 6/14/06, 71 FR 34259 | 52.2020(d)(1)(q). |
| White Cap, Inc | 40–0004 | Luzerne | 7/20/95 | 6/14/06, 71 FR 34259 | 52.2020(d)(1)(q). |
| Carlisle Tire & Rubber Company | 21–2003 | Cumberland | 3/10/95 | 7/11/06, 71 FR 38993 | 52.2020(d)(1)(t). |

(1) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN ($NO_x$)—Continued

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| The Carbide/Graphite Group, Inc | OP–24–012 | Elk | 5/12/95 | 7/11/06, 71 FR 38993 | 52.2020(d)(1)(t). |
| Celotex Corporation | OP–49–0013 | Northumberland | 6/18/99 | 7/11/06, 71 FR 38993 | 52.2020(d)(1)(t). |
| American Railcar Industries, Inc. Shippers Car Line Division | OP–49–0012 | Northumberland | 11/29/95 | 7/11/06, 71 FR 38993 | 52.2020(d)(1)(t). |
| ACF Industries, Inc | OP–49–0009 | Northumberland | 12/12/96 | 7/11/06, 71 FR 38993 | 52.2020(d)(1)(t). |
| New Holland North America, Inc | 36–2028 | Lancaster | 10/17/95 | 7/11/06, 71 FR 38993 | 52.2020(d)(1)(t). |
| Allsteel, Inc | 40–001–5 | Luzerne | 5/26/95 | 7/11/06, 71 FR 38993 | 52.2020(d)(1)(t). |
| Ball-Foster Glass Container Co | OP–42–028 | McKean | 7/7/95 3/31/99 | 7/11/06, 71 FR 38993 | 52.2020(d)(1)(t). |
| Pennsylvania Power & Light Company—West Shore | OP–21–2009 | Cumberland | 6/7/95 | 7/11/06, 71 FR 38995 | 52.2020(d)(1)(r). |
| Foster Wheeler Mt. Carmel, Inc | OP–49–0002 | Northumberland | 6/30/95 | 7/11/06, 71 FR 38995 | 52.2020(d)(1)(r). |
| Metropolitan Edison Company—Portland | OP–48–0006 | Northampton | 12/14/94 | 7/11/06, 71 FR 38995 | 52.2020(d)(1)(r). |
| Pennsylvania Power & Light Company | OP–41–0004 | Lycoming | 6/13/95 | 7/11/06, 71 FR 38995 | 52.2020(d)(1)(r). |
| Pennsylvania Power & Light Company | OP–18–0006 | Clinton | 6/13/95 | 7/11/06, 71 FR 38995 | 52.2020(d)(1)(r). |
| Texas Eastern Transmission Corporation | OP–34–2002 | Juniata | 1/31/97 | 7/11/06, 71 FR 38995 | 52.2020(d)(1)(r). |
| Pennsylvania Power & Light Company | OP–48–0011 | Northampton | 12/19/94 | 7/11/06, 71 FR 38995 | 52.2020(d)(1)(r). |
| Johnstown Corporation | OP–11–000–034 | Cambria | 6/23/95 | 7/11/06, 71 FR 38995 | 52.2020(d)(1)(r). |
| Koppers Industries, Inc | OP–41–0008 | Lycoming | 3/30/99 | 7/13/06, 71 FR 39572 | 52.2020(d)(1)(s). |
| Armstrong World Industries, Inc | OP–36–2002 | Lancaster | 10/31/96 | 6/8/07, 72 FR 31749 | 52.2020(d)(1)(u). |
| Peoples Natural Gas Company | OP–16–124 | Clarion | 8/11/99 | 6/8/07, 72 FR 31749 | 52.2020(d)(1)(u). |
| Dart Container Corporation | OP–36–2015 | Lancaster | 8/31/95 | 6/8/07, 72 FR 31749 | 52.2020(d)(1)(u). |
| AT&T Microelectronics | OP–39–0001 | Lehigh | 5/19/95 | 6/8/07, 72 FR 31749 | 52.2020(d)(1)(u). |
| West Penn Power Co | OP–30–000–099 | Greene | 5/17/99 | 6/8/07, 72 FR 31749 | 52.2020(d)(1)(u). |
| Merck and Co., Inc | OP–49–0007B | Northumberland | 5/16/01 | 3/4/08, 73 FR 11553 | 52.2020(d)(1)(v). |

(2) EPA-APPROVED VOLATILE ORGANIC COMPOUNDS (VOC) EMISSIONS TRADING PROGRAMS

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/§ 52.2063 citation |
|---|---|---|---|---|---|
| National Can Company Fres-co Systems, USA Inc. Paramount Packaging Corp. | 85–524<br>85–525 | Bucks | 3/1/85 | 4/21/88, 53 FR 13121. | (c)(68); transfer of offsets from NCCo to Fresco and Paramount. |

(3) EPA-APPROVED SOURCE SPECIFIC SULFUR DIOXIDE ($SO_2$) REQUIREMENTS

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/§ 52.2063 citation |
|---|---|---|---|---|---|
| USX Corporation, Clairton Coke Works. | 200 | Allegheny | 11/17/94 | 8/18/95, 60 FR 43012. | (c)(99). |
| Reliant Energy Mid-Atlantic Power Holdings LLC, Warren Generating Station. | SO2–62–00012 | Warren | 11/21/01 | 1/17/03, 68 FR 2459 | (c)(190)(i)(C)(1). |
| United Refining Company. | SO2–62–017E | Warren | 6/11/01 | 1/17/03, 68 FR 2459 | (c)(190)(i)(C)(2). |
| Trigen-Philadelphia Energy Corporation. | SO2–95–002 | Philadelphia | 7/27/00 | 9/9/02, 67 FR 57155 | (c)(193)(i)(B)(*1*). |
| Grays Ferry Cogeneration Partnership. | SO2–95–002A | Philadelphia | 7/27/00 | 9/9/02, 67 FR 57155 | (c)(193)(i)(B)(*2*). |
| PECO Energy Company, Schuylkill Generating Station. | SO2–95–006 | Philadelphia | 7/27/00 | 9/9/02, 67 FR 57155 | (c)(193)(i)(B)(*3*). |
| Sunoco, Inc. (R&M) Philadelphia Refinery. | SO2–95–039 | Philadelphia | 7/27/00 | 9/9/02, 67 FR 57155 | (c)(193)(i)(B)(*4*). |

(4) EPA-APPROVED SOURCE SPECIFIC LEADE (PB) REQUIREMENTS

| Name of source | Permit No. | County | State effective date | EPA approval date | Additional explanation/§ 52.2063 citation |
|---|---|---|---|---|---|
| East Penn Manufacturing Corp. | [None] | Berks | 5/29/84 | 7/27/84, 49 FR 30179. | (c)(62). |
| General Battery Corporation. | [None] | Berks | 5/29/84 | 7/27/84, 49 FR 30179. | (c)(62) |
| Tonolli Corporation (Closed). | [None] | Carbon | 5/29/84 | 7/27/84, 49 FR 30179. | (c)(62). |
| Franklin Smelting and Refining Corporation. | [None] | Philadelphia | 9/21/94 | 12/20/96, 61 FR 67275. | (c)(112). |
| MDC Industries, Inc | [None] | Philadelphia | 9/21/94 | 12/20/96, 61 FR 67275. | (c)(112). |
| Anzon, Inc | [None] | Philadelphia | 9/21/94 | 12/20/96, 61 FR 67275. | (c)(112). |

(e) *EPA-approved nonregulatory and quasi-regulatory material*

(1) EPA-APPROVED NONREGULATORY AND QUASI-REGULATORY MATERIAL

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| Sulfur Dioxide Attainment Demonstration. | Conewego, Pleasant, and Glade Townships; City of Warren (Warren Co.). | 8/20/01 | 1/17/03, 68 FR 2454 | 52.2033(b). |
| Sulfur Dioxide Attainment Demonstration. | Allegheny County—sulfur dioxide area defined in 40 CFR 81.339. | 8/15/03 | 7/21/04, 69 FR 43522. | 52.2033(c). |

(1) EPA-APPROVED NONREGULATORY AND QUASI-REGULATORY MATERIAL—Continued

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| Photochemical Assessment Monitoring Stations (PAMS) Program. | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 9/23/94 | 9/11/95, 60 FR 47081. | 52.2035. |
| 1990 Base Year Emission Inventory—Carbon Monoxide. | Philadelphia County | 9/8/95<br>10/30/95 | 1/30/96, 61 FR 2982 | 52.2036(a). |
| 1990 Base Year Emission Inventory—VOC. | Pittsburgh-Beaver Valley Ozone Nonattainment Area. | 3/22/96<br>2/18/97<br>7/22/98 | 4/3/01, 66 FR 17634 | 52.2036(d). |
| 1990 Base Year Emission Inventory—VOC, CO, $NO_X$. | Reading Area (Berks County) | 1/28/97 | 5/7/97, 62 FR 24846 | 52.2036(e). |
| 1990 Base Year Emission Inventory—VOC. | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 9/12/96 | 6/9/97, 62 FR 31343 | 52.2036(i). |
| 1990 Base Year Emission Inventory—$NO_X$. | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 7/31/98 | 6/17/99, 64 FR 32422. | 52.2036(l). |
| 1990 Base Year Emission Inventory—$NO_X$. | Pittsburgh-Beaver Valley Ozone Nonattainment Area. | 3/22/96<br>2/18/97 | 10/19/01, 66 FR 53094. | 52.2036(m). |
| 1990 Base Year Emission Inventory—Carbon Monoxide. | City of Pittsburgh-CBD & Oakland. | 11/12/92<br>8/17/01 | 11/12/02, 67 FR 68521. | 52.2036(n). |
| Post 1996 Rate of Progress Plan. | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 7/31/98<br>2/25/00 | 10/26/01, 66 FR 54143. | 52.2037(i). |
| One-Hour Ozone Attainment Demonstration. | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 4/30/98<br>8/21/98<br>2/25/00<br>7/19/01 | 10/26/01, 66 FR 54143. | 52.2037(j). |
| Mobile Budgets for Post-1996 and 2005 attainment plans. | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 2/25/00 | 10/26/01, 66 FR 54143. | 52.2037(k). |
| | | 2/23/04 | 5/21/04, 69 FR 29238. | 52.2037(k). |
| 15% Rate of Progress Plan. | Pittsburgh-Beaver Valley Ozone Nonattainment Area. | 3/22/96<br>2/18/97<br>7/22/98 | 4/3/01, 66 FR 17634 | 52.2038(a). |
| 15% Rate of Progress Plan. | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 9/12/96<br>4/10/97<br>6/5/98 | 8/24/01, 66 FR 44547. | 52.2038(b). |
| Control of Asphalt Paving Material (Emission offset). | Defined 16-county area in Western PA and Southwestern PA. | 5/20/77<br>7/15/77 | 10/6/77, 42 FR 54417. | 52.1120(c)(15), 52.2054. |
| Particulate matter SIP | Allegheny County—Clairton $PM_{10}$ nonattainment area. | 1/6/94 | 9/8/98, 63 FR 47434 | 52.2059. |
| Small Business Assistance Program. | Statewide | 2/1/93 | 1/6/95, 60 FR 1738 | 52.2060. |
| Source Testing Manual | Allegheny County | 9/10/79 | 10/21/81, 46 FR 51607. | 52.2063(c)(4). |
| Ozone Nonattainment Plan. | Statewide | 4/24/79 | 5/20/80, 46 FR 33607. | 52.2063(c)(22). |
| Non-regulatory measures. | Southwest Pa. AQCR | 9/17/79 | 5/20/80, 46 FR 33607. | 52.2063(c)(30). |
| Air Quality Monitoring Network. | Statewide (except Allegheny County). | 1/25/80 | 8/5/81, 46 FR 39822 | 52.2063(c)(34). |
| Attainment plan for sulfur dioxide. | Armstrong County | 4/9/81 | 8/18/81, 46 FR 43423. | 52.2063(c)(36). |
| Air Quality Monitoring Network. | Allegheny County | 12/24/80 | 9/15/81, 46 FR 45762. | 52.2063(c)(38). |
| Expanded Ridesharing Program. | Metro. Philadelphia AQCR | 12/9/81 | 10/7/82, 47 FR 44259. | 52.2063(c)(46). |
| Lead (Pb) SIP | Allegheny County | 9/6/83 | 2/6/84, 49 FR 4379 | 52.2063(c)(59). |
| Lead (Pb) SIP | Philadelphia | 8/29/83<br>5/15/84 | 8/1/84, 49 FR 30696 | 52.2063(c)(61). |
| Lead (Pb) SIP | Statewide (except Philadelphia and Allegheny Counties). | 9/30/82<br>6/8/84 | 7/27/84, 49 FR 30179. | 52.2063(c)(62). |
| Ozone and Carbon Monoxide Plan. | Metro. Philadelphia AQCR | 6/30/82<br>10/24/83 | 2/26/85, 45 FR 7772 | 52.2063(c)(63). |

(1) EPA-APPROVED NONREGULATORY AND QUASI-REGULATORY MATERIAL—Continued

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| Ozone and Carbon Monoxide Plan. | Southwestern Pa AQCR | 6/30/82<br>10/24/83 | 2/26/85, 45 FR 7772 | 52.2063(c)(63). |
| Ozone and Carbon Monoxide Plan. | Allentown-Bethlehem-Easton Air Basin. | 6/30/82<br>10/24/83 | 2/26/85, 45 FR 7772 | 52.2063(c)(63). |
| Carbon Monoxide Maintenance Plan. | Philadelphia County | 9/8/95<br>10/30/95 | 1/30/96, 61 FR 2982 | 52.2063(c)(105). |
| | | 9/3/04 | 04/04/05, 70 FR 16958. | Revised Carbon Monoxide Maintenance Plan Base Year Emissions Inventory using MOBILE6. |
| | | 3/19/07 | 10/5/07, 72 FR 56911. | Conversion of the Carbon Monoxide Maintenance Plan to a Limited Maintenance Plan Option. |
| Source Testing Manual | Statewide | 11/26/94 | 7/30/96, 61 FR 39597. | 52.2063(c)(110)(i)(D); cross-referenced in Section 139.5. |
| Continuous Source Testing Manual (OFR error). | Statewide (OFR error) | 11/26/94 | 7/30/96, 61 FR 39597. | 52.2063(c)(110)(i)(D); cross-referenced in Section 139.5. |
| Ozone Maintenance Plan. | Reading Area (Berks County) | 1/28/97 | 5/7/97, 62 FR 24846 | 52.2063(c)(123). |
| | | 12/09/03 | 2/26/04, 68 FR 8824 | 52.2063(c)(222). |
| Ozone Maintenance Plan. | Pittsburgh-Beaver Valley Ozone Nonattainment Area. | 5/21/01 | 10/19/01, 66 FR 53094. | 52.2063(c)(188). |
| | | 4/11/03 | 8/5/03, 68 FR 46099 | 52.2063(c)(210). |
| | | 4/22/04 | 12/10/04, 69 FR 71212. | 52.2063(c)(226). |
| Carbon Monoxide Maintenance Plan. | City of Pittsburgh—CBD & Oakland. | 8/17/01 | 11/12/02, 67 FR 68521. | 52.2063(c)(189). |
| $PM_{10}$ Maintenance Plan. | Allegheny County—Clairton $PM_{10}$ nonattainment area. | 9/14/02 | 9/11/03, 68 FR 53515. | 52.2063(c)(215). |
| Sulfur Dioxide Maintenance Plan. | Allegheny County—sulfur dioxide area defined in 40 CFR 81.339. | 8/15/03 | 7/21/04, 69 FR 43522. | 52.2063(c)(216)(i)(B). |
| Sulfur Dioxide Maintenance Plan. | Conewego, Pleasant, and Glade Townships; City of Warren (Warren Co.). | 5/7/04 | 7/1/04, 69 FR 39860 | 52.2063(c)(224). |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Lancaster Area (Lancaster County). | 9/20/06<br>11/08/06 | 7/6/07, 72 FR 36889. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Tioga County | 09/28/06<br>11/14/06 | 7/6/07, 72 FR 36892. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Franklin County Area (Franklin County). | 9/20/06<br>11/08/06 | 7/25/07, 72 FR 40746. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Harrisburg-Lebanon-Carlisle, PA: Cumberland County, Dauphin County, Lebanon County, Perry County. | 3/27/07 | 7/25/07, 72 FR 40749. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Johnstown (Cambria County) | 3/27/07 | 8/1/07, 72 FR 41903 | Correction Notice published 3/4/08, 73 FR 11560. |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Blair County | 2/8/07 | 8/1/07, 72 FR 41906. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Reading Area (Berks County) | 1/25/07 | 8/24/07, 72 FR 41906. | Correction Notice published 1/14/08, 73 FR 2162. |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Erie County | 4/24/07 | 10/9/07, 72 FR 57207. | Correction Notices published 1/14/08, 73 FR 2162; and 3/4/08, 73 FR 11560. |

(1) EPA-APPROVED NONREGULATORY AND QUASI-REGULATORY MATERIAL—Continued

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Mercer County | 3/27/07 | 10/19/07, 72 FR 59213. | Correction Notices published 1/14/08, 73 FR 2162; and 3/4/08, 73 FR 11560. |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | State College (Centre County) | 6/12/07 | 11/14/07, 72 FR 63990. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Scranton/Wilkes-Barre Area: Lackawanna, Luzerne, Monroe and Wyoming Counties. | 6/12/07 | 11/14/07, 72 FR 64948. | |
| | | 4/21/08 | 8/11/09, 74 FR 40083.. | |
| 8-Hour Ozone Maintenance Plan for the York-Adams, PA Area. | York-Adams Counties Area | 6/14/07 | 1/14/08, 73 FR 2163. | |
| | | 5/23/08 | 8/13/09, 74 FR 40747.. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Allentown-Bethlehem-Easton Area: Carbon, Lehigh and Northampton Counties. | 6/26/07 8/9/07 | 3/4/08, 73 FR 11557 | Technical correction dated 8/9/07 addresses omitted emissions inventory information from 6/26/07 submittals. |
| 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory. | Wayne County | 12/17/07 | 6/6/08, 73 FR 32238.. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory. | Warren County | 12/17/07 | 6/30/08, 73 FR 36802. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory. | Columbia County | 12/17/07 | 7/2/08, 73 FR 37840. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory. | Susquehanna County | 12/17/07 | 7/2/08, 73 FR 37841. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory. | Crawford County | 12/17/07 | 7/2/08, 73 FR 37843. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory. | Somerset County | 12/17/07 | 7/2/08, 73 FR 37844. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory. | Snyder County | 12/17/07 | 7/18/08, 73 FR 41271. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory. | Juniata County | 12/17/07 | 7/18/08, 73 FR 41272. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory. | Lawrence County | 12/17/07 | 7/18/08, 73 FR 41274. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory. | Northumberland County | 12/17/07 | 7/18/08, 73 FR 41275. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory. | Pike County | 12/17/07 | 7/21/08, 73 FR 42263. | |

(1) EPA-APPROVED NONREGULATORY AND QUASI-REGULATORY MATERIAL—Continued

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory. | Schuylkill County | 12/17/07 | 8/8/08, 73 FR 46200. | |
| 2002 Base-Year Inventory. | Pittsburgh-Beaver Valley Nonattainment Area: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland counties. | 4/26/07 | 11/17/08, 73 FR 67776. | The SIP effective date is 12/17/08. |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Greene County | 1/25/07, 5/23/08 | 3/19/09, 74 FR 11671.. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Clearfield/Indiana Area: Clearfield and Indiana Counties. | 6/14/07, 5/23/08 | 3/19/09, 74 FR 11677.. | |
| Transportation Conformity Requirements. | Entire State | 5/29/08 | 4/29/09, 74 FR 19451. | Memoranda of Understanding between EPA, FHWA, FTA, Pennsylvania, Virginia, and eighteen Metropolitan and Rural Planning Organizations. |
| Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures, and RFP Contingency Measures. | Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City, PA–DE–MD–NJ 1997 8-hour ozone moderate nonattainment area. | 8/29/07, 12/10/09, 4/12/10) | 2/7/11, 76 FR 6559. | |
| 2002 Base Year Emissions Inventory for Volatile Organic Compounds (VOC), Nitrogen Oxides ($NO_X$), and Carbon Monoxide (CO). | Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City, PA–DE–MD–NJ 1997 8-hour ozone moderate nonattainment area. | 8/29/07, 12/10/09, 4/12/10 | 2/7/11, 76 FR 6559. | |
| 2008 RFP Transportation Conformity Motor Vehicle Emission Budgets. | Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City, PA–DE–MD–NJ 1997 8-hour ozone moderate nonattainment area. | 8/29/07, 12/10/09, 4/12/10 | 2/7/11, 76 FR 6559. | |

(2) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN (NOX) NOT INCORPORATED BY REFERENCE

| Name of source | Permit No. | County | State submittal date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| USX Corp./ US Steel Group—Fairless Hills. | 09–0006 | Bucks | 8/11/95 11/15/95 | 04/09/96 61 FR 15709 | 52.2036(b); 52.2037(c); source shutdown date is 8/1/91. |
| General Glass—Jeannette | 65–0675 | Westmoreland | 7/5/95 | 05/16/96 61 FR 24727 | 52.2036(c); 52.2037(d). |
| Sharon Steel Company | 43–0017 | Mercer | 12/8/95 | 12/20/96 61 FR 67275 | 52.2036(f); 52.2037(e). |
| R. R. Donnelley and Sons Co.—Lancaster East Plant. | 36–2027 | Lancaster | 9/20/95 | 07/21/97 62 FR 33891 | 52.2036(j). |
| Rockwell Heavy Vehicle, Inc.—New Castle Forge Plant. | 37–065 | Lawrence | 4/8/98 | 04/16/99 64 FR 18818 | 52.2036(k); source shutdown date is 4/1/93. |
| Pennsylvania Electric Co.—(PENELEC)—Williamsburg Station. | 07–2006 | Blair | 8/1/95 | 12/20/96 61 FR 67275 | 52.2037(f); 52.2063(c)(113)(i)(A) & (ii)(A). |
| Caparo Steel Company | 43–0285 | Mercer | 12/8/95 | 12/20/96 61 FR 67275 | 52.2037(g). |
| Mercersburg Tanning Co. | 28–2008 | Franklin | 4/26/95 | 03/12/97 62 FR 11079 | 52.2037(h); 52.2063(c)(114)(i)(A)(3) & (ii)(A). |

(2) EPA-APPROVED SOURCE-SPECIFIC REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIREMENTS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AND OXIDES OF NITROGEN (NOX) NOT INCORPORATED BY REFERENCE—Continued

| Name of source | Permit No. | County | State submittal date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|---|
| Duquesne Light Co.—Brunot Island Station. | 214 | Allegheny | 3/5/01 | 10/18/01 66 FR 52867 | 52.2063(c)(161)(ii)(A). |
| Duquesne Light Co.—Phillips Station. | 212 | Allegheny | 4/15/99 | 10/18/01 66 FR 52867 | 52.2063(c)(161)(ii)(B). |

[70 FR 9452, Feb. 25, 2005]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2020, 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 31857, June 2, 2011, § 52.2020 was amended by revising the entries for Sections 121.1, 129.51 and 129.66; and adding an entry for Section 129.52c after the existing entry for Section 129.52 in the table in paragraph (c)(1), effective July 5, 2011. For the convenience of the user, the added and revised text is set forth as follows:

**§ 52.2020 Identification of plan.**

* * * * *

(c) * * *
(1) * * *

| State citation | Title/subject | State effective date | EPA approval date | Additional explanation/ § 52.2063 citation |
|---|---|---|---|---|
| Title 25—Environmental Protection | | | | |
| Article III—Air Resources | | | | |
| Chapter 121—General Provisions | | | | |
| Section 121.1 | Definitions | 12/18/10 | 6/2/11 *[Insert page number where the document begins]*. | Eighteen new definitions are added. |
| * * | * | * | * | * * |
| Chapter 129—Standards for Sources | | | | |
| * * | * | * | * | * * |
| Sources of VOCs | | | | |
| * * | * | * | * | * * |
| Section 129.51 | General | 12/18/10 | 6/2/11 *[Insert page number where the document begins]*. | Paragraph 129.51(a) is amended. |
| * * | * | * | * | * * |
| Section 129.52c | Control of VOC emissions from flat wood paneling surface coating processes. | 12/18/10 | 6/2/11 *[Insert page number where the document begins]*. | New section is added. |
| * * | * | * | * | * * |
| Section 129.66 | Compliance schedules and final compliance dates. | 12/18/10 | 6/2/11 *[Insert page number where the document begins]*. | This section is amended. |
| * * | * | * | * | * * |

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2.At 76 FR 32323, June 6, 2011, § 52.2020 was amended by , effective August 5, 2011. For the convenience of the user, the added and revised text is set forth as follows:

**§ 52.2020 Identification of plan.**

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(e) * * *
(1) * * *

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| * * | * | * | * | * * |
| Revision of the Quality Assurance Protocol for the Safety Inspection Program in Non-I/M Counties. | Non-I/M Program Region, Counties of: Adams, Armstrong, Bedford, Bradford, Butler, Cameron, Carbon, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, McKean, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, and Wyoming. | 5/22/09 | 6/6/11 [Insert page number where the document begins]. | Applicable to SIP-approved safety inspection program regulation for non-I/M counties at Title 67, Part 1, Chapter 175. |

* * * * *

3. At 73 FR 34002, June 10, 2011, § 52.2020 was amended by the table in paragraph (c)(2) is amended by amending the entry for section 2102.06, effective Aug. 9, 2011. For the convenience of the user, the added and revised text is set forth as follows:

**§ 52.2020 Identification of plan.**

* * * * *

(c) * * *
(2) * * *

| Article XX or XXI citation | Title/subject | State effective date | EPA approval date | Additional explanation/§ 52.2063 citation |
|---|---|---|---|---|
| * * | * | | * * | * * |
| **Part B Permits Generally** | | | | |
| * * | * | | * * | * * |
| 2102.06 ..... | Major Sources Locating in or Impacting a Nonattainment Area. | 7/10/05 | 6/10/11 *[Insert page number where the document begins].* | Addition of new paragraph 2102.06.g. |
| * * | * | | * * | * * |

* * * * *

**§ 52.2021 Classification of regions.**

The Pennsylvania plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone (hydrocarbons) |
| Metropolitan Philadelphia Interstate | I | I | III | I | I |
| Northeast Pennsylvania-Upper Delaware Valley Interstate | I | II | III | III | III |
| South Central Pennsylvania Intrastate | I | II | III | III | III |
| Central Pennsylvania Intrastate | I | III | III | III | III |
| Southwest Pennsylvania Intrastate | I | I | III | I | I |
| Northwest Pennsylvania-Youngstown Interstate | I | II | III | III | III |

[37 FR 10889, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 45 FR 33627, May 20, 1980]

### § 52.2022 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submission of Pennsylvania's plan for attainment and maintenance of the secondary standards for sulfur oxides and particulate matter in the Southwest Pennsylvania Intrastate Region and in Pennsylvania's portion of the Metropolitan Philadelphia Interstate Region.

(b) The Administrator hereby extends for 2 years the attainment date for the national standards for carbon monoxide in the Southwest Pennsylvania Intrastate Region, for 1 year the attainment date for the national standard for photochemical oxidants in the Southwest Pennsylvania Intrastate Region, and for 1 year the attainment date for the national standards for carbon monoxide in the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region.

(c) The Administrator hereby extends for 18 months, until July 1, 1980, the statutory timetable for submission of Pennsylvania's plan for attainment and maintenance of the secondary national ambient air quality standard for particulate matter in Pennsylvania's portion of the Metropolitan Philadelphia Interstate Air Quality Control Region.

(d) The Administrator hereby extends the attainment date for the national ambient air quality standard for ozone to December 31, 1987 for the following counties:

Allegheny, Armstrong, Beaver, Butler, Washington, Westmoreland, Bucks, Chester, Delaware, Montgomery, Philadelphia, Lehigh, and Northampton.

(e) The Administrator hereby extends the dates for attainment of the national ambient air quality standard for carbon monoxide to December 31, 1987 in Philadelphia County and to December 31, 1985 in Allegheny County.

[37 FR 10889, May 31, 1972, as amended at 38 FR 32893, Nov. 28, 1973; 45 FR 33627, May 20, 1980; 46 FR 43141, Aug 27, 1981; 50 FR 7777, Feb. 26, 1985]

### § 52.2023 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Pennsylvania's plan for attainment and maintenance of the national standards.

(b) With the exceptions set forth in this subpart, the Administrator approves Pennsylvania's 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 that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.

(c) [Reserved]

(d) Limited approval/limited disapproval of revisions to the Pennsylvania Regulations, Chapter 129.82 pertaining to Stage II Vapor Recovery and the associated definition of gasoline dispensing facilities in Chapter 121.1 submitted on March 4, 1992, by the Pennsylvania Department of Environmental Resources. The Pennsylvania Stage II regulation is deficient in that it does not include the testing and certification procedures contained in EPA's October 1991 Stage II guidance documents (EPA–450/3–91–022a and EPA–450/3–91–022b).

(e) Disapproval of the April 19, 1995 $NO_X$ RACT proposal for Pennsylvania

Power Company—New Castle plant located in Lawrence County, Pennsylvania.

(f)–(i) [Reserved]

(j) The conditionally approved Pennsylvania enhanced I/M SIP revision (59 FR 44936) submitted on November 3, 1993 by the Pennsylvania Department of Environmental Resources was converted to a disapproval by an April 13, 1995 letter from EPA to Pennsylvania.

(k) [Reserved]

[38 FR 32893, Nov. 28, 1973, as amended at 45 FR 33627, May 20, 1980; 51 FR 18440, May 20, 1986; 53 FR 31330, Aug. 18, 1988; 59 FR 6220, Feb. 10, 1994; 59 FR 30304, June 13, 1994; 60 FR 47085, Sept. 11, 1995; 61 FR 16062, Apr. 11, 1996; 63 FR 13794, Mar. 23, 1998; 63 FR 23673, Apr. 30, 1998; 67 FR 68941, Nov. 14, 2002; 73 FR 62893, Oct. 22, 2008]

### § 52.2024 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 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.

[39 FR 34537, Sept. 26, 1974, as amended at 40 FR 55333, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

### § 52.2025 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since section 5–1104 of the Philadelphia Home Rule Charter could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 5–1104 is disapproved.

[40 FR 55333, Nov. 28, 1975, as amended at 51 FR 40676, Nov. 7, 1986]

### § 52.2026 [Reserved]

### § 52.2027 Approval status of Pennsylvania's Generic $NO_X$ and VOC RACT Rules.

(a) Effective November 15, 2001, EPA removes the limited nature of its approval of 25 PA Code of Regulations, Chapter 129.91 through 129.95 (see § 52.2020 (c)(129)) as those regulations apply to the Pittsburgh-Beaver Valley area. Chapter 129.91 through 129.95 of Pennsylvania's regulations are fully approved as they apply in Allegheny, Armstrong, Beaver, Butler, Fayette,

Washington, and Westmoreland Counties, the seven counties that comprise the Pittsburgh-Beaver Valley area.

(b) Effective November 29, 2001, EPA removes the limited nature of its approval of 25 PA Code of Regulations, Chapter 129.91 through 129.95 [see § 52.2020 (c)(129)] as those regulations apply to the Philadelphia-Wilmington-Trenton area. Chapter 129.91 through 129.95 of Pennsylvania's regulations are fully approved as they apply in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, the five counties that comprise the Pennsylvania portion of the Philadelphia area.

(c) Effective November 21, 2008, EPA removes the limited nature of its approval of 25 PA Code of Regulations, Chapter 129.91 through 129.95 as those regulations apply to the following areas: Adams, Bedford, Berks, Blair, Bradford, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Cumberland, Dauphin, Elk, Erie, Forest, Franklin, Fulton, Greene, Huntington, Indiana, Jefferson, Juniata, Lackawanna, Lancaster, Lawrence, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Wyoming, and York Counties.

[66 FR 52534, Oct. 16, 2001, as amended at 66 FR 54699, Oct. 30, 2001; 73 FR 62893, Oct. 22, 2008]

### §§ 52.2028–52.2029 [Reserved]

### § 52.2030 Source surveillance.

(a)–(b) [Reserved]

(c) The requirements of § 51.212 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.

[37 FR 10889, May 31, 1972, as amended at 37 FR 15088, July 27, 1972; 38 FR 12701, May 14, 1973; 38 FR 16567, June 22, 1973; 51 FR 40677, Nov. 7, 1986; 61 FR 16062, Apr. 11, 1996]

### § 52.2031 [Reserved]

### § 52.2032 Intergovernmental cooperation.

(a) The requirements of subpart M of this chapter are not met because the plan does not identify other State or local agencies or their responsibilities for implementing and carrying out designated portions of the plan.

(b) The requirements of subpart M of this chapter are not met because the plan does not indicate that Pennsylvania will transmit to the neighboring States of Maryland, New York, and West Virginia data about factors which may significantly affect air quality in those States.

[38 FR 16568, June 22, 1973, as amended at 51 FR 40677, Nov. 7, 1986]

### § 52.2033 Control strategy: Sulfur oxides.

(a) The revision to the control strategy resulting from the modification to the emission limitation applicable to the sources listed below or the change in the compliance date for such sources with the present emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State, unless otherwise noted. (See § 52.2036 for compliance schedule approvals and disapprovals pertaining to one or more of the sources listed below.)

| Source | Location | Regulation involved | Date of submittal |
|---|---|---|---|
| Clairton Coke and Coal Works (U.S. Steel). | Allegheny County. | Section 1809 (Article XVIII). | 12/14/72 |
| Industrial Boilers (U.S. Steel). | .....do ..... | .....do ..... | Do. |

(b) EPA approves the attainment demonstration State Implementation Plan for the Conewango Township, Pleasant Township, Glade Township, and City of Warren area submitted by the Pennsylvania Department of Environmental Protection on December 26, 2001.

(c) EPA approves the attainment demonstration State Implementation Plan for the Hazelwood and Monongahela River Valley areas of the

Allegheny County Air Basin in Allegheny County, submitted by the Pennsylvania Department of Environmental Protection on August 15, 2003.

[38 FR 7459, Mar. 22, 1973, as amended at 68 FR 2459, Jan. 17, 2003; 69 FR 43524, July 21, 2004]

### § 52.2034 Attainment dates for national standards.

With regard to Northumberland County, Snyder County, and Allegheny County, Pennsylvania has not submitted a plan, as of December 31, 1979, providing for the attainment and maintenance of the secondary sulfur dioxide ($SO_2$) standards.

[61 FR 16062, Apr. 11, 1996]

### § 52.2035 Photochemical Assessment Monitoring Stations (PAMS) Program.

On September 23, 1994 Pennsylvania's Department of Environmental Resources (now known as the Department of Environmental Protection) 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 Pennsylvania SIP. As with all components of the SIP, Pennsylvania must implement the program as submitted and approved by EPA.

[60 FR 47084, Sept. 11, 1995]

### § 52.2036 Base year emissions inventory.

(a) EPA approves as a revision to the Pennsylvania State Implementation Plan the 1990 base year carbon monoxide emission inventory for Philadelphia County, submitted by the Secretary, Pennsylvania Department of Environmental Protection, on September 8, 1995 and October 30, 1995. This submittal consists of the 1990 base year stationary, area, non-road mobile and on-road mobile emission inventories in Philadelphia County for the pollutant carbon monoxide (CO).

(b) The U.S. Steel—Fairless Hills 1990 VOC and $NO_X$ emissions for six emission units (no. 3 blast furnace, no.1 open hearth furnace, no. 1 soaking pits and no. 2 soaking pits (units 1–8 and units 9–16), and 80 in. hot strip mill), submitted August 11, 1995, are approved. U.S. Steel—Fairless Hills is located in Montgomery County, Pennsylvania, which is part of the Philadelphia severe ozone nonattainment area. The VOC and $NO_X$ 1990 emissions from the no. 3 blast furnace are zero for both pollutants. The VOC and $NO_X$ 1990 emissions from the no. 1 open hearth furnace are 6.9 TPY and 455.5 TPY, respectively. The VOC and $NO_X$ emissions from the no. 1 soaking pits are 6.6 TPY and 91.8 TPY, respectively. The VOC and $NO_X$ emissions from the no. 2 soaking pits (units 1–8) are 1.10 TPY and 21.0 TPY, respectively. The VOC and $NO_X$ emissions from the no. 2 soaking pits (units 9–16) are 1.10 TPY and 21.0 TPY, respectively. The VOC and $NO_X$ emissions from the 80 in. hot strip mill are 1.9 TPY and 688.6 TPY, respectively.

(c) The 1990 $NO_X$ emissions for the no. 2 glass melting furnace at the General Glass—Jeannette plant, located in Westmoreland County, Pennsylvania is 508.2 tons per year. Westmoreland County is part of the Pittsburgh moderate ozone nonattainment area. The 1990 $NO_X$ emissions for the four kilns (no. 1 through 4) is 11.8 tons per year. This facility does not contain any other $NO_X$ emitting units.

(d) EPA grants full approval to the 1990 VOC emission inventory for the Pittsburgh ozone nonattainment area, which was provided by Pennsylvania as an element of a March 22, 1996 submittal of the 15 Percent Rate-of-Progress Plan for the Pittsburgh-Beaver Valley ozone nonattainment area. Supplemental 1990 VOC inventory information and estimates were submitted by the Secretary of the Department of Environmental Protection on February 19, 1997 and on July 22, 1998, as formal amendments to the Pittsburgh 15 Percent Plan for Pittsburgh. EPA grants full approval to the final 1990 VOC emissions inventory estimates contained in Pennsylvania's July 22, 1998 SIP revision (which serves to supplement the 1990 VOC inventory

information contained in Pennsylvania's March 22, 1996 and February 19, 1997 Pittsburgh-Beaver Valley 15% plan SIP revisions). The approved plan contains 1990 base year point, area, highway, and non-road mobile VOC emissions estimates for the 7-county Pittsburgh-Beaver Valley ozone nonattainment area (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland Counties).

(e) EPA approves as a revision to the Pennsylvania State Implementation Plan (SIP) the 1990 base year emission inventories for the Reading, Pennsylvania area (Berks County) submitted by the Secretary of the Environment, on January 28, 1997. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in the area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen ($NO_X$).

(f) Sharon Steel Company 1990 VOC and $NO_X$ emissions for three emission units (Blast Furnace Operations, Basic Oxygen Furnace Shop, Blast Furnace Casthouse), submitted June 10, 1996, are approved. Sharon Steel Company is located in Mercer County, Pennsylvania, which is in a marginal ozone nonattainment area. The 1990 VOC and $NO_X$ emissions from the Blast Furnace Operations (flame suppression, heaters and torpedo cars, flare stack, tuyeres) are 0.4 TPY and 49.3 TPY, respectively. The 1990 VOC and $NO_X$ emissions from the Basic Oxygen Furnace Shop (scrap preheating, ladle preheating and heaters) are 1.4 TPY and 39.6 TPY, respectively. The 1990 VOC and $NO_X$ emissions from the Blast Furnace Casthouse are 205.4 TPY and 11.0 TPY, respectively.

(g)–(h) [Reserved]

(i) The 1990 VOC emission inventory for the Philadelphia ozone nonattainment area, submitted on September 12, 1996 by Pennsylvania Department of Environmental Protection, is approved, with the exception of the revisions to the emission inventory for those sources at United States Steel—Fairless that were approved in § 52.2036 (b) on April 9, 1996.

(j) EPA is approving Pennsylvania's request that the 1990 emissions inventory for VOCs from R.R. Donnelley & Sons—East Plant be corrected to accurately reflect the 1990 emissions. The 1990 baseyear VOC emissions inventory will be corrected to 864 tons. Justification for the change in VOC emissions is described as follows:

(1) For rotogravure operations, R.R. Donnelley & Sons Company (East Plant) initially assumed a 5% retention of solvent in the web, and then revised their assumption to 2% based on the amount of solvent actually being recovered by the six bed carbon adsorption system. Based on VOC emissions data submitted to PADEP for the year 1990, the actual VOC emissions from rotogravure operations was 794.51 tons. The figures were taken from data submitted to PADEP from the facility dated May 6, 1996 (subsequently submitted to EPA from PADEP via letter dated December 13, 1996).

(2) For heatset web offset lithographic operations, boilers, and associated solvent cleaning equipment, R.R. Donnelley & Sons Company provided data calculating estimates for actual 1990 VOC emissions of 69.83 tons. The figures were taken from the facility's RACT proposal submitted to PADEP dated March 29, 1995.

(k) Rockwell Heavy Vehicle, Inc., New Castle Forge Plant, Lawrence County—On April 8, 1998 the Pennsylvania Department of Environmental Protection requested that EPA include the CO, VOC and $NO_X$ emissions from this facility in the 1990 base year emission inventory. The CO, VOC and $NO_X$ emissions from the natural gas units and the spray booth of this facility are hereby approved as part of the 1990 point source inventory. The 1990 CO, VOC and $NO_X$ emissions from the natural gas units are 8.3 TPY, 1.2 TPY and 64.2 TPY, respectively. The 1990 VOC emissions from the spray booth is 12.1 TPY.

(l) EPA approves, as a revision to the Pennsylvania State Implementation Plan, the 1990 NOx emission inventory for the Philadelphia area, submitted on July 31, 1998 by the Pennsylvania Department of Environmental Protection. The submittal consists of 1990 base year point, area, highway, and non-road mobile NOx emissions inventories for the five-county Philadelphia area

(Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties).

(m) EPA approves the 1990 $NO_X$ base year emission inventory for the Pittsburgh-Beaver Valley area, submitted by the Pennsylvania Department of Environmental Protection on March 22, 1996 and supplemented on February 18, 1997.

(n) EPA approves as a revision to the Pennsylvania SIP the 1990 base year CO emissions inventory for Southwestern Pennsylvania, including Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland counties, submitted by the Secretary of the Pennsylvania Department of Environmental Protection on November 12, 1992, and as revised on August 17, 2001. This submittal consists of the 1990 base year inventory for point, area, off-road, and highway emissions for these counties, for the pollutant CO.

(o) EPA approves as a revision to the Pennsylvania State Implementation Plan the 2002 base year emissions inventories for the Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City, PA-DE-MD-NJ 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Pennsylvania Department of Environmental Protection on August 29, 2007 (as formally amended by Pennsylvania on December 10, 2009 and on April 12, 2010). This submittal consists of the 2002 base year point, area, non-road mobile, and on-road mobile source emission inventories for this area, for the following pollutants: Volatile organic compounds (VOC), carbon monoxide (CO) and nitrogen oxides ($NO_X$).

[61 FR 2931, Jan. 30, 1996, as amended at 61 FR 15713, Apr. 9, 1996; 61 FR 24709, May 16, 1996; 61 FR 67232, Dec. 20, 1996; 62 FR 24834, May 7, 1997; 62 FR 31349, June 9, 1997; 62 FR 38917, July 21, 1997; 64 FR 18821, Apr. 16, 1999; 64 FR 32425, June 17, 1999; 66 FR 17638, Apr. 3, 2001; 66 FR 53106, Oct. 19, 2001; 67 FR 68525, Nov. 12, 2002; 76 FR 6561, Feb. 7, 2010]

### § 52.2037 Control strategy plans for attainment and rate-of-progress: Ozone.

(a) Part D—Conditional Approval—the Pennsylvania plan for carbon monoxide and ozone is approved provided that the following conditions are satisfied:

(1) Firm commitments to implement the Newton Branch electrification are submitted to EPA by December 30, 1980. If firm commitments are not submitted, the State must submit substitute measures with equivalent reductions by June 30, 1981.

(b)(1) [Reserved]

(2) Determination—EPA has determined that, as of July 19, 1995, the Reading ozone nonattainment area has attained the ozone standard and that 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 do not apply to this area for so long as the area does not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in the Reading ozone nonattainment area, these determinations shall no longer apply.

(c) VOC and $NO_X$ RACT determination for six emission units at U.S. Steel—Fairless: no. 3 blast furnace, no. 1 open hearth furnace, no. 1 soaking pits, no. 2 soaking pits (units 1–8), no. 2 soaking pits (units 9–16), 80 in. hot strip mill. The $NO_X$ RACT determination for all the soaking pits and the 80 in. hot strip mill is low excess air (LEA), which is expected to result in a 13.5% emission reduction. $NO_X$ RACT for the other sources is determined to be good operating practices to minimize $NO_X$ emissions. VOC RACT for all the above sources is determined to be good operating practices to minimize VOC emissions.

(d) $NO_X$ RACT determination for the no. 2 glass melting furnace and the four kilns at the General Glass—Jeannette plant, which manufactured flat glass, is the current operation, consisting of no additional controls.

(e) Sharon Steel Company—VOC and $NO_X$ RACT determination for three emission units at Sharon Steel Company, not covered by plan approval PA 43–017: Blast Furnace Operations (flame suppression, heaters and torpedo cars, tuyeres), Basic Oxygen Furnace Shop (scrap preheating, ladle preheating and heaters), Blast Furnace Casthouse. $NO_X$ RACT for the Blast Furnace Operations is determined to be good air pollution control practices such that $NO_X$ emissions do not exceed: 100 pounds of $NO_X$

per million cubic feet (lb $NO_X$/MMft$^3$) of natural gas and 10.69 tons of $NO_X$ per year (TPY) for flame suppression, heaters, and torpedo cars; and 140 lb $NO_X$/MMft$^3$ of natural gas and 0.6 TPY for tuyeres. VOC RACT for the Blast Furnace Operations is determined to be good air pollution control practices such that VOC emissions do not exceed: 3.8 lb VOC/MMft$^3$ of natural gas and 0.41 TPY for flame suppression, heaters and torpedo cars; and 2.8 lb VOC/MMft$^3$ of natural gas and 0.01 TPY for tuyeres. $NO_X$ RACT for the Basic Oxygen Furnace Shop is determined to be good air pollution control practices such that $NO_X$ emissions do not exceed: 100 lb $NO_X$/MMft$^3$ of natural gas and 1.1 TPY for scrap preheating; and 140 lb $NO_X$/MMft$^3$ of natural gas and 10.8 TPY for ladle preheating and heaters. VOC RACT for the Basic Oxygen Furnace Shop is determined to be good air pollution control practices such that VOC emissions do not exceed: 3.8 lb VOC/MMft$^3$ of natural gas and 0.04 TPY for scrap preheating; and 2.8 lb VOC/MMft$^3$ of natural gas and 0.22 TPY for ladle preheating and heaters. $NO_X$ RACT for the Blast Furnace Casthouse is determined to be good air pollution control practices such that $NO_X$ emissions do not exceed 0.03 lb $NO_X$/ton of steel processed and 11.0 TPY.

(f) Pennsylvania Electric Company—Williamsburg Station—VOC and $NO_X$ RACT determination for three emission units at Pennsylvania Electric Company (Penelec)—Williamsburg Station: unit #1 boiler, auxiliary boiler, fugitive VOC sources. $NO_X$ and VOC RACT for the unit #11 boiler is determined to be good air pollution control practices such that emissions limits shall be 21.7 pounds of $NO_X$ per ton of coal fired (lb/ton) and 0.1459 lb/MMBtu of No. 2 oil fired with annual fuel usage records, and no more than 867 tons per year (TPY) of $NO_X$ and 3 TPY of VOC. $NO_X$ and VOC RACT for the auxiliary boiler is determined to be the requirements of 25 Pa Code 129.93 (c)(1), pertaining to units with individual rated gross heat inputs less than 20 million British thermal units per hour (MMBtu/hr) of operation maintenance and operation in accordance with manufacturer's specifications, and the units are operated using good air pollution control practices.

(g) Caparo Steel Company—VOC and $NO_X$ RACT determination for four emission units at Caparo Steel Company, not covered by operating permit OP 43–285: Package boilers, BW boiler #1, BW boiler #2, and BW boiler #3. $NO_X$ RACT for the package boilers is determined to be good air pollution control practices such that $NO_X$ emissions do not exceed 550 pounds of $NO_X$ per million cubic feet (lb $NO_X$/MMft$^3$) of natural gas and 529.82 tons of $NO_X$ per year (TPY). VOC RACT for the package boilers is determined to be good air pollution control practices such that VOC emissions do not exceed 1.4 lb VOC/MMft$^3$ of natural gas and 1.35 TPY. $NO_X$ RACT for each of the BW boilers is determined to be good air pollution control practices such that $NO_X$ emissions do not exceed 23 lb $NO_X$/MMft$^3$ of BFG and 80.1 TPY.

(h) VOC RACT determination for four emission units at Mercersburg Tanning Company—Franklin County: Spray Lines 3 thru 7, Attic Line, Spray Lines A and B, Spray Line C. The VOC RACT determination is as follows: for Spray Lines 3 thru 7; all work transferred to Spray Lines A and B, for Attic Line; all work transferred to Spray Line C, for Spray Lines A and B; vented to a Regenerative Thermal Oxidizer (RTO) with required 100% capture efficiency and 97% destruction efficiency, for Spray Line C; coating restrictions of 3.5 lb VOC/gal (less water) on base coats and 2.8 lb VOC/gal (less water) on intermediate coats. VOC RACT for cleaning solvents associated with Lines A and B vented to RTO and water utilized as cleaning solvent for Line C.

(i)(1) EPA approves the Commonwealth of Pennsylvania's Post 1996 (ROP) plan SIP revision for milestone years 1999, 2002, and 2005 for the Pennsylvania portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area. These revisions were submitted by the Pennsylvania Department of Environmental Protection on April 30, 1998, July 31, 1998 and supplemented on February 25, 2000.

(2) EPA approves revisions to the Pennsylvania State Implementation Plan, submitted by the Secretary of the Pennsylvania Department of the

Environmental Protection on February 23, 2004. These revisions amend Pennsylvania's rate-of-progress (ROP) plan for year 2005 for its Pennsylvania portion of the Philadelphia-Wilmington-Trenton 1-hour ozone nonattainment area. These revisions update the 2005 ROP plan's 1990 and 2005 motor vehicle emissions inventories and motor vehicle emissions budgets to reflect the use of the MOBILE6 emissions model, and establish revised motor vehicle emissions budgets of 79.69 tons per day (tpd) of volatile organic compounds and 144.73 tpd of nitrogen oxides.

(j) EPA approves the one hour ozone attainment demonstration SIP for the Philadelphia-Wilmington-Trenton area submitted by the Pennsylvania Department of Environmental Protection on April 30, 1998, August 21, 1998, February 25, 2000 and July 19, 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 Pennsylvania Department of Environmental Protection on July 31, 1998, February 25, 2000 and July 19, 2001. 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.

(k) EPA approves the following mobile budgets of the post-1996 rate of progress plans and the 2005 attainment plan:

TRANSPORTATION CONFORMITY BUDGETS FOR THE PHILADELPHIA AREA

| Type of control strategy SIP | Year | VOC (tpd) | $NO_X$ (tpd) | Date of adequacy determination or SIP approval date |
|---|---|---|---|---|
| Post-1996 ROP Plan | 1999 | 88.6 | 109.6 | June 23, 2000 (65 FR 36438, June 8, 2000). |
| Post-1996 ROP Plan | 2002 | 69.52 | 93.13 | June 23, 2000 (65 FR 36438, June 8, 2000). |
| Post-1996 ROP Plan | 2005 | 79.69 | 144.73 | June 21, 2004 (May 21, 2004, 69 FR 29240). |
| Attainment Demonstration | 2005 | 79.69 | 144.73 | June 12, 2003 (68 FR 31700, May 28, 2003). |

(1)–(2) [Reserved]

(l) EPA approves the Commonwealth of Pennsylvania's revised 1990 and the 2005 VOC and $NO_X$ highway mobile emissions inventories and the 2005 motor vehicle emissions budgets for the 1-hour ozone attainment SIP for the Philadelphia-Wilmington-Trenton severe ozone nonattainment area. These revisions were submitted by the Pennsylvania Department of Environmental Protection on January 17, 2003. Submission of these revised MOBILE6-based motor vehicle emissions inventories was a requirement of EPA's approval of the attainment demonstration under paragraph (j) of this section.

(m) Determination—EPA has determined that, as of July 27, 2007, the Franklin County ozone nonattainment area has attained the 1-hour ozone standard and that the following requirements of section 172(c)(2) of the Clean Air Act do not apply to this area for so long as the area does not monitor any violations of the 1-hour ozone standard of 40 CFR 50.9: the attainment demonstration and reasonably available control measure requirements of section 172(b)(1), the reasonable further progress requirement of section 172(b)(2), and the related contingency requirements of section 172(c)(9). If a violation of the 1-hour ozone NAAQS is monitored in the Franklin County 1-hour ozone nonattainment area, these determinations shall no longer apply.

(n) 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 attained the 1-hour ozone NAAQS by the applicable attainment date of

November 15, 2005. EPA also 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.

(o) EPA approves revisions to the Pennsylvania State Implementation Plan consisting of the 2008 reasonable further progress (RFP) plan, reasonably available control measure demonstration, and contingency measures for the Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City, PA-DE-MD-NJ 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Pennsylvania Department of Environmental Protection on August 29, 2007 (as formally amended by Pennsylvania on December 10, 2009 and April 12, 2010).

(p) EPA approves the following 2008 RFP motor vehicle emissions budgets (MVEBs) for the Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City, PA-DE-MD-NJ 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Pennsylvania Department of Environmental Protection on August 29, 2007 (as formally amended by Pennsylvania on December 10, 2009):

TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE PENNSYLVANIA PORTION OF THE PHILADELPHIA-WILMINGTON-ATLANTIC CITY, PA-DE-MD-NJ AREA

| Type of control strategy SIP | Year | VOC (TPD) | $NO_X$ (TPD) | Effective date of adequacy determination or SIP approval |
|---|---|---|---|---|
| Rate of Progress Plan ... | 2008 | 61.09 | 108.78 | January 5, 2009 (73 FR 77682), published December 19, 2008. |

(q) *Determination of attainment*—In accordance with 40 CFR 51.918, EPA has determined that Pittsburgh-Beaver Valley 8-hour ozone nonattainment area has attained the 1997 8-hour ozone standard and that certain requirements of section 172(c) of the Clean Air Act are suspended as long as the nonattainment area continues to meet the 1997 8-hour ozone NAAQS. This determination is based upon complete, quality assured, and certified ambient air monitoring data that show the area has monitored attainment of the 1997 8-hour ozone NAAQS for the 2007 to 2009 monitoring period. Complete, quality-assured air monitoring data for 2010 are consistent with continued attainment. This determination suspends the obligation of the Commonwealth of Pennsylvania to submit an attainment demonstration and associated reasonably available control measures (RACM), a reasonable further progress (RFP) plan, contingency measures, and other planning requirements related to attainment of the 1997 8-hour ozone NAAQS for the Pittsburgh Area for as long as the area continues to meet the 1997 8-hour ozone NAAQS. If a violation of the1997 8-hour ozone NAAQS is monitored in the Pittsburgh-Beaver Valley 8-hour ozone nonattainment area, this determination shall no longer apply.

[46 FR 17553, Mar. 19, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2037, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2038 Rate of Progress Plans: Ozone.

(a) EPA grants full approval to Pennsylvania's 15 Percent Rate of Progress Plan for the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Secretary of the Pennsylvania Department of Environmental Protection on March 22, 1996, as formally revised on February 18, 1997 and on July 22, 1998.

(b) EPA grants full approval to the 15 Percent Rate of Progress Plan for Pennsylvania's portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area. The area that is the subject of this action encompasses Bucks, Chester, Delaware, Philadelphia, and Montgomery Counties. The plan was formally submitted to EPA by the Secretary of the Pennsylvania Department of Environmental Protection

on September 12, 1996, and was formally revised on April 10, 1997 and June 5, 1998.

[66 FR 17638, Apr. 3, 2001, as amended at 66 FR 44548, Aug. 24, 2001]

### §§ 52.2039–52.2053 [Reserved]

### § 52.2054 Control of asphalt paving material.

(a) Notwithstanding any provisions to the contrary in the Pennsylvania Implementation Plan, the Pennsylvania Department of Transportation shall restrict the annual usage of asphalts to the limits listed below in the following sixteen county area of Pennsylvania: Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Fayette, Green, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Washington, and Westmoreland Counties:

(1) No more than twenty percent of the total amount of liquid bituminous asphalt paving material used shall be cutback asphalt; and

(2) No more than 2,615,000 gallons of cutback asphalts shall be used, of which no more than 1,400,000 gallons may be used for dust palliative work on roadways and shoulders; and

(3) No more than 2,500,000 gallons total of emulsion Class E–4 and Class E–5 shall be used unless an equivalent reduction in the use of cutbacks is made to balance the additional hydrocarbon emissions from emulsions.

(b) The Pennsylvania Department of Transportation is required to submit to the Pennsylvania Department of Environmental Resources, on a quarterly basis, reports which list for each of the affected counties the number of gallons of each class of asphalt used. The first quarterly reports will be submitted in October 1977 for the period between July 1, 1977, and September 30, 1977. Copies of all reports will also be forwarded to Region III, EPA.

[42 FR 54417, Oct. 6, 1977]

### § 52.2055 Review of new sources and modifications.

(a) Special permit requirement regulations are approved.

(b) [Reserved]

[39 FR 7283, Feb. 25, 1974, as amended at 46 FR 17554, Mar. 19, 1981; 46 FR 51742, Oct. 22, 1981; 47 FR 8359, Feb. 26, 1982; 60 FR 33924, June 29, 1995]

### § 52.2056 [Reserved]

### § 52.2057 Requirements for state implementation plan revisions relating to new motor vehicles.

Pennsylvania must comply with the requirements of § 51.120.

[60 FR 4738, Jan. 24, 1995]

### § 52.2058 Prevention of significant air quality deterioration.

(a) The requirements of sections 160 through 165 of the Clean Air Act are met by the regulations (25 PA Code § 127.81 through 127.83) adopted by the Pennsylvania Environmental Resources on October 28, 1983. All PSD permit applications and requests for modifications thereto should be submitted to: Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North Third Street, Harrisburg, PA 17120, ATTN: Abatement and Compliance Division.

[49 FR 33128, Aug. 21, 1984]

### § 52.2059 Control strategy: Particulate matter.

(a) Pennsylvania has committed to undertake a comprehensive program to investigate non-traditional sources, industrial process fugitive particulate emissions, alternative control measures, and to develop and implement an effective control program to attain the primary and secondary NAAQS for particulates. The schedule for this study is as follows:

SCHEDULE FOR INVESTIGATING AND CONTROLLING NONTRADITIONAL PARTICULATE MATTER EMISSIONS

| Task | Completion date |
|---|---|
| Scheduled tasks: | |
| 1. Quantify nontraditional sources | June 1, 1980. |
| 2. Investigate control techniques | Apr. 1, 1982. |
| 3. Investigate source-receptor relationship. | June 1, 1980. |
| Analysis and control strategy development: | |
| 1. Analyze Nonattainment Areas | July 1, 1981. |
| 2. Develop Control Strategies | Jan. 1, 1982. |
| 3. Develop, Adopt, Submit SIP | July 1, 1982. |
| 4. Implement SIP | Begin—7/1/82. |

(b) EPA approves the PM–10 attainment demonstration for the Liberty Borough Area of Allegheny County submitted by the Pennsylvania Department of Environmental Protection on January 6, 1994.

(c) *Determination of Attainment.* EPA has determined, as of August 25, 2008, the Harrisburg-Lebanon-Carlisle, Pennsylvania nonattainment area for the 1997 $PM_{2.5}$ NAAQS has attained the 1997 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration and associated reasonably available 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.

(d) Determination of Clean Data. EPA has determined, as of September 25, 2009, the Johnstown (Cambria and Indiana Counties), Lancaster (Lancaster County), Reading (Berks County) and York (York County), Pennsylvania nonattainment areas have clean data for the 1997 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for these areas to submit an attainment demonstration, associated reasonably available measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as these areas continue to meet the 1997 $PM_{2.5}$ NAAQS.

[45 FR 33628, May 20, 1980, as amended at 63 FR 47436, Sept. 8, 1998; 73 FR 49950, Aug. 25, 2008; 74 FR 48864, Sept. 25, 2009]

### § 52.2060 Small Business Assistance Program.

On February 1, 1993, the Secretary of the Pennsylvania Department of Environmental Resources submitted a plan for the establishment and implementation of the Small Business Assistance Program as a state implementation plan (SIP) revision, as required by Title V of the Clean Air Act Amendments. EPA approved the Small Business Assistance Program on March 6, 1995, and made it part of the Pennsylvania SIP. As with all components of the SIP, Pennsylvania must implement the program as submitted and approved by EPA.

[60 FR 1741, Jan. 5, 1995]

### § 52.2061 Operating permits.

(a) Emission limitations and related provisions which are established in Pennsylvania 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's underlying regulations.

(b) Emission limitations and related provisions which are established in Pennsylvania general operating permits as federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem general permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the general permit, general permit approval procedures, or general permit requirements which do not conform with the general operating permit program requirements or the requirements of EPA's underlying regulations.

[61 FR 39597, 39601, July 30, 1996]

### § 52.2062 Plan approvals.

(a) Emission limitations and related provisions which are established in Pennsylvania plan approvals as federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem plan approval conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the plan approval, the relevant approval procedures, or plan requirements which do not conform with the plan approval program requirements or the requirements of EPA's underlying regulations.

(b) Emission limitations and related provisions which are established in Pennsylvania general plan approvals as federally enforceable conditions shall

be enforceable by EPA. EPA reserves the right to deem general plan approval conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the general plan approval, the relevant approval procedures, or plan requirements which do not conform with the general plan approval program requirements or the requirements of EPA's underlying regulations.

[61 FR 39597, 39601, July 30, 1996]

**§ 52.2063 Original identification of plan section.**

(a) This section identifies the original ''Air Implementation Plan for the Commonwealth of Pennsylvania'' and all revisions submitted by Pennsylvania that were federally approved prior to February 10, 2005.

(b) The plan was officially submitted on January 27, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Regulations 121, 123, 127, 129, 131, 135, 137, 139, and 141 of the Pennsylvania Code of Regulations submitted March 17, 1972, by the Pennsylvania Department of Environmental Resources.

(2) Air Quality Data for three additional months regarding Reading Air Basin $SO_2$ strategy submitted March 27, 1972, by the Pennsylvania Department of Environmental Resources.

(3) Miscellaneous non-regulatory additions and clarifications to the plan submitted on May 4, 1972, by the Pennsylvania Department of Environmental Resources.

(4) ''An Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standards for Allegheny County, Commonwealth of Pennsylvania, 1980'', and Article XX (which replaces Article XVIII), which were submitted on December 24, 1980.

(5) Non-regulatory additions to plan regarding Allegheny County Source Surveillance regulations submitted on June 20, 1972, by the Pennsylvania Department of Environmental Resources.

(6) Miscellaneous non-regulatory additions to the plan submitted August 14, 1972, by the Pennsylvania Department of Environmental Resources.

(7) Revision to Philadelphia Air Management Services regulations submitted November 3, 1972, by the Governor.

(8) Revision to compliance schedules for Clairton Coke Works in Allegheny County submitted December 14, 1972, by the Governor.

(9) Transportation Control Plan for Southwest Pennsylvania and Metropolitan Philadelphia AQCR's submitted April 13, 1973, by the Governor.

(10) [Reserved]

(11) Amendments to Philadelphia Air Management Services regulation number 3 submitted April 15, 1974, by the Governor.

(12) Amendments to Philadelphia Air Management Services regulations numbers 1, 2 and 11 submitted May 28, 1974, by the Governor.

(13) Process factor for glass production furnaces submitted on December 26, 1974, by the Pennsylvania Department of Environmental Resources.

(14) Amendments to Chapters 123 (section 123.24) and 139 (section 139.13), controlling zinc smelter operations; submitted on August 7, 1975 by the Pennsylvania Department of Environmental Resources.

(15) A revision submitted by the Commonwealth of Pennsylvania on August 11, 1976 amending Title 3 of the Philadelphia Code, Subsection 3–103, Enforcement; Subsection 3–301, Powers and Duties of the Department of Public Health; and Subsection 3–305 Orders.

(16) Revisions submitted by the Commonwealth of Pennsylvania on December 11, 1972 amending regulations for the powers and duties of the Department of Environmental Resources, the Environmental Quality Board and the Environmental Hearing Board.

(17) Amendment to Article XVIII, Rules and Regulations of the Allegheny County Health Department, Sections 1800 (Definitions) and 1813 (Air Pollution Emergency Episode Regulations). These amendments were submitted on May 15, 1978 by the Department of Environmental Resources.

(18) Amendments to Title 3, Section 3–207 (Sale of Fuel Oil) of the Philadelphia Code pertaining to Philadelphia County and to Title 25, Part I, Subpart C, Article III, Chapter 121 (Definitions)

and Chapter 123 (Standards for Contaminants, Sulfur Compound Emissions) of the Pennsylvania Code pertaining to Bucks, Chester, Delaware, and Montgomery Counties submitted on July 31, 1978 by the Governor.

(19) Amendments to Chapters 121 (§ 121.1), 123 (§§ 123.1, 123.13, 123.44), 127 (§§ 127.41 through 127.52, inclusive), 129 (§§ 129.15 and 129.16), and 139 (§§ 139.51, 139.52, 139.53 and 139.61), dealing with the control of coke oven battery operations; submitted on June 30, 1978 by the Pennsylvania Department of Environmental Resources.

(20) Amendments to Chapters 121 (§ 121.1), 123 (§§ 123.22(b) and 123.45), and 139 (§§ 139.3, 139.4, 139.13, 139.16, 139.101, 139.102, 139.103, 139.104 and 139.105), dealing with sulfur dioxide emissions from fuel-burning installations, only as they apply to sources in the Erie air basin; submitted on April 24, 1979 by Governor Thornburgh.

(21) A revision submitted by the Commonwealth of Pennsylvania on September 20, 1978 to clarify terms and intent of Chapter 121 (relating to general provisions), Chapter 123 (relating to standards for contaminants) and Chapter 129 (relating to standards for sources).

(22) The ''1979 State Implementation Plan (SIP) Submission for the Attainment of the Photochemical Oxidant Standard in Pennsylvania'' and ''Regulations for Volatile Organic Compounds'' amending Chapters 121, 129, and 139 of the Pennsylvania Code submitted on April 24, 1979, by the Governor.

(23) Transportation elements of the SIP for Philadelphia, Pittsburgh, Allentown-Bethlehem-Easton, and Scranton areas and commitment to implement vehicle inspection and maintenance in Lehigh and Northampton Counties submitted on June 7, 1979, by the Governor.

(24) Transportation element of the SIP for the Wilkes-Barre area submitted on June 8, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(25) Total Suspended Particulate, State Implementation Plan for Pennsylvania, submitted on June 12, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(26) Special Permit Requirements for Sources Locating in or Significantly Impacting Nonattainment Areas and a revision of Sampling and Testing methods for total suspended particulate amending Chapters 121, 127, and 139 of the Pennsylvania Code submitted on June 12, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(27) Transportation element for the Harrisburg area submitted on June 13, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(28) Allegheny County Volatile Organic Compound Regulations amending Chapters I, II, and V of Allegheny County Regulations submitted on June 13, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(29) Documentation of the status of transportation/air quality measures in a letter of August 20, 1979 from the Lackawanna County Planning Commission.

(30) Information from the Southwestern Pennsylvania Regional Planning Commission of September 17, 1979 on the calculation of emission estimates and the status of certain transportation measures.

(31) Reclassification of several transportation measures in the transportation/air quality study for the Allentown-Bethlehem-Easton area, submitted by the Commonwealth on November 19, 1979.

(32) Substantiation of TSP planning and attainment schedules submitted by the Commonwealth on November 28, 1979.

(33) A revision submitted by the Commonwealth of Pennsylvania on August 11, 1976 consisting of an amendment to the Pennsylvania Air Resources Regulations, Chapter 129, Standards for Sources, which relates to open burning.

(34) A revision was submitted by the Commonwealth of Pennsylvania on January 25, 1980, which is intended to establish an Ambient Air Quality Monitoring Network for the Commonwealth of Pennsylvania and the City of Philadelphia.

(35) Amendments to the Pennsylvania Air Resources Regulations, consisting of the addition of regulations

for alternative emission reduction limitations (Sections 128.11 through 128.13 for Andre Greenhouses, Inc., and Section 128.14 for the 3M Co.), submitted on April 16, 1981.

(36) A revision submitted by the Commonwealth of Pennyslvania on April 9, 1981 providing for attainment of the $SO_2$ NAAQS in portions of Armstrong County, Pennsylvania.

(37) A revision submitted by the Commonwealth of Pennsylvania on June 5, 1980, consisting of amendments to Philadelphia's Air Management Regulations II and III, allowing a limiting resumption of industrial coal burning.

(38) A revision submitted by the Commonwealth of Pennsylvania on December 24, 1980 which is intended to establish an Ambient Air Quality Monitoring Network for Allegheny County.

(39) Amendments consisting of minor regulatory changes to Article III of the Pennsylvania Rules and Regulations for Air Resources governing Volatile Organic Compounds (VOC) emissions was submitted by the Commonwealth of Pennsylvania on December 16, 1980.

(40) A revision submitted by the Commonwealth of Pennsylvania on November 10, 1980 dividing the Beaver Valley Air Basin into an Upper Beaver Valley Air Basin and Lower Beaver Valley Air Basin and revising chapters 121 and 123.

(41) Revisions submitted by the Commonwealth of Pennsylvania on April 13, 1981, July 13, 1981 and August 17, 1981 to correct the conditionally approved and unapproved portions of Pennsylvania 1979 State Implementation Plan.

(42) A document entitled ''Attainment Demonstration for Total Suspended Particulate in Nonattainment Area #3, Based Upon Alternate Emission Reduction Plan for Shenango, Inc.'' in Allegheny County, including the new section 902 of Article XX, submitted by the Commonwealth of Pennsylvania on May 18, 1981.

(43) Amendments to Air Management Regulations II and III, with supporting documents, submitted by Governor Dick Thornburgh on December 8, 1981, allowing the continued burning of anthracite coal in existing space heating units currently burning coal.

(44) [Reserved]

(45) Revisions submitted to the Commonwealth of Pennsylvania on February 23, 1982 to correct the conditionally-approved portions of the 1979 State Implementation Plan, specifically the two asphalt regulations in Allegheny County.

(46) A revision submitted by the Acting Secretary of the Pennsylvania Department of Environmental Resources on December 9, 1981, which would add an expanded ridesharing program in the Delaware Valley.

(47) Revisions submitted on July 27, 1981, August 12, 1981, and September 15, 1981, by the Pennsylvania Department of Environmental Resources (DER), which will limit the automobile emission Inspection and Maintenance Program to the urbanized areas of the Pittsburgh and Allentown-Bethlehem-Easton regions.

(48) Volatile Organic Compound (VOC) regulations, a generic VOC bubble regulation, Continuous Emission Monitoring (CEM) regulations and procedures, and Alternative Opacity Limit regulations submitted by Pennsylvania to EPA on July 13, 1981, August 17, 1981, August 26, 1981, and September 4, 1981.

(49) Group IIVOC regulations, a revision of the Air Episode Regulations, and an increase in Permit Fees, for Allegheny County, Pa. These revisions were submitted by Secretary Peter S. Duncan on February 23, 1982.

(50) Regulations and supporting documents implementing an $SO_2$ bubble plan for the U.S. Steel Homestead and Edgar Thomson Works in Allegheny County, PA. submitted by DER Secretary Peter S. Duncan on September 16, 1982.

(51) Regulations and supporting documents implementing a TSP bubble plan for U.S. Steel Corporation's Fairless Works in Fairless Hills, PA., submitted by the Secretary of the Pennsylvania Department of Environmental Resources on January 6, 1983.

(52) Regulations and supporting documents implementing a TSP bubble plan for Bethlehem Steel Corporation's plant in Bethlehem, Pa., submitted by the Secretary of the Pennsylvania Department of Environmental Resources on December 30, 1982.

(53) Pennsylvania submittal dated September 23, 1982 deleting more stringent sulfur in residual oil requirements for the Upper Beaver Valley Air Basin which would have become effective August 1, 1982 and adding provisions for public notification of air quality levels.

(54) Revisions submitted by the Commonwealth of Pennsylvania on June 8, 1982 consisting of alternative emission reduction plans for Scott Paper Company in Chester, PA, Arbogast and Bastian, Inc., in Allentown, PA, and J. H. Thompson, Inc., in Kennett Square, PA.

(55) Regulations and supporting documents implementing an $SO_2$ bubble plan for U.S. Steel Corporation's Fairless Works in Fairless Hills, PA was submitted by the Secretary of the Pennsylvania Department of Environmental Resources on July 7, 1983.

(56) A State Implementation Plan for the control of lead (Pb) emissions submitted on September 30, 1982 by the Secretary of Environmental Resources.

(57) A revision submitted by the Commonwealth of Pennsylvania on July 28, 1983, and clarified by letters dated October 28, 1983, February 7, 1984 and June 15, 1984 enables the Commonwealth of Pennsylvania to implement and enforce the prevention of significant deterioration (PSD) regulations.

(58) Revision to Article XX of the Allegheny County SIP were submitted by the Secretary of the Pennsylvania Department of Environmental Resources on September 6, 1983.

(59) A State Implementation Plan for the control of lead (Pb) emissions in Allegheny County was submitted on September 6, 1983 by the Secretary of Environmental Resources.

(60) Amendments consisting of minor regulatory changes to Article III of the Air Resources Regulations that amend Chapters 121, 123, 127, 129, 131, 139, and 141 was submitted by the Commonwealth of Pennsylvania on September 23, 1983.

(61) A State Implementation Plan for the control of lead (Pb) emissions in Philadelphia was submitted on August 29, 1983 and May 15, 1984 by the Secretary of the Pennsylvania Department of Environmental Resources.

(62) A State Implementation Plan for the control of Lead (Pb) emissions in Pennsylvania was submitted on June 8, 1984 by the Secretary of the Pennsylvania Department of Environmental Resources.

(63) The 1982 Ozone and Carbon Monoxide plan, except for the Inspection and Maintenance portion and the Perchloroethylene Dry Cleaning regulation, for the Southeastern, Southwestern, and Allentown-Bethlehem-Easton areas submitted by the Commonwealth on June 30, 1982 and October 24, 1983.

(64) [Reserved]

(65) An amendment to Philadelphia Air Management's Regulation VII, submitted by the Secretary of the Pennsylvania Department of Environmental Resources on March 28, 1986. The amendment exempts fuel burning units installed before June 1, 1984, from the provisions of Regulation VII (Control of Emissions of Nitrogen Oxides from Stationary Sources).

(i) Incorporation by reference.

(A) Air Management Regulation VII, Control of Emission of Nitrogen Oxides from Stationary Sources, adopted on April 9, 1985.

(66) A revision to the Pennsylvania State Implementation Plan adopting a Motor Vehicle Emissions Inspection and Maintenance Program submitted by the Secretary of the Pennsylvania Department of Environmental Resources on June 24, 1985 and an amendment submitted March 13, 1986 by the Chief, Division of Air Resource Management, Bureau of Air Quality Control, Pennsylvania Department of Environmental Resources.

(i) Incorporation by reference.

(A) Title 75, sections 4703 (a) and (h) and 4706 of the Purdon's Pennsylvania Consolidated Statutes Annotated and Title 67, Pennsylvania Code sections 175.41, 177.21, 177.31, 177.32, 177.35, 177.39 and 177.61.

(B) Bureau of Air Quality Control, Department of Environmental Resources, State Implementation Plan, Revision for Ozone for I/M, dated June 17, 1985 and the letter to EPA, dated March 13, 1986.

(67) Amendment to section 512.G. Extensions, of Article XX, Rules and Regulations of the Allegheny County

Health Department providing authority to grant compliance date extensions for surface coating and graphic arts sources, submitted by DER Secretary Nicholas DeBenedictis on August 13, 1985.

(i) Incorporation by reference.

(A) Letter of August 13, 1985 to EPA from the Pennsylvania Department of Environmental Resources, and Appendix 22, Amendment to section 512.G., Allegheny County portion of the Pennsylvania State Implementation Plan (extension of final air pollution compliance dates for surface coating and graphic arts) adopted by the Board of County Commissioners of June 27, 1985.

(68) Revision to the Pennsylvania State Implementation Plan dated February 13, 1985, which implements two VOC offset transactions between Paramount Packaging Corporation and National Can Corporation and between Fres-co Systems USA, and National Can Corporation.

(i) Incorporation by reference.

(A) Pennsylvania Department of Environmental Resources, Order for the External Transfer of Banked Emissions #85–524, signed on March 1, 1985.

(B) Pennsylvania Department of Environmental Resources, Order for the External Transfer of Banked Emissions #85–525, signed on March 1, 1985.

(C) Letter dated August 21, 1985, from the Department of Environmental Resources to the National Can Corporation.

(ii) Additional material.

(A) Narrative submittal dated February 13, 1985, from the Department of Environmental Resources to EPA.

(B) Letter dated April 25, 1986, from the Department of Environmental Resources to EPA.

(69) Revision to the Allegheny County portion of the Pennsylvania State Implementation Plan was submitted by the Commonwealth on February 3, 1987.

(i) Incorporation by reference.

(A) Amendment to the Allegheny County portion of the Pennsylvania SIP for Air Pollution Control, Appendix 23, section 533, Abrasive Blasting, approved on October 9, 1986.

(B) Letter dated February 3, 1987, from the Commonwealth of Pennsylvania to EPA.

(70) Revisions to the Philadelphia Regulations incorporating stack height regulations, submitted by Pennsylvania on June 2, 1986.

(i) Incorporation by reference.

(A) Amendment to Philadelphia, Pennsylvania, Air Management Regulation I, Section XI, ''Compliance with Federal Regulations'', effective on March 27, 1986.

(71) The permit incorporating polymer resin processes RACT requirements for ARCO's Monaca plant, submitted by acting DER Secretary John Krill on January 14, 1987.

(i) Incorporation by reference.

(A) The entire permit (No. 04–313–052) and plan approval; issued and effective December 9, 1986.

(72) The permit incorporating SOCMI air oxidation RACT requirements for IMC's Allentown plant, submitted by acting DER Secretary John Krill on January 14, 1987.

(i) Incorporation by reference.

(A) The entire permit (No. 39–313–014) and plan approval; issued and effective December 10, 1986.

(73) Good engineering practice stack height regulations were submitted by the Secretary, Pennsylvania Department of Environmental Resources on July 19, 1988.

(i) Incorporation by reference.

(A) Letter from the Pennsylvania Department of Environmental Resources dated July 19, 1988, submitting a revision to the Pennsylvania State Implementation Plan.

(B) Amendments to Pennsylvania regulations, title 25, part I, subpart C, article III; chapters 121 (definitions) and 141 (variances and alternate standards) adopted May 14, 1988.

(ii) Additional materials.

(A) Remainder of the State submittal including the letter of commitment dated March 11, 1986, from the Department of Environmental Protection stating that new source review shall be conducted in accordance with the good engineering practice requirements of 40 CFR part 51.

(74) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on January 11, 1991.

(i) Incorporation by reference.

(A) Letter from the Pennsylvania Department of Environmental Resources dated January 11, 1991 submitting a revision to the Pennsylvania State Implementation Plan.

(B) Amendment to 25 Pa. Code Chapter 123.51 ''Monitoring Requirements'', concerning continuous nitrogen oxides monitoring, effective October 20, 1990.

(ii) Additional materials.

(A) Remainder of the State Implementation Plan revision request submitted by the Pennsylvania Department of Environmental Resources on January 11, 1991.

(75) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on January 8, 1991.

(i) Incorporation by reference.

(A) Letter from the Pennsylvania Department of Environmental Resources dated January 8, 1991 submitting a revision to the Pennsylvania State Implementation Plan.

(B) Revisions to Pennsylvania Department of Environmental Resources' Air Quality Regulations, §137.3, subsections (2), (3), (4), and introductory paragraph, effective June 9, 1990.

(ii) Additional materials.

(A) Remainder of State submittal, dated January 8, 1991.

(76) Revisions to the State Implementation Plan (SIP) submitted by the Pennsylvania Department of Environmental Resources (PADER) on January 11, 1991.

(i) Incorporation by reference.

(A) A letter from PADER dated January 11, 1991 submitting a revision to the Pennsylvania SIP.

(B) Title 25 PA. Code, Chapter 121, Section 121.1—Definition of VOC.

(77) Revision to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on February 23, 1987, at the request of Philadelphia Air Management Services.

(i) Incorporation by reference.

(A) Letter from the Pennsylvania Department of Environmental Resources dated February 23, 1987, submitting a revision to the Philadelphia portion of the Pennsylvania Ozone State Implementation Plan.

(B) Regulation V, Section I, ''Definitions'' for the terms Petroleum Solvents and Petroleum Solvent Dry Cleaning; and Section XI, ''Petroleum Solvent Dry Cleaning'' effective November 28, 1986.

(C) Compliance Guidelines, for Air Management Regulation V, ''Control of Emission of Organic Substances from Stationary Sources,'' Section XI: Petroleum Solvent Dry Cleaning'' effective November 28, 1986 (containing amendments and revisions through February 29, 1988).

(78) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on September 9, 1991. The effective date of the regulation submitted is May 23, 1988.

(i) Incorporation by reference.

(A) A letter from the Pennsylvania Department of Environmental Resources dated September 9, 1991 submitting a revision to the Pennsylvania State Implementation Plan.

(B) Section XIII, Process Equipment Leaks of Philadelphia Air Management Regulation V—Control of Emissions of Organic Substances from Stationary Sources. The effective date of the regulation submitted is May 23, 1988.

(C) Compliance Guidelines for Philadelphia Air Management Regulation V, Section XIII. The effective date of the compliance guidelines submitted is May 23, 1988.

(ii) Additional materials.

(A) Remainder of the May 23, 1988 State submittal.

(79) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on August 15, 1991.

(i) Incorporation by reference.

(A) Letter from the Pennsylvania Department of Environmental Resources dated August 15, 1991 submitting revision to the Pennsylvania State Implementation Plan, pertaining to Chapters 121 and 129 of the Pennsylvania regulations pertaining to Stage I vapor recovery, surface coating, graphic arts, deletion of the generic bubble regulation, recordkeeping, gasoline marketing, pharmaceutical products, and compliance schedules.

(B) The definitions of bulk gasoline plant, bulk gasoline terminal, clear coat, and miscellaneous metal parts and products found in Chapter 121.1,

Chapter 129.51 (a) (1) through (6), (b), and (c), Chapter 129.52 (a) through (e), Table I, 10.(a) topcoats for locomotives and heavy-duty trucks and 10.(b) hopper cars and tank car interiors, deletion of Chapter 129.53 (now reserved), Chapter 129.54, Chapter 129.59, Chapter 129.60, Chapter 129.61, Chapter 129.66, Chapter 129.67, and Chapter 129.68 published in the Pennsylvania Bulletin dated August 3, 1991 (Vol. 21, no. 31, pages 3406–3416). These regulations were made effective on August 3, 1991.

(80) Revision to the Allegheny County portion of the Pennsylvania State Implementation Plan submitted on July 13, 1987, which consists of the addition of an installation permit (86–I–0024–P) which defines and imposes RACT to control VOC emissions from air oxidation processes at the Aristech Chemical Corporation plant on Neville Island.

(i) Incorporation by reference.

(A) A letter from the Pennsylvania Department of Environmental Resources dated July 13, 1987, submitting revisions to the Allegheny County portion of the Pennsylvania ozone State Implementation Plan.

(B) The original permit (86–I–0024–P), issued and effective August 28, 1986, and the modification and amendments to the original permit, issued and effective March 3, 1987.

(81) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on January 11, 1991.

(i) Incorporation by reference.

(A) Letter from the Pennsylvania Department of Environmental Resources dated January 11, 1991 submitting a revision to the Pennsylvania State Implementation Plan.

(B) The following revised regulations, effective October 27, 1990: Sections 121.1 (Definitions of ''combustion efficiency,'' ''incinerator,'' ''municipal waste,'' ''municipal waste incinerator,'' and ''resource recovery unit'' only); 123.25 (b), (c), and (e); 129.18 (entire section); 139.101 (7), (16) and introductory paragraph; 139.103(2); 139.104(2); 139.111 (1), (2), (3).

(ii) Additional material.

(A) Remainder of the January 11, 1991 State submittal.

(82) Revision to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on February 23, 1987 at the request of Philadelphia Air Management Services.

(i) Incorporation by reference.

(A) Letter from the Pennsylvania Department of Environmental Resources dated February 23, 1987 submitting a revision to the Philadelphia portion of the Pennsylvania Ozone State Implementation Plan effective November 28, 1986.

(B) Regulation V, Section I, ''Definitions'' for the term Pharmaceutical Tablet Coating; and Section XII, ''Pharmaceutical Tablet Coating'' only.

(C) Compliance Guidelines for Air Management Regulation V, ''Control of Emissions of Organic Substances from Stationary Sources,'' Section XII: ''Pharmaceutical Tablet Coating,'' effective November 28, 1986, (containing amendments and revisions through February 29, 1988).

(83) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on February 23, 1987.

(i) Incorporation by reference.

(A) A letter from the Pennsylvania Department of Environmental Resources dated February 23, 1987 submitting a revision to the Pennsylvania State Implementation Plan.

(B) A revision to Section I—Definitions—for the term Volatile Organic Compound (VOC) of Philadelphia Air Management Regulation V ''Control of Emissions of Organic Substances from Stationary Sources.'' The effective date is November 28, 1986.

(C) The addition of Section X—Compliance with Pennsylvania Standards for VOC to Philadelphia Air Management Regulation V. The effective date is November 28, 1986.

(ii) Additional materials.

(A) The remainder of the Commonwealth's February 23, 1987, submittal.

(84) Revisions to the Pennsylvania Air Pollution Control Regulations submitted on November 13, 1991, by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of November 13, 1991, from the Pennsylvania Department of Environmental Resources transmitting revised regulations for the control of volatile organic compound (VOC) emissions.

(B) Title 25 Pa. Code, chapter 121, section 121.1 (Definition of ''Organic Liquid Cargo Vessel'' only) and chapter 129, section 129.81 (Organic Liquid Cargo Vessel Loading and Ballasting), effective September 28, 1991.

(ii) Additional material.

(A) Remainder of the November 13, 1991, State submittal.

(85) Revisions to the Pennsylvania Regulations submitted on October 16, 1991, by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter from the Pennsylvania Department of Environmental Resources dated October 16, 1991 transmitting revisions to the Allegheny County portion of the Pennsylvania State Implementation Plan.

(B) Revisions to the following provisions of Article XX, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, adopted on August 8, 1991, and effective August 26, 1991:

(*1*) Section 101–Added definitions for the following terms: capture efficiency, potential uncontrolled emission rate, and transfer efficiency; revised and renumbered definitions for the following terms: bulk gasoline plant, bulk gasoline terminal, clear coat, miscellaneous metal parts and products, and volatile organic compound (VOC).

(*2*) New Section 501 added; existing Section 510 deleted.

(*3*) Section 504 (entire section).

(*4*) Section 505, subsections A, B, and D, and Table I.

(*5*) Section 507, subsection B.

(*6*) Section 508, subsections C, D, E, G, and H.

(*7*) Section 512–New subsection A (added), subsection B (former subsection H); existing subsections A-G and I are deleted.

(*8*) Section 531, subsections A, B, and C.

(*9*) Section 534, subsections B and C.

(*10*) Deletion of Section 506 that was in effect before August 26, 1991.

(86) Revisions to the Pennsylvania Regulations for reasonably available control technology (RACT) to control fugitive organic chemical manufacturing industries, Article XX of the Rules and Regulations of the Allegheny County Health Department, section 534 and 605 I submitted on July 13, 1987, by the Pennsylvania Department of Environmental Resources (DER).

(i) Incorporation by reference.

(A) Letter of July 13, 1987, from the Pennsylvania Department of Environmental Resources transmitting regulations for the control of ''Synthetic Organic Chemical and Polymer Manufacturing-Fugitive Sources'' and the associated test method, EPA method 21.

(B) Article XX, of the Rules and Regulations of the Allegheny County Health Department, section 534 and 605 I, effective June 10, 1987.

(87) Revisions to the Pennsylvania State Implementation Plan submitted on March 29, 1993, by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of March 22, 1993, from the Pennsylvania Department of Environmental Resources transmitting plan approval no. 46–326–001A and operating permit no. 46–326–001A for Knoll Group, P.O. Box 157, East Greenville, PA.

(B) Plan approval no. 46–326–001A and operating permit no. 46–326–001A which consist of emission standards, operating conditions and recordkeeping requirements applicable to Knoll Group, a wood furniture surface coater located in Montgomery County, PA, which is in the Philadelphia severe ozone nonattainment area. These requirements together are being approved as reasonably available control technology (RACT) for this wood furniture surface coater. The effective date of the plan approval and the operating permit is March 24, 1993.

(ii) Additional material.

(A) Remainder of March 29, 1993, Pennsylvania submittal consisting of a Background Information document prepared by Pennsylvania in support of the RACT proposal for Knoll, an evaluation of control options performed for Knoll by a contractor, public comments and responses, and a chart and

computer diskette (LOTUS 1–2–3) showing how RACT calculations will be performed.

(88) Revisions to the Pennsylvania Regulations for an oxygenated gasoline program submitted on November 12, 1992 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of November 12, 1992 from the Pennsylvania Department of Environmental Resources transmitting the oxygenated gasoline regulation as a SIP revision.

(B) Revisions to 25 PA Code Chapter 121, General Provisions, section 121.1 Definitions and the addition of section 126.1 Oxygenate Content of Gasoline to 25 PA Code Chapter 126, Standards for Motor Fuels. These revisions became effective August 29, 1992.

(C) The correction in 25 PA Code Chapter 121, General Provisions, section 121.1 Definitions in the definition of ''oxygenated gasoline''. This correction became effective October 24, 1992.

(ii) Additional Material.

(A) Remainder of Pennsylvania State submittal.

(B) [Reserved]

(89) Revisions to the Pennsylvania Regulations, Chapter 129.82 pertaining to Stage II Vapor Recovery and the associated definition of gasoline dispensing facilities in Chapter 121.1 submitted on March 4, 1992, by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of March 4, 1992, from the Pennsylvania Department of Environmental Resources transmitting Chapter 121.1, definition of gasoline dispensing facilities, and Chapter 129.82 pertaining to regulations for Stage II vapor recovery in moderate, serious and severe ozone nonattainment areas in the Commonwealth.

(B) Pennsylvania Bulletin (Vol. 22, No. 8) dated February 8, 1992, containing the definition of gasoline dispensing facility in Chapter 121.1 and the Stage II vapor recovery regulations contained in Chapter 129.82, effective on February 8, 1992.

(ii) Additional material.

(A) Remainder of March 4, 1992, State submittal.

(90) Revisions to the Allegheny County portion of the Pennsylvania SIP to adopt the PM–10 NAAQS and fulfill other Group III requirements, submitted on November 8, 1988 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of November 8, 1988 from the Pennsylvania Department of Environmental Resources transmitting revisions to Article XX of Allegheny County Health Department Rules and Regulations.

(B) Revisions to the following sections of Article XX of Allegheny County Health Department Rules and Regulations, effective August 22, 1988:

(*1*) Section 101, Definitions (definition of ''PM10'').

(*2*) Section 109, Ambient Air Quality Standards.

(*3*) Section 527, Areas Subject to Sections 521 through 526 (various fugitive dust measures).

(*4*) Section 613, Ambient Measurements.

(*5*) Section 704, Episode Criteria.

(*6*) Section 801, Definitions. (Definitions of ''Attainment area,'' ''Nonattainment area,'' ''Significant air quality impact,'' and ''Unclassified area'')

(*7*) Appendix 1, Attainment, Unclassifiable and Nonattainment Areas of Allegheny County: deleted.

(ii) Additional material.

(A) Remainder of the November 8, 1988 submittal pertaining to the Allegheny County portion of the Pennsylvania SIP to adopt the PM–10 NAAQS and fulfill other Group III requirements.

(91) Revisions to the Allegheny County portion of the Pennsylvania SIP to reduce PM–10 emissions and visible emissions from several categories of fugitive dust sources, submitted on December 31, 1992 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of December 31 1992 from the Pennsylvania Department of Environmental Resources transmitting revisions to Article XX of Allegheny county Health Department Rules and Regulations.

(B) Revisions to the following sections of Article XX of Allegheny County Health Department Rules and Regulations, effective November 1, 1992.

(*1*) Section 402, Particulate Mass Emissions (Paragraph A—Fuel Burning or Combustion Equipment)

(*2*) Section 520, Coke Ovens (Paragraph J—Compliance Schedule)

(*3*) Section 521, Permit Source Premises.

(*4*) Section 521.1, Non-Permit Source Premises.

(*5*) Section 523, Permit Source Transport.

(*6*) Section 523.1, Non-Permit Source Transport.

(*7*) Section 524, Construction and Land Clearing.

(*8*) Section 527, Areas Subject to Sections 521 through 526.

(*9*) Section 602, Particulate Matter (test methods).

(*10*) Section 606, Visible Emissions (measurement).

(*11*) Section 607, Coke Oven Emissions (measurement).

(*12*) Section 608, Coke Oven Gas (measurement of hydrogen sulfide content).

(ii) Additional material.

(A) Remainder of the December 31, 1992 submittal pertaining to the Allegheny County portion of the Pennsylvania SIP to reduce PM–10 emissions and visible emissions from several categories of fugitive dust sources.

(92) Revisions to the Allegheny County portion of the Pennsylvania SIP to reduce PM–10 emissions including the newly created Allegheny County Article XXI which both revised and added emission reduction requirements for certain industrial boilers, various emission points at US Steel's Clairton Coke Works and the Glassport Transportation Center, new definitions related to coke oven gas emissions, and new test methods for particulate matter; submitted by the Pennsylvania Department of Environmental Resources on January 6, 1994 and effective February 1, 1994.

(i) Incorporation by reference.

(A) Letter of January 6, 1994 from the Pennsylvania Department of Environmental Resources transmitting Article XXI of Allegheny County Health Department Rules and Regulations.

(B) The newly created Article XXI of Allegheny County Health Department Rules and Regulations in its entirety, effective February 1, 1994.

(*1*) Part A (sections 2101 *et seq.*), General, reserved in part:

(i) Section 2101. Short Titles.

(ii) Section 2101.3, Effective Date and Repealer.

(iii) Section 2101.20, Definitions.

(*2*) Part B (sections 2102 *et seq.*), Installation Permits, reserved.

(*3*) Part C (sections 2103 *et seq.*), Operating Permits and Licenses, reserved.

(*4*) Part D (sections 2104 *et seq.*), Pollutant Emission Standards, reserved in part.

(*i*) Section 2104.6, Particulate Mass Emissions, replaces section 402 of Article XX.

(*5*) Part E (sections 2105 *et seq.*), Sources Emission and Operating Standards, reserved in part.

(*i*) Section 2105.21, Coke Ovens and Coke Oven Gas, replaces section 520.B. through 520.J. and section 530 of Article XX.

(*ii*) Section 2105.49, Fugitive Emissions, replaces section 528 of Article XX.

(*6*) Part F (sections 2106 *et seq.*), Air Pollution Episodes, reserved.

(*7*) Part G (sections 2107 *et seq.*), Methods, reserved in part:

(*i*) Section 2107.1, General.

(*ii*) Section 2107.2, Particulate Matter.

(*8*) Part H (sections 2108 *et seq.*), Compliance, reserved.

(*9*) Part I (sections 2109 *et seq.*), Enforcement, reserved.

(ii) Additional material.

(A) Remainder of the January 6, 1994 State submittal.

(93) [Reserved]

(94) Revision to the Commonwealth of Pennsylvania Volatile Organic Compound (VOC) Regulations, amending 25 Pa Code Chapters 121—General Provisions and Chapter 129—Standards for Sources submitted on August 19, 1992, by the Pennsylvania Department of Environmental Resources (PADER).

(i) Incorporation by reference.

(A) A letter of August 19, 1992, from PADER transmitting a state implementation plan revision which corrects deficiencies and adds requirements for

the control of VOCs from surface coating, pneumatic rubber tire manufacturing, graphic arts and synthetic organic chemical manufacturing industry equipment leaks.

(B) 25 Pa Code, Chapter 121, § 121.4; and 25 Pa Code, Chapter 129, §§ 129.51, 129.52, 129.62, 129.66, 129.67, 129.69, 129.71 and 129.72, submitted on August 19, 1992 and effective on May 23, 1992.

(95) [Reserved]

(96) Revisions to the Commonwealth of Pennsylvania Regulations State Implementation Plan submitted on November 12, 1992 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of November 12, 1992 from the Pennsylvania Department of Environmental Resources transmitting a revised regulation to establish emission statements requirements annually for sources of nitrogen oxides and volatile organic compounds.

(B) Revisions to amend 25 Pa. Code, specifically to include section 135.5 and section 135.21. Effective on October 10, 1992.

(97) Revisions to the Pennsylvania State Implementation Plan submitted by the Secretary, Pennsylvania Department of Environmental Protection on December 31, 1992.

(i) Incorporation by reference.

(A) Letter dated December 31, 1992 from the Secretary, Pennsylvania Department of Environmental Protection, submitting a revision to the Allegheny County portion of the Pennsylvania State Implementation Plan.

(B) Addition of new section E to the Allegheny County Health Department-Bureau of Air Pollution Control (ACHD) Rules and Regulations, Article XX, Chapter II (Inspections, Reporting, Tests and Monitoring), § 202 (Reporting Requirements) were effective on October 8, 1992. This revision consists of an emission statement program for stationary sources which emit volatile organic compounds (VOCs) and/or nitrogen oxides ($NO_X$) at or above specified actual emission threshold levels. This program applies to stationary sources within the county of Allegheny.

(ii) Additional material.

(A) Remainder of December 31, 1992 state submittal pertaining to Pennsylvania Emission Statement Program.

(98) Revisions to the Pennsylvania Regulations Chapter 129.91 submitted on January 6, 1995 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Two letters both dated January 6, 1995 from the Pennsylvania Department of Environmental Resources transmitting source-specific VOC and/or NOx RACT determinations in the form of plan approvals and/or operating permits for the following sources: ESSROC Materials, Inc. (Northampton Co.)—cement manufacturer; Pennsylvania Power & Light—Brunner Island SES (York Co.)—utility, PPG Industries, Inc. (Cumberland Co.)—glass manufacturer; Stroehmann Bakeries, Inc. (Dauphin Co.)—bakery; GE Transportation Systems (Erie Co.)—utility; J.E. Baker/DBCA Refractory Facility (York Co.)—dolomitic refractory facility; Lafarge Corp. (Lehigh Co.)—cement manufacturer; West Penn Power Company—Armstrong Power Station (Armstrong Co.), utility. In addition, the plan approval for Plain n' Fancy Kitchens, Inc. (Lebanon Co., kitchen cabinet surface coating) containing provisions limiting this source as a synthetic minor source (below RACT threshold level of 50 TPY potential VOC emissions) is being approved.

(B) Plan approvals (PA), Operating permits (OP):

(*1*) ESSROC Materials, Inc.—PA 48–0004A, effective December 20, 1994, except conditions (7)(a), (7)(b), (7)(d), (8)(a), (8)(b), (8)(d), (10), (16) through (19) pertaining to particulate matter or $SO_2$ requirements and condition (25)(d) and (e) pertaining to compliance date extensions, and the expiration date of the plan approval.

(*2*) Pennsylvania Power & Light—Brunner Island SES—PA 67–2005, effective December 22, 1994, except condition 2.d. and e. pertaining to compliance date extensions, and the expiration date of the plan approval.

(*3*) PPG Industries, Inc.—OP 21–2002, effective December 22, 1994, except the expiration date of the operating permit.

(*4*) Stroehmann Bakeries, Inc.—PA 22–2003, effective December 22, 1994, except condition 9.d. and e. pertaining to compliance date extensions and the expiration date of the plan approval.

(*5*) GE Transportation Systems—Erie—OP 25–025, effective December 21, 1994, except for condition 9 pertaining to pollutants other than VOC and $NO_X$.

(*6*) J.E. Baker/DBCA Refractory Facility—OP 67–2001, effective December 22, 1994, except the expiration date of the operating permit.

(*7*) Lafarge Corp.—PA 39–0011A, effective December 23, 1994, except for condition (4)(d) and (e) pertaining to compliance date extensions, condition (8) pertaining to sulfur in fuel requirements, those in condition (9) not pertaining to VOC or $NO_X$, and the expiration date of the plan approval, and OP 39–0011, effective December 23, 1994, except conditions (8), (9), and (13) through (15), pertaining to sulfur in fuel requirements, and the expiration date of the operating permit.

(*8*) West Penn Power Company—Armstrong Power Station—PA 03–000–023, effective December 29, 1994, except for the expiration date of the plan approval and condition 5. pertaining to VOC and condition 9. pertaining to a facility-wide $NO_X$ cap, PA 03–306–004 (for unit 2), effective March 28, 1994, except for condition 12. (d) and (e), pertaining to compliance date extensions, and the expiration date of the plan approval, and PA 03–306–006 (for unit 1), effective November 22, 1994, except for condition 13. (d) and (e), pertaining to compliance date extensions, and the expiration date of the plan approval.

(*9*) Plain n' Fancy Kitchens, Inc.—PA 38–318–019C, effective December 23, 1994, except for condition 2.d. and e., pertaining to compliance date extensions, and the expiration date of the plan approval.

(99) Revisions to the Pennsylvania implementation plan for Allegheny County pertaining to the operation and maintenance of certain air pollution control devices at USX Corporation's Clairton Works submitted on April 26, 1995 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of April 26, 1995 from Mr. James M. Seif, Secretary, Pennsylvania Department of Environmental Resources transmitting a SIP revision for Allegheny County regarding USX Corporation's Clairton Works.

(B) Portions of an enforcement order and agreement entered into by and between the Allegheny County Health Department and USX Corporation on November 17, 1994 (Enforcement Order No. 200 Upon Consent). Specifically, the introductory section (pages 1–2), the section entitled, ''I. Order'' (pages 2–6), and attachments C and D to the enforcement order and agreement which list the relevant pollution control equipment. The Agreement was effective on November 17, 1994.

(ii) Additional material.

(A) Remainder of Pennsylvania's December 9, 1993 submittal.

(100) Revisions to Article XX (Air Pollution Control) of the Allegheny County Health Department Rules and Regulations submitted on September 25, 1989 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of September 25, 1989 from the Pennsylvania Department of Environmental Resources transmitting revisions to Article XX (Air Pollution Control) of the Allegheny County Health Department Rules and Regulations governing visible emissions.

(B) Revision to Article XX, Section 401.B (Visible Emissions-Exclusion) and deletion of Article XX, Section 518 (Blast Furnace Slips), effective July 1, 1989.

(ii) Additional material.

(A) Remainder of September 25, 1989 State submittal pertaining to Article XX, Sections 401 and 518.

(101) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources regarding RACT requirements for two Stroehmann Bakeries, Inc. facilities located in Lycoming and Bradford Counties, submitted on February 24, 1995.

(i) Incorporation by reference.

(A) Letter of February 24, 1995 from the Pennsylvania Department of Environmental Resources submitting a revision to the State Implementation Plan.

(B) Plan Approval Nos. PA–41–0001 and PA–08–0001 and Operating Permit

Nos. OP–41–0001A and OP–08–0001A, issued and effective February 9, 1995.

(ii) Additional material.

(A) Remainder of the State Implementation Plan revision request submitted by the Pennsylvania Department of Environmental Resources on February 24, 1995, pertaining to the Plan Approvals and Operating Permits listed above.

(102) Revisions to the Pennsylvania Regulations Chapter 129.91 submitted on January 6, 1995, April 24, 1995 and May 31, 1995 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Four letters, two dated January 6, 1995, one dated April 24, 1995, and one dated May 31, 1995, from the Pennsylvania Department of Environmental Resources transmitting source-specific VOC and/or NOx RACT determinations in the form of plan approvals and/or operating permits for the following sources: (1) PECO Energy—Eddystone (Delaware Co.)—utility, (2) Gilberton Power Company (Schuylkill Co.)—utility, (3) Bethlehem Steel Structural Products Corp. (Northampton Co.)—steel manufacturer, (4) Westwood Energy Properties, Inc. (Schuylkill Co.)—utility, (5) PECO Energy Co.—Front Street (Montgomery Co.)—utility, (6) Crawford Furniture Manufacturing Corp. (Clarion Co.)—furniture manufacturer, (7) Schuylkill Energy Resources (Schuylkill Co.)—cogeneration plant, (8) Panther Creek Partners (Carbon Co.)—utility, (9) Columbia Gas Transmission Co.—Milford (Pike Co.), (10) Texas Eastern Transmission Corp.—Entriken (Huntingdon Co.)—Natural gas pipeline compressor station, (11) Columbia Gas Transmission Corp.—Greencastle (Franklin Co.). In addition, the operating permit for Lord Corporation (Erie Co.), aerospace surface coating operation containing provisions limiting this source as a synthetic minor source (below RACT threshold level of 50 TPY potential VOC emissions) is being approved.

(B) Plan approvals (PA), Operating permits (OP):

(*1*) PECO Energy—Eddystone—PA 23–0017, effective December 28, 1994, except the expiration date of the plan approval, and OP 23–0017, effective December 28, 1994, except the expiration date of the operating permit and conditions 6.C.(1) through (7), 6.D.(1)(c), 7.C.(1) through (5), 7.D.(1)(a) and 8.D.(1)(a) pertaining to $SO_2$ or PM10 requirements.

(*2*) Gilberton Power Company—OP 54–0004, effective December 20, 1994, except the expiration date of the operating permit and condition 5 pertaining to $SO_2$ and PM10 requirements.

(*3*) Bethlehem Structural Products Corp.—OP 48–0010, effective December 20, 1994, except the expiration date of the operating permit, OP 48–0013, effective December 20, 1994, except the expiration date of the operating permit and condition (11)(d) through (f) pertaining to sulfur and metals, OP 48–0014, effective December 20, 1994, except the expiration date of the operating permit and conditions (8) and (9) pertaining to particulate matter, and OP 48–0015, effective December 20, 1994, except the expiration date of the operating permit and conditions (9) and (10) pertaining to visible emissions and particulate matter.

(*4*) Westwood Energy Properties, Inc.—OP 54–0006, effective December 27, 1994, except the expiration date of the operating permit and the particulate and $SO_2$ emission limitations in condition (5).

(*5*) PECO Energy Company—Front Street—OP 46–0045, effective March 31, 1995, except the expiration date of the operating permit.

(*6*) Crawford Furniture Manufacturing Corp.—OP 16–021, effective March 27, 1995.

(*7*) Schuylkill Energy Resources—OP 54–0003, effective May 19, 1995, except the expiration date of the operating permit.

(*8*) [Reserved]

(*9*) Columbia Gas Transmission Company—Milford—OP 52–0001, effective May 19, 1995, except the expiration date of the operating permit.

(*10*) Texas Eastern Transmission Corp.—OP 31–2003, effective May 16, 1995, except the expiration date of the operating permit.

(*11*) Columbia Gas Transmission Corp.—Greencastle—OP 28–2003, effective April 21, 1995, except the expiration date of the operating permit.

(*12*) Lord Corporation—OP 25–095, effective March 30, 1995.

(103) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NOx RACT and 1990 baseyear emissions inventory for one source, submitted on January 6, 1995, May 10, 1995, May 31, 1995, August 11, 1995 (as amended on November 15, 1995), October 24, 1995, and December 8, 1995 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Nine letters: three dated January 6, 1995, and one each dated May 10, 1995, May 31, 1995, August 11, 1995, October 24, 1995, November 15, 1995, and December 8, 1995 from the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection) transmitting source specific VOC and/or NOx RACT determinations in the form of plan approvals or operating permits for the following sources: Tennessee Gas Pipeline Company—Station 313 (Potter Co.)—natural gas transmission and gas storage station; Corning Asahi Video Products Company (Centre Co.)—glass manufacturer; Columbia Gas Transmission Company—Easton station (Northampton Co.)—natural gas compressor station, (4) Texas Eastern Transmission Corporation—Bedford (Bedford Co.)—natural gas compressor station; Texas Eastern Transmission—Marietta (Lancaster Co.)—natural gas compressor station; Hercules Cement Company (Northampton Co.)—cement manufacturer; Lone Star Industries (Northampton Co.)—cement manufacturer; Pennsylvania Power and Light—Montour SES (Montour Co.)—utility; Pennsylvania Electric Company—Shawville (Clearfield Co.)—utility; Zinc Corporation of America—Monaca (Beaver Co.)—zinc smelting; Procter and Gamble Paper Products—Mehoopany (Wyoming Co.)—pulp and paper making facility. In addition, the operating permit for Columbia Gas Transmission Corporation—Union City (Erie Co.), a natural gas compressor station, containing provisions limiting this source as a synthetic minor source (below RACT threshold level of 100 tons per year of potential NOx emissions) is being approved.

(B) Plan approvals (PA), Operating permits (OP):

(*1*) Tennessee Gas Pipeline Company—Station 313—PA 53–0001, effective November 27, 1995, except the expiration date of the plan approval and the portion of condition #6 pertaining to CO emissions, OP 53–0001, effective November 27, 1995, except the expiration date of the operating permit, condition #21 pertaining to prevention of significant deterioration and the portions of condition #22 pertaining to CO emissions, and Compliance permit (CP) 53–0001, effective November 27, 1995, except the expiration date of the compliance permit.

(*2*) Corning Asahi Video Products Company—OP 14–0003, effective December 27, 1994, except the expiration date of the operating permit, OP 14–309–010A, effective May 5, 1994, except the expiration date of the operating permit and condition #6 and 7, pertaining to particulate matter and arsenic, OP 14–309–009C, effective August 18, 1994, except the expiration date of the operating permit and conditions #12 and 14, pertaining to particulate matter and lead, and OP 14–309–037A, effective May 5, 1994, except the expiration date of the operating permit and conditions #10, 11, 12, and 15, pertaining to particulate matter, fluorides and arsenic.

(*3*) Columbia Gas Transmission Company—Easton—OP 48–0001, effective May 19, 1995, except the expiration date of the operating permit and PA 48–0001A, effective May 19, 1995, except the expiration date of the plan approval.

(*4*) Texas Eastern Transmission Corporation—Bedford—OP 05–2007, effective May 16, 1995, except the expiration date of the operating permit.

(*5*) Texas Eastern Transmission Corporation—Marietta—PA 36–2025, effective May 16, 1995, except the expiration date of the plan approval and condition #2, pertaining to compliance date extensions.

(*6*) Hercules Cement Company—PA 48–0005A, effective December 23, 1994, except the expiration date of the plan approval and condition #4, pertaining to compliance date extensions, and all the following conditions that do not pertain to VOC or $NO_X$ RACT: #10(a), (b) and (d), #11(a), (b) and (d), #12(a), (b) and (d), #13(a), (b) and (d), #14, #15, #21

through 24, #30, pertaining to compliance date extensions and OP 48–0005, effective December 23, 1994, except the expiration date of the operating permit and conditions #8 and 9, pertaining to particulate matter.

(*7*) Lone Star Industries—OP 48–0007, effective December 20, 1994, except the expiration date of the operating permit.

(*8*) Pennsylvania Power & Light—Montour SES—PA 47–0001A, effective December 27, 1994, except the expiration date of the plan approval and condition #14, pertaining to compliance date extensions and OP 47–0001, effective December 27, 1994, except the expiration date of the operating permit.

(*9*) Pennsylvania Electric Company—Shawville—PA 17–0001, effective December 27, 1994, except the expiration date of the plan approval and condition #19, pertaining to compliance date extensions.

(*10*) Zinc Corporation of America—Monaca—OP 04–000–044, effective December 29, 1994, except for the expiration date of the operating permit and those portions of conditions #8 and 9 pertaining to CO and $PM_{10}$.

(*11*) Procter and Gamble Paper Products Company—Mehoopany—OP 66–0001, effective December 20, 1994, except the expiration date of the operating permit and PA 66–0001A, effective December 20, 1994, except the expiration date of the plan approval and condition #4, pertaining to compliance date extensions, those portions of condition #5, pertaining to CO, $SO_2$ or particulate matter, and condition #17, pertaining to odor.

(*12*) Columbia Gas Transmission Corporation—Union City—OP 25–892, effective April 11, 1995 except the portion of condition #8, pertaining to compliance date extensions.

(ii) Additional Material.

(A) Remainder of January 6, 1995, May 10, 1995, May 31, 1995, August 11, 1995, October 24, 1995, and December 8, 1995 State submittals.

(B) Additional clarifying material submitted by Pennsylvania: Letter dated July 18, 1995 from Matthew M. Williams, Air Pollution Control Engineer, Pennsylvania DEP, to Steve H. Finch, Vice President, Environmental Affairs, Columbia Gas Transmission Corporation, stating that the effective date of the Columbia Gas Transmission Corporation—Union City operating permit (OP 25–892) is April 11, 1995.

(104) Revisions to the Pennsylvania Regulations Chapter 129.91 submitted on August 1, 1995 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Two letters, one dated August 1, 1995, from James Seif, Secretary of the Pennsylvania Department of Environmental Protection, transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of operating permits for the following sources: James River Corporation—Chambersburg (Franklin County)—printer. In addition, operating permits for the following sources containing provisions limiting these sources as ''synthetic minor'' sources (below RACT threshold level for VOC and/or $NO_X$ emissions) are being approved: Appleton Papers, Inc. (Cumberland County)—carbon paper producer; Air Products & Chemicals, Inc.—Trexlortown (Lehigh County)—gas production/storage facility; Elf Atochem North America, Inc. (Montgomery County)—chemical research & development firm; York City Sewer Authority—Manchester Township (York County)—waste water treatment facility; Glasgow, Inc.—Ivy Rock Plants 1 & 2 (Montgomery County)—asphalt production facility; Glasgow, Inc.—Catanach Plant (Chester County)—asphalt production facility; Glasgow, Inc.—Freeborn Asphalt Plant (Delaware County)—asphalt production facility.

(B) One letter, dated November 15, 1995, from James Seif, Secretary of the Pennsylvania Department of Environmental Protection, transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of operating permits including the following source: Glasgow, Inc.—Spring House Plants 1 & 2 (Montgomery County)—asphalt production facility;

(C) Operating permits (OP):

(*1*) James River Corporation—OP 28–2006, effective June 14, 1995, except the expiration date of the operating permit.

(*2*) Appleton Papers, Inc.—OP 21–2004, effective May 24, 1995, except the expiration date of the operating permit.

(*3*) Air Products and Chemicals, Inc.—OP 39–0008, effective May 25, 1995, except the expiration date of the operating permit.

(*4*) Elf Atochem North America, Inc.—OP 46–0022, effective June 27, 1995, except the expiration date of the operating permit.

(*5*) York City Sewer Authority, Manchester Township—OP 67–2013, effective March 1, 1995, except the expiration date of the operating permit.

(*6*) Glasgow, Inc., Ivy Rock Asphalt Plants 1 & 2—OP 46–0043, effective June 7, 1995, except for the expiration date of the operating permit.

(*7*) Glasgow, Inc., Spring House Asphalt Plants 1 & 2—OP 46–0029, effective June 7, 1995, except for the expiration date of the operating permit.

(*8*) Glasgow, Inc., Catanach Asphalt Plant—OP 15–0021, effective June 7, 1995, except for the expiration date of the operating permit.

(*9*) Glasgow, Inc., Freeborn Asphalt Plant—OP 23–0026, effective June 7, 1995, except for the expiration date of the operating permit.

(105) The carbon monoxide redesignation and maintenance plan for part of Philadelphia County submitted by the Pennsylvania Department of Environmental Protection on September 8, 1995 and October 30, 1995, as part of the Pennsylvania SIP. The 1990 base year CO emission inventory and projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Letters of September 8, 1995 and October 30, 1995 from the Pennsylvania Department of Environmental Protection requesting the redesignation and submitting the maintenance plan.

(B) Maintenance Plan for the Philadelphia Carbon Monoxide Nonattainment Area adopted on October 16, 1995.

(ii) Additional Material.

(A) Remainder of September 8, 1995 and October 30, 1995 State submittal.

(106) Revisions to the Pennsylvania Regulations, Chapter 129.82 pertaining to Stage II Vapor Recovery and the associated definition of gasoline dispensing facilities originally submitted on March 4, 1992 and supplemented on October 26, 1995 by the Pennsylvania Department of Environmental Protection (formerly known as the Department of Environmental Resources):

(i) Incorporation by reference.

(A) Letter of October 26, 1995 from the Pennsylvania Department of Environmental Protection transmitting sections 6.7 (b), (c), (h) and section 17(2) of the Pennsylvania Air Pollution Control Act as amended on June 29, 1992.

(B) Sections 6.7 (b), (c), (h), and section 17(2) of the Pennsylvania Air Pollution Control Act, amended June 29, 1992 and effective on July 9, 1992.

(107) Revisions to the Pennsylvania Regulations, Chapter 127 by the Pennsylvania Department of Environmental Protection

(i) Incorporation by reference.

(A) Letter of February 4, 1994 from the Pennsylvania Department of Environmental Protection transmitting revisions to the New Source Review Provisions.

(B) Revisions to the following Pennsylvania Department of Environmental Quality Regulations, effective January 15, 1994:

(1) Addition of Chapter 127, Subchapter E, New Source Review, Sections 127.201 through 127.217 inclusive, effective January 15, 1994.

(2) Deletion of Chapter 127, Subchapter C, Sections 127.61 through 127.73.

(ii) Additional materials consisting of the remainder of the February 4, 1994 State submittal pertaining to Chapter 127, Subchapter E.

(108) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on January 6, 1995, July 5, 1995, July 31, 1995, August 1, 1995, September 20, 1995, November 22, 1995, and March 18, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Seven letters, dated January 6, 1995, July 5, 1995, July 31, 1995, August 1, 1995, September 20, 1995, November 22, 1995, and March 18, 1996 from the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection) transmitting source specific VOC and/or $NO_X$ RACT

determinations in the form of plan approvals or operating permits for the following sources: U.G.I. Utilities, Inc. (Luzerne Co.)—utility, Solar Turbines (York Co.)—cogeneration facility, Columbia Gas Transmission—Renovo Compressor Station (Clinton Co.)—natural gas compressor station, National Fuel Gas Supply Corporation—East Fork Compressor Station (Potter Co.)—natural gas compressor station, York Resource Energy Systems, Inc. (York Co.)—municipal waste combustion facility, W.R. Grace & Co.—Formpac Division (Berks Co.)—expandable polystyrene blowing facility, CNG Transmission—Cherry Tree Station (Indiana Co.)—natural gas transmission station, EPC Power Corporation of Bethlehem (Delaware Co.)—Crozer Chester Cogeneration Plant, C-P Converters, Inc. (York Co.)—flexographic printing operation, Fisher Scientific Co. International—Instrument Manufacturing Division (Indiana Co.). In addition, the permits containing provisions limiting source emissions to synthetic minor sources levels (below RACT threshold level of 100 tons per year or 25 TPY of potential $NO_X$ emissions and 50 TPY or 25 TPY for potential VOC emissions) are being approved for three sources: Adelphi Kitchens, Inc.—Robesonia factory (Berks Co.)—wood furniture coating operation, Birchcraft Kitchens, Inc.—Reading factory (Berks Co.)—wood furniture coating operation, and Glasgow, Inc.—Bridgeport Asphalt Plant (Montgomery Co.)—asphalt plant.

(B) Plan approvals (PA), Operating permits (OP), Compliance permit (CP):

(*1*) U.G.I. Utilities, Inc.—OP 40–0005, effective December 20, 1994 and PA 40–0005A, effective December 20, 1994, except the expiration date of the plan approval and conditions # 18, 19, and 20 pertaining to non-VOC or $NO_X$ emissions and ash and waste oil requirements.

(*2*) Solar Turbines—PA 67–2009, effective August 17, 1995, except the expiration date of the plan approval and CP 67–2009, effective August 17, 1995, except the expiration date of the compliance permit.

(*3*) Columbia Gas Transmission—Renovo Compressor Station—OP 18–0001, effective July 18, 1995, except the expiration date of the operating permit and condition #8, pertaining to compliance date extensions and PA 18–0001, effective July 18, 1995, except the expiration date of the plan approval and condition #14, pertaining to compliance date extensions.

(*4*) National Fuel Gas Supply Corporation—East Fork Compressor Station—OP 53–0007, effective July 17, 1995, except the expiration date of the operating permit, including the corrections to condition #6 and 13 (from a letter dated July 31, 1995) and PA 53–0007A, effective July 17, 1995, except the expiration date of the plan approval.

(*5*) York Resource Energy Systems, Inc.—PA 67–2006, effective August 25, 1995, except the expiration date of the plan approval and the non-VOC or non-$NO_X$ elements in conditions #4, 8, 9, 10 12, 18, and 19.

(*6*) W.R. Grace & Co.—Formpac Division—PA 06–1036, effective May 12, 1995, except the expiration date of the plan approval and condition #10 (d) and (e) pertaining to compliance date extensions and PA 06–315–001, effective June 4, 1992, except the expiration date of the plan approval.

(*7*) CNG Transmission Corporation—Cherry Tree Station—PA 32–000–303, effective July 5, 1995, except the expiration date of the plan approval, the elements in condition #6 pertaining to carbon monoxide, and condition #16 D. and E. pertaining to compliance date extensions.

(*8*) EPC Power Corporation of Bethlehem—Crozer Chester Cogeneration plant—OP 23–0007, effective June 8, 1995, except the expiration date of the operating permit.

(*9*) C-P Converters, Inc.—OP 67–2030, effective August 30, 1995, except the expiration date of the operating permit.

(*10*) Fisher Scientific—Instrument Manufacturing Division—OP 32–000–100, effective July 18, 1995, except the expiration date of the operating permit.

(*11*) Adelphi Kitchens, Inc.—Robesonia factory—OP 06–1001, effective April 4, 1995, except the expiration date of the operating permit.

(*12*) Birchcraft Kitchens, Inc.—Reading factory—OP 06–1005, effective April 4, 1995, except the expiration date of the operating permit.

(*13*) Glasgow, Inc.—Bridgeport Asphalt Plant—OP 46–0044, effective June 7, 1995, except the expiration date of the operating permit.

(ii) Additional material.

(A) Remainder of January 6, 1995, July 5, 1995, August 1, 1995, September 20, 1995, State submittals.

(B) Revision to the Pennsylvania SIP dated March 18, 1996, submitted by the Pennsylvania Department of Environmental Protection, pertaining to the 1990 emission inventory for General Glass—Jeannette, Westmoreland County.

(109) [Reserved]

(110) Revisions to the Operating Permit, Plan Approval and Sampling and Testing Program Regulations submitted on May 18, 1995 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of May 15, 1995 from the Pennsylvania Department of Environmental Resources transmitting Pennsylvania's Title V operating permit, plan approval, and State operating permit programs.

(B) Revisions to the definition of ''Potential to emit'' and addition of the following definitions in Title 25, Chapter 121, Section 121.1, effective on November 26, 1994: ''Air pollution'', ''Applicable requirements'', ''Compliance docket'', ''Compliance review form'', ''Deviation'', ''Documented conduct'', ''Federally enforceable emissions cap'', ''General plan approval'', ''General operating permit'', ''Minor operating permit modification'', ''Performance standard'', ''Related party'', ''Renewal'', ''Research and development facility'', ''Responsible official'', ''Title V facility'', ''Title V permit'', and ''Title V regulated air pollutant.''

(C) The following amendments to Title 25, Chapter 127, effective on November 26, 1994: § 127.1, 127.3, 127.11 through 127.14, 127.25, 127.32, 127.35, 127.36, 127.44, 127.45, 127.47, 127.49 through 127.51, 127.401 through 127.404, 127.411 through 127.414, 127.421 through 127.431, 127.441 through 127.450, 127.461 through 127.464, 127.701 through 127.703, and 127.707.

(D) The following amendments to Title 25, Chapter 139, effective on November 26, 1994: § 139.4, 139.5, 139.12, 139.13, 139.14, 139.32, 139.101 through 139.104, and 139.108.

(ii) Additional material.

(A) Remainder of May 18, 1995 State submittal.

(111) Revisions to the Operating Permit and Plan Approval Regulations to add Subchapter H, ''General Plan Approvals and Operating Permits'', submitted on May 18, 1995 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of May 15, 1995 from the Pennsylvania Department of Environmental Resources transmitting Pennsylvania's general plan approval and general operating permit programs.

(B) The following amendments to Title 25, Chapter 127, effective on November 26, 1994: § 127.601, 127.611, 127.612, 127.621, and 127.622.

(ii) Additional material.

(A) Remainder of Pennsylvania's May 18, 1995 submittal.

(112) Revisions to the Pennsylvania Regulations—Philadelphia Lead Implementation Plan—submitted on September 30, 1994, by the Commonwealth of Pennsylvania:

(i) Incorporation by reference.

(A) Letter of September 30, 1994 from the Pennsylvania Department of Environmental Resources transmitting a revision to the Philadelphia portion of the Pennsylvania State Implementation Plan for lead.

(B) Licenses to operate (permits) effective September 21, 1994, for:

(*1*) Franklin Smelting and Refining Corporation;

(*2*) MDC Industries, Inc.; and

(*3*) Anzon, Inc.

(ii) Additional information. Remainder of September 30, 1994 submittal.

(113) Revisions to the Pennsylvania Regulations, Chapter 129.93 pertaining to VOC and $NO_X$ RACT, submitted on August 1, 1995, December 8, 1995, June 10, 1996, and September 13, 1996, by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Four letters, dated August 1, 1995, December 8, 1995, June 10, 1996, and September 13, 1996, from the Pennsylvania Department of Environmental

Resources (now known as the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and/or $NO_X$ RACT determinations for Caparo Steel Company (Mercer Co.)—steel mill, Sharon Steel Company (Mercer Co.)—steel mill, and Pennsylvania Electric Company (Penelec)—Williamsburg Station (Blair Co.)—utility.

(B) Plan approval (PA) and Operating permit (OP):

(*1*) Caparo Steel Company—OP 43–285, effective November 3, 1995, except condition #9 pertaining to non-$NO_X$ and non-VOC pollutants.

(*2*) Sharon Steel Company—PA 43–017, effective November 3, 1995, except condition #9 pertaining to non-$NO_X$ and non-VOC pollutants.

(ii) Additional material.

(A) Remainder of August 1, 1995, December 8, 1995, June 10, 1996, and September 13, 1996, State submittals pertaining to Caparo Steel Company, Sharon Steel Company, and Pennsylvania Electric Company (Penelec)—Williamsburg Station.

(114) Revisions to the Pennsylvania Regulations Chapter 129.91 through 129.95 pertaining to VOC and $NO_X$ RACT, submitted on August 1, 1995, September 20, 1995, December 8, 1995 and September 13, 1996 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Four letters dated August 1, 1995, September 20, 1995, December 8, 1995 and September 13, 1996 from the Pennsylvania Department of Environmental Protection transmitting three source-specific RACT determinations; two of which involve operating permits and one (Mercersburg Tanning Company) which does not involve any type of permit. The three sources are:

(*1*) DMi Furniture, Inc. (Adams County)—wood furniture manufacturer.

(*2*) R. R. Donnelley & Sons Company, West Plant (Lancaster County)—printing facility.

(*3*) Mercersburg Tanning Company (Franklin County)—leather coating facility.

(B) Operating Permits (OP):

(*1*) DMi Furniture, Inc.—OP #01–2001, effective June 13, 1995, except for the expiration date of the operating permit.

(*2*) R.R. Donnelley & Sons Company, West Plant—OP #36–2026, effective July 14, 1995, except for the expiration date of the operating permit and the parts of conditions 5, 9b & 20 pertaining to Hazardous Air Pollutants (HAP's).

(ii) Additional material.

(A) Remainder of August 1, 1995, September 20, 1995, December 8, 1995 and September 13, 1996 State submittals pertaining to DMi Furniture, Inc, R. R. Donnelley & Sons—West Plant, and Mercersburg Tanning Company.

(115) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on January 6, 1995 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) One letter dated January 6, 1995 from the Pennsylvania Department of Environmental Protection transmitting source specific VOC and/or $NO_X$ RACT determinations in the form of plan approvals or operating permits for International Paper Company—Hammermill Papers Division—Lockhaven.

(B) Operating permit (OP):

(*1*) International Paper Company—Hammermill Papers Division—Lockhaven—OP 18–0005, effective December 27, 1994, except the expiration date of the operating permit.

(116) [Reserved]

(117) Revisions to the Pennsylvania Regulations Chapter 129.91 through 129.95 pertaining to VOC and $NO_X$ RACT, submitted on August 1, 1995 (amended March 20, 1997), June 10, 1996, and September 13, 1996 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Three letters dated August 1, 1995, June 10, 1996, and September 13, 1996 from the Pennsylvania Department of Environmental Protection transmitting three source-specific RACT determinations; two of which involve plan approvals and one which involves an operating permit. One letter dated March 20, 1997 amending the August 1, 1995 submittal pertaining to $NO_X$ RACT for AT&T Corporation. The three sources are:

(*1*) AT&T Corporation (Berks County)—electronics components manufacturer.

(*2*) Garden State Tanning, Inc. (Berks County)—leather coating facility.

(*3*) The Glidden Company (Berks County)—paint manufacturing facility.

(B) Plan Approvals (PA), Operating Permits (OP):

(*1*) AT&T Corporation—PA #06–1003, effective June 26, 1995, except for the expiration date of the plan approval, all conditions pertaining to $NO_X$ RACT determination, and conditions 18d & 18e pertaining to temporary operation regarding compliance extension and expiration date of the plan approval.

(*2*) Garden State Tanning, Inc.—PA #06–1014, effective June 21, 1995, except for the expiration date of the plan approval, conditions 20, 21, 24, and 25 pertaining to visual/malodorous emissions, sulfur content, and water flow rates, and conditions 27d & 27e pertaining to temporary operation regarding compliance extension and expiration date of the plan approval.

(*3*) The Glidden Company—OP #06–1035, effective February 15, 1996, except for the expiration date of the operating permit, conditions 13, 14, and 16, pertaining to operating permit renewal, sulfur content, and visual/malodorous emissions.

(ii) Additional material.

(A) Remainder of August 1, 1995 (amended March 20, 1997), June 10, 1996 and September 13, 1996 State submittals pertaining to AT&T Corporation, Garden State Tanning, Inc., and The Glidden Company.

(118) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on March 27, 1995, November 15, 1995 and May 2, 1996 by the Pennsylvania Department of Environmental Resources (now know as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Four letters, dated March 27, 1995, November 15, 1995, May 2, 1996 and September 13, 1996, from the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of plan approvals, operating permits or a compliance permit for the following sources:

(*1*) Maier's Bakery, Inc. (Reading Plant, Berks County)—bakery;

(*2*) Morgan Corporation (Morgantown Plant, Berks County)—heavy duty truck manufacturer;

(*3*) Allentown Cement Company (Maidencreek Township, Berks County)—cement manufacturer;

(*4*) Quaker Maid (Ontelaunee Township, Berks County)—manufacturer of kitchen cabinets;

(*5*) Brentwood Industries, Inc. (Reading, Berks County)—manufacturer of plastic products;

(*6*) Metropolitan Edison Company (Cumru Township, Berks County)—electric generation station;

(*7*) ICI Fluoropolymers (Caln Township, Chester County)—manufacturer of free flow polytetrafluoro-ethylene (PTFE);

(*8*) Synthetic Thread Company (City of Bethlehem, Lehigh County)—manufacturer of coated nylon and polyester thread; and

(*9*) Bird-In-Hand Woodworks, Inc. (East Hempfield Township, Lancaster County)—manufacturer of wood furniture for children.

(B) Plan approvals (PA), Operating Permits (OP) and a Compliance Permit:

(*1*) Maier's Bakery, Inc.—PA 06–1023, effective September 20, 1995, except for the expiration date of the plan approval.

(*2*) Morgan Corporation—OP 06–1025, effective August 31, 1995, except the expiration date of the operating permit.

(*3*) Allentown Cement Company, Inc.—PA 06–1002, effective October 11, 1995, except for conditions #17, #20, #21 and #30 pertaining to non-$NO_X$ and non-VOC pollutants and the expiration date of the plan approval.

(*4*) Quaker Maid—OP 06–1028, effective October 27, 1995, except the expiration date of the operating permit.

(*5*) Brentwood Industries, Inc.—PA 06–1006, effective February 12, 1996, except for the expiration date of the plan approval.

(*6*) Metropolitan Edison Company—PA 06–1024, effective March 9, 1995, except the expiration date of the plan approval and condition #13 pertaining to non-$NO_X$ and non-VOC pollutant.

(*7*) ICI Fluoropolymers—PA 15–0009 and CP 15–0009, effective October 3, 1995, except the expiration date of the plan approval and the compliance permit.

(*8*) Synthetic Thread Company—PA 39–0007A, effective August 10, 1995, except the expiration date of the plan approval.

(*9*) Bird-In-Hand Woodworks, Inc.—OP 36–2022, effective September 27, 1995, except for the expiration date of the operating permit.

(ii) Additional material.

(A) Remainder of March 27, 1995, November 15, 1995 and May 2, 1996 State submittals.

(119) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on January 10, 1996 and September 13, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Two letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of operating permits on the following dates: January 10, 1996 and September 13, 1996.

(B) Operating permits (OP):

(*1*) Heinz Pet Products, Columbia County, OP–19–0003, effective November 27, 1995, except for the expiration date of the operating permit and conditions No. 15 through No. 24 pertaining to non-VOC and non-$NO_X$ pollutants.

(*2*) Graco Children's Products, Inc., Chester County, OP–15–0006, effective November 30, 1995, except for the expiration date of the operating permit.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's January 10, 1996 and September 13, 1996 submittals.

(120) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on January 21, 1997, January 28, 1997, and May 31, 1995 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Four letters, dated January 21, 1997, January 28, 1997, May 31, 1995 and September 13, 1996, from the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of operating permits, a plan approval and a compliance permit for the following sources:

(*1*) Texas Eastern Transmission Corporation (Bernville, Berks County)—natural gas compressor station;

(*2*) Texas Eastern Transmission Corporation (Bechtelsville, Berks County)—natural gas compressor;

(*3*) Carpenter Technology Corporation (Reading/Muhlenberg Township, Berks County)—steel manufacturer; and

(*4*) North American Fluoropolymers Company (Ontelanunee, Berks County)—manufacturer of teflon crumbs.

(B) Operating Permits (OP), Plan Approval (PA) and Compliance Permit (CP):

(*1*) Texas Eastern Transmission Corporation (Bernville)—(OP–06–1033) effective January 31, 1997, except for the expiration date of the operating permit.

(*2*) Texas Eastern Transmission Corporation (Bechtelsville)—(OP–06–1034) effective January 31, 1997, except for the expiration date of the operating permit.

(*3*) Carpenter Technology Corporation—(OP–06–1007), effective September 27, 1996, except for those portions of conditions Nos. 28 through 41 and Nos. 43 through 54 pertaining to non-VOC and non-$NO_X$ pollutants and the expiration date of the operating permit.

(*4*) North American Fluoropolymers Company—(PA–06–1026) and (CP–06–1026), effective April 19, 1995, except for the expiration dates of the plan approval and the compliance permit.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's January 21, 1997, January 27, 1997, and May 31, 1995 submittals.

(B) Additional material submitted by Pennsylvania: Letter dated March 25, 1997 from Mr. James Salvaggio, Director, Bureau of Air Quality Control, Pennsylvania Department of Environmental Resources to Mr. Thomas

Maslany, Director, Air, Radiation and Toxics Division, EPA Region III providing clarifying information related to the Carpenter Technology Corporation operating permit and the North American Fluoropolymers Company plan approval.

(121) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on December 8, 1995, February 20, 1996, March 21, 1996, April 16, 1996, and September 13, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Five letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of plan approvals or operating permits on the following dates: December 8, 1995, February 20, 1996, March 21, 1996, April 16, 1996, and September 13, 1996.

(B) Plan approvals (PA), Operating permits (OP), Compliance permits (CP):

(*1*) CNG Transmission Corporation—Ellisburg, Potter County, OP–53–0004, effective February 29, 1996, except for the expiration date of the operating permit; PA–53–0004A effective February 29, 1996, except for the expiration date of the plan approval; and CP–53–0004A except for the expiration date, except for item #6 regarding future compliance extensions.

(*2*) CNG Transmission Corporation—Greenlick Compressor Station, Potter County, PA–53–0003A, effective December 18, 1995, except for the plan approval expiration date, except for the portion of item #3 regarding carbon monoxide (CO) emissions increases, except the portion of item #4 regarding CO emission limitations; OP–53–0003, effective December 18, 1995 except for the operating permit expiration date; and CP–53–0003A, except for the expiration date of the compliance permit, except for item #6 regarding future compliance extensions.

(*3*) CNG Transmission Corporation—Crayne Station, Greene County, OP 30–000–089, effective December 22, 1995 except for the expiration date of the operating permit, except for the portion of item #4 regarding CO emission limitations, except for item #9 regarding emission limitation revisions.

(*4*) CNG Transmission Corporation—State Line Station, Potter County, OP–53–0008, effective January 10, 1996 except for the expiration date of the operating permit, except for the portions of item #22 regarding CO emission limitations.

(*5*) CNG Transmission Corporation—Big Run, Jefferson County, PA 33–147, effective June 27, 1995, except for item #9 regarding emission limitation revisions.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's December 8, 1995, February 20, 1996, March 21, 1996, April 16, 1996, and September 13, 1996 submittals pertaining to the RACT determinations for the five sources listed in (i) above.

(122) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on August 1, 1995, December 8, 1995, and September 13, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Three letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of operating permits on the following dates: August 1, 1995, December 8, 1995, and September 13, 1996.

(B) Operating Permits (OP):

(*1*) Medusa Cement Company, Lawrence County—OP 37–013, effective July 27, 1995, except for item No. 9 relating to future emission limitations.

(*2*) Keystone Cement Company, Northampton County—OP 48–0003, effective May 25, 1995, except for the expiration date and item No. 7 relating to future emission limitations.

(*3*) Lehigh Portland Cement Company, York County—OP 67–2024, effective May 26, 1995, except for the expiration date and item No. 7 relating to future emission limitations.

(*4*) Mercer Lime and Stone Company, Butler County—OP 10–023, effective May 31, 1995, except for item No. 6 relating to future emission limitations.

(*5*) Con-Lime, Inc., Centre County—OP 14–0001, effective June 30, 1995, except for the expiration date and item No. 8 relating to future emission limitations and items (or portions thereof) Nos. 17, 18, 20, 22, 24, 25, and 26 relating to non-VOC or non-$NO_X$ provisions.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's August 1, 1995, December 8, 1995, and September 13, 1996 submittals.

(123) The ten-year ozone maintenance plan for the Reading, Pennsylvania area (Berks County) submitted by the Pennsylvania Department of Environmental Protection on January 28, 1997:

(i) Incorporation by reference.

(A) Letter of January 28, 1997 from the Pennsylvania Department of Environmental Protection transmitting the ten-year ozone maintenance plan and 1990 base year emission inventories for the Reading area.

(B) The ten-year ozone maintenance plan for the Reading area, including emission projections, control measures to maintain attainment and contingency measures, adopted on February 3, 1997.

(ii) Additional material.

(A) Remainder of January 28, 1997 Commonwealth submittal pertaining to the maintenance plan for the Reading area.

(124) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on December 8, 1995 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Two letters, dated December 8, 1995 and September 13, 1996, from the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of one plan approval for the following source: Pennzoil Products Company (Rouseville, Venango County)—petroleum refinery.

(B) Plan Approval (PA):

(*1*) Pennzoil Products Company (Rouseville)—(PA–61–016) effective September 8, 1995, except for condition Nos. 9 pertaining to non-VOC and non-$NO_X$ pollutants and expiration date of the plan approval.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's December 8, 1995 submittal.

(B) Additional material submitted by Pennsylvania dated May 23, 1997, providing clarifying information related to Pennzoil Products Company plan approval.

(125) Revisions to the Pennsylvania Regulations Chapter 129.91 through 129.95 pertaining to VOC and $NO_X$ RACT, submitted on September 20, 1995 (amended April 16, 1997), August 15, 1996, and September 13, 1996 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Three letters dated September 20, 1995, August 15, 1996, and September 13, 1996 from the Pennsylvania Department of Environmental Protection transmitting one source-specific RACT determination and 1990 baseyear VOC emissions inventory change for R.R. Donnelley & Sons Company (East Plant). One letter dated April 16, 1997 amending the September 20, 1995 submittal. The source is R.R. Donnelley & Sons Company, East Plant (Lancaster County)—printing facility.

(B) Operating Permits (OP):

(*1*) R.R. Donnelley & Sons Company, East Plant—OP #36–2027, effective July 14, 1995, except for the expiration date of the operating permit, all conditions pertaining to $NO_X$ RACT determination, and the parts of conditions 8, 12b & 23 pertaining to Hazardous Air Pollutants (HAP's).

(ii) Additional Material. Remainder of September 20, 1995, August 15, 1996, and September 13, 1996 State submittals pertaining to R.R. Donnelley & Sons—East Plant.

(126) Revisions to the Pennsylvania State Implementation Plan on June 12,

1997 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) A letter of June 12, 1997 from the Pennsylvania Department of Environmental Protection transmitting the General Conformity Rule.

(B) 25 Pa. Code Chapter 127, §§127.801 and 127.802—General Conformity Rule, effective November 9, 1996.

(ii) Additional material from the Pennsylvania's June 12, 1997 submittal pertaining to 25 Pa. Code Chapter 127.

(127) Revisions to the Pennsylvania Regulations, Chapter 121.1—Definitions, submitted on February 4, 1994 by the Pennsylvania Department of Environmental Protection (formerly Pennsylvania Department of Environmental Resources) and effective on January 15, 1994.

(i) Incorporation by reference.

(A) Letter dated February 4, 1994 from the Pennsylvania Department of Environmental Protection transmitting the definitions in Chapter 121 relating to the Pennsylvania VOC and NOx RACT regulation (Chapter 129.91 through 129.95) and new source review regulation (Chapter 127).

(B) Title 25 Pennsylvania Code, Chapter 121.1—definitions, effective January 15, 1994.

(128) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to $NO_X$ RACT, submitted on September 13, 1996 and January 21, 1997 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection).

(i) Incorporation by reference.

(A) Two letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific $NO_X$ RACT determinations in the form of an operating permit on the following dates: September 13, 1996 and January 21, 1997.

(B) *Operating permit (OP)*. Panther Creek Energy Facility, Carbon County, OP # 13–0003, effective date of December 2, 1996, except for condition # 7 pertaining to particulate, PM–10, SO2, CO and VOC emission limits, condition # 10 pertaining to particulate emissions, condition # 11 pertaining to opacity, condition # 12 pertaining to the Standards of Performance for New Stationary Sources and the expiration date.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's September 13, 1996 and January 21, 1997 submittals.

(129) Limited approval of revisions to the Pennsylvania Regulations, Chapter 129.91 through 129.95, pertaining to VOC and $NO_X$ RACT submitted on February 4, 1994 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Letter of February 4, 1994 from the Pennsylvania Department of Enviromental Resources transmitting Pennsylvania VOC and $NO_X$ RACT regulations, Chapter 129.91 through 129.95.

(B) Pennsylvania Reasonably Available Control Technology Requirements for Major Stationary Sources of Volatile Organic Compounds and Oxides of Nitrogen regulation, Chapter 129.91 through 129.95, effective on January 15, 1994, except for Chapter 129.93(b)(4).

(C) Letter of May 3, 1994 from the Pennsylvania Department of Environmental Resources amending the Pennsylvania regulation, Chapter 129.93 (b)(4).

(D) Pennsylvania Reasonably Available Control Technology Requirements for Major Stationary Sources of Volatile Organic Compounds and Oxides of Nitrogen regulation, Chapter 129.93 (b)(4), effective April 23, 1994.

(E) Letter for September 18, 1995 from the Pennsylvania Department of Environmental Protection amending Pennsylvania's February 4, 1994 submittal to EPA by withdrawing Chapter 129.93(c)(6) and (7) from EPA consideration.

(ii) Additional material.

(A) Remainder of February 4, 1994 State submittal.

(B) Letter of September 23, 1996 from Pennsylvania Department of Environmental Protection agreeing to meet certain conditions by no later than 12 months after the publication of the final conditional rulemaking. These conditions are:

(*1*) Pennsylvania certify that it has submitted case-by-case RACT proposals for all sources subject to the RACT requirements (including those subject to 25 Pa. Code section 129.93(b)(1)) currently known to PADEP; or

(*2*) Demonstrate that the emissions from any remaining subject sources represent a de minimis level of emissions, as defined in the final rulemaking.

(130) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on December 31, 1997 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) A December 31, 1997 letter submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of operating and compliance permits.

(B) Operating permits (OP), compliance permits (CP):

(*1*) Allegro MicroSystems W.G., Inc. (Montgomery County)—OP 46–0006, effective December 19, 1997, except for the expiration date and items Nos. 9, 13 and 14(D) relating to non-RACT provisions.

(*2*) Hale Products, Inc. (Montgomery County)—OP 46–0057, effective November 21, 1997, except for the expiration date.

(*3*) Con-Lime, Inc. (Centre County)—OP 14–0001, effective January 7, 1998, except for the expiration date and items (or portions thereof) Nos. 8, 9, 17, 18, 19, 20, 21, 22, 24, 25, and 28 relating to non-RACT provisions.

(*4*) Coastal Aluminum Rolling Mills, Inc. (Lycoming County)—OP 41–0007, effective November 21, 1997, except for the expiration date and items (or portions thereof) Nos. 9, 20, and 28 relating to non-RACT provisions.

(*5*) International Envelope Company (Chester County)—OP 15–0023, effective November 2, 1995, except for the expiration date.

(*6*) Brown Printing Company (Montgomery County)—CP 46–0018, effective September 26, 1996, except for the expiration date.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's December 31, 1997 VOC and $NO_X$ RACT SIP revision submittal.

(131) Revisions to the Pennsylvania Regulations governing gasoline volatility requirements submitted on December 3, 1997 and April 17, 1998 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letters dated December 3, 1997 and April 17, 1998 from the Pennsylvania Department of Environmental Protection transmitting the low RVP gasoline volatility requirements for the Pittsburgh-Beaver Valley ozone nonattainment area.

(B) Revisions to 25 Pa Code, Chapters 121, 126, 139 pertaining to Gasoline Volatility Requirements, effective November 1, 1997.

(*1*) Revisions to section 121.1—definitions of compliant fuel, distributor, Importer, Low RVP gasoline, Pittsburgh-Beaver Valley Area, RVP-Reid Vapor Pressure.

(*2*) Addition of sections 126.301(a) through (c), 126.302 except for portions relating to RFG of (a)(6), and 126.303 (a).

(*3*) Addition of paragraphs 139.4(18) and (19) pertaining to sampling procedures for Reid Vapor Pressure and gasoline volatility.

(ii) Additional Material—Remainder of December 3, 1997 State submittal pertaining to the use of low RVP gasoline.

(132) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC RACT, submitted on April 16, 1996 and March 24, 1998 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Two (2) letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC RACT determinations in the form of operating permits on the following dates: April 16, 1996 and March 24, 1998.

(B) Operating permits (OP):

(*1*) The Fibre-Metal Products Company (Delaware County), OP 23–0025, effective February 20, 1998, except for the expiration date and conditions Nos. 16

and 17 relating to non-RACT provisions.

(*2*) Finnaren & Haley, Inc. (Montgomery County), OP 46–0070, effective March 5, 1998, except for the expiration date and conditions Nos. 13 and 15 relating to non-RACT provisions.

(*3*) Fres-co System USA, Inc. (Bucks County), OP 09–0027, effective March 5, 1998, except for the expiration date and conditions No. 22 relating to non-RACT provisions.

(*4*) Graphic Packaging Corporation (Chester County), OP 15–0013, effective February 28, 1998, except for the expiration date and conditions Nos. 19 and 20 relating to non-RACT provisions.

(*5*) Montour Oil Service Company (Lycoming County), OP 41–0013, effective March 19, 1998, except for the expiration date and conditions Nos. 7 and 9 relating to non-RACT provisions.

(*6*) Atlantic Refining and Marketing Corporation (Northumberland County), OP 49–0015, effective March 19, 1998, except for the expiration date and conditions Nos. 8 and 10 relating to non-RACT provisions.

(*7*) Transwall Corporation (Chester County) OP 15–0025, effective march 10, 1998, except for the expiration date and conditions Nos. 15, 19, and 21 relating to non-RACT provisions.

(*8*) Tavo Packaging, Inc. (Bucks County), OP 09–0008, effective November 8, 1995, except for the expiration date and condition No.7 relating to non-RACT provisions.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's April 16, 1996 and March 24, 1998 VOC and $NO_X$ RACT SIP submittals for the relevant sources.

(B) Additional clarifying material submitted by Pennsylvania: Letter dated March 24, 1998 from James M. Seif, Secretary, Pennsylvania Department of Environmental Protection providing additional information on Tavo Packaging, Inc.

(133) Revisions to the Pennsylvania State Implementation Plan consisting of Source-Specific Control Measures and a Revised Episode Plan for USX Clairton in the Liberty Borough PM–10 Nonattainment Area, submitted on October 30, 1997 by the Pennsylvania Department of Environmental Protection:

(I) Incorporation by reference.

(A) Letter of October 30, 1997 from the Pennsylvania Department of Environmental Protection transmitting a SIP revision for source specific control measures for USX Clairton located in the Liberty Borough PM–10 nonattainment area of Allegheny County.

(B) Revisions to Allegheny County's Article XXI applicable to USX's Clairton Coke Works, effective August 15, 1997, specifically:

(*1*) Revisions to section 2104.02 limiting particulate matter emission from Boiler #1, requiring specific improvements to coal handling at Secondary Pulverizer #2, and requiring the operation of a mist eliminator at the Keystone cooling tower.

(*2*) Revisions to section 2105.21 requiring the installation of ''big plug'' doors on most coke ovens by January 1, 2000.

(*3*) The adoption of section 2106.05 requiring a source-specific ''self audit emergency action plan.''

(ii) Additional Material—Remainder of the October 30, 1997 State submittal.

(134) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on February 20, May 2, and September 13, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection).

(i) Incorporation by reference.

(A) Three (3) letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of plan approvals, operating permits or compliance permits on the following dates: February 20, May 2, and September 13, 1996.

(B) Plan Approvals (PA), Operating Permits (OP), Compliance Permits (CP):

(*1*) CNG Transmission Corporation—Harrison, Potter County, PA 53–0005A, effective April 16, 1996, except for the plan approval expiration date and item (or portions thereof) Nos. 4, 9, and 20 relating to non-RACT provisions; OP 53–0005, effective April 16, 1996, except for the operating permit expiration date and item No. 23 relating to non-RACT provisions; and CP 53–0005A effective April 16, 1996.

(*2*) CNG Transmission Corporation—Leidy, Clinton County, PA 18–0004A, effective March 25, 1996, except for the plan approval expiration date and item No. 11 relating to non-RACT provisions; OP 18–0004, effective February 29, 1996, except for the operating permit expiration date and item Nos. 14, 25 and 28 relating to non-RACT provisions; and CP 18–0004A effective March 25, 1996.

(*3*) CNG Transmission Corporation—Sabinsville, Tioga County, PA 59–0002A, effective December 18, 1995, except for the plan approval expiration date and item (or portions thereof) Nos. 3, 4, 5 and 10 relating to non-RACT provisions; OP 59–0002, effective December 18, 1995, except for the operating permit expiration date and item No. 15 relating to non-RACT provisions, and CP 59–0002A effective December 18, 1995.

(*4*) CNG Transmission Corporation—Tioga, Tioga County, OP 59–0006, effective January 16, 1996, except for the operating permit expiration date and item (or portions thereof) Nos. 9, 21, 24 and 28 relating to non-RACT provisions.

(ii) Additional Material.

(A) Remainder of the Commonwealth of Pennsylvania's February 20, May 2, and September 13, 1996 VOC and $NO_X$ RACT SIP submittals for the relevant sources.

(135) Revisions to the Pennsylvania State Implementation Plan consisting of contingency measures for USX Clairton in the Liberty Borough PM–10 Nonattainment Area, submitted on July 12, 1995 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Pennsylvania Department of Environmental Protection transmitting a SIP revision for contingency control measures for USX Clairton Works located in Liberty Borough PM–10 nonattainment area of Allegheny County.

(B) Revision to Allegheny County's Article XXI applicable to USX's Clairton Coke Works, effective July 11, 1995 specifically:

(*1*) Revisions to section 2105.21.e included in Appendix 34 which require improved procedures to capture pushing emissions for all USX-Clairton batteries except Battery B.

(ii) Additional Material—Remainder of the July 12, 1995 submittal.

(136) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on April 20, May 29, and July 24, 1998, by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Three letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of plan approvals or operating permits on the following dates: April 20, May 29, and July 24, 1998.

(B) Plan approvals (PA), Operating permits (OP):

(*1*) Eldorado Properties Corporation, Northumberland County, OP 49–0016, effective May 1, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 7, 8, 9, and 10 relating to non-RACT provisions.

(*2*) Endura Products, Inc., Bucks County, OP 09–0028, effective May 13, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 11A and 15 through 21 relating to non-RACT provisions.

(*3*) Ford Electronics & Refrigeration Company, Montgomery County, OP 46–0036 , effective April 30, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 11 through 18, 20, and 22 through 26 relating to non-RACT provisions.

(*4*) H & N Packaging, Inc., Bucks County, OP 09–0038, effective June 8, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 4, 7, 8, and 11 through 20 relating to non-RACT provisions.

(*5*) Lancaster County Solid Waste Management Authority, Lancaster County, PA 36–2013, effective June 3, 1998; except for the plan approval expiration date and item (or portions thereof) Nos. 3 through 9, 11 through 24, 27 through 37, and 39 relating to non-RACT provisions.

(*6*) Monsey Products Company, Chester County, OP 15–0031, effective June 4, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 9 through 24 relating to non-RACT provisions.

(*7*) Ortho-McNeil Pharmaceutical, Montgomery County, OP 46–0027, effective June 4, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 4, 9, and 13 through 20 relating to non-RACT provisions.

(*8*) Piccari Press, Inc, Bucks County, OP 09–0040, effective April 29, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 14, 15, 17, and 19 through 22 relating to non-RACT provisions.

(*9*) Pierce and Stevens Corporation, Chester County, OP 15–0011, effective March 27, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 11 through 15 relating to non-RACT provisions.

(*10*) PQ Corporation, Delaware County, OP 23–0016, effective June 16, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 8, 13, and 15 through 19 relating to non-RACT provisions.

(*11*) Reynolds Metals Company, Chester County, OP 15–0004, effective May 8, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 4, 5, 14, 15, 17 through 42, and 44 through 48 relating to non-RACT provisions.

(*12*) Rhone-Poulenc Rorer Pharmaceutical, Inc, Montgomery County, OP 46–0048B, effective April 2, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 11 through 42 relating to non-RACT provisions.

(*13*) Superior Tube Company, Montgomery County, OP 46–0020, effective April 17, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 17 through 25 relating to non-RACT provisions.

(*14*) Uniform Tubes Inc., Montgomery County, OP 46–0046A, effective March 26, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 16, 17, and 19 through 24 relating to non-RACT provisions.

(*15*) U.S. Air Force—Willow Grove Air Reserve Station, Montgomery County, OP 46–0072, effective May 1, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 11 through 15 relating to non-RACT provisions.

(*16*) U.S. Navy—Willow Grove Naval Air Station Joint Reserve Base, Montgomery County, OP 46–0079, effective May 4, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 11, 12, 15 through 26, and 28 through 33 relating to non-RACT provisions.

(ii) Additional Material.

(A) Remainder of the Commonwealth of Pennsylvania's April 20, May 29, and July 24, 1998 submittals VOC and $NO_X$ RACT SIP submittals.

(137) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on May 31, 1995, November 15, 1995, March 21, 1996 and September 13, 1996 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Four letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of plan approvals, operating or compliance permits on the following dates: May 31, 1995, November 15, 1995, September 13, 1996 and March 21, 1996.

(B) Plan approvals (PA), Operating permits (OP), Compliance Permits (CP):

(*1*) Columbia Gas Transmission Corporation—Artemas Compressor Station, Bedford County, PA O5–2006, effective April 19, 1995; except for the plan approval expiration date and item (or portions thereof) Nos. 4 and 13 relating to non-RACT provisions.

(*2*) Columbia Gas Transmission Corporation—Donegal Compressor Station, Washington County, PA 63–000–631, effective July 10, 1995; except for the plan approval expiration date and item (or portions thereof) Nos. 9 and 20 relating to non-RACT provisions.

(*3*) Columbia Gas Transmission Corporation—Gettysburg Compressor Station, Adam County, OP 01–2003, effective April 21, 1995; except for the operating permit expiration date and item (or portions thereof) No. 13 relating to non-RACT provisions.

(*4*) Columbia Gas Transmission Corporation—Eagle Compressor Station, Chester County, OP 15–022, effective February 1, 1996; except for the operating permit expiration date and item

(or portions thereof) Nos. 9 and 10 relating to non-RACT provisions.

(*5*) Columbia Gas Transmission Corporation—Downingtown Compressor Station, Chester County, CP–15–0020, effective September 15, 1995; except for the compliance permit expiration date and item (or portions thereof) Nos. 2 and 6 relating to non-RACT provisions.

(ii) Additional Material—Remainder of the Commonwealth of Pennsylvania's May 31, 1995, November 15, 1995, March 21, 1996 and September 13, 1996 VOC and $NO_X$ RACT SIP submittals.

(138) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC RACT, submitted on December 8, 1995, September 13, 1996, October 18, 1996, July 24, 1998, and October 2, 1998 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Five (5) letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC determinations in the form of operating permits on the following dates: December 8, 1995, September 13, 1996, October 18, 1996, July 24, 1998, and October 2, 1998.

(B) Operating permits (OP):

(*1*) GKN Sinter Metals, Inc. (Cameron County), OP–12–0002, effective September 30, 1998, except for the expiration date and conditions Nos. 14–20 relating to non-RACT provisions.

(*2*) Springs Window Fashions Division, Inc. (Lycoming County), OP–41–0014, effective September 29, 1998, except for the expiration date and conditions Nos. 9–10 relating to non-RACT provisions.

(*3*) Cabinet Industries, Inc. (Montour County), OP–47–0005, effective September 21, 1998, except for the expiration date and conditions Nos. 5–8 relating to non-RACT provisions.

(*4*) Centennial Printing Corp. (Montgomery County), OP–46–0068, effective October 31, 1996, as revised on May 11, 1998 except for the expiration date and conditions Nos. 13–15 and 17–20 pertaining to non-RACT provisions.

(*5*) Strick Corporation (Montour County), OP–47–0002, effective August 28, 1996, except for the expiration date and conditions Nos. 10–11 and 21–22 relating to non-RACT provisions.

(*6*) Handy and Harmon Tube Co. (Montgomery County), OP–46–0016 effective September 25, 1995, except for the expiration dates and conditions No. 11 relating to non-RACT provisions.

(ii) Additional materials—Remainder of the Commonwealth of Pennsylvania's September 13, 1996, December 18, 1996, October 18, 1996, July 24, 1998 and October 2, 1998 submittals pertaining to the VOC RACT requirements for GKN Sinter Metals, Inc. (Cameron County), Springs Window Fashions Division, Inc. (Lycoming County), Cabinet Industries Inc. (Montour County), Centennial Printing Corp., Strick Corporation (Montour County), and Handy and Harmon Tubing Co. (Montgomery County).

(139) Revisions to the Pennsylvania State Implementation Plan adopting an enhanced motor vehicle inspection and maintenance (I/M) program, submitted on March 22, 1996, and formal amendments submitted by the Secretary of the Pennsylvania Department of Environmental Protection on June 27, 1996; July 29, 1996; November 1, 1996; October 22, 1997; November 13, 1997; February 24, 1998; August 21, 1998; November 25, 1998; and March 3, 1999.

(i) Incorporation by reference.

(A) Letter of November 13, 1997 from the Secretary of the Pennsylvania Department of Environmental Protection transmitting regulations for an enhanced motor vehicle inspection and maintenance program.

(B) Pennsylvania Department of Transportation Enhanced Motor Vehicle Inspection and Maintenance (I/M) Program regulations (contained in Title 67 of the PA Code), effective September 27, 1997.

(*1*) A definition for ''temporary inspection approval indicator'', added to section 175.2.

(*2*) Section 175.11

(*3*) Paragraph (f)(4) of section 175.29

(*4*) Paragraphs (a), (b), (c), and (d) of section 175.41. Paragraph (b)(3) of section 175.41. Subparagraphs (d)(2)(ii) and (d)(2)(iii), and paragraphs (e)(5) and (f)(4) of section 175.41.

(*5*) Sections 175.42, 175.43, 175.44, and 175.45.

(*6*) Sections 177.1, 177.2, 177.3, 177.21, 177.22, 177.23, 177.24, 177.51, 177.52, 177.53, 177.101, 177.102, 177.103, 177.104, 177.105, 177.106.

(*7*) Sections 177.201, 177.202, 177.203, 177.204, 177.231, 177.233, 177.251, 177.252, 177.253, 177.271, 177.272, 177.273, 177.274, 177.281, 177.282, 177.291, 177.292, 177.301, 177.302, 177.304, and 177.305.

(*8*) Sections 177.401, 177.402, 177.403, 177.404, 177.405, 177.406, 177.407, 177.408, 177.421, 177.422, 177.423, 177.424, 177.425, 177.426, 177.427, and 177.431.

(*9*) Sections 177.501, 177.502, 177.503, 177.504, and 177.521.

(*10*) Sections 177.602, 177.603, 177.605, 177.606, 177.651, 177.652, 177.671, 177.672, 177.673, and 177.691.

(*11*) Appendix A to Title 67 of the Pennsylvania Code.

(*12*) Appendix B to Title 67 of the Pennsylvania Code.

(ii) Additional Material—Remainder of Submittals. The Commonwealth submitted materials in support of its enhanced motor vehicle inspection and maintenance (I/M) program regulation. These materials were submitted in formal SIP revisions dated: March 27, 1996; July 29, 1996; November 1, 1996; November 13, 1997; February 24, 1998; August 21, 1998; November 25, 1998; and March 3, 1999, and include:

(A) Submittal submitted under a letter dated March 22, 1996, from the Secretary of the Pennsylvania Department of Environmental Protection.

(B) Materials submitted under a letter dated June 27, 1996, from the Secretary of the Department of Environmental Protection.

(C) Materials submitted under a letter of July 29, 1996, from the Secretary of the Department of Environmental Protection.

(D) Materials submitted under a letter of November 1, 1996, from the Secretary of the Department of Environmental Protection.

(E) Materials submitted under a letter of October 27, 1997, from the Secretary of the Department of Environmental Protection.

(F) Materials submitted under a letter of February 24, 1998, from the Secretary of the Department of Environmental Protection.

(G) Documents submitted by a letter dated August 21, 1998, from the Secretary of the Department of Environmental Protection.

(H) Materials submitted by the Secretary of the Department of Environmental Protection, in a letter dated November 25, 1998, and amended by a letter dated March 3, 1999.

(140) [Reserved]

(141) Revisions to the Pennsylvania Regulations for a Clean Vehicles Program regulation submitted on January 8, 1999 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of January 8, 1999 from the Department of Environmental Protection transmitting the National Low Emission Vehicles Program, and a Pennsylvania Clean Vehicles Program as a ''backstop'' to the National Low Emissions Vehicle Program.

(B) Amendments to Chapter 121 of Title 21 of the Pennsylvania Code, effective on December 5, 1998, to include definitions for the following terms: CARB, CARB Executive Order, California Code of Regulations, Dealer, Debit, Emergency Vehicle, Fleet Average, GVWR, LDT, LDV, Model Year, Motor Vehicle, Motor Vehicle Manufacturer, NLEV, NLEV Program, NMOG, New Motor Vehicle / New Light-Duty Vehicle, Offset Vehicle, Passenger Car, Ultimate Purchaser, Zero-Emission Vehicle

(C) Amendments to Chapter 126 of Title 21 of the Pennsylvania Code, effective December 5, 1998, to add new sections: 126.401, 126.402, 126.411, 126.412, 126.413, 126.421, 126.422, 126.423, 126.424, 126.425, 126.431, 126.432, and 126.441.

(ii) Additional Materials—Remainder of January 8, 1999 submittal pertaining to the National Low Emissions Vehicle Program and the Pennsylvania Clean Vehicles Program.

(142) Revisions to the Pennsylvania Regulations for an oxygenated gasoline program submitted on September 13, 1995 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 13, 1995 from the Pennsylvania Department of Environmental Protection transmitting the oxygenated gasoline regulation as a SIP revision.

(B) Revisions to 25 PA Code Chapter 121, General Provisions , section 121.1 Definitions, the additions of section 126.101 General, section 126.102 Sampling and testing, section 126.103 Recordkeeping and reporting and section

126.104 Labeling requirements to 25 PA Code Chapter 126 and the removal of section 126.1 Oxygenate content of gasoline from 25 PA Code Chapter 126. These revisions became effective August 19, 1995.

(ii) Additional Materials—Remainder of September 13, 1995 submittal.

(143) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted by the Pennsylvania Department of Environmental Protection on September 20, 1995, December 8, 1995, January 10, 1996, March 21, 1996, April 16, 1996, May 2, 1996, June 10, 1996, September 13, 1996, January 21, 1997, July 2, 1997, November 4, 1997, December 31, 1997, March 24, 1998, April 20, 1998, May 29, 1998, July 24, 1998, December 7, 1998, February 2, 1999, March 3, 1999, April 9, 1999, and April 20, 1999.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals, operating permits, or compliance permits, or supplementary information, on the following dates: September 20, 1995, December 8, 1995, January 10, 1996, March 21, 1996, April 16, 1996, May 2, 1996, June 10, 1996, September 13, 1996, January 21, 1997, July 2, 1997, November 4, 1997, December 31, 1997, March 24, 1998, April 20, 1998, May 29, 1998, July 24, 1998, December 7, 1998, February 2, 1999, March 3, 1999, April 9, 1999, and April 20, 1999.

(B) Plan approvals (PA), Operating permits (OP), and Compliance Permits (CP):

(*1*) Boeing Company, Defense and Space Group, Helicopters Division, CP–23–0009, issued 09/03/1997, except for the expiration date, the requirements of Conditions 5.B, 6.C, 7.C, 8.C, 9.D, 10.B, and 11.B, and any of their associated recordkeeping and reporting requirements.

(*2*) Delaware County Regional Water Quality Control Authority's Western Regional Treatment Plant (DELCORA WRTP), OP–23–0032, issued 03/12/1997, as revised on 05/16/1997, except for the expiration date and the requirements of Conditions 9, 12, 14, 15, 16, and any associated recordkeeping and reporting requirements.

(*3*) Delbar Products, Inc., OP–09–0025, issued 02/01/96, except for the expiration date and the requirements of Conditions 3, 4, 5, 6.A, 6.B, 6.C.1, 6.C.2, 8 and 9.

(*4*) Department of Public Welfare's Norristown State Hospital, OP–46–0060, issued 01/21/1998, except for the expiration date and Conditions 3, 4, 5, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24.

(*5*) Dopaco, Inc., CP–15–0029, issued 03/06/1996, except for the expiration date and the requirements of Conditions 4, 5, 6, 7, 8, 9, 10.C, 10.D, 10.H.3, 10.H.4, 11, 12, 13, 14, 15, 16, and 17.

(*6*) Garlock, Inc., PA–09–0035, issued 03/12/1997, except for the expiration date and Conditions 2, 10, 13, 15.B-F.

(*7*) Interstate Brands Corporation, PLID 5811, effective 04/10/1995, except for Conditions 1.A(1), (2), (4) and (5), 2.B, 2.C, 7, 8, and 9. (Note: Interstate Brands Corporation acquired this facility through purchase of Continental Baking Company, which was the owner of the facility when the RACT permit was issued. Accordingly, Continental Baking Company is shown as the facility owner on the permit.)

(*8*) J.B. Slevin Company, Inc., OP–23–0013, issued 09/03/1996, except for the expiration date and the requirements of Conditions 4, 5.A. and 8, 9, and 10.

(*9*) Laclede Steel Company, OP–09–0023, issued 7/17/1995, except for the expiration date and requirements of Conditions 3 and 7.

(*10*) LNP Engineering Plastics, Inc., OP–15–0035, issued 10/31/97, except for the expiration date, Conditions 3, 4, 5, 6, 7 (as it relates to non-criteria pollutants), 10 (as it relates to keeping records required to show compliance with Condition 5), 12, 15, 16, and 21.

(*11*) Lukens Steel Company, OP–15–0010, issued 05/06/1999, except for the expiration date, Conditions 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34. Permit Condition 3 lists units subject to RACT requirements. All of the listed units are subject to VOC RACT requirements, but only the C and D electric arc furnaces, the Drever Furnace, the NAB Furnaces, the nine batch heat treatment furnaces, the EMS boiler, the Soaking Pits and the

ZIP line process are subject to $NO_X$ RACT requirements.

(*12*) Nabisco Biscuit Co., PLID 3201, effective 04/10/1995, except for Conditions 1.A(1), 1.A(3), 1.A(4), 1.A(5), 1.A(6), 2.B, 2.C, 7, 8, and 9.

(*13*) PECO Energy Company, Croydon Station, OP–09–0016A, issued 12/20/1996, except for the expiration date, Conditions 4, 5, 7(C), 7(D), 7(E) and 10.

(*14*) PECO Energy Company, Limerick Station, OP–46–0038, issued 7/25/1995, except for the expiration date, Conditions 4, 5, 8(B), 9(B), 10(A)(3), 10(C), and 11.

(*15*) PECO Energy Company, Fairless Works, OP–09–0066, issued 12/31/1998, as revised on 04/06/1999, except for the expiration date, Conditions 4, 5, 6, 7, and 8, the portion of Condition 10 pertaining to sulfur content of fuel oil, the provision of Condition 11 (B) pertaining to annual $NO_X$ emissions, the provisions in 11(C) regarding landfill gas and Condition No. 15.

(*16*) PECO Energy Company, West Conshohocken Plant, OP–46–0045A, issued 12/04/1997, except for the expiration date and the provisions of Conditions 3B, 3C, 3D, 4, 5, 6(B)(2), 7, 8, 9D, 9E, and 9F.

(*17*) Pennsylvania Electric Company (owner) and GPU Generation, Inc. (operator), Front Street Plant, 25–0041, issued 02/25/1999, except for Conditions 7, 8, 9, and 10.

(*18*) American Inks and Coatings Corporation, OP 15–0026A, issued 01/10/1997, except for the expiration date, all ton per year limitations, and Conditions 3, 4, 5, 7(A), 8(A), 8(C), 9, 11, 12, 13, and 14.

(*19*) Avery Dennison Corporation (Fasson Roll Division), OP 09–0001A, issued 10/02/1997, except for the expiration date, Conditions 3, 4, 5, 7, 8, 9(A)1, 9(A)2, 9(A)3, 9(A)4, 9(A)5, 9(A)7, 9(A)8, 9(A)9, 9(B), 9(C), 9(D), 10, 11, 12, 13, and 14.

(*20*) Cabot Performance Materials, OP 46–0037, issued 04/13/1999, except for the expiration date and Conditions 4, 5, 6, 7, 8, 9, 15(b), 15(c), 16, 17, 18, 19, 20, 21, 22, 23, and 24.

(*21*) Cleveland Steel Container Corporation, OP 09–0022, issued 09/30/1996, except for the expiration date, and the allowable ton-VOC/year limits in Condition 4, and Conditions 3, 6, and 8.

(*22*) CMS Gilbreth Packaging Systems, OP 09–0036, issued 01/07/1997, except for the expiration date and Conditions 3, 4, 19, 20, 21, 22, 23, 24, 25, 26, and 27.

(*23*) CMS Gilbreth Packaging Systems, OP 09–0037, issued 04/10/1997, except for the expiration date, Conditions 3, 4, 22, 23, 24, 25, 26, 27, 28, and 29.

(*24*) Congoleum Corporation, OP 23–0021, issued 12/31/1998, except for the expiration date and Conditions 3, 4, 5(A), 5(B), 5(D), 5(E), 6, 7(a), 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26.

(*25*) Epsilon Products Company, OP 23–0012, issued 02/15/1996, except for the expiration date and Conditions 3, 4(B), 4(C), 7, 9, 10, 12, 13, 14, and 15.

(*26*) Foamex International, Inc., OP 23–0006A, issued 09/30/1996, as revised on 3/30/1999, except for the expiration date and Conditions 3, 4, 5, 8, 9, 10, 11, 12, 13, and 14.

(*27*) Forms, Inc., Spectra Graphics, OP 46–0023, issued 11/09/1995, as revised on 03/25/1998, except for the expiration date, Conditions 4, the VOC lbs/hr limits in Condition 5 for both the heatset and nonheatset press materials, 6, 7, 9, 11 and 12.

(*28*) Global Packaging, Inc., OP 46–0026, issued 08/30/1996, as revised on 12/24/1997, except for the expiration date, Conditions 3, 4, 5, 6, the nitrogen oxide limits in Condition 7(B), 10, and 11. (Note: Pennsylvania issued the revised permit to Global Packaging, Inc. Global Packaging, Inc. acquired this facility through purchase of BG Packaging, Inc., which had owned the facility when the original RACT permit was issued. Accordingly, BG Packaging, Inc. is shown as the facility owner on the original permit.)

(*29*) Jefferson Smurfit Corporation (U.S.), OP 46–0041, issued 04/18/1997, except for the expiration date, Conditions 3, 4, 5, 15(B), 16, 17, 18, 19, 20, 21, and 22 and the record keeping and monitoring requirements of Condition No. 15(A) associated with Condition 4.

(*30*) Jefferson Smurfit Corporation, OP 46–0062, issued 07/15/1996, except for the expiration date and Conditions 3 and 5(F).

(*31*) Lonza, Inc., OP 46–0025, issued 04/22/1997, as revised on 06/16/1998, except

for the expiration date, Conditions 3, 6, 7, 8, 9, 10, 11, 12, 13(B), 13(D) and 13(E).

(*32*) Markel Corporation, OP 46–0081, issued 04/09/1999, except for the expiration date and Conditions 3, 4, 5, 11, 19, 20, 21, 22, 23, 24, 25, 26, and 27.

(*33*) McCorquodale Security Cards, Inc., OP 15–0037, issued 09/03/1996, except for the expiration date and Conditions 3, 4, 5, 6, 7, 8, 9, 11, 15, 16, and 17.

(*34*) Mike-Rich, Inc., OP 09–0021, issued 12/20/1996, except for the expiration date, Conditions 3, 4, 5, 7, and the general conditions listed in Condition 8.

(*35*) Minnesota Mining and Manufacturing Co. (3M), CP 09–0005, issued 08/08/1996, except for the expiration date and Conditions 4, 5, 6, 7, 8, 9, 10, 11(C), 12 (C), 12(D), 13(A), 13(C), 13(D), 14, 15, 16, 17, 18, 19, 20, 21, and 22.

(*36*) MM Biogas Power LLC, OP 46–0067, issued 10/31/1997, except for the expiration date and Conditions 3, 4, 7, 9 (as it pertains to the Superior engine), 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21.

(*37*) Norwood Industries, Inc., OP 15–0014A, issued 12/20/1996, as revised on 12/02/1999, except for the expiration date, Conditions 3, 4, 5, 6(A), 6(B), 6(C), 6(D)1, 6(D)2, 6(D)3, 6(D)5, 6(E), 6(F)1, 6(F)2, 6(F)3, 6(F)5, 6(F)6, 6(G), 7, 8(A), 8(C), 8(D), 8(F), 8(G), 8(H), 8(I), and 9.

(*38*) NVF Company, OP 15–0030, issued 04/13/1999, except for the expiration date and Conditions 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27.

(*39*) Occidental Chemical Corporation, OP 46–0015, issued 11/07/1996, except for the expiration date and Conditions 4, 5, 6(A), the capacity factor in 6(B), 6(E), 7, 8(A), 8(C), 8(D)1, 8(D)2a, 8(D)2b, 8(D)2c, 8(D)2d, 8(D)5, 8(E), 9, 10, 11(B), 12.

(*40*) Philadelphia Newspapers, Incorporated, OP 46–0012, issued 08/30/1996, as revised on 03/15/2000, except for the expiration date, and Conditions 3, 4(A), 5, 9, and 11.

(*41*) Procter & Gamble Paper Products Company, OP 66–0001, issued 04/04/1997, except for the expiration date, and Conditions 3, 4, 6, 7, 8, 9, 10, 11, 14, 15, 17, 18, 19, 20, 21, and 22.

(*42*) Quebecor Printing Atglen, Inc., OP 15–0002, issued 12/10/1996 except for the expiration date and Conditions 3, 4(A) except as it relates to cleaning solvents, 4(B), 4(C), 5, 6, 7, 8(A), 8(B) and 8(D).

(*43*) Sartomer Company, Inc., OP 15–0015, issued 01/17/1996, as revised on 03/25/1998, except for the expiration date and Conditions 3, 4, 5, 8, 13, 14, 15(A), and 16.

(*44*) Silberline Manufacturing Company, Inc., OP 54–0041, issued 04/19/1999, except for the expiration date and Conditions 3, 4, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21.

(*45*) SmithKline Beecham Research Company, OP 46–0031, issued 10/31/1997, as revised on 05/01/1998, except for the expiration date and Conditions 3, 4, 5(a) as it pertains to the Cleaver Brooks boiler rated at 31.4 MMbtu/hr., 6(b), and 6(c).

(*46*) Sullivan Graphics, Inc., OP 67–2023, issued 08/22/1995, except for the expiration date and Conditions 4, 5, 9(c), 9(d), 10, 19, 20, and 24.

(*47*) Sun Company, Inc. (R&M), OP 23–0010, issued 10/31/1996, except for the expiration date and Conditions 3, 4, 6, 7, 8 and 10.

(*48*) Sun Company, Inc. (R&M), OP 23–0011, issued 10/31/1996, except for the expiration date and Conditions 3, 4, 6 and 8.

(*49*) Universal Packaging Corporation, OP 46–0156, issued 04/08/1999, except for the expiration date, and Conditions 3, 4, 5, 9 and 11.

(*50*) Zenith Products Corporation, OP 23–0008, issued 04/07/1997, except for the expiration date, and Conditions 4, 6, 7, 8(A), 8(B), 9(B), 10, 11, and 12.

(*51*) Budd Company, PLID 51–1564, effective 12/28/1995, except for Conditions 7, 8 and 9.

(*52*) Bellevue Cogeneration Plant, PLID 06513, effective 4/10/1995, except for Conditions 1.A(2), 2.B, 4.B, 7, 8 and 9.

(*53*) MSC Pre Finish Metals, Inc., OP–09–0030, issued 11/7/1996, as revised on 03/31/1998, except for the expiration date and Conditions 3, 4, 5, 6.A, 6.B.1, 6.B.5, 6.B.9, 6.C, 6.D.1 (a, b, and e), 8.A, 8.B, 9, 10.E, and 11.

(*54*) Temple University, Health Sciences Center, PLID 8906, effective 5/27/1995, excluding Conditions 1.A(2), 2.B, 6, 7, and 8.

(*55*) Trigen—Schuylkill Station, PLID 04942, effective 5/29/1995, except

for Conditions related to low $NO_X$ burners found at 1.B(1) and 2(A), the provision in Condition 3.A(1) limiting $NO_X$ emissions to 1646 tons per year, 4 (B), 7, 8, and 9.

(*56*) Trigen—Edison Station, PLID 4902, effective 5/29/1995, excluding portions of Condition 3.A.(1) limiting $NO_X$ emissions in tons per year and Conditions 7, 8, and 9.

(C) Letters from the Pennsylvania Department of Environmental Protection, dated 09/21/2000, and 10/20/2000, in which Pennsylvania provided supplementary information regarding many of the permits listed in i(B) above, and in which Pennsylvania specified the permit conditions, listed in i(B) above, which it did not wish to have incorporated into the Pennsylvania State Implementation Plan.

(144) [Reserved]

(145) Revisions to the Pennsylvania State Implementation Plan adopting the Nitrogen Oxides Allowance Requirements submitted on December 19, 1997 and December 27, 1999 by the Secretary of the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of December 19, 1997 from the Secretary of the Pennsylvania Department of the Environmental Protection transmitting the Nitrogen Oxides Allowance Requirements.

(B) Letter of December 27, 1999 from the Secretary of the Pennsylvania Department of the Environmental Protection transmitting the Nitrogen Oxides Allowance Requirements.

(C) Revisions to 25 PA Code, Chapters 121 and 123 pertaining to Nitrogen Oxides Allowance Requirements, effective November 1, 1997.

(*1*) Revisions to section 121.1—definitions of: account, account number, acquiring account, compliance account, electric generating facility, fossil fuel, fossil fuel fired, general account, heat input, indirect heat exchange combustion unit, maximum heat input capacity, NATS-$NO_X$ allowance tracking system, NETS-$NO_X$ emissions tracking system, $NO_X$ allocation, $NO_X$ allowance, $NO_X$ allowance CEMS-$NO_X$ allowance continuous emission monitoring system, $NO_X$ allowance control period, $NO_X$ allowance curtailment, $NO_X$ allowance deduction, $NO_X$ allowance transfer, $NO_X$ allowance transfer deadline, $NO_X$ budget, $NO_X$ budget administrator, OTC MOU-ozone transport commission memorandum of understanding, replacement source.

(*2*) Addition of sections 123.101 through 123.120, except for section 123.115.

(D) Revisions to 25 PA Code, Chapters 121 and 123 pertaining to Nitrogen Oxides Allowance Requirements, effective March 11, 2000.

(*1*) Revisions to section 121.1—definition of $NO_X$ affected source.

(*2*) Addition of section 123.115 and Appendix E.

(ii) Additional material.

(A) Nitrogen Oxide ($NO_X$) Memorandum of Understanding Implementation Plan of December 9, 1997.

(B) Letter of March 31, 2000 from the Director of the Pennsylvania Department of the Environmental Protection amending the Chapter 123 $NO_X$ Allowance Program.

(146) [Reserved]

(147) Revisions to the Pennsylvania Regulations pertaining to certain VOC regulations submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to VOC regulations.

(B) Addition of the term ''less water'' to 25 PA Code Chapter 129, Standard for Sources, at section 129.67(b)(2) Graphic Arts Systems; addition of paragraph (h) to 25 PA Code Chapter 129, Standard for Sources, at section 129.56, Storage Tanks Less than 40,000 Gallons Capacity Containing VOCs; and revisions to 25 PA Code Chapter 128 to remove section 128.14, pertaining to the Minnesota Mining and Manufacturing Company, Bristol, Pennsylvania. These revisions became effective on September 5, 1998.

(ii) Additional Materials—Remainder of March 6, 2000 submittal.

(148) Revisions to the Pennsylvania Regulations pertaining to certain VOC regulations submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to VOC regulations.

(B) Addition of definitions to 25 PA Code Chapter 121, General Provisions, at section 121.1 Definitions; addition of new section to 25 PA Code Chapter 129, Standards For Sources, section 129.75, Mobile Equipment Repair and Refinishing. These revisions became effective on November 27, 1999.

(ii) Additional material.

(A) Remainder of the March 6, 2000 submittal.

(149) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT, submitted on August 1, 1995, November 15, 1995, December 8, 1995, January 10, 1996, February 20, 1996, April 16, 1996, May 2, 1996, September 13, 1996, October 18, 1996, January 21, 1997, May 29, 1998, April 9, 1999, April 20, 1999, October 26, 1999 and May 1, 2000.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals, operating permits, or compliance permits, or supplementary information, on the following dates: On August 1, 1995, November 15, 1995, December 8, 1995, January 10, 1996, February 20, 1996, April 16, 1996, May 2, 1996, September 13, 1996, October 18, 1996, January 21, 1997, May 29, 1998, April 9, 1999, April 20, 1999, October 26, 1999 and May 1, 2000.

(B) Plan approvals (PA) or Operating permits (OP):

(*1*) Advanced Glassfiber Yarns LLC, Huntingdon County, OP–31–02002, effective April 13, 1999, except for the expiration date and condition 3.

(*2*) Armstrong World Industries, Inc., Beech Creek, Clinton County, OP–18–0002, effective July 6, 1995, except for the expiration date and conditions 3, 4, 5, 7, 10, and 17 through 20 inclusive.

(*3*) Bemis Company, Inc., Luzerne County, OP–40–0007A, effective October 10, 1995, except for the expiration date and conditions 11 through 14 inclusive.

(*4*) Brentwood Industries Inc., Berks County, PA–06–1006A, effective June 3, 1999, except for the expiration date and conditions 4 and 14.

(*5*) CertainTeed Corporation, Mountaintop, Luzerne County, OP–40–0010, effective May 31, 1996, except for the expiration date and conditions 6 through 11 inclusive.

(*6*) CNG Transmission Corp., Ardell Station, Elk County. OP 24–120, effective September 30, 1995, except for the expiration date and conditions 3, 6, and 8 through 11 inclusive.

(*7*) CNG Transmission Corporation, Finnefrock Station, Clinton County, PA–18–0003A, effective February 29, 1996, except for the expiration date and conditions 6, 7, and 9 through 19 inclusive.

(*8*) Consol Pennsylvania Coal Company, Bailey Prep Plant, Greene County, OP–30–000–072, effective March 23, 1999, except for the expiration date and conditions 11 through 14 inclusive.

(*9*) Consolidated Rail Corporation (CONRAIL), Hollidaysburg Car Shop, Blair County, OP–07–2002, effective August 29, 1995, except for the expiration date and conditions 3, 5, 6, 11 and 12.

(*10*) Consolidated Rail Corporation (CONRAIL), Juniata Locomotive Shop, Blair County, OP–07–2003, effective August 29, 1995, except for the expiration date and conditions 3, 5, 7, 8, and 9.

(*11*) Containment Solutions, Inc., Huntingdon County, OP–31–02005, effective April 9, 1999, except for the expiration date and condition 3.

(*12*) Cooper Energy Services, Grove City, Mercer County, OP–43–003, effective July 25, 1996, except for conditions 3, 4, 10 and 11.

(*13*) Cyprus Cumberland Resources Corp., Greene County, OP–30–000–040, effective March 26, 1999, except for the expiration date and conditions 7, 8, 10, 11 and 12.

(*14*) Defense Distribution Susquehanna, York County, OP–67–02041, effective February 1, 2000, except for the expiration date and condition 3; Condition 4. (Sources, Continued), Paragraphs I.d. and III; General Conditions, conditions 5 and 8; Presumptive RACT, conditions 9 and 10; Stack Test, conditions 11 through 14 inclusive, 16 and 17; and Recordkeeping and Reporting, conditions 18 through 22 inclusive.

(*15*) EMI Company, Erie County, OP–25–070, effective October 24, 1996.

(*16*) Empire Sanitary Landfill, Inc., Lackawanna County, OP–35–0009, effective October 17, 1996, except for the expiration date and conditions 14, 15 and 16.

(*17*) Equitrans, Inc., Rogersville Station, Greene County, 30–000–109, effective July 10, 1995, except for the expiration date and conditions 4, 5 and 6.

(*18*) Equitrans, Inc., Pratt Station, Greene County, 30–000–110, effective July 10, 1995, except for the expiration date and conditions 4, 5, 6, 9 and 11 through 20 inclusive.

(*19*) Erie Coke Corporation, Erie County, OP 25–029, effective June 27, 1995, except for conditions 5, and 10 through 15 inclusive.

(*20*) Fleetwood Folding Trailers, Inc., Somerset County, 56–000–151, effective February 28, 1996, except for the expiration date and condition 5.

(*21*) Gichner Systems Group, Inc., York County, 67–2033, effective August 5, 1997, except for the expiration date and conditions 3, 5, 6 and 7.

(*22*) Offset Paperback Manufacturers, Inc, Luzerne County, 40–0008, effective April 16, 1999, except for the expiration date and conditions 3, 4 and 16 through 20 inclusive.

(*23*) Overhead Door Corporation, Mifflin County, 44–2011, effective June 4, 1997, except for the expiration date and conditions 3 and 11.

(*24*) Sanyo Audio Manufacturing (USA), 44–2003, effective June 30, 1995, except for the expiration date and conditions 3, 4, and 7 through 10 inclusive.

(*25*) Stroehmann Bakeries, Inc., Luzerne County, 40–0014A, effective May 30, 1995, except for the expiration date and conditions 4, 7, 8, 9, 10 and 12.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in (i) (B), above.

(150) [Reserved]

(151) Revisions to the Allegheny County Air Pollution Control Regulations governing gasoline volatility requirements submitted on March 23, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 23, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to the low RVP gasoline volatility requirements for Allegheny County, Pennsylvania.

(B) The following revision to Article XXI, Rules and Regulations of the Allegheny County Health Department, effective May 15, 1998.

(*1*) Regulation 2101.20—definitions of ''carrier,'' ''distributor,'' ''importer,'' ''low RVP gasoline,'' ''oxygenate,'' ''refiner,'' ''refinery,'' ''reseller,'' ''retail outlet,'' ''retailer,'' ''RFG,'' ''RVP,'' ''terminal,'' ''wholesale purchaser-consumer.''

(*2*) Regulation 2107.15—Gasoline Volatility and RFG Methods.

(*3*) Regulation 2105.90—Gasoline Volatility, Paragraphs a and b.

(C) The following revision to Article XXI, Rules and Regulations of the Allegheny County Health Department, effective September 1, 1999.

(*1*) Regulation 2101.20—definition of ''compliant fuel.''

(*2*) Regulation 2105.90—Gasoline Volatility, Paragraphs c, d, and e.

(ii) Remainder of the March 23, 2000 submittal pertaining to Article XXI, regulations 2101.20, 2105.09, and 2107.15 as described above.

(152) Revisions to the Commonwealth of Pennsylvania Regulations pertaining to certain VOC regulations submitted on October 4, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of October 4, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to VOC regulations.

(B) Revisions to 25 PA Code, effective June 10, 2000.

(*1*) Additions, Deletions and Revisions to Chapter 121, General Provisions, section 121.1, Definitions.

(*2*) Revisions to Chapter 129, Standards for Sources, Sources of VOC, section 129.52, Surface Coating Processes.

(*3*) Revision to Chapter 129, Standards for Sources, section 129.91, Control of Major Sources of $NO_X$ and VOCs, subsection (a).

(*4*) Addition to Chapter 129, Standards for Sources of sections 129.101–129.107, Wood Furniture Manufacturing Operations.

(*5*) Revisions to Chapter 139, Sampling and Testing, section 139.4, References, and section 139.14, Emissions of VOCs.

(ii) Additional Materials—Remainder of October 4, 2000 submittal.

(153) Revisions to the Commonwealth of Pennsylvania Regulations pertaining to Stage II VOC control requirements for Southwest Pennsylvania submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to the Stage II VOC control requirements for Southwest Pennsylvania.

(B) Revisions to 25 PA Code, Chapter 129, Standards for Sources at section 129.82, Control of VOCs from gasoline dispensing facilities (Stage II). These revisions became effective on April 10, 1999.

(ii) Additional Material—Remainder of March 6, 2000 submittal.

(154) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and $NO_X$ RACT for Merck and Company Inc.'s West Point facility, submitted by the Pennsylvania Department of Environmental Protection on July 2, 1997, as amended August 9, 2000.

(i) Incorporation by reference.

(A) Letter submitted on July 2, 1997 by the Pennsylvania Department of Environmental Protection transmitting VOC and $NO_X$ RACT determinations in the form of an operating permit (OP–46–0005) for Merck and Company Inc.'s West Point facility located in Montgomery County Pennsylvania.

(B) Letter submitted on August 9, 2000 by the Pennsylvania Department of Environmental Protection transmitting VOC and $NO_X$ RACT determinations in the form of an operating permit (OP–46–0005) for Merck and Company Inc.'s West Point facility located in Montgomery County Pennsylvania.

(C) Letter submitted on February 1, 2001 by the Pennsylvania Department of Environmental Protection providing supplementary clarifying information regarding Merck's operating permit (OP–46–0005), in which Pennsylvania specified the portions of the permit, as listed in paragraph (c)(154)(i)(D) of this section, which it did not wish to have incorporated into the Pennsylvania State Implementation Plan.

(D) Operating Permit for Merck and Company, Incorporated (OP 46–0005) issued on January 13, 1997, as revised and effective on June 23, 2000, except for the expiration date and the requirements of Conditions 5. C., 5. D.1., 5.F.2., 5.F.3., 5.F.4., 5.F.5., 6.C., 6.D.3., 7.C., 7.D.2., 8.B., 8.D., 9.B., 10.B., 10.F., 11.A., 11.C., 12.B., 12.C., 13.A., 13.B., 13.C., the annual $NO_X$ limits in 13.D., 14.A.1., 14.A.2., 14.A.3., 14.B., the words ''opacity and'' in 14.C., 14.D.1., 14.D.2., 15.A.1., 15.B., 15.C.1.i., 15.C.1.ii., 15.C.2., 15.D.1., 15.D.2., 15.D.3. 15.D.4., 15.E., 15.F., 16., 17.B., 17.D., 17.F.1., 17.F.2., the ''2.4 tons per year as a 12-month rolling sum calculated monthly'' portion of condition 17.F.4., 18.A.2., 18.B., 19., 20., 21.B., 21.C., 22., 23., 24., 25., 26., 27., and Appendix A.

(ii) Additional Material.

(A) Remainder of the July 2, 1997 submittal pertaining to Merck and Company, Inc.'s West Point facility located in Montgomery County.

(B) Remainder of the August 9, 2000 submittal pertaining to Merck and Company, Inc.'s West Point facility located in Montgomery County.

(C) Remainder of the February 1, 2001 submittal pertaining to Merck and Company, Inc.'s West Point facility located in Montgomery County.

(155) Revisions to the Pennsylvania Regulations pertaining to certain VOC regulations submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to VOC regulations.

(B) Addition of definitions to 25 PA Code Chapter 121, General Provisions, at section 121.1, Definitions; addition of new section to 25 PA Code, Chapter 129, Standards For Sources, section 129.73, Aerospace manufacturing and rework; and revisions to Chapter 129, Standards For Sources, section 129.51, General. These revisions became effective on April 10, 1999.

(ii) Additional material. Remainder of March 6, 2000 submittal.

(156) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and $NO_X$ RACT determinations for sources located in the Philadelphia area submitted by the Pennsylvania Department of Environmental Protection on September 20, 1995, April 16, 1996, May 2, 1996, July 2, 1997, July 24, 1998, December 7, 1998, April 9, 1999, and April 20, 1999.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals and operating permits on September 20, 1995, April 16, 1996, May 2, 1996, July 2, 1997, July 24, 1998, December 7, 1998, April 9, 1999, and April 20, 1999.

(B) Plan approvals (PA), Operating permits (OP) issued to the following sources:

(*1*) Amerada Hess Corp., PA–51–5009, for PLID 5009, effective May 29, 1995.

(*2*) Amoco Oil Company, PA–51–5011, for PLID 5011, effective May 29, 1995.

(*3*) Cartex Corporation, OP–09–0076, effective April 9, 1999, except for the expiration date.

(*4*) Exxon Company, U.S.A., PA–51–5008, for PLID 5008, effective May 29, 1995.

(*5*) GATX Terminals Corporation, PA–51–5003, for PLID 5003, effective May 29, 1995.

(*6*) Hatfield, Inc., OP–46–0013A, effective January 9, 1997 (as revised October 1, 1998), except for the expiration date.

(*7*) J. L. Clark, Inc., OP–36–02009, effective April 16, 1999, except for the expiration date.

(*8*) Johnson Matthey, Inc., OP–15–0027, effective August 3, 1998 (as revised April 15, 1999), except for the expiration date.

(*9*) Kurz Hastings, Inc., PA–51–1585, for PLID 1585, effective May 29, 1995.

(*10*) Lawrence McFadden, Inc., PA–51–2074, for PLID 2074, effective June 11, 1997.

(*11*) Philadelphia Baking Company, PA–51–3048, for PLID 3048, effective April 10, 1995.

(*12*) Philadelphia Gas Works, PA–51–4921, for PLID 4921, effective May 29, 1995.

(*13*) PPG Industries, Inc., OP–23–0005, effective June 4, 1997, except for the expiration date.

(*14*) SmithKline Beecham Pharmaceuticals, OP–46–0035, effective March 27, 1997 (as revised October 20, 1998), except for the expiration date.

(*15*) Teva Pharmaceuticals USA, OP–09–0010, effective April 9, 1999, except for the expiration date.

(*16*) The Philadelphian Condominium Building, PA–51–6512, for PLID 6512, effective May 29, 1995.

(*17*) Warner Company, OP–15–0001, effective July 17, 1995 except for the expiration date.

(*18*) Webcraft Technologies, Inc., OP–09–0009, effective April 18, 1996 (as revised October 15, 1998), except for the expiration date.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(156)(i)(B) of this section.

(157) Approval of revisions to the Allegheny County Regulations, Article XXI pertaining to Major Sources of Nitrogen Oxides and Volatile Organic Compounds and Definitions for Major Source, Potential Emissions and Low $NO_X$ burner with separate overfire air submitted on October 30, 1998, by the Pennsylvania Department of Environmental Protection on behalf of Allegheny County Health Department:

(i) Incorporation by reference.

(A) The letter dated October 30, 1998, from the Pennsylvania Department of Environmental Protection transmitting Allegheny County's Generic VOC and $NO_X$ RACT regulations, Appendix 33; Article XXI, Section 2105.06—Major Sources of Nitrogen Oxides and Volatile Organic Compounds and Section 2101.20—Definition for Major Source, Potential Emissions and Low $NO_X$ Burner with Separate Overfire Air.

(B) Additions of the following Article XXI definitions and regulations, effective October 20, 1995:

(*1*) Regulation 2101.20—definitions of ''major source'' (introductory paragraph, paragraphs (d) and (e) and closing paragraph; only), ''potential emissions'' and ''low $NO_X$ burner with separate overfire air.''

(*2*) Regulation 2105.06—Major Sources of Nitrogen Oxides and Volatile Organic Compounds.

(ii) Additional Material—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(157)(i) of this section.

(158) Revision pertaining to $NO_X$ RACT for the Latrobe Steel Company located in Latrobe Borough, Westmoreland County, submitted by the Pennsylvania Department of Environmental Protection on March 21, 1996.

(i) Incorporation by reference.

(A) Letter submitted on March 21, 1996 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations.

(B) Operating Permit 65–000–016, effective December 22, 1995, for the Latrobe Steel Company in Latrobe Borough, Westmoreland County, except for the specified Permit Term: 12/22/95—12/22/00.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determination for the source listed in paragraph (c)(158)(i)(B) of this section.

(159) Revision pertaining to VOC and $NO_X$ RACT for the Allegheny Ludlum Corporation, Brackenridge facility, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997.

(i) Incorporation by reference.

(A) Letter submitted on July 1, 1997 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations.

(B) Consent Order No. 260, effective December 19, 1996, for the Allegheny Ludlum Corporation, Brackenridge facility, except for conditions 1.8 and 2.5.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determination for the source listed in paragraph (c)(159)(i)(B) of this section.

(160) Revisions pertaining to $NO_X$ and/or VOC RACT for major sources, located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997, and April 9, 1999.

(i) Incorporation by reference.

(A) Letters dated July 1, 1997 and April 9, 1999, submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations.

(B) The following sources' Enforcement Order (EO) or Operating Permit (OP):

(*1*) Kosmos Cement Company, EO 208, effective December 19, 1996, except for condition 2.5.

(*2*) Armstrong Cement & Supply Company, OP 10–028, effective March 31, 1999.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(160)(i)(B) of this section.

(161) Revisions pertaining to $NO_X$ and/or VOC RACT for major sources, located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on January 6, 1995, September 13, 1996, and July 1, 1997.

(i) Incorporation by reference.

(A) Letters from the Pennsylvania Department of Environmental Protection dated January 6, 1995, September 13, 1996, and July 1, 1997, transmitting source-specific VOC and/or $NO_X$ RACT determinations.

(B) The following companies' Plan Approvals (PA), or Consent Orders (CO):

(*1*) Duquesne Light Company's Cheswick Power Station, CO 217, effective March 8, 1996, except for condition 2.5.

(*2*) Duquesne Light Company's Elrama Plant, PA 63–000–014, effective December 29, 1994.

(*3*) Pennsylvania Electric Company's Keystone Generating Station, PA 03–000–027, effective December 29, 1994.

(ii) Additional materials.

(A) The federally enforceable Major Modification PSD Permit, ACHD Permit #0056, issued on March 5, 2001 to Orion Power Midwest L.P. for its Brunot Island Power Station (formerly owned by Duquesne Light Company).

(B) The Consent Order and Agreement, dated April 15, 1999, between the Commonwealth of Pennsylvania, Department of Environmental Protection and Duquesne Light Company, INC., regarding $NO_X$ Allowances, which states that the emission reductions resulting from the curtailment of operations at the Phillips Station prior to April 15, 1999 are not eligible to be used to generate emission reduction credits (ERCs) and cannot be used as creditable emission reductions in any New Source Review (NSR) applicability determination.

(C) Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(161)(i)(B) of this section.

(162) Revisions pertaining to VOC RACT for IDL, Incorporated; Oakmont Pharmaceutical, Inc.; and USAir, Inc. located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997.

(i) Incorporation by reference.

(A) Letter submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC RACT determinations dated July 1, 1997.

(B) Plan Approval and Agreement Upon Consent Orders (COs) for the following sources:

(*1*) IDL, Incorporated, CO 225, effective July 18, 1996, except for condition 2.5.

(*2*) Oakmont Pharmaceutical, Inc., CO 252, effective December 19, 1996, except for condition 2.5.

(*3*) U.S. Air, Inc., CO 255, effective January 14, 1997, except for condition 2.5.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(162)(i)(B) of this section.

(163) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and $NO_X$ RACT, submitted by the Pennsylvania Department of Environmental Protection on April 9, 1999 and July 5, 2001.

(i) Incorporation by reference.

(A) Letter submitted on April 9, 1999 by the Pennsylvania Department of Environmental Protection transmitting source-specific RACT determinations in the form of operating permits.

(B) Operating permits (OP) for the following sources:

(*1*) Lukens Steel Corporation, Houston Plant; OP 63–000–080, effective date 02/22/99, except for the Permit Term and conditions 13.—16., inclusive.

(*2*) Allegheny Ludlum Steel Corporation, West Leechburg Plant; OP 65–000–183, effective date 03/23/99, except for the Permit Term.

(*3*) Allegheny Ludlum Corporation, Jessop Steel Company Washington Plant; OP 63–000–027, effective date 03/26/99, except for the Permit Term and conditions 11.—14., inclusive.

(C) Letter submitted on July 5, 2001 by the Pennsylvania Department of Environmental Protection transmitting source-specific RACT determinations in the form of operating permits.

(D) Koppel Steel Corporation, Koppel Plant's OP 04–000–059, effective date, 3/23/01, except for the Permit Term.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraphs (c)(163)(i)(B) and (D) of this section.

(164) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and $NO_X$ RACT, submitted by the Pennsylvania Department of Environmental Protection on August 1, 1995, December 8, 1995, April 16, 1996, July 1, 1997, July 2, 1997, January 21, 1997, and February 2, 1999.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection dated August 1, 1995, December 8, 1995, April 16, 1996, July 1, 1997, July 2, 1997, January 21, 1997, and February 2, 1999, transmitting source-specific RACT determinations.

(B) The following companies' Operating Permits (OP) or Enforcement Order (EO):

(*1*) Consolidated Natural Gas Transmission Corporation, Beaver Station, OP 04–000–490, effective June 23, 1995.

(*2*) Consolidated Natural Gas Transmission Corporation, Oakford Station, OP 65–000–837, effective October 13, 1995.

(*3*) Consolidated Natural Gas Transmission Corporation, South Oakford Station, OP 65–000–840, effective October 13, 1995.

(*4*) Consolidated Natural Gas Transmission Corporation, Tonkin Station, OP 65–000–634, effective October 13, 1995.

(*5*) Consolidated Natural Gas Transmission Corporation, Jeannette Station, OP 65–000–852, effective October 13, 1995.

(*6*) Carnegie Natural Gas Company, Creighton Station, EO 213, effective May 14, 1996, except for condition 2.7.

(*7*) Texas Eastern Transmission Corporation, Uniontown Station, OP 26–000–413, effective December 20, 1996.

(*8*) Consolidated Natural Gas Transmission Corporation, South Bend Station, OP 03–000–180, effective December 2, 1998.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(164)(i)(B) of this section.

(165) Revisions pertaining to VOC and $NO_X$ RACT for major sources, located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997 and April 19, 2001.

(i) Incorporation by reference.

(A) Letters dated July 1, 1997 and April 19, 2001, submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and $NO_X$ RACT determinations.

(B) Plan Approval and Agreement Upon Consent Orders (COs) and an Enforcement Order (EO) for the following sources:

(*1*) Pruett Schaffer Chemical Company, CO 266, effective September 2, 1998, except for condition 2.5.

(*2*) PPG Industries, Inc., CO 254, effective December 19, 1996, except for condition 2.5.

(*3*) Reichhold Chemicals, Inc., CO 218, effective December 19, 1996, except for condition 2.5.

(*4*) Reichhold Chemicals, Inc., CO 219, effective February 21, 1996, except for condition 2.5.

(*5*) Valspar Corporation, EO 209, effective March 8, 1996, except for condition 2.5.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(165)(i)(B) of this section.

(166) Revisions pertaining to VOC and $NO_X$ RACT for Ashland Chemical Company; Hercules, Incorporated; and Neville Chemical Company located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997 and April 19, 2001.

(i) Incorporation by reference.

(A) Letters dated July 1, 1997 and April 19, 2001, submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and $NO_X$ RACT determinations.

(B) Plan Approval and Agreement Upon Consent Orders (COs) and an Enforcement Order (EO) for the following sources:

(*1*) Ashland Chemical Company, CO 227, effective December 30, 1996, except for condition 2.5.

(*2*) Hercules, Incorporated, EO 216, effective March 8, 1996.

(*3*) Hercules, Incorporated, CO 257, except for condition 2.5, effective January 14, 1997, including amendments to CO 257, effective November 1, 1999.

(*4*) Neville Chemical Company, CO 230, effective December 13, 1996, except for condition 2.5.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(166)(i)(B) of this section.

(167) Revisions pertaining to VOC and $NO_X$ RACT for major sources, located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on March 21, 1996,

July 1, 1997, April 9, 1999 and April 19, 2001.

(i) Incorporation by reference.

(A) Letters dated March 21, 1996, July 1, 1997, April 9, 1999 and April 19, 2001 submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals, operating permits, and consent orders.

(B) Plan approvals (PA), Operating permits (OP), or Consent Orders (CO) for the following sources:

(*1*) Anchor Glass Container Corporation., Plant 5, PA–26–000–119, effective December 20, 1996.

(*2*) Anchor Hocking Specialty Glass Co., Phoenix Glass Plant, OP–04–000–084, effective October 13, 1995.

(*3*) Corning Consumer Products Company, Charleroi Plant., PA–63–000–110, effective January 4, 1996, except for the third sentence of condition 3 (which references condition 13), and conditions 5, 6, 7, 13 in their entirety.

(*4*) General Electric Company, CO–251, effective December 19, 1996, except for condition 2.5.

(*5*) Glenshaw Glass Company, Inc., CO–270, effective March 10, 2000, except for condition 2.5.

(*6*) Guardian Industries, Corp., CO–242, effective August 27, 1996, except for conditions 2.5.

(*7*) Allegheny County Sanitary Authority, CO–222, effective May 14, 1996, except for condition 2.5.

(*8*) Browning-Ferris Industries., Findlay Township Landfill, CO–231A, effective April 28, 1997, except for condition 2.5.

(*9*) Chambers Development Company, Monroville Borough Landfill, CO–253, effective December 30, 1996, except for condition 2.5.

(*10*) Kelly Run Sanitation, Forward Township Landfill, CO–236, effective January 23, 1997, except for condition 2.5.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(167)(i)(B) of this section.

(168) Revisions submitted on October 30, 2000 and March 28, 2001 by the Secretary of the Pennsylvania Department of Environmental Protection requesting approval of Pennsylvania's Nitrogen Oxides Budget Trading Program :

(i) Incorporation by reference.

(A) Letters of October 30, 2000 and March 28, 2001 from the Secretary of the Pennsylvania Department of Environmental Protection transmitting regulatory amendments to 25 PA Code to implement the Nitrogen Oxides Budget Trading Program .

(B) Revisions to 25 PA Code, amending Chapter 123 and adding Chapter 145 pertaining to the Nitrogen Oxides Budget Trading Program, effective on September 23, 2000.

(*1*) Revisions to section 123.115.

(*2*) Addition of section 123.121.

(*3*) Addition of sections 145.1 through 145.7, 145.10 through 145.14, 145.30, 145.31, 145.40 through 145.43, 145.50 through 145.57, 145.60 through 145.62, 145.70 through 145.76, 145.80 through 145.88, and 145.90.

(169) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and/or $NO_X$ RACT for 14 sources located in the Philadelphia-Wilmington-Trenton area, submitted by the Pennsylvania Department of Environmental Protection on December 8, 1995, March 21, 1996, January 21, 1997, July 24, 1998, April 20, 1999, March 23, 2001 (two separate submissions), and July 5, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals, operating permits, or compliance permits on December 8, 1995, March 21, 1996, January 21, 1997, July 24, 1998, April 20, 1999, March 23, 2001 (two separate submissions), and July 5, 2001.

(B) Plan approvals (PA), or Operating permits (OP) issued to the following sources:

(*1*) Stroehmann Bakeries, Inc., PA–46–0003, effective on May 4, 1995, except for the expiration date.

(*2*) Schlosser Steel, Inc., OP–46–0051, effective February 1, 1996, except for the expiration date.

(*3*) Perkasie Industries Corporation, OP–09–0011, effective August 14, 1996, except for the expiration date.

(*4*) Quaker Chemical Corporation, OP–46–0071, effective September 26, 1996, except for the expiration date.

(*5*) Worthington Steel Company, OP–15–0016, effective July 23, 1996, except for the expiration date.

(*6*) Transcontinental Gas Pipeline Corp., PA–15–0017, effective June 5, 1995, except for the expiration date.

(*7*) Rohm and Haas Company, Bucks County Plant, OP–09–0015, effective April 20, 1999, except for the expiration date.

(*8*) SEPTA—Berridge/Courtland Maintenance Shop, PA–51–4172, effective July 27, 1999, except for condition 2.C. and condition 5.

(*9*) Southwest Water Pollution Control Plant/Biosolids Recycling Center, PA–51–9515, effective July 27, 1999, except for condition 1.A.(1), condition 1.A.(2), condition 2.A., condition 2.B., and condition 7.

(*10*) Rohm and Haas Company, Philadelphia Plant, PA–51–1531, effective July 27, 1999, except for condition 7.

(*11*) Sunoco, Inc. (R&M), PA–1501/1517, for Plant ID: 1501 and 1517, effective August 1, 2000, except for conditions 1.A.(4) as it pertains to H–600, H–601, H–602, H–1 and H–3 heaters; 1.A. (7)–(10); 1.A. (12) as it pertains to HTR 1H4; 1.A. (13) as it pertains to HTR PH2 and HTR PH7; 1.A. (15) as it pertains to HTR 11H2; 1.A. (16); 1.A. (18) as it pertains to HTR 2H1, HTR 2H6, and HTR 2H8; 1.A. (19); 1.A. (21); 1.A.(22); 2.B. as it pertains to Gas Oil HDS Unit 866: HTR 12H1; 2.E.; 2.L.; and condition 6.

(*12*) SBF Communication Graphics, PA–2197, for Plant ID: 2197, effective July 21, 2000.

(*13*) Smith-Edwards-Dunlap, Company, PA–2255, for Plant ID: 2255, effective July 14, 2000.

(*14*) Tasty Baking Co., PA–2054, for Plant ID: 2054, effective April 9, 1995.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the sources listed in paragraph (c)(169)(i)(B) of this section.

(170) Revisions pertaining to VOC RACT for major sources, located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on March 21, 1996, October 18, 1996, January 21, 1997, July 1, 1997, March 23, 2001, and April 19, 2001.

(i) Incorporation by reference.

(A) Letters dated March 21, 1996, October 18, 1996, January 21, 1997, July 1, 1997, March 23, 2001, and April 19, 2001, submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC RACT determinations.

(B) Operating Permits (OPs) and Plan Approval and Agreement Upon Consent Orders (COs) for the following sources:

(*1*) Armstrong World Industries, Beaver Falls Plant, OP 04–000–108, effective May 29, 1996.

(*2*) Bacharach, Inc., CO 263, effective October 10, 1997, except for condition 2.5.

(*3*) Bakerstown Container Corporation, CO 221, effective May 14, 1996, except for condition 2.5.

(*4*) Chestnut Ridge Foam, Inc., OP 65–000–181, effective December 29, 1995.

(*5*) Flexsys America L.P., Monongahela Plant, OP 63–000–015, effective March 23, 2001, except for the PERMIT TERM.

(*6*) Haskell of Pittsburgh, Inc., CO 224, effective December 19, 1996, except for condition 2.4.

(*7*) Three Rivers Aluminum Company, OP 10–267, effective March 1, 2001.

(*8*) Tuscarora Plastics, Inc., OP 04–000–497, effective April 3, 1996.

(*9*) Witco Corporation, CO 210, effective May 14, 1996.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(170)(i)(B) of this section.

(171) Revisions pertaining to the GenCorp., Inc., Jeanette Plant; and to the CENTRIA, United Coaters Ambridge Coil Coating Operations Plant, located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on April 16, 1996 and August 9, 2000.

(i) Incorporation by reference.

(A) Letter submitted by the Pennsylvania Department of Environmental Protection, dated April 16, 1996, transmitting source-specific VOC and $NO_X$ RACT determinations.

(B) Operating Permit 65–000–207 issued to GenCorp., Inc., Jeanette Plant, effective January 4, 1996, except for the Permit Term and condition 8.

(C) Letter submitted by the Pennsylvania Department of Environmental Protection, dated August 9, 2000, transmitting source-specific VOC and $NO_X$ RACT determinations.

(D) Operating Permit 04–000–043 issued to CENTRIA, Ambridge Coil Coating Operations Plant, effective May 17, 1999, except for the Permit Term.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraphs (c)(171)(i)(B) and (D) of this section.

(172) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and $NO_X$ RACT for 11 iron and steel sources located in the Pittsburgh-Beaver Valley area, submitted by the Pennsylvania Department of Environmental Protection on January 21, 1997, July 1, 1997, March 3, 1999, April 9, 1999, and July 5, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, on the following dates: January 21, 1997, July 1, 1997, March 3, 1999, April 9, 1999, and July 5, 2001.

(B) The following companies' Operating Permits (OP) or Consent Orders (CO):

(*1*) J & L Structural, Inc.-Aliquippa, OP 04–000–467, effective June 23, 1995, except for the Permit Term.

(*2*) Universal Stainless & Alloy Products, Inc., CO 241, effective December 19, 1996, except for condition 2.5.

(*3*) Shenango, Inc., CO 233, effective December 30, 1996, except for conditions 1.7, 2.6, and 2.7.

(*4*) LTV Steel Company, CO 259, effective December 30, 1996, except for condition 2.5.

(*5*) U.S. Steel Clairton Works, CO 234, effective December 30, 1996, except for condition 2.5.

(*6*) USX Corporation, Edgar Thomson Works, CO 235, effective December 30, 1996, except for condition 2.5.

(*7*) USX Corporation, Irvin Works, CO 258, effective December 30, 1996, except for condition 2.5.

(*8*) Wheeling-Pittsburgh Steel Corporation, OP 63–000–066, effective February 8, 1999, except for the Permit Term.

(*9*) Koppers, OP 65–000–853, effective March 20, 1998, except for the Permit Term.

(*10*) J & L Specialty Steel, Inc., Midland Facility, OP 04–000–013, effective March 23, 2001, except for the Permit Term.

(*11*) Washington Steel Corporation, OP 63–000–023, effective September 12, 1996, except for the Permit Term.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(172) (i)(B) of this section.

(173) Revisions pertaining to VOC and $NO_X$ RACT for major sources, located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on January 10, 1996, July 24, 1998, April 9, 1999, February 2, 2001 and April 19, 2001.

(i) Incorporation by reference.

(A) Letters dated January 10, 1996, July 24, 1998, April 9, 1999, February 2, 2001 and April 19, 2001 submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and $NO_X$ RACT determinations.

(B) Plan Approvals (PAs) and Operating Permits (OPs) for the following sources:

(*1*) Equitrans, Inc., OP 63–000–642, effective July 10, 1995, except for the Permit Term.

(*2*) Witco Corporation, Petrolia Facility, PA 10–037, effective June 27, 1995.

(*3*) Ranbar Electrical Materials, Inc., OP 65–000–042, effective February 22, 1999, except for the Permit Term and conditions 11, 12, 13 and 14.

(*4*) Nova Chemicals, Inc., OP 04–000–033 (Permit No. 04–0033), effective as reissued January 24, 2001, except for the Permit Term and conditions 8, 9, and 10.

(*5*) BASF Corporation, OP 04–000–306, effective March 23, 2001.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(173)(i)(B) of this section.

(174) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and/or $NO_X$ RACT for sources located in the Philadelphia area submitted by the Pennsylvania Department of Environmental Protection on May 2, 1996, June 10, 1996, January 21, 1997, April 9, 1999, August 9, 2000, and two submittals on March 23, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals and operating permits, on May 2, 1996, June 10, 1996, January 21, 1997, April 9, 1999, August 9, 2000, and two letters on March 23, 2001.

(B) Plan approvals (PA), Operating permits (OP) issued to the following sources:

(*1*) Cardone Industries, PA–51–3887, for PLID 3887, effective May 29, 1995.

(*2*) Cardone Industries, PA–51–2237, for PLID 2237, effective May 29, 1995.

(*3*) Naval Surface Warfare Center—Carderock Division, PA–51–9724, for PLID 9724, effective December 27, 1997.

(*4*) Wheelabrator Falls, Inc., OP–09–0013, effective January 11, 1996 (as amended May 17, 1996).

(*5*) U.S. Steel Group/USX Corporation, OP–09–0006, effective April 8, 1999, except for the expiration date.

(*6*) Brown Printing Company, OP–46–0018A, effective May 17, 2000, except for the expiration date and condition 12.

(*7*) SUN CHEMICAL—General Printing Ink Division, PA–51–2052, for PLID 2052, effective July 14, 2000.

(*8*) Sunoco Chemicals, Frankford Plant, PA–51–1551, for PLID 1551, effective July 27, 1999, except for conditions 1.A.(2)–(4), 1.A.(6), 1.A.(8); conditions 1.B.(1), 1.B. (3)–(6); the last sentence of condition 2.A.; conditions 2.B.–D.; 2.G., the last sentence of 2.H., 2.I.; and condition 7.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(174) (i)(B) of this section.

(175) Revisions pertaining to $NO_X$ RACT determinations for the Armco Inc., Butler Operations Main Plant and Armco Inc., Butler Operations Stainless Plant, submitted by the Pennsylvania Department of Environmental Protection on January 21, 1997.

(i) Incorporation by reference.

(A) Letter submitted on January 21, 1997 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT plan approvals in the form of permits.

(B) Permit Number: PA 10–001–M, effective February 23, 1996, for the Armco Inc., Butler Operations Main Plant in Butler, Butler County.

(C) Permit Number: PA 10–001–S, effective February 23, 1996, for the Armco Inc., Butler Operations Stainless Plant in Butler, Butler County.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determination for the sources listed in paragraphs (c)(175)(i)(B) and (C) of this section.

(176) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and $NO_X$ RACT, for eight sources located in the Pittsburgh-Beaver Valley area submitted by the Pennsylvania Department of Environmental Protection on January 6, 1995, August 1, 1995, January 10, 1996, January 21, 1997, February 2, 1999, March 3, 1999, and April 19, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations on the following dates: January 6, 1995, August 1, 1995, January 10, 1996, January 21, 1997, February 2, 1999, March 3, 1999, and April 19, 2001.

(B) The following companies' Plan approvals (PA) or Operating permits (OP):

(*1*) Pennsylvania Power Company, Bruce Mansfield Plant, PA 04–000–235, effective December 29, 1994 except for the expiration date.

(*2*) West Penn Power Company, Mitchell Station, PA 63–000–016, effective June 12, 1995, except for the expiration date.

(*3*) Carnegie Natural Gas Company, Fisher Station, OP 03–000–182, effective December 2, 1998, except for the Permit Term.

(*4*) Apollo Gas Company, Shoemaker Station, OP 03–000–183, effective September 12, 1996, except for the Permit Term.

(*5*) Texas Eastern Transmission Corporation, Delmont Station, OP 65–000–839, effective January 9, 1997, except for the Permit Term.

(*6*) The Peoples Natural Gas Company, Valley Station, PA 03–000–125, effective October 31, 1994 except for the expiration date and the time limits in condition 6.

(*7*) The Peoples Natural Gas Company, Girty Station, PA 03–000–076, effective as extended on October 27, 1995, except for the expiration date and time limit in condition 6.

(*8*) AES Beaver Valley Partners, Monaca Plant, OP 04–000–446, effective as revised on March 23, 2001, except for the Permit Term.

(ii) Additional materials.

(A) Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(176)(i)(B) of this section.

(B) Two Pennsylvania Department of Environmental Protection Interoffice Memoranda: Thomas Joseph to Krishnan Ramamurthy, ''1500 $ per Ton'' dated July 14, 1994; and Krishnan Ramamurthy to Thomas McGinley, Babu Patel, Ronald Davis, Richard Maxwell, and Devendra Verma, ''RACT Cost Effectiveness Screening Level'' dated July 15, 1994 pertaining to The Peoples Natural Gas Company, Valley Station.

(177) Revisions pertaining to the Chapter 129 for VOC and $NO_X$ RACT for sources located in the Pittsburgh-Beaver Valley nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on December 8, 1995, July 1, 1997, and April 19, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of operating permits, enforcement orders, and consent orders on the following dates: December 8, 1995, July 1, 1997, and April 19, 2001.

(B) Operating Permits (OP), Enforcement Orders (EO), and Consent Orders (CO) issued to the following sources:

(*1*) Penreco, OP 10–027, effective May 31, 1995.

(*2*) Ashland Petroleum Company, CO 256, effective December 19, 1996, except for condition 2.9.

(*3*) Bellefield Boiler Plant, EO 248, effective December 19, 1996.

(*4*) Gulf Oil L. P., CO 250, effective December 19, 1996, except for condition 2.5.

(*5*) PA Dept. of Corrections, EO 244, effective January 23, 1997.

(*6*) Pittsburgh Thermal Limited Partnership, CO 220, effective March 4, 1996, except for condition 2.5.

(*7*) BP Exploration & Oil, Inc., Greensburg Terminal, OP 65–000–378, effective March 23, 2001.

(*8*) Pittsburgh Allegheny County Thermal, Ltd., CO 265, effective November 9, 1998, except for condition 2.5.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(177)(i)(B) of this section.

(178) Revisions pertaining to VOC and/or $NO_X$ RACT for major sources, located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997, October 23, 1997, November 4, 1997, December 31, 1997, April 9, 1999 and August 9, 2000.

(i) Incorporation by reference.

(A) Letters dated July 1, 1997, October 23, 1997, November 4, 1997, December 31, 1997, April 9, 1999 and August 9, 2000 submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of operating permits, consent orders, and enforcement orders.

(B) Operating permits (OP), Consent Orders (CO) and Enforcement Orders (EO) for the following sources:

(*1*) Aristech Chemical Corporation, CO 232, effective December 30, 1996, except for condition 2.6.

(*2*) Heinz USA, EO 211, effective March 8, 1996, except for conditions 1.5, 2.4, and 2.5; and CO 247, effective October 24, 1996, except for conditions 1.11 and 2.7.

(*3*) Koppers Industries, Inc., CO 223, effective August 27, 1996, except for condition 2.5.

(*4*) Nabisco Biscuit Company, CO 246, effective December 19, 1996, except for condition 2.5.

(*5*) Pressure Chemical Company, CO 261, effective June 11, 1997, except for condition 2.8.

(*6*) General Carbide Corporation, OP 65–000–622, effective December 29, 1995, except for the Permit Term.

(*7*) Fansteel Hydro Carbide, OP 65–000–860, effective December 12, 1997.

(*8*) Carbidie Corporation, OP 65–000–720, effective July 31, 1998, except for the Permit Term, and Conditions 4, 5 and 11.

(*9*) Dyno Nobel, Inc., OP 63–000–070, effective March 31, 1999, except for the Permit Term.

(*10*) Newcomer Products, Inc., OP–65–000–851, effective August 7, 1997.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(178)(i)(B) of this section.

(179) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and/or $NO_X$ RACT for seven sources located in the Philadelphia-Wilmington-Trenton ozone nonattainment area submitted by the Pennsylvania Department of Environmental Protection on August 1, 1995, February 2, 1999, July 27, 2001, and August 8, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals, operating permits, or compliance permits on the following dates: August 1, 1995, February 2, 1999, July 27, 2001, and August 8, 2001.

(B) Operating permits (OP), or Compliance Permits (CP) issued to the following sources:

(*1*) PECO Energy Company, Cromby Generating Station, OP–15–0019, effective April 28, 1995.

(*2*) Waste Resource Energy, Inc. (Operator); Shawmut Bank, Conn. National Assoc. (Owner); Delaware County Resource Recovery Facility, OP–23–0004, effective November 16, 1995.

(*3*) G-Seven, Ltd., OP–46–0078, effective April 20, 1999.

(*4*) Leonard Kunkin Associates, OP–09–0073, effective June 25, 2001.

(*5*) Kimberly-Clark Corporation, OP–23–0014A, effective June 24, 1998 as revised August 1, 2001.

(*6*) Sunoco, Inc. (R&M); Marcus Hook Plant; CP–23–0001, effective June 8, 1995 as revised August 2, 2001, except for the expiration date.

(*7*) Waste Management Disposal Services of Pennsylvania, Inc. (GROWS Landfill), Operating Permit OP–09–0007, effective December 19, 1997 as revised July 17, 2001.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(179)(i)(B) of this section.

(180) Revision pertaining to $NO_X$ RACT for Koppel Steel Corporation's Ambridge Plant located in Harmony Township, Beaver County, Pennsylvania, submitted by the Pennsylvania Department of Environmental Protection on August 8, 2001.

(i) Incorporation by reference.

(A) Letter submitted on August 8, 2001 by the Pennsylvania Department of Environmental Protection transmitting several source-specific $NO_X$ and/or VOC RACT determinations.

(B) Operating Permit 04–000–227, effective October 12, 2000, issued to Koppel Steel Corporation, Ambridge Plant.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determination for the source listed in paragraph (c)(180)(i)(B) of this section.

(181) Revisions pertaining to $NO_X$ RACT-related requirements for General Motors, Corp.; Oakmont Steel, Inc.; The Peoples Natural Gas, Co.; and U.S. Bureau of Mines located in Allegheny

County portion of the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997.

(i) Incorporation by reference.

(A) Letter dated July 1, 1997, submitted by the Pennsylvania Department of Environmental Protection transmitting several source-specific VOC and/or $NO_X$ RACT related determinations.

(B) Plan Approval and Agreement Upon Consent Orders (COs) and an Enforcement Order (EO) for the following sources:

(*1*) General Motors, Corp., CO 243, effective August 27, 1996, except for condition 2.5.

(*2*) Oakmont Steel, Inc., CO 226, effective May 14, 1996, except for condition 2.5.

(*3*) The Peoples Natural Gas, Co., CO 240, effective August 27, 1996, except for condition 2.5.

(*4*) U.S. Bureau of Mines, EO 215, effective March 8, 1996, except for condition 2.5.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the sources listed in paragraph (c)(181)(i)(B) of this section.

(182) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and $NO_X$ RACT, for three sources located in the Philadelphia area submitted by the Pennsylvania Department of Environmental Protection on April 20, 1999, June 28, 2000, and August 8, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals and operating permits on April 20, 1999, June 28, 2000, and August 8, 2001.

(B) Plan approvals (PA), Operating permits (OP) issued to the following sources:

(*1*) Waste Management Disposal Services of Pennsylvania, Inc. (Pottstown Landfill), OP–46–0033, effective April 20, 1999.

(*2*) FPL Energy MH 50, L.P., PA–23–0084, effective July 26, 1999, except for the expiration date.

(*3*) Exelon Generation Company—Richmond Generating Station, PA–51–4903, effective July 11, 2001.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(182) (i)(B) of this section.

(183) The CO redesignation and maintenance plan for Southwestern Pennsylvania submitted by the Pennsylvania Department of Environmental Protection on August 17, 2001, as part of the Pennsylvania SIP. The 1990 base year CO emissions inventory was submitted by the Pennsylvania Department of Environmental Protection on November 12, 1992.

(i) Incorporation by reference.

(A) Letter of August 17, 2001, from the Pennsylvania Department of Environmental Protection transmitting a redesignation request and maintenance plan for the CO monoxide nonattainment area in Southwestern Pennsylvania.

(B) Maintenance Plan for the Southwestern Pennsylvania Carbon Monoxide nonattainment area, effective July 12, 2001.

(ii) Additional Materials—Remainder of the August 17, 2001 submittal pertaining to the revisions listed in paragraph (c)(183)(i) of this section.

(184) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and $NO_X$ RACT, for sources located in the Philadelphia area submitted by the Pennsylvania Department of Environmental Protection on April 16, 1996, June 10, 1996, November 4, 1997, December 31, 1997, March 24, 1998, March 23, 2001, and August 8, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals and operating permits on April 16, 1996, June 10, 1996, November 4, 1997, December 31, 1997, March 24, 1998, March 23, 2001, and August 8, 2001.

(B) Plan approvals (PA), or Operating Permits (OP) issued to the following sources:

(*1*) Jefferson Smurfit Corporation and Container Corporation of America, PA–

51–1566, for PLID 1566, effective April 10, 1995.

(*2*) Maritank Philadelphia, Inc., PA–51–5013, for PLID 5013, effective December 28, 1995.

(*3*) Moyer Packing Company, OP–46–0001, effective March 15, 1996, except for the expiration date.

(*4*) Tullytown Resource Recovery Facility (Waste Management of PA, Inc.), OP–09–0024, effective July 14, 1997, except for the expiration date.

(*5*) SPS Technologies, OP–46–0032, effective October 30, 1997, except for the expiration date.

(*6*) PECO Energy Company, OP–09–0077, effective December 19, 1997, except for the expiration date.

(*7*) Philadelphia Gas Works, Richmond Plant, PA–51–4922, effective July 27, 1999, except for condition 1.A. 10–17, inclusive, condition 2.E., 2.F., 2.G., and condition 8.

(*8*) Exelon Generation Company-Delaware Generating Station, PA–51–4901, effective July 11, 2001.

(*9*) Exelon Generation Company-Schuylkill Generating Station, PA–51–4904, effective July 11, 2001.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(184) (i)(B) of this section.

(185) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and $NO_X$ RACT for 14 sources located in the Philadelphia area, submitted by the Pennsylvania Department of Environmental Protection on December 7, 1998, February 2, 1999, April 20, 1999, March 23, 2001 (two separate submissions), and July 5, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals and operating permits December 7, 1998, February 2, 1999, April 20, 1999, March 23, 2001 (two separate submissions), and July 5, 2001.

(B) Plan approvals (PA), Operating permits (OP) issued to the following sources:

(*1*) International Business Systems, Inc., OP–46–0049, effective October 29, 1998 and as revised December 9, 1999, except for the expiration date.

(*2*) Bethlehem Lukens Plate, OP–46–0011, effective December 11, 1998, except for the expiration date.

(*3*) Montenay Montgomery Limited Partnership, OP–46–0010A, effective April 20, 1999 and as revised June 20, 2000, except for the expiration date.

(*4*) Northeast Foods, Inc., OP–09–0014, effective April 9, 1999, except for the expiration date.

(*5*) Aldan Rubber Company, PA–1561, effective July 21, 2000, except for conditions 1.A.(1), 1.A.(2) and 1.A.(4); and conditions 2.A. and 2.C.

(*6*) Braceland Brothers, Inc., PA–3679, effective July 14, 2000.

(*7*) Graphic Arts, Incorporated, PA–2260, effective July 14, 2000.

(*8*) O'Brien (Philadelphia) Cogeneration, Inc.—Northeast Water Pollution Control Plant, PA–1533, effective July 21, 2000.

(*9*) O'Brien (Philadelphia) Cogeneration, Inc.—Southwest Water Pollution Control Plant, PA–1534, effective July 21, 2000.

(*10*) Pearl Pressman Liberty, PA–7721, effective July 24, 2000.

(*11*) Arbill Industries, Inc., PA–51–3811, effective July 27, 1999, except for condition 5.

(*12*) McWhorter Technologies, PA–51–3542, effective July 27, 1999, except for condition 2.B. and condition 5.

(*13*) Northeast Water Pollution Control Plant, PA–51–9513, effective July 27, 1999, except for condition 1.A.(1), conditions 2.A. and 2.B., and condition 7.

(*14*) Newman and Company, PA–3489, effective June 11, 1997.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(185)(l)(B) of this section.

(186) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to $NO_X$ RACT, submitted on March 21, 1996, December 7, 1998 and April 9, 1999.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific $NO_X$ RACT determinations in the form of plan approvals or operating

permits on March 21, 1996, December 7, 1998 and April 9, 1999.

(B) Plan approvals (PA), and Operating permits (OP) for the following sources:

(*1*) Allegheny Ludlum Steel Corporation, Westmoreland County, OP 65–000–137, effective May 17, 1999, except for the expiration date.

(*2*) INDSPEC Chemical Corporation, Butler County, PA 10–021, as amended and effective on October 19, 1998 except for Condition 4.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(186)(i)(B) of this section.

(187) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to $NO_X$ RACT, submitted on November 4, 1997, July 24 1998, October 2, 1998, March 3, 1999, April 9, 1999, and April 20, 1999.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific $NO_X$ RACT determinations in the form of plan approvals or operating permits on November 4, 1997, July 24, 1998, October 2, 1998, March 3, 1999, April 9, 1999, and April 20, 1999.

(B) Plan approvals (PA), and Operating permits (OP) for the following sources:

(*1*) Stoney Creek Technologies, L.L.C., PA–23–0002, effective February 24, 1999, except for the expiration date.

(*2*) Superpac, Inc., OP–09–0003, effective March 25, 1999, except for the expiration date.

(*3*) Transit America Inc., PA–1563 for PLID 1563, effective June 11, 1997, except for Condition 4 and Condition 5.

(*4*) American Bank Note Company, OP–46–0075, effective May 19, 1997, as revised August 10, 1998, except for the expiration date.

(*5*) Atlas Roofing Corporation, OP–09–0039, effective March 10, 1999, except for the expiration date.

(*6*) Beckett Corporation, OP–15–0040, effective July 8, 1997, except for the expiration date.

(*7*) Klearfold, Inc., OP–09–0012, effective April 15, 1999, except for the expiration date.

(*8*) National Label Company, OP–46–0040, effective July 28, 1997.

(ii) Additional materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(187)(i)(B) of this section.

(188) Revisions to the Pennsylvania Regulations including a 10-year ozone maintenance plan for the Pittsburgh-Beaver Valley area, submitted on May 21, 2001 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Letter dated May 21, 2001 submitted by the Pennsylvania Department of Environmental Protection transmitting the maintenance plan for Pittsburgh-Beaver Valley Area.

(B) The Pittsburgh-Beaver Valley Area ozone maintenance plan submitted by the Pennsylvania Department of Environmental Protection, effective May 15, 2001. This plan establishes motor vehicle emissions budgets for VOCs of 109.65 tons/day for 1999, 98.22 tons/day for 2007, and 102 tons/day for 2011. This plan also establishes motor vehicle emissions budgets for $NO_X$ of 171.05 tons/day for 1999, 129.12 tons/day for 2007, and 115.02 tons/day for 2011.

(ii) Additional material. Remainder of State Submittal pertaining to the revision listed in paragraph (c)(188)(i) of this action.

(189) Revisions to the Commonwealth of Pennsylvania Regulations pertaining to the Pennsylvania's air resource regulations submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting revisions to the Commonwealth's Regulations pertaining to the Pennsylvania's air resource regulations.

(B) Revisions to 25 PA Code, Part I, Subpart C, Article III, effective December 27, 1997.

(*1*) Revisions to Chapter 121, General Provisions, section 121.1, revised definitions for coke oven battery, coke oven gas collector main, and door area.

(*2*) Revisions to Chapter 123, section 123.44, Visible Emissions—Limitations of fugitive air contaminants from operation of any coke oven battery, paragraphs (a) and (a)(1).

(*3*) Revisions to Chapter 137, section 137.4, Standby Plans, paragraphs (b), (c) and (f).

(*4*) Revisions to Chapter 139, section 139.12, Emissions of Particulate Matter, paragraphs (1) and (5).

(*5*) Revisions to Chapter 139, section 139.111, Waste Incinerator Monitoring Requirements, introductory paragraph, and paragraphs (1)(i), (2) and (3).

(*6*) Deletion of Chapter 139, section 139.61.

(*7*) Deletion of Chapter 139, section 139.104. In its place, the provisions of Chapter 139.101 will now apply.

(C) Revisions to 25 PA Code, Part I, Subpart C, Article III, effective May 7, 1998.

(*1*) Revisions to Chapter 139, section 139.12, Emissions of Particulate Matter, paragraph (2).

(*2*) Revisions to Chapter 139, section 139.101, General Requirements, paragraph (12)(ii).

(ii) Additional Material. Remainder of the State submittal(s) pertaining to the revisions listed in paragraph (c)(189)(i) of this section.

(190) Revision to the Pennsylvania Regulations to attain and maintain National Ambient Air Quality Standards (NAAQS) for sulfur dioxide in Warren County, Pennsylvania, submitted on December 26, 2001, by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of December 26, 2001 from the Pennsylvania Department of Environmental Protection transmitting a revision to the State Implementation Plan (SIP) for attainment and maintenance of sulfur dioxide NAAQS for Warren County.

(B) Letter of August 20, 2002, transmitting a revised Reliant Energy Mid-Atlantic Power Holdings LLC Warren Generating Station Title V permit.

(C) The following Companies' Plan Approval and Operating Permits:

(*1*) Reliant Energy Mid-Atlantic Power Holdings LLC (Reliant) Warren Generating Station, Title V Operating Permit TV 62–00012, effective November 21, 2001.

(*2*) United Refining Company, PA 62–017E, effective June 11, 2001, except for the expiration date.

(ii) Additional Material. Remainder of the State submittal pertaining to the revision listed in paragraph (c)(190)(i) of this section.

(191) Revisions pertaining to VOC and $NO_X$ RACT determinations for a major source submitted by the Pennsylvania Department of Environmental Protection on December 21, 2001.

(i) Incorporation by reference.

(A) A letter submitted on December 21, 2001 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and $NO_X$ RACT determinations.

(B) Operating permit (OP) for Bethlehem Steel Corporation, Dauphin County, 22–02012, effective April 9, 1999.

(ii) Additional material. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the source listed in paragraph (c)(191)(i)(B) of this section.

(192) Revisions to the Allegheny County Health Department Regulations, Articles XX and XXI, submitted on October 30, 1998 by the Pennsylvania Department Environmental Resources:

(i) Incorporation by reference.

(A) Letter of October 30, 1998 from the Pennsylvania Department of Environmental Protection transmitting a recodification from Article XX to Article XXI of the Rules and Regulations for Air Pollution Control in Allegheny County, as well as substantive revisions to the Article XXI regulations.

(B) The following revisions to Article XXI (formerly Article XX) of the Rules and Regulations for Air Pollution Control in Allegheny County, effective October 20, 1995:

(*1*) Part A (General), Sections 2101.01, 2101.02 (except paragraph .02.b.), 2101.03, 2101.04, 2101.06, 2101.07 (except paragraphs .07.c.2 and .07.c.8), 2101.10 (1-year and 24-hour standards for $PM_{10}$ and sulfur oxides, 1-year standard for nitrogen dioxide, 1-hour and 8-hour standards

for carbon monoxide, and 1-hour standard for ozone only) and 2101.11 through 2101.14 inclusive.

(*2*) Part A, Section 2101.20 (Definitions) (Formerly Article XX, Sections 101, 202.C, 701 and 801).

(*i*) *Citation change only:* Air curtain destructor, Air dried coating, Air pollution, Air Pollution Control Act, Air pollution control equipment, Alert Stage, Ambient air, Article XI, Automobile, Board of Health, Bottom filling, Bulk gasoline plant, Bulk gasoline terminal, Can coating, Clean Air Act, Clear coat, Clearing and grubbing wastes, Coating, Coil coating, Cold cleaning degreaser, Commonwealth, Conveyorized degreaser, County, Cutback asphalt, Domestic heating plant, Domestic refuse-burning equipment, Drum, Dry cleaning facility, Dust, Emission tests, Emissions, Extreme environmental conditions, Extreme performance coatings, Fabric coating, Flexographic printing, Freeboard ratio, Fuel, Fuel-burning or combustion equipment, Gasoline, Gasoline tank truck, Hard slag ladle pit, Hopper car, Incinerator, Increments of Progress, Install, Large appliances, Lease custody transfer, Light duty trucks, Magnet wire coating, Materials handling, Metal furniture coating, Miscellaneous metal parts and products, National Ambient Air Quality Standard, Net load rating, Nontraditional source, Opacity, Open air, Open burning, Open top vapor degreaser, Pail, Paper coating, Part per million, Particulate matter, Paving operation, Person, PM–10, Potential uncontrolled emission rate, Prime coat, Process, Process equipment, Process fugitive emissions, Publication rotogravure printing, Rated capacity, Refuse, Roll printing, Rotogravure printing, SIP, Single coat, Small gasoline storage tank, Solvent, Standard conditions, State Implementation Plan, Steel production, Surface coating process, Tank car, Topcoat, Trade waste, Transfer efficiency, Type ''O'' waste, Vapor balance system, Vapor disposal system, Vinyl coating, Visible emissions, Wastewater separator, and Waxy heavy-pour crude oil.

(*ii*) *Revised definitions resulting from the format change:* Advisory Committee, Air Pollution Episode, Ambient air quality standards, Article, Attainment area, Best Available Control Technology, Breakdown, Board of Commissioners, County-Wide Air Pollution Watch, Flue, Forecast, Localized air pollution watch, Localized incident level, Lowest Achievable Emission Rate, Net air quality benefit, Nonattainment area, Reasonably Available Control Technology, Unclassifiable area, and Volatile organic compound.

(*iii*) *Revised definitions with substantive wording changes:* Air contaminant, Allowable Emissions, Authorized representative, Bureau, Capture efficiency, DEP (Formerly DER), Department, Deputy Director, Director, Emission limitation, EPA, Fugitive emissions, Modification, Major modification, Major Source (paragraphs a., b., c., f. and g. only), New Source, Reasonable further progress, Replacement Source, Secondary Emissions, Significant Air Quality Impact, and Source.

(*3*) Part B (Permits Generally), Sections 2102.02, 2102.03.a through h. 2102.04.a through g., 2102.05, 2102.06.a through .e, 2102.08., and 2102.10.

(*4*) Part D (Pollutant Emission Standards), Sections 2104.01, 2401.02.a.1 through .02.a.3, 2104.02.b. through .02.d., 2104.02.f., 2104.02.i, 2104.03, and 2104.05 through 2401.07.

(*5*) Part E (Source Emission and Operating Standards), Sections 2105.01 through 2105.04, 2105.10.a through c., 2105.10.e.1 through 10.e.10, 2105.11 through 2105.13, 2105.15 through 2105.17, 2105.19.a. through c. and .19.e., 2105.20, 2105.22, 2105.30 (except paragraph .30.f), 2105.40 through 2105.48, 2105.49.a, 2105.49.b (formerly 2105.49.e). and 2105.50 (except paragraph .50.d).

(*6*) Part F (Air Pollution Episodes), Sections 2106.01 through 2106.04.

(*7*) Part G (Methods), Sections 2107.01 through 2107.03, 2107.04 (except paragraph .04.h), 2107.05 through 2107.08, 2107.10, 2107.11, and 2107.20.c., g. through j., m., and n.

(*8*) Part H (Reporting, Testing and Monitoring), Sections 2108.01 (except paragraphs .01.e.1.A and B.), 2108.02.a. through f., 2108.03.a. and c. through e., and 2108.04.

(*9*) Part I (Enforcement), Sections 2109.01, 2109.02, (except paragraph .02.a.7), 2109.03.a. (introductory paragraph only), 2109.03.b. through f.,

2109.04, 2109.05 and 2109.06.a.1, .06.b, and .06.c.

(C) Addition of the following Article XXI regulations, effective October 20, 1995:

(*1*) Part A, Section 2101.10 (3-month ambient standard for lead).

(*2*) Part A, Section 2101.20, definitions of Administrator, Adverse environmental effect, Affected source, Affected states, Affected unit, Applicable requirement, At the source, BACT (abbreviation only), Cartridge filter, CFR, CO, Common control, Containers and conveyors of solvent, CTG, Designated representative, Draft permit, Emergency, Emissions allowable under the permit, Emissions unit, Existing source, Federal action, Final permit, Fugitive dust emissions, LAER (abbreviation only), Large equipment, Major source applicable requirement (except paragraphs c., d., e., f., g., and j.), Minor operating permit modification, Minor source, NAAQS (abbreviation only), $NO_X$, Operator, Owner or operator, Part C subpart 2 permit, Part C subpart 2 source, Perceptible leaks, Permit modification, Permit revision, Permitting authority, Person subject to the Clean Air Act, Petroleum solvents, Pharmaceutical tablet coating, Potential to emit, PPM (abbreviation only), Proposed permit, RACT (abbreviation only), Regulated air pollutant (paragraphs a. and b. only), Renewal, Represent the public interest, Responsible official, Significant permit modification, Significant portion of income, Small source, Small equipment, and Solvent recovery dryer.

(*3*) Part B, Sections 2102.01, 2102.03.i through .03.k, 2102.04.h through .04.j, and 2102.06.f.

(*4*) Part C (Operating Permits), 2103.10.a and .10.b, and 2103.20.b.4.

(*5*) Part E, Sections 2105.10.d and 10.e.11, 2105.14, 2105.19.d, 2105.70, 2105.71, and 2105.72.

(*6*) Part H, Sections 2108.02.g. and 2108.03.b.

(*7*) Part I, Sections 2109.06.a.5, 2109.10 and 2109.20.

(D) Removal of the following Article XX regulations, effective October 20, 1995:

(*1*) Sections 109 (ambient standard for hydrocarbons), 304, 306.E, 512, 902, and 903.

(*2*) Section 101, Definitions of Air Pollution Hearing Board, Commissioners, Committee, Equivalent Opacity, Facility, Rendering, Ringelmann Scale, and Soiling Index.

(E) Removal of Article XXI, Sections 2105.21.h.3.B., 2105.49.c, and 2105.49.d.

(ii) Additional Material—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(192)(i) of this section.

(193) Revisions to the Pennsylvania regulations to attain and maintain the sulfur dioxide National Ambient Air Quality Standards (NAAQS) in Philadelphia County, submitted on March 23, 2001, by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Letter of March 23, 2001 from the Pennsylvania Department of Environmental Protection transmitting a revision to the State Implementation Plan (SIP) for Attainment and Maintenance of Sulfur Dioxide National Ambient Air Quality Standards for Philadelphia County.

(B) The following companies' Operating Permits:

(*1*) Trigen-Philadelphia Energy Corporation, Schuylkill Station, OP-SO2–95–002, effective July 27, 2000.

(*2*) Grays Ferry Cogeneration Partnership, OP-SO2–95–002A, effective July 27, 2000.

(*3*) PECO Energy Company, Schuylkill Generating Station, OP SO2–95–006, effective July 27, 2000.

(*4*) Sunoco, Inc. (R&M) Philadelphia Refinery, OP-SO2–95–039, effective July 27, 2000.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revision listed in paragraph (c)(193)(i) of this section.

(194) Revisions pertaining to VOC and $NO_X$ RACT determinations for a major source submitted by the Pennsylvania Department of Environmental Protection on December 21, 2001.

(i) Incorporation by reference.

(A) A letter submitted on December 21, 2001 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and $NO_X$ RACT determinations.

(B) Operating permit (OP) :

(*1*) Hershey Chocolate USA, Dauphin County, 22–02004A, effective January 24, 2000.

(*2*) Pennsylvania Power Company, Lawrence County, New Castle Plant, OP 37–0023, effective April 8, 1999.

(ii) Additional Material—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the source listed in paragraph (c)(194)(i)(B) of this section.

(195) Revisions to the Pennsylvania Regulations regarding VOC control requirements for solvent cleaning operations, submitted on February 13, 2002, by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of February 13, 2002, from the Pennsylvania Department of Environmental Protection transmitting the revisions to VOC control requirements for solvent cleaning operations.

(B) Revisions to 25 PA Code, chapter 121 and chapter 129, effective December 22, 2001.

(*1*) Additions and Revisions of definitions for terms in chapter 121, General Provisions, section 121.1, Definitions.

(*i*) Addition of the following terms: Airless cleaning system, Airtight cleaning system, Batch vapor cleaning machine, Carbon adsorber, Cold cleaning machine, Dwell, Dwell time, Extreme cleaning service, Freeboard refrigeration device, Idling mode, Immersion cold cleaning machine, In-line vapor cleaning machine, Reduced room draft, Remote reservoir cold cleaning machine, Solvent/air interface, Solvent cleaning machine, Solvent cleaning machine automated parts handling sytem, Solvent cleaning machine down time, Solvent vapor zone, Superheated vapor system, Vapor cleaning machine, Vapor cleaning machine primary condenser, Vapor pressure, Vapor up control switch, Working mode cover.

(*ii*) Revision of the term ''freeboard ratio.''

(*2*) Revisions to chapter 129, Standards for Sources, Sources of VOCs, section 129.63, VOC Cleaning Operations replacing the current section 129.63.

(ii) Additional Material. Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(195)(i) of this section.

(196) Revisions pertaining to $NO_X$ RACT for major sources submitted on December 21, 2001.

(i) Incorporation by reference.

(A) Letter submitted on December 21, 2001 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals or operating permits.

(B) Plan approval (PA); Operating permit (OP):

(*1*) Lafarge Corporation, Lehigh County, OP–39–0011B, effective May 19, 1997.

(*2*) The Peoples Natural Gas Company, Cambria County, OP–11–000–356, effective November 23, 1994.

(*3*) Horsehead Resource Development Company, Inc., Carbon County, OP–13–0001, effective May 16, 1995.

(*4*) Williams Generation Company, Hazleton, Luzerne County, OP–40–0031A, effective March 10, 2000.

(*5*) Pennsylvania Power and Light Company, Holtwood Steam Electric Station, Lancaster County, PA–36–2016, effective May 25, 1995.

(ii) Additional Material.

(A) Letter of October 15, 2002 from the Pennsylvania Department of Environmental Protection to EPA transmitting materials related to the RACT permits listed in paragraph (c)(196)(i) of this section.

(B) Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(196)(i) of this section.

(197) Revisions to the Commonwealth of Pennsylvania Regulations pertaining to the Pennsylvania's air resource regulations submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting revisions to the Commonwealth's Regulations pertaining to the Pennsylvania's air resource regulations.

(B) Revisions to 25 PA Code, Part I, Subpart C, Article III, effective December 27, 1997. Revisions to Chapter 121,

General Provisions, Section 121.1, definitions for major modification, modification, potential to emit, responsible official and secondary emissions.

(ii) Additional Material—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(197)(i) of this section.

(198) Revisions pertaining to $NO_X$ RACT determinations for a major source submitted by the Pennsylvania Department of Environmental Protection on December 9, 2002.

(i) Incorporation by reference.

(A) Letter of December 9, 2002 from the Pennsylvania Department of Environmental Protection transmitting source-specific $NO_X$ RACT determinations.

(B) Operating permit (OP) for General Electric Transportation Systems, Erie County, OP 25–025A, effective August 26, 2002.

(ii) Additional Material—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the source listed in paragraph (c)(198)(i)(B) of this section.

(199) [Reserved]

(200) Revisions pertaining to VOC and $NO_X$ RACT for major sources submitted on December 21, 2001.

(i) Incorporation by reference.

(A) Letter submitted on December 21, 2001 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals or operating permits:

(B) Plan approval (PA); Operating permit (OP):

(*1*) Bethlehem Structural Products Corporation, Northampton County, OP–48–0013, effective October 24, 1996.

(*2*) International Paper Company, Erie Mill, Erie County, PA–25–028, effective December 21, 1994.

(*3*) National Fuel Gas Supply Corporation, Jefferson County, PA–33–144A, effective October 5, 1998.

(ii) Additional Material.

(A) Letters of October 15, 2002 and February 11, 2003 from the Pennsylvania Department of Environmental Protection (PADEP) to EPA transmitting materials related to the RACT permits listed in paragraph (c)(200)(i) of this section.

(B) Other materials submitted by PADEP in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(200)(i) of this section.

(201) Revisions pertaining to $NO_X$ RACT determinations for a major source submitted by the Pennsylvania Department of Environmental Protection on October 30, 2002.

(i) Incorporation by reference.

(A) Letter of October 30, 2002 from the Pennsylvania Department of Environmental Protection transmitting source-specific $NO_X$ RACT determinations.

(B) Operating permit (OP) for PPG Industries, Inc., Crawford County, OP 20–145, effective May 31, 1995.

(ii) Additional Material—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the source listed in paragraph (c)(201)(i)(B) of this section.

(202) Revisions pertaining to VOC and $NO_X$ RACT determinations for major sources submitted by the Pennsylvania Department of Environmental Protection on October 30, 2002.

(i) Incorporation by reference.

(A) Letter of October 30, 2002 from the Pennsylvania Department of Environmental Protection transmitting source-specific $NO_X$ RACT determinations.

(B) Operating Permits (OP):

(*1*) Dominion Trans Inc., Clinton County, Title V Permit No.: 18–00005, effective February 16, 2000.

(*2*) Textron Lycoming, Lycoming County, Title V Permit No.: 41–00005, effective January 12, 2001.

(ii) Additional Material.

(A) A letter of February 11, 2003 from the Pennsylvania Department of Environmental Protection to EPA transmitting materials related to the RACT permits listed in paragraph (c)(202)(i) of this section.

(B) Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the source listed in paragraph (c)(202)(i)(B) of this section.

(203) Revisions to Philadelphia Air Management Regulation XIII—''Pertaining to the Construction, Modification, Reactivation, and Operation of

Sources'' submitted on May 13, 1999 by the Pennsylvania Department of Environmental Protection on behalf of Philadelphia County Air Management Services:

(i) Incorporation by reference.

(A) Letter of May 13, 1999 from the Pennsylvania Department of Environmental Protection on behalf of Philadelphia County Air Management Services transmitting Regulation XIII governing the construction of new and modified sources and operation of existing sources of air pollution in the County.

(B) Philadelphia Air Management Regulation XIII—''Pertaining to the Construction, Modification, Reactivation, and Operation of Sources'', except as it pertains to the new source review permit program and the title V operating permit program, effective October 30, 1995.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(203)(i) of this section. (204) Revisions to the Pennsylvania Regulations to remove alternative emission reduction limitations for Andre Greenhouses, U.S. Steel, Scott Paper Company, Arbogast & Bastian, Inc., J.H. Thompson, Inc., and Bethlehem Steel Corp., submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting the removal of 25 Pennsylvania Code Subpart C, Article II, Chapter 128.11 through 128.13 and 128.15 through 128.20, the alternative emission reduction limitations for Andre Greenhouses, U.S. Steel, Scott Paper Company, Arbogast & Bastian, Inc., J.H. Thompson, Inc., and Bethlehem Steel Corporation, respectively.

(B) Removal of 25 Pennsylvania Code Subpart C, Article II, Chapter 128.11 through 128.13 and 128.15 through 128.20, effective September 5, 1998.

(ii) Remainder of State submittal pertaining to the revisions listed in paragraph (c)(204)(i) of this section.

(205) Revision pertaining to $NO_X$ RACT determinations for a major source submitted by the Pennsylvania Department of Environmental Protection on February 4, 2003:

(i) Incorporation by reference.

(A) Letter submitted on February 4, 2003 by the Pennsylvania Department of Environmental Protection transmitting source-specific $NO_X$ RACT determinations.

(B) Operating Permit (OP) for Lafayette College, Easton Campus, Northampton County, OP 48–0034, effective August 18, 1997.

(ii) Additional Material. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the source listed in paragraph (c)(205)(i) of this section.

(206) [Reserved]

(207) Revisions pertaining to VOC and $NO_X$ RACT for major sources submitted on February 4, 2003.

(i) Incorporation by reference.

(A) Letter submitted on February 4, 2003 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of plan approvals or operating permits.

(B) The following Operating Permits (OP):

(*1*) Keystone Carbon Company, Elk County, OP 24–016, effective May 15, 1995.

(*2*) Mack Trucks, Inc., Northampton County, 39–0004, effective May 31, 1995.

(*3*) Owens-Brockway Glass Container, Inc., Jefferson County, OP 33–033, effective March 27, 1995.

(*4*) Resilite Sports Products, Inc., Northumberland County, OP–49–0003, effective December 3, 1996.

(*5*) Westfield Tanning Company, Tioga County, OP–59–0008, effective November 27, 1996.

(ii) Additional Material.

(A) Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(207)(i) of this section.

(B) [Reserved]

(208) Revisions pertaining to VOC and $NO_X$ RACT for major sources submitted on October 25, 1999, and February 4, 2003, by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Letters submitted on October 26, 1999, and February 4, 2003 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of operating permits.

(B) Operating permits (OP) issued to the following sources:

(*1*) Tarkett Incorporated, Lehigh County, OP 39–0002, effective May 31, 1995.

(*2*) Harcros Pigments, Inc., Northampton County, OP 48–0018, effective July 31, 1996.

(ii) Additional Material.

(A) Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(208)(i) of this section.

(209) Revisions for a federally enforceable state operating permit program applicable in Allegheny County, Pennsylvania submitted on November 9, 1998 and March 1, 2001 by the Pennsylvania Department of Environmental Protection on behalf of the Allegheny County Health Department:

(i) Incorporation by reference.

(A) Letters of November 9, 1998 and March 1, 2001 from the Pennsylvania Department of Environmental Protection, on behalf of the Allegheny County Health Department, transmitting a federally enforceable state operating permit program.

(B) Addition of the following Allegheny County Health Department Rules and Regulations, Article XXI Air Pollution Control:

(*1*) Regulation 2101.05, Regulation 2103.12—effective March 31, 1998.

(*2*) Regulation 2103.01, Regulation 2103.11, Regulation 2103.13, Regulation 2103.15—effective October 20, 1995.

(*3*) Regulation 2103.14—effective January 12, 2001.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(209)(i) of this section.

(210) Revisions to the Pennsylvania Regulations which include amendments to the 2001 Pittsburgh-Beaver Valley ozone maintenance plan submitted on April 11, 2003 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of April 11, 2003 from the Pennsylvania Department of Environmental Protection transmitting revisions to the Pittsburgh-Beaver Valley ozone maintenance plan.

(B) Amendments to the Pittsburgh-Beaver Valley ozone maintenance plan which add sections E–2 and E–3, effective April 2003.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(210)(i) of this section.

(211) Revisions to the Pennsylvania Emission Inspection Program Regulations to adopt revised alternative final ASM test cutpoints submitted on July 23, 2003 by the Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of July 23, 2003 from the Secretary of the Department of Environmental Protection transmitting a regulatory amendment to the motor vehicle emissions testing program to adopt an alternative set of final ASM test cutpoints developed by EPA.

(B) Revisions to Chapter 177, Appendix A, Section 1 of the Pennsylvania motor vehicle emission inspection program regulations (codified in the Pennsylvania Code at Title 67, Part I, Subpart A, Article VII), effective on May 24, 2003.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(211)(i) of this section.

(212) Revisions to the Pennsylvania Regulations pertaining to VOC and $NO_X$ RACT for major sources submitted on July 2, 2003 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of July 2, 2003 by the Pennsylvania Department of Environmental Protection transmitting source-specific $NO_X$ and VOC RACT determinations.

(B) The following operating permits (OP):

(*1*) GPU Generation Corp., Homer City Station, Indiana County, 32–000–055, effective October 29, 1998.

(*2*) GPU Generation Corp., Seward Station, Indiana County, 32–000–040, effective April 30, 1998.

(*3*) Ebensburg Power Company, Ebensburg Cogeneration Plant,

Cambria County, 11–000–318, effective March 28, 2001.

(*4*) Sithe Pennsylvania Holdings LLC, Warren Station, Warren County, OP–62–012B, effective January 20, 2000.

(*5*) Pennsylvania Power & Light Company, Sunbury SES, Snyder County, OP–55–0001A, effective July 7, 1997.

(*6*) Lakeview Landfill, Erie County, OP–25–920, effective May 29, 1997.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(212)(i) of this section.

(213) Revisions pertaining to $NO_X$ and VOC RACT for National Fuel Gas Supply Corporation's Roystone Compressor Station, located in Sheffield, Warren County, Pennsylvania; and Crompton Corporation's facility located in Fairview Township, Butler County, Pennsylvania submitted by the Secretary of the Pennsylvania Department of the Environment on July 2, 2003.

(i) Incorporation by reference.

(A) Letter submitted on July 2, 2003, by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of operating permits:

(B) Operating permit (OP):

(*1*) National Fuel Gas Supply Corp., Roystone Compressor Station, Sheffield, Warren County, OP 62–141F, effective date April 1, 2003.

(*2*) Crompton Corporation, Fairview Township, Butler County, OP 10–037, effective date June 4, 2003.

(ii) Additional Material—Additional materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(213)(i) of this section.

(214) Revisions to the Pennsylvania Regulations pertaining to VOC and $NO_X$ RACT for major sources submitted on July 2, 2003 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Letter of July 2, 2003 from the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations in the form of plan approvals or operating permits.

(B) Plan Approval (PA); Operating Permit (OP):

(*1*) Andritz, Inc., Lycoming County, 41–00010C, effective April 30, 2003.

(*2*) Brodart Company, Clinton County, 18–0007A, effective April 8, 2003.

(*3*) Erie Sewer Authority, Erie County, OP–25–179, effective June 5, 2003.

(ii) Additional Materials—Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(214)(i) of this section.

(215) The $PM_{10}$ Redesignation and Maintenance Plan for the Liberty Borough area of Allegheny County, Pennsylvania nonattainment area submitted on October 28, 2002 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of October 28, 2002 from the Pennsylvania Department of Environmental Protection transmitting the redesignation request and maintenance plan for the $PM_{10}$ nonattainment area in the Liberty Borough area of Allegheny County, Pennsylvania.

(B) Maintenance Plan for the Liberty Borough $PM_{10}$ nonattainment area consisting of Part IV, ''Maintenance Plan—Redesignation Criterion 4''; Part I, ''Attainment of the Standard—Redesignation Criterion I,'' Section B, Figure 3a—''Countywide Network of $PM_{10}$ Monitors, (Current)'', Section C ''Modeled Attainment''; Part VI ''Documentation of Administrative Procedures,'' Section F ''Certification of Approval and Adoption''; Appendix B : ''Attainment Inventory''; Appendix C: ''Mon-Fayette Expressway Alignment''; Appendix D: ''Employment Forecasts''; Appendix E: ''Census and Population Forecasts,'' dated October 4, 2002 and effective September 14, 2002.

(ii) Additional material.

(A) Remainder of the October 28, 2002 State submittal(s) pertaining to the revisions listed in paragraph (c)(215)(i) of this section.

(B) Additional material submitted by the State on June 20, 2003 which consisted of minor corrections to the $PM_{10}$ ambient air quality data included in the redesignation request.

(216) Revisions to the Allegheny portion of the Pennsylvania State Implementation Plan (SIP) submitted on August 15, 2003 by the Pennsylvania Department of Environmental Protection consisting of a regulatory change to

Article XXI, section 2104.03, Sulfur Oxide Emissions, a modeled demonstration of attainment of the national ambient air quality standards (NAAQS) for $SO_2$ in the Hazelwood and Monongahela River Valley areas of Allegheny County, and the $SO_2$ Maintenance Plan for these areas associated with their redesignation to attainment:

(i) Incorporation by reference.

(A) Letter of August 15, 2003 from the Pennsylvania Department of Environmental Protection transmitting a regulatory change to the allowable sulfur oxide emission limits for fuel burning equipment, a modeled demonstration of attainment, and the maintenance plan for the Hazelwood and Monongahela River Valley areas of Allegheny County, Pennsylvania.

(B) Maintenance Plan for Sulfur Dioxide for Southwestern Pennsylvania, Parts I through V, and Appendices A and B, dated August 2001, and effective July 10, 2003.

(C) Revisions to section 2104.03 of Article XXI, Rules and Regulations of the Allegheny County Health, effective July 10, 2003.

(ii) Additional Material.

(A) Remainder of the August 15, 2003 State submittal pertaining to the revisions listed in paragraph (c)(216)(i) of this section.

(B) Additional material submitted by the Pennsylvania Department of Environmental Protection on February 12, 2004, which consists of minor clarifications to the Summary and Responses document from the public hearing, and a letter dated February 6, 1992 which was referenced but not included in the August 15, 2003 SIP revision submittal.

(217) Revisions to the Pennsylvania Regulations pertaining to $NO_X$ RACT for a major source submitted on August 15, 2003 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Letter of August 15, 2003 from the Pennsylvania Department of Environmental Protection transmitting source-specific $NO_X$ RACT determinations.

(B) Operating Permit (OP) for Hercules Cement Company, Northampton County, 48–0005A, effective April 16, 1999.

(ii) Additional Material—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the source listed in paragraph (c)(217)(i)(B) of this section.

(218) Revisions pertaining to VOC and $NO_X$ RACT for Tennessee Gas Pipeline Company, Station 321, located in Susquehanna County, Pennsylvania; and Tennessee Gas Pipeline Company, Station 219, located in Mercer County, Pennsylvania submitted by the Secretary of the Pennsylvania Department of Environmental Protection on August 15, 2003.

(i) Incorporation by reference.

(A) Letter submitted on August 15, 2003 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or $NO_X$ RACT determinations, in the form of operating permits:

(B) Operating permit (OP):

(*1*) Tennessee Gas Pipeline Company, Station 321, Susquehanna County, OP–58–0001A, effective date April 16, 1999.

(*2*) Tennessee Gas Pipeline Company, Station 219, Mercer County, OP–43–0272, effective date April 7, 1998.

(ii) Additional Material—Additional materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(218)(i) of this section.

(219)–(221) [Reserved]

(222) Revisions to Pennsylvania's 1-hour ozone maintenance plan for the Reading area to amend the contingency measures and to revise the attainment year mobile emissions inventories and the 2004 and 2007 motor vehicle emission budgets to reflect the use of MOBILE6. These revisions were submitted by the Commonwealth of Pennsylvania's Department of Environmental Protection to EPA on December 9, 2003.

(i) Incorporation by reference.

(A) Letter of December 9, 2003 from the Secretary of the Pennsylvania Department of Environmental Protection transmitting revisions to Pennsylvania's 1-hour ozone maintenance plan for the Reading area.

(B) Document entitled ''Revision to the State Implementation Plan for the Reading Area (Berks County).'' This

document, dated November 2003, establishes the following:

(*1*) Revisions to the Reading area's 1-hour ozone maintenance plan, establishing revised motor vehicle emissions budgets of 17.02 tons/day of volatile organic compounds (VOC) and 28.99 tons/day of oxides of nitrogen ($NO_X$) for 2004; and motor vehicle emissions budgets of 13.81 tons/day of VOC and 23.06 tons/day of $NO_X$ for 2007.

(*2*) Revision to the Reading area's 1-hour ozone maintenance plan which moves the Inspection and Maintenance program from the contingency measures portion of the plan and to make it part of the maintenance strategy.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(222)(i) of this section.

(223) [Reserved]

(224) The $SO_2$ Redesignation Request and Maintenance Plan for Conewango Township, Pleasant Township, Glade Township, and the City of Warren in Warren County, Pennsylvania, submitted on May 7, 2004, by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of May 7, 2004 from the Pennsylvania Department of Environmental Protection transmitting the redesignation request and the maintenance plan for the $SO_2$ nonattainment areas of Conewango Township, Pleasant Township, Glade Township, and the City of Warren, in Warren County, Pennsylvania.

(B) The Conewango Township, Pleasant Township, Glade Township, and City of Warren, Warren County Sulfur Dioxide Maintenance Plan, dated May, 2004.

(ii) Additional Material.

(A) Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(224)(i) of this section.

(B) Letter of March 15, 2004 from the Pennsylvania Department of Environmental Protection, transmitting the redesignation request and maintenance plan for the Conewango Township, Pleasant Township, Glade Township, and the City of Warren, and the request to change the status of Mead Township and Clarendon Borough.

(225) [Reserved]

(226) Revisions to Pennsylvania's 1-hour ozone maintenance plan for the Pittsburgh-Beaver Valley area to revise the highway mobile emissions and the motor vehicle emission budgets to reflect the use of MOBILE6. These revisions were submitted by the Commonwealth of Pennsylvania's Department of Environmental Protection on April 22, 2004.

(i) Incorporation by reference.

(A) Letter of April 22, 2004 from the Pennsylvania Department of Environmental Protection transmitting a revision to Pennsylvania's 1-hour ozone maintenance plan for the Pittsburgh-Beaver Valley area.

(B) Document entitled, ''Revision to the State Implementation Plan for the Pittsburgh-Beaver Valley Area—Revised Highway Vehicle Emissions Budgets'' dated April, 2004. The document revises the Pittsburgh-Beaver Valley 1-hour ozone maintenance plan, establishing revised motor vehicle emission budgets of 74.03 tons/day of volatile organic compounds (VOC) and 140.63 tons/day of nitrogen oxides ($NO_X$) for 2004, 60.42 tons/day of VOC and 110.37 tons/day of $NO_X$ for 2007, and 45.68 tons/day of VOC and 77.09 tons/day of $NO_X$ for 2011.

(ii) Additional Material. Remainder of the Commonwealth's April 22, 2004 submittal pertaining to the revision listed in paragraph (c)(226)(i) of this section.

(227) Revisions pertaining to the control of volatile organic compound emissions from architectural and industrial maintenance coatings submitted on December 3, 2003 and October 19, 2004 by the Commonwealth of Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letters of December 3, 2003 and October 19, 2004 from the Pennsylvania Department of Environmental Protection transmitting Pennsylvania's Architectural and Industrial Maintenance Coatings regulations.

(B) 25 Pa. Code Chapter 130, Subchapter C. Architectural and Industrial Maintenance Coatings, Subsections 130.601–130.611, inclusive, effective October 25, 2003.

(ii) Additional Materials—Remainder of the Commonwealth's submittals pertaining to the revisions listed in paragraph (c)(227)(i) of this section.

(228) [Reserved]

(229) Revisions to the Pennsylvania Regulations, Chapter 130, Subchapter A pertaining to volatile organic compound control requirements for portable fuel containers submitted on March 26, 2003 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Letter of March 26, 2003 from the Pennsylvania Department of Environmental Protection transmitting the Pennsylvania regulations for portable fuel containers.

(B) 25 Pa Code Chapter 130 Subchapter A. Portable Fuel Containers, Sections 130.101–130.108, inclusive, effective on October 5, 2002.

(ii) Additional Material. Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(229)(i) of this section.

(230) Revisions pertaining to the control of volatile organic compound emissions from consumer products submitted on March 26, 2003 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 26, 2003 from the Pennsylvania Department of Environmental Protection transmitting Pennsylvania's consumer products regulations.

(B) 25 PA Code Chapter 130 Subchapter B. Consumer Products, effective on October 5, 2002, consisting of Sections 130.201 and 130.202, 130.211 through 130.216, 130.331 through 130.337, 130.351 and 130.352, 130.371 through 130.373, 130.391 and 130.392, 130.411 and 130.414, 130.431, 130.451 through 130.465, and 130.471.

(ii) Additional Material. Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(230)(i) of this section.

[38 FR 16567, June 22, 1973]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2063, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart OO—Rhode Island

### § 52.2070 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Rhode Island 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 as incorporated by reference in paragraphs (c) and (d) of this section 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 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 October 15, 2008, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 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 October 15, 2008.

(3) Copies of the materials incorporated by reference may be inspected at the New England Regional Office of EPA at One Congress Street, Suite 1100, Boston, MA 02114–2023; the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration [NARA]. If you wish to obtain materials from a docket in the EPA Regional Office, please call telephone number (617) 918–1668; for material from a docket in 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.*

EPA-APPROVED RHODE ISLAND REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Explanations |
|---|---|---|---|---|
| Air Pollution Control Regulation 1. | Visible emissions ... | 2/22/1977 ..... | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 2. | Handling of soft coal. | 2/22/1977 ..... | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 3. | Particulate emissions from industrial processes. | 2/22/1977 ..... | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 4. | Open fires ..... | 2/22/1977 ..... | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 5. | Fugitive dust ..... | 2/22/1977 ..... | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 6. | Continuous emission monitors. | 11/22/1989 ..... | 9/30/1991, 56 FR 49414. | RI Air Pollution Control Regulation Number 6 is also referred to by the title ''Opacity Monitors''. |
| Air Pollution Control Regulation 7. | Emission of air contaminants detrimental to persons or property. | 7/19/1977 ..... | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 8. | Sulfur content of fuels. | 5/2/1985 ..... | 1/8/1986, 51 FR 755. | |
| Air Pollution Control Regulation 9. | Air pollution control permits. | 4/8/1996 ..... | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 9 is approved with the exception of Sections 9.13, 9.14, 9.15, and Appendix A which Rhode Island did not submit as part of SIP revision. |
| Air Pollution Control Regulation 10. | Air pollution episodes. | 2/22/1977 ..... | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 11. | Petroleum liquids marketing and storage. | 1/31/1993 ..... | 12/17/1993, 58 FR 65930. | |
| Air Pollution Control Regulation 12. | Incinerators ..... | 4/22/1981 ..... | 4/26/1982, 47 FR 17816. | |
| Air Pollution Control Revisions to Regulation 13. | Particulate emissions from fossil fuel fired steam or hot water generating units. | 10/5/1982 ..... | 3/29/1983, 48 FR 13026. | |
| Air Pollution Control Regulation 14. | Recordkeeping and reporting. | 4/8/1996 ..... | 12/2/1999, 64 FR 67495. | Definition of VOC revised. |
| Air Pollution Control Regulation 15. | Control of organic solvent emissions. | 4/8/1996 ..... | 12/2/1999, 64 FR 67495. | Limited approval. Applicability threshold decreased to 50 tpy. Definition of VOC revised. All of No. 15 is approved with the exception of 15.2.2 which Rhode Island did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 16. | Operation of air pollution control system. | 2/22/1977 ..... | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 17. | Odors ..... | 2/22/1977 ..... | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 18. | Control of Emissions from Organic Solvent Cleaning. | Withdrawn ..... | 12/2/1999, 64 FR 67495. | No. 18 is superseded by No. 36. |
| Air Pollution Control Regulation 19. | Control of Volatile Organic Compounds from Surface Coating Operations. | 3/7/1996 ..... | 12/2/1999, 64 FR 67495. | Definition of VOC revised. Wood products requirements deleted because state adopted new Regulation No. 35 which addresses wood products. Except 19.2.2. |
| Air Pollution Control Regulation 21. | Control of Volatile Organic Compounds from Printing Operations. | 4/8/1996 ..... | 12/2/1999, 64 FR 67495. | Applicability threshold decreased to 50 tpy. Definition of VOC revised. All of No. 21 is approved with the exception of Section 21.2.3 which the State did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 25. | Control of VOC Emissions from Cutback and Emulsified Asphalt. | 4/8/1996 ..... | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 25 is approved with the exception of Section 25.2.2 which the state did not submit as part of the SIP revision. |

EPA-APPROVED RHODE ISLAND REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanations |
|---|---|---|---|---|
| Air Pollution Control Regulation 26. | Control of Organic Solvent Emissions from Manufacture of Synthesized Pharmaceutical Products. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 26 is approved with the exception of 26.2.3 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 27. | Control of nitrogen oxide emissions. | 1/16/1996 | 9/2/1997, 62 FR 46202. | |
| Air Pollution Control Regulation 29.3. | Emissions Caps | 4/28/1995 | 3/22/1996, 61 FR 11731. | This rule limits a source's potential to emit, therefore avoiding RACT, Title V Operating Permit. |
| Air Pollution Control Regulation 30. | Control of VOCs from Automotive Refinishing Operations. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 30 is approved with the exception of Section 30.2.2 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 31. | Control of VOCs from Commercial and Consumer Products. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 31 is approved with the exception of Section 31.2.2 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 32. | Control of VOCs from Marine Vessel Loading Operations. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 32 is approved with the exception of Section 32.2.2 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 33. | Control of VOCs from Architectural Coatings and Industrial Maintenance Coatings. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 33 is approved with the exception of Section 33.2.2 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 34. | Rhode Island Motor Vehicle Inspection/ Maintenance Program. | 3/30/2000 | 2/9/2001, 66 FR 9661. | Department of Environmental Management regulation containing I/M standards. |
| Air Pollution Control Regulation 35. | Control of VOCs and Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations. | 7/7/1996 | 12/2/1999, 64 FR 67495. | All of No. 35 is approved with the exception of Section 35.2.3 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 36. | Control of Emissions from Organic Solvent Cleaning. | 4/18/1996 | 12/2/1999, 64 FR 67495. | All of No. 36 is approved with the exception of Section 36.2.2 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 37. | Rhode Island's Low Emission Vehicle Program. | 12/7/1999 | 3/9/2000, 65 FR 12476. | Includes National LEV as a compliance alternative. |
| Air Pollution Control Regulation 38. | Nitrogen Oxides Allowance Program. | 6/10/1998 | 6/2/1999, 64 FR 29567. | |
| Air Pollution Control Regulation 41. | $NO_X$ Budget Trading Program. | 10/1/1999 | 12/27/2000, 65 FR 81743. | |
| Air Pollution Control Regulation 45. | Rhode Island Diesel Engine Anti-Idling Program. | 7/19/2007 | 3/27/2008, 73 FR 16203. | Limits idling for diesel on-highway and non-road engines. |
| Rhode Island Motor Vehicle Safety and Emissions Control Regulation No. 1. | Rhode Island Motor Vehicle Inspection/ Maintenance Program. | 1/31/2001 | 2/9/2001, 66 FR 9661. | Department of Administration regulations for the I/M program. |

(d) *EPA-approved State Source specific requirements.*

EPA-APPROVED RHODE ISLAND SOURCE SPECIFIC REQUIREMENTS

| Name of source | Permit No. | State effective date | EPA approval date | Explanations |
|---|---|---|---|---|
| Narragansett Electric Company South Street Station in Providence. | A.H. File No. 83–12–AP. | 8/29/1983 | 7/27/1984, 49 FR 30177. | Revisions to Air Pollution Control Regulation 8, ''Sulfur Content of Fuels,'' specifying maximum sulfur-in-coal limits (1.21 lbs/MMBtu on a 30-day rolling average and 2.31 lbs/MMBtu on a 24-hour average). These revisions approve Section 8.3.4, ''Large Fuel Burning Devices Using Coal,'' for South Street Station only. |
| Stanley Bostitch, Bostitch Division of Textron. | A.H. File No. 85–8–AP. | 6/6/1985 | 12/11/1986, 51 FR 44604. | RIDEM and Bostitch administrative consent agreement effective 6/6/85. Requires Bostitch to reformulate certain solvent-based coatings to low/no solvent formulation by 12/31/86. Also addendum dated 9/20/85 defining emission limitations reformulated coatings must meet.<br>(A) An administrative consent agreement between the RIDEM and Bostitch Division of Textron.<br>(B) A letter to Bostitch Division of Textron from the RIDEM dated September 20, 1985 which serves as an addendum to the consent agreement. The addendum defines the emission limitations which Bostitch's Division of Textron reformulated coatings must meet. |
| Keene Corporation, East Providence, RI. | A.H. File No. 85–10–AP. | 9/12/1985 | 8/31/1987, 52 FR 32793. | RIDEM and Keene Corporation administrative consent agreement effective 9/12/85. Granting final compliance date extension for the control of organic solvent emissions from six paper coating lines.<br>(A) Letter from the RIDEM dated November 5, 1985 submitting revisions to the RI SIP.<br>(B) An administrative consent agreement between the RIDEM and Keene Corporation. |
| Tech Industries | File No. 86–12–AP | 11/24/1987 | 3/10/1989, 54 FR 10145. | RIDEM and Tech Industries original administrative consent agreement (86–12–AP) [except for provisions 7 and 8] effective 6/12/86, an addendum effective 11/24/87, defining and imposing reasonably available control technology to control volatile organic compounds.<br>(A) An administrative consent agreement (86–12–AP), except for Provisions 7 and 8, between the RIDEM and Tech Industries effective June 12, 1986.<br>(B) An addendum to the administrative consent agreement (86–12–AP) between the RIDEM and Tech Industries. The addendum was effective November 24, 1987.<br>(C) Letters dated May 6, 1987; October 15, 1987; and January 4, 1988 submitted to the EPA by the RIDEM. |
| University of Rhode Island. | A.P. File No. 87–5–AP. | 3/17/1987 | 9/19/1989, 54 FR 38517. | Revisions to the SIP submitted by the RIDEM on April 28, 1989, approving a renewal of a sulfur dioxide bubble for the University of Rhode Island. |
| University of Rhode Island. | File No. 95–50–AP | 3/12/1996 | 9/2/1997, 62 FR 46202. | An administrative consent agreement between RIDEM and University of Rhode Island, Alternative $NO_X$ RACT (RI Regulation 27.4.8) |

EPA-APPROVED RHODE ISLAND SOURCE SPECIFIC REQUIREMENTS—Continued

| Name of source | Permit No. | State effective date | EPA approval date | Explanations |
|---|---|---|---|---|
| Providence Metallizing in Pawtucket, Rhode Island. | File No. 87–2–AP .. | 4/24/1990 ..... | 9/6/1990, 55 FR 36635. | Define and impose RACT to control volatile organic compound emissions.<br>(A) Letter from the RIDEM dated April 26, 1990, submitting a revision to the RI SIP.<br>(B) An administrative consent agreement (87–2–AP) between the RIDEM and Providence Metallizing effective July 24, 1987.<br>(C) An amendment to the administrative consent agreement (87–2–AP) between the RIDEM and Providence Metallizing effective May 4, 1989.<br>(D) An addendum to the administrative consent agreement (87–2–AP) between the RIDEM and Providence Metallizing effective April 24, 1990. |
| Tillotson-Pearson in Warren, Rhode Island. | File No. 90–1–AP .. | 6/5/1990 ..... | 8/31/1990, 55 FR 35623. | Revisions to the SIP submitted by the RIDEM on May 24, 1990, to define and impose RACT to control volatile organic compound emissions.<br>(A) Letter from the RIDEM dated May 24, 1990 submitting a revision to the RI SIP.<br>(B) An Administrative consent agreement (90–1–AP) between the RIDEM and Tillotson-Pearson. |
| Rhode Island Hospital. | File No. 95–14–AP | 11/27/1995 ..... | 9/2/1997, 62 FR 46202. | Alternative $NO_X$ RACT. An administrative consent agreement between the RIDEM and RI Hospital. |
| Osram Sylvania Incorporated. | File No. 96–06–AP | 9/4/1996 ..... | 9/2/1997, 62 FR 46202. | Alternative $NO_X$ RACT.<br>(A) An Administrative consent agreement between the RIDEM and Osram Sylvania Incorporated, file no. 96–06–AP, effective September 4, 1996. |
| | Air Pollution Permit Approval, No. 1350. | (B) An air pollution Permit approval, no. 1350 Osram Sylvania Incorporated issued by RIDEM effective May 14, 1996.. | | |
| Algonquin Gas Transmission Company. | File No. 95–52–AP | 12/5/1995 ..... | 9/2/1997, 62 FR 46202. | Alternative $NO_X$ RACT.<br>(A) Letter from the RIDEM dated September 17, 1996 submitting a revision to the RI SIP.<br>(B) An administrative consent agreement between RIDEM and Algonquin Gas Transmission Company, effective on December 5, 1995. |
| Bradford Dyeing Association, Inc. | File No. 95–28–AP | 11/17/1995 ..... | 9/2/1997, 62 FR 46202. | Alternative $NO_X$ RACT. An administrative consent agreement between RIDEM and Bradford Dyeing Association, Inc. |
| Hoechst Celanese Corporation. | File No. 95–62–AP | 11/20/1995 ..... | 9/2/1997, 62 FR 46202. | Alternative $NO_X$ RACT. An administrative consent agreement between RIDEM and Hoechst Celanese Corporation. |
| Naval Education and Training Center in Newport. | File No. 96–07–AP | 3/4/1996 ..... | 9/2/1997, 62 FR 46202. | Alternative $NO_X$ RACT. An administrative consent agreement between RIDEM and Naval Education and Training Center in Newport. |

EPA-APPROVED RHODE ISLAND SOURCE SPECIFIC REQUIREMENTS—Continued

| Name of source | Permit No. | State effective date | EPA approval date | Explanations |
|---|---|---|---|---|
| Rhode Island Economic Development. | File No. 96–04–AP | 9/2/1997 | 6/2/1999, 64 FR 29567. | Alternative $NO_X$ RACT. A consent agreement between RIDEM and Rhode Island Economic Development Corporation's Central Heating Plant in North Kingstown. |
| Cranston Print Works. | A.H. File No. 95–30–AP. | 12/19/1995 | 12/2/1999, 64 FR 67495. | Non-CTG VOC RACT Determination. |
| CCL Custom Manufacturing. | A.H. File No. 97–02–AP. | 4/10/1997; and 10/27/1999. | 12/2/1999, 64 FR 67495. | Non-CTG VOC RACT Determination. |
| Victory Finishing Technologies. | A.H. File No. 96–05–AP. | 5/24/1996 | 12/2/1999, 64 FR 67495. | Non-CTG VOC RACT Determination. |
| Quality Spray and Stenciling. | A.H. File No. 97–04–AP. | 10/21/1997; and 7/13/1999. | 12/2/1999, 64 FR 67495. | Non-CTG VOC RACT Determination. |
| Guild Music | A.H. File No. 95–65–AP. | 11/9/1995 | 12/2/1999, 64 FR 67495. | Non-CTG VOC RACT Determination. |

(e) *Nonregulatory.*

RHODE ISLAND NON REGULATORY

| Name of non regulatory SIP provision | Applicable geographic or non-attainment area | State submittal date/effective date | EPA approved date | Explanations |
|---|---|---|---|---|
| Notice of public hearing. | Statewide | Submitted 2/9/1972 | 6/15/1972, 37 FR 11914. | Proposed Implementation Plan Regulations, RI Department of Health. |
| Miscellaneous non-regulatory additions to the plan correcting minor deficiencies. | Statewide | Submitted 2/29/1972. | 7/27/1972, 37 FR 15080. | Approval and promulgation of Implementation Plan Miscellaneous Amendments, RI Department of Health. |
| Compliance schedules. | Statewide | Submitted 4/24/1973. | 6/20/1973, 38 FR 16144. | Submitted by RI Department of Health. |
| AQMA identifications for the State of Rhode Island. | Statewide | Submitted 4/11/1974. | 4/29/1975, 40 FR 18726. | Submitted by RI Department of Health. |
| Letter identifying Metropolitan Providence as an AQMA. | Metropolitan Providence. | Submitted 9/6/1974 | 4/29/1975, 40 FR 18726. | Submitted by the Governor. |
| A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58. | Statewide | Submitted 1/8/1980 | 1/15/1981, 46 FR 3516. | Submitted by the RI Department of Environmental Management Director. |
| Attainment plans to meet the requirements of Part D of the Clean Air Act, as amended in 1977, Included are plans to attain the carbon monoxide and ozone standards and information allowing for the re-designation of Providence to non-attainment for the primary TSP standard based on new data. | Statewide | Submitted 5/14/1979; 6/11/1979; 8/13/1979; 1/8/1980; 1/24/1980; 3/10/1980; 3/31/1980; 4/21/1980; 6/6/1980; 6/13/1980; 8/20/1980; 11/14/1980; 3/4/1981; 3/5/1981; and 4/16/81. | 5/7/1981, 46 FR 25446. | Attainment plans to meet the requirements of Part D of the Clean Air Act, as amended in 1977. |

RHODE ISLAND NON REGULATORY—Continued

| Name of non regulatory SIP provision | Applicable geographic or non-attainment area | State submittal date/effective date | EPA approved date | Explanations |
|---|---|---|---|---|
| A program for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas. Certain miscellaneous provisions unrelated to Part D are also included. | | | | |
| Section VI, Part II, ''Stationary Source Permitting and Enforcement'' of the narrative. | Statewide ..... | Submitted 5/14/1982; and 7/1/1982. | 6/28/1983, 48 FR 29690. | As submitted by RIDEM on May 14, 1982 and July 1, 1982 for review of new major sources and major modifications in nonattainment areas. Also included are revisions to add rules for banking emission reductions. |
| Revisions to the Rhode Island State Implementation Plan for attainment of the primary National Ambient Air Quality Standard for ozone. | Statewide ..... | Submitted 5/14/1982; 7/1/1982; 7/7/1982; 10/4/1982; and 3/2/1983. | 7/6/1983, 48 FR 31026. | Submitted by the Department of Environmental Management. |
| 1982 Ozone Attainment Plan. | | | | |
| Revisions to attain and maintain the lead NAAQS. | Statewide ..... | Submitted 7/7/1983 | 9/15/1983, 48 FR 41405. | Submitted by the Department of Environmental Management. |
| Section VI, Part II of the associated narrative of the RI SIP. | Statewide ..... | Submitted 2/6/1984; 1/27/1984; and 6/6/1984. | 7/6/1984, 49 FR 27749. | To incorporate the requirements for the Prevention of Significant Deterioration of 40 CFR 51.24, permitting major stationary sources of lead and other miscellaneous changes. |
| Letter from RIDEM submitting an amendment to the RI State Implementation Plan. | Statewide ..... | Submitted 1/14/1994; and 6/14/1994. | 10/30/1996, 61 FR 55897. | A revision to the RI SIP regarding ozone monitoring. RI will modify its SLAMS and its NAMS monitoring systems to include a PAMS network design and establish monitoring sites. The State's SIP revision satisfies 40 CFR 58.20(f) PAMS requirements. |
| Section VII of the RI SIP Ambient Air Quality Monitoring. | | | | |
| Letter from RIDEM submitting revisions. | Statewide ..... | Submitted 3/15/1994. | 10/30/1996, 61 FR 55897. | Revision to the RI SIP regarding the States' Contingency Plan. |
| Letter from RIDEM submitting revision—Rhode Island's 15 Percent Plan and Contingency Plan. | Statewide ..... | Submitted 3/15/1994. | 4/17/1997, 62 FR 18712. | The revisions consist of the State's 15 Percent Plan and Contingency Plan. EPA approved only the following portions of these submittals: |

RHODE ISLAND NON REGULATORY—Continued

| Name of non regulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approved date | Explanations |
|---|---|---|---|---|
| | | | | 15 Percent Plan—the EPA approved the calculation of the required emission reductions, and the emission reduction credit claimed from surface coating, printing operations, marine vessel loading, plant closures (0.79 tons per day approved out of 0.84 claimed), cutback asphalt, auto refinishing, stage II, reformulated gas in on-road and off-road engines, and tier I motor vehicle controls.<br>Contingency Plan—the EPA approved the calculation of the required emission reduction, and a portion of the emission reduction credits claimed from Consumer and Commercial products (1.1 tons per day approved out of 1.9 tons claimed), and architectural and industrial maintenance (AIM) coatings (1.9 tons per day approved out of 2.4 tons claimed).<br>EPA concurrently disapproved portions of these SIP submissions, as discussed within Section 52.2084(a)(2). |
| Letter from RIDEM submitting revision for Clean Fuel Fleet Substitution Plan. | Providence (all of Rhode Island) nonattainment area. | 10/5/1994 | 3/9/2000, 65 FR 12474. | |
| Letter outlining commitment to National LEV. | Statewide | 2/22/1999 | 3/9/2000, 65 FR 12476. | Includes details of the State's commitment to National LEV. |
| Negative Declaration for Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation and Reactor Processes Control Techniques Guidelines Categories. | Statewide | Submitted 4/5/1995 | 12/2/1999, 64 FR 67495. | |
| October 1, 1999, letter from Rhode Island Department of Environmental Management. | Statewide | Submitted 10/1/1999. | 12/27/2000, 65 FR 81743. | Submitted Air Pollution Control Regulation No. 14, "$NO_X$ Budget Trading Program," and the "$NO_X$ State Implementation Plan (SIP) Call Narrative." |
| "$NO_X$ State Implementation Plan (SIP) Call Narrative," September 22, 1999. | Statewide | Submitted 10/1/1999. | 12/27/2000, 65 FR 81743. | |
| November 9, 1999, letter from Rhode Island Department of Environmental Management. | Statewide | Submitted 11/9/1999. | 12/27/2000, 65 FR 81743. | Stating RI's intent to comply with applicable reporting requirements. |
| Negative Declaration for Aerospace Coating Operations Control Techniques Guideline Category. | Statewide | Submitted 3/28/2000. | 7/10/2000, 65 FR 42290. | |
| September 20, 2001 letter from Rhode Island Department of Environment Management. | Statewide | Submitted 9/20/2001. | 6/20/2003, 68 FR 36921. | Submitting the "$NO_X$ State Implementation Plan (SIP) Call Narrative," revised September 2001. |

RHODE ISLAND NON REGULATORY—Continued

| Name of non regulatory SIP provision | Applicable geographic or non-attainment area | State submittal date/effective date | EPA approved date | Explanations |
|---|---|---|---|---|
| $NO_X$ State Implementation Plan (SIP) Call Narrative, revised September 2001. | Statewide ..... | Submitted 9/20/2001. | 6/20/2003, 68 FR 36921. | |

[64 FR 43085, Aug. 9, 1999, as amended at 64 FR 67500, Dec. 2, 1999; 65 FR 12476, 12480, Mar. 9, 2000; 65 FR 42292, July 10, 2000; 65 FR 81748, Dec. 27, 2000; 66 FR 9663, Feb. 9, 2001; 68 FR 34814, June 11, 2003; 68 FR 36925, June 20, 2003; 71 FR 40016, July 14, 2006; 73 FR 16205, Mar. 27, 2008; 73 FR 70874, Nov. 24, 2008]

## § 52.2071 Classification of regions.

The Rhode Island plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Metropolitan Providence Interstate ..... | I | I | III | I | I |

[37 FR 10891, May 31, 1972, as amended at 38 FR 34325, Dec. 13, 1973; 39 FR 16347, May 8, 1974; 46 FR 25460, May 7, 1981]

## § 52.2072 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Rhode Island's plan, as identified in § 52.2070 of this subpart, for the attainment and maintenance of the national 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 January 1, 1981 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January as additional RACT requirements for sources covered by CTGs issued by the previous January.

(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 will have the potential to emit 75,000 tpy $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 ($CO_2e$) 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 $CO_2e$.

(iii) the term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 9.1.1 of Rhode Island's Air Pollution Control Regulation No. 9) and a significant net emissions increase (as defined in 9.1.24 and 9.1.34 of Rhode Island's Air Pollution Control Regulation No. 9) occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value for ''any other pollutant'' in 9.1.34 of Rhode Island's Air Pollution Control Regulation No. 9.

[75 FR 82560, Dec. 30, 2010]

### § 52.2073 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met since the plan does not provide for public availability of emission data.

(b) Regulation for public availability of emission data.

(1) Information obtained from owner or operators of stationary sources pursuant to § 52.2075 will be correlated with applicable emission limitations and other control regulations and will be made available for public inspection at the Rhode Island Department of Health, 204 Health Building, Providence, RI.

[37 FR 10891, May 31, 1972, as amended at 41 FR 2232, Jan. 15, 1976; 51 FR 40676, Nov. 7, 1986]

### § 52.2074 Legal authority.

(a) The requirements of § 51.230(e) of this chapter are not met. Authority to require recordkeeping is deficient to the extent that section 23–25–13 requires only those sources with an air pollution control program to keep records.

(b) The requirements of § 51.230(f) of this chapter are not met. Authority to release emission data to the public is deficient in that section 23–25–6 requires that only records concerning investigations be available to the public. Further, section 23–25–5(g) and section 23–25–13 may limit the State's authority to release emission data. Authority to require sources to install and maintain monitoring equipment is not provided and is therefore inadequate. Authority to require sources to periodically report is not provided and is therefore inadequate.

[37 FR 10891, May 31, 1972, as amended at 39 FR 7283, Feb. 25, 1974; 39 FR 12350, Apr. 5, 1974; 51 FR 40676, Nov. 7, 1986]

### § 52.2075 Source surveillance.

(a) The requirements of § 51.211 of this chapter are not met since the plan lacks adequate legal authority to require owners or operators of stationary sources to maintain records of, and periodically report information as may be necessary to enable the state to determine whether such sources are in compliance with applicable portions of the control strategy.

(b) Regulation for source recordkeeping and reporting.

(1) The owner or operator of all stationary sources which have the potential to emit a total of 100 tons or more per year of any one air contaminant for which there is a national standard shall maintain records of, and submit to the Director, data on operational processes, fuel usage, emission, stack

parameters, boiler capacities, types of equipment generating air contaminants and air contaminant control devices that may be necessary to determine if the source is in compliance with applicable rules and regulations of the Department. Upon notification of the Administrator, or the Director of the Rhode Island Department of Health, sources with the potential to emit less than 100 tons per year of any air contaminant shall also be subject to the requirements of this paragraph. For the purposes of this paragraph, potential emissions shall be calculated at the design load assuming no control equipment is in use and fuel having a sulfur content of 2.2 percent by weight (dry basis) is being burned.

(2) The information recorded by the owner or operator of a stationary source shall be summarized and reported to the Director of the Department of Health on forms furnished by him. They shall be submitted within 30 days following 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 the summarizing reports submitted to the Director shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

[41 FR 2232, Jan. 15, 1976, as amended at 51 FR 40677, Nov. 7, 1986]

### § 52.2076 Attainment of dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Rhode Island's plan, except where noted.

| Air quality control region | Pollutant | | | | | |
|---|---|---|---|---|---|---|
| | SO | | $PM_{10}$ | $NO_2$ | CO | $O_3$ |
| | Primary | Secondary | | | | |
| Rhode Island portion of AQCR 120 (Entire State of Rhode Island) | (a) | (b) | (a) | (a) | (a) | (c) |

[a] Air quality levels presently better than primary standards or area is unclassifiable.
[b] Air quality levels presently better than secondary standards or area is unclassifiable.
[c] November 15, 2007.

[50 FR 52461, Dec. 24, 1985, as amended at 68 FR 16724, Apr. 7, 2003]

### § 52.2078 Enforcement.

(a) Sections 23–25–5(h) and 23–25–8(a) of the General Laws of Rhode Island are disapproved insofar as they permit the Rhode Island Director of the Department of Health 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 Rhode Island Implementation Plan shall be issued by the Director of the Department of Health 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 standards where 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.

[38 FR 18879, 18880, July 16, 1973, as amended at 38 FR 30878, Nov. 8, 1973; 51 FR 40675, 40676, 40677, Nov. 7, 1986]

### § 52.2079 Requirements for state implementation plan revisions relating to new motor vehicles.

Rhode Island must comply with the requirements of § 51.120.

[60 FR 4738, Jan. 24, 1995]

### § 52.2080 Revisions.

(a) The revision procedures of the Rhode Island plan are not adequate since the plan does not expressly provide for revisions at the times and under the conditions set forth in § 51.104 of this chapter.

(b) Regulation for plan revisions. (1) The Rhode Island implementation plan shall be revised:

(i) When necessary to take account of a revision of the national primary or secondary ambient air quality standard which it implements;

(ii) When improved or more expeditious methods of attaining a national standard which it implements become available;

(iii) When the Administrator finds that the plan is substantially inadequate to attain or maintain the national standard which it implements and issues notice of such finding pursuant to § 51.104 of this chapter.

(2) The Rhode Island implementation plan may be revised from time to time to the extent such revisions are consistent with the requirements applicable to implementation plans set forth in this chapter and the Act.

(3) No revisions shall be effective until the hearing requirements of § 51.102 of this chapter have been satisfied.

[38 FR 18879, 18880, July 16, 1973, as amended at 38 FR 30878, Nov. 8, 1973; 51 FR 40675, Nov. 7, 1986]

### § 52.2081 EPA-approved EPA Rhode Island State regulations.

The following table identifies the State regulations which have been approved by EPA and incorporated by reference into the Rhode Island State Implementation Plan. This table is for informational purposes only and does not have any independent regulatory requirements for a specific situation consult the plan identified in § 52.2070. To the extent that this table conflicts with § 52.2070, § 52.2070 governs.

TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS

| State citation | Title/subject | Date adopted by State | Date approved by EPA | FR citation | 52.2070 | Comments/Unapproved sections |
|---|---|---|---|---|---|---|
| | Air pollution control regulation. | | | | | |
| No. 1 ..... | Visible emissions ..... | 8/02/67 | 5/31/72 | 37 FR 10842 ..... | (b) | |
| | | 2/28/72 | 5/31/72 | 37 FR 10842 ..... | (b) | |
| | | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| No. 2 ..... | Handfiring of soft coal ..... | 8/02/67 | 5/31/72 | 37 FR 10842 ..... | (b) | |
| | | 2/28/72 | 5/31/72 | 37 FR 10842 ..... | (b) | |
| | | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| No. 3 ..... | Particulate emissions from industrial processes. | 8/02/67 | 5/31/72 | 37 FR 10842 ..... | (b) | |
| | | 2/28/72 | 5/31/72 | 37 FR 10842 ..... | (b) | |
| | | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| No. 4 ..... | Open fires ..... | 8/02/67 | 5/31/72 | 37 FR 10842 ..... | (b) | |

TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS—Continued

| State citation | Title/subject | Date adopted by State | Date approved by EPA | FR citation | 52.2070 | Comments/Unapproved sections |
|---|---|---|---|---|---|---|
| | | 10/01/71 | 5/31/72 | 37 FR 10842 ..... | (b) | |
| | | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| No. 5 ..... | Fugitive dust ..... | 8/02/67 | 5/31/72 | 37 FR 10842 ..... | (b) | |
| | | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| No. 6 ..... | Opacity monitors ..... | 8/02/67 | 5/31/72 | 37 FR 10842 ..... | (b) | |
| | | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12). | |
| | | 11/22/89 | 9/30/91 | 56 FR 49416 ..... | (c)(37) .. | Amended Regulation No. 6. |
| No. 7 ..... | Emission of air contaminants detrimental to persons or property. | 8/02/67 | 5/31/72 | 37 FR 10842 ..... | (b) | |
| | | 7/19/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| No. 8 ..... | Sulfur content of fuels ..... | 10/01/71 | 5/31/72 | 37 FR 10842 ..... | (b) | |
| | | 5/28/74 | 11/03/75 | 40 FR 51044 ..... | (c)(8) | |
| | | ..... | 1/21/81 | 46 FR 5980 ..... | (c)(13) .. | Narragansett Electric Bubble. |
| | | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| | | ..... | 12/30/81 | 46 FR 63043 ..... | (c)(14) .. | Temporary Relaxation for Bradford Dye. |
| | | ..... | 11/10/82 | 47 FR 50866 ..... | (c)(16) .. | Temporary Relaxation for Kenyon Piece Dye Works. |
| | | 10/05/82 | 3/29/83 | 48 FR 13027 ..... | (c)(17) .. | Conversion/Conservation Incentive/Bubble. |
| | | 5/15/84 | 49 FR 20493 | (c)(21) ..... | URI Bubble.. | |
| | | 8/29/83 | 7/27/84 | 49 FR 30177 ..... | (c)(23) .. | Narragansett Electric (South Street). |
| | | 5/02/85 | 1/8/86 | 51 FR 756 ..... | (c)(24) .. | Requires sampling valve. |
| | | 12/16/85 | 8/1/86 | 51 FR 27538 ..... | (c)(25) .. | Temporary relaxation for Seville Dyeing Corporation in Woon-socket. |
| | | 3/17/87 | 9/19/89 | 54 FR 38518 ..... | (c)(34) .. | URI bubble renewal. |
| No. 9 ..... | Approval to construct, modify or operate. | 10/03/71 | 5/31/72 | 37 FR 10842 ..... | (b) | |
| | | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| | | 4/12/81 | 5/07/81 | 46 FR 25446 ..... | (c)(12) .. | No action on 9.2.3(b) and 9.12. |
| | | 4/05/82 | 6/28/83 | 48 FR 29690 ..... | (c)(18) .. | NSR fully approved, 9.12 Emission Banking approved. |
| | | 2/13/84 | 7/6/84 | 49 FR 27749 ..... | (c)(22) .. | PSD fully approved, 9.2.3(b) approved. |

TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS—Continued

| State citation | Title/subject | Date adopted by State | Date approved by EPA | FR citation | 52.2070 | Comments/Unapproved sections |
|---|---|---|---|---|---|---|
| | | 5/02/85 | 1/8/86 | 51 FR 756 ..... | (c)(24) .. | Additional BACT requirements. |
| | | 5/20/91 | 10/7/91 | 56 FR 50516 ..... | (c)(38) .. | Addition of PSD $NO_2$ increments. |
| | Air Pollution Control Permits. | 3/4/93 | 2/6/96 | 61 FR 4356 ..... | (c)(41) .. | Addition of NSR and other CAAA requirements under Amended Regulation No. 9 except for Chapters 9.13, 9.14, 9.15, and Appendix A. |
| | Air Pollution Control Permits. | 7/30/96 | 6/2/99 | 64 FR 29566 ..... | (c)(54) .. | 5 |
| | Air Pollution Control Permits. | 7/30/96 | 6/2/99 | 64 FR 29563 ..... | (c)(54) .. | Changes in 9.1.7, 9.1.18, and 9.5.1(c) to add Dual Source Definition. Changes in 9.1.24(b)(3), 9.5.2(b)(2)d(i), 9.5.1(d) and 9.5.1(f) to change Particulate Increment. Changes in 9.1.6 to revise BACT definition. |
| No. 10 ... | Air pollution episodes ..... | 2/28/72<br>10/11/75 | 5/31/72<br>11/03/75 | 37 FR 10842 .....<br>40 FR 51043 ..... | (b)<br>(c)(6) | |
| | | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| No. 11 ... | Petroleum liquids marketing and storage. | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| | | 7/05/79 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| | | 4/22/81 | 4/26/82 | 47 FR 17817 ..... | (c)(15) | |
| | | 1/20/87 | 9/1/87 | 52 FR 32920 ..... | (c)(30) .. | Amended Regulation No. 11, Subsection 11.4.5. |
| | | 11/07/88, 04/24/89 | 6/2/89 | 54 FR 23661 ..... | (c)(33) .. | Approves a limitation on volatility of gasoline from June 30 to Sept. 15, 1989, and May 1 to Sept. 15 in subsequent years at Subsections 11.7.1 and 11.7.2. |
| | | 12/10/89 | 9/30/91 | 56 FR 49416 ..... | (c)(37) .. | Amended Regulation No. 11. |
| | | 1/11/93 | 12/17/93 | 58 FR 65933 ..... | (c)(39) .. | Regulation revised to add new Stage II vapor recovery requirements. |
| No. 12 ... | Incinerators ..... | 2/28/72 | 6/22/73 | 38 FR 16351 ..... | (c)(3) | |
| | | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| | | 4/22/81 | 4/26/82 | 47 FR 17817 ..... | (c)(15) | |
| No. 13 ... | Particulate emissions from fossil fuel fired steam or hot water generating units. | 1/17/73 | 10/23/73 | 38 FR 29296 ..... | (c)(14) | |
| | | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| | | 7/05/79 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |

TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS—Continued

| State citation | Title/subject | Date adopted by State | Date approved by EPA | FR citation | 52.2070 | Comments/Unapproved sections |
|---|---|---|---|---|---|---|
| | | ..... | 11/10/82 | 47 FR 50866 ..... | (c)(16) .. | Temporary Relaxation for Kenyon Piece Dye Works. |
| | | 10/05/82 | 3/29/83 | 48 FR 13027 ..... | (c)(17) .. | Conversion/Conservation Incentive. |
| No. 14 ... | Record keeping and reporting. | 5/14/73 | 1/15/76 | 41 FR 2231 ..... | (c)(10) | |
| | | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| | | 7/05/79 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| | | 1/11/93 | 1/10/95 | 60 FR 2526 ..... | (c)(42) | |
| No. 15 ... | Control of organic solvent emissions. | 8/21/75 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| | | 3/14/83 | 7/06/83 | 48 FR 31026 ..... | (c)(19) .. | Includes 100 TPY RACT Reg/Generic Bubble Rule. |
| | | 6/6/85 | 12/11/86 | 51 FR 44605 ..... | (c)(27) .. | RACT for Stanley Bostitch under 15.5. |
| | | 11/24/87 | 3/10/89 | 54 FR 10147 ..... | (c)(32) .. | Consent Agreement imposing RACT on Tech Industries under 15.5 (Provisions 7 and 8 not approved). |
| | | 6/5/90 | 8/31/90 | 55 FR 35625 ..... | (c)(36) .. | RACT determination for Tillotson-Pearson under 15.5. |
| | | 4/24/90 | 9/6/90 | 55 FR 36638 ..... | (c)(35) .. | RACT determination/Bubble for Providence Metallizing under 15.5. |
| | | 12/10/89 | 9/30/91 | 56 FR 49416 ..... | (c)(37) .. | Amended Regulation No. 15, except subsections 15.1.16 and 15.2.2. |
| No. 16 ... | Operation of air pollution control system. | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| No. 17 ... | Odors ..... | 2/22/77 | 5/07/81 | 46 FR 25446 ..... | (c)(12). | |
| No. 18 ... | Control of emissions from solvent metal cleaning. | 7/5/79 | 5/07/81 | 46 FR 25446 ..... | (c)(12) | |
| | | 4/22/81 | 4/26/82 | 47 FR 17817 ..... | (c)(15) | |
| | | 12/10/89 | 9/30/91 | 56 FR 49416 ..... | (c)(37) .. | Amended Regulation No. 18, except subsections 18.1.8, 18.2.1, 18.3.2(d), 18.3.3(f), and 18.5.2. |
| No. 19 ... | Control of VOCs from surface coating operations. | 11/13/79 | 5/07/81 | 46 FR 25446 ..... | (c)(12) .. | Conditional approval. |
| | | 4/05/82 | 7/06/83 | 48 FR 31026 ..... | (c)(19) .. | Removes Conditions/Generic Bubble Rule. |
| | | 9/12/85 | 8/31/87 | 52 FR 32794 ..... | (c)(28) .. | Compliance date extension for Keene Corporation under 19.3. |

TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS—Continued

| State citation | Title/subject | Date adopted by State | Date approved by EPA | FR citation | 52.2070 | Comments/Unapproved sections |
|---|---|---|---|---|---|---|
| | | 1/20/87 | 9/1/87 | 52 FR 32920 ..... | (c)(30) .. | Amended Regulation No. 19, Subsection 19.7.1. |
| | | 5/29/85 | 9/28/87 | 52 FR 36250 ..... | (c)(26) .. | Compliance date extension for James River Corp. in Johnston. |
| | | 12/31/86 | 2/10/88 | 53 FR 3890 ..... | (c)(29) .. | Alternative RACT for Kenyon Industries under 19.3.3. |
| | | 12/10/89 | 9/30/91 | 56 FR 49416 ..... | (c)(37) .. | Amended Regulation No. 19, except subsections 19.1.11, 19.2.2, and 19.3.2(a). |
| | | 10/30/92 | 10/18/94 | 59 FR 52429 ..... | (c)(40) .. | All of No. 19 is approved with the exception of 19.2.2, and the last sentence of 19.1.1, which Rhode Island did not submit as part of the SIP revision. No. 19 was amended to change applicability and to add emission limitations for metal coil coating, metal furniture coating, magnet wire coating, large appliance coating, miscellaneous metal parts coating, wood products coating, and flat wood paneling coating. |
| No. 21 ... | Control of VOCs from printing operations. | 4/05/82 | 7/06/83 | 48 FR 31026 ..... | (c)(19) .. | Generic Bubble Rule. |
| | | 1/20/87 | 9/1/87 | 52 FR 32920 ..... | (c)(30) .. | Amended Regulation No. 21, subsection 21.6.1. |
| | | 12/10/89 | 9/30/91 | 56 FR 49416 ..... | (c)(37) .. | Amended Regulation No. 21, except subsections 21.1.15 and 21.2.2, and portion of 21.5.2(h) which states ''equivalent to'' in the parenthetical. |
| No. 25 ... | Control of Volatile Organic Compound Emissions from Cutback and Emulsified Asphalt. | 10/30/92 | 10/18/94 | 59 FR 52429 ..... | (c)(40) .. | All of No. 25 is approved, with the exception of 25.2.2, which was not submitted by Rhode Island as part of the SIP revision. |
| No. 26 ... | Control of Organic Solvent Emissions from Manufacture of Synthesized Pharmaceutical Products. | 10/30/92 | 10/18/94 | 59 FR 52429 ..... | (c)(40) .. | All of No. 26 is approved, with the exception of 26.2.3, which was not submitted by Rhode Island as part of the SIP revision. |
| No. 27 ... | Control of Nitrogen Oxides Emissions. | 9/2/97 | 6/2/99 | 64 FR 29570 ..... | (c)(55) .. | Establishes alternative NOx RACT for Rhode Island Economic Development Corporation in North Kingstown, RI. |

TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS—Continued

| State citation | Title/subject | Date adopted by State | Date approved by EPA | FR citation | 52.2070 | Comments/Unapproved sections |
|---|---|---|---|---|---|---|
| No. 29.3 | EMISSIONS | 4/28/95 | 3/22/96 | 61 FR 11735 | (c)(45) | This rule limits a source's potential to emit, therefore avoiding RACT, title V operating permits. |
| No. 30 | Control of VOC from Automobile Refinishing Operations. | 6/27/95 | 2/2/96 | 61 FR 3827 | (c)(44) | Control of VOC From Automobile Refinishing Operations. |
| No. 31 | Consumer and Commercial Products. | 3/11/94 | 10/30/96 | 61 FR 55903 | (c)(47) | VOC control reg. submitted as part of State's Contingency Plan. Section 31.2.2 not approved. |
| No. 32 | Marine Vessels | 3/11/94 | 4/4/96 | 60 FR 14978 | (c)(43) | All of No. 32 is approved with the exception of Section 32.2.2 which Rhode Island did not submit as part of the SIP revision. |
| No. 33 | Architectural and Industrial Maintenance Coatings. | 3/11/94 | 10/30/96 | 61 FR 55903 | (c)(47) | VOC control reg. submitted as part of State's Contingency Plan Section 33.2.2 not approved. |
| No. 38 | Nitrogen Oxides Allowance Program. | 5/21/98 | 6/2/99 | 64 FR 29570 | (c)(55) | Adds ozone season NOx emission limitations at certain stationary sources. |

[50 FR 770, Jan. 7, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2081, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## § 52.2082 [Reserved]

## § 52.2083 Significant deterioration of air quality.

(a) The Rhode Island plan, as submitted, is approved as meeting the requirements of Subpart 1, Part C, Title I, of the Clean Air Act.

[49 FR 27750, July 6, 1984]

## § 52.2084 Rules and regulations.

(a) Part D—Disapproval.

(1) On November 5, 1985, the Rhode Island Department of Environmental Management submitted a revision to the Rhode Island State Implementation Plan (SIP) for Arkwright Incorporated. This revision is an alternative reasonably available control technology determination for the control of volatile organic compounds (VOC) from three paper coating lines at Arkwright Incorporated's Fiskeville, Rhode Island facility. As a result of EPA's disapproval of this revision, the existing VOC rules applicable to Arkwright Incorporated and contained in the Rhode Island SIP remain in effect (Rhode Island Air Pollution Control Regulation No. 19 as approved by EPA in 40 CFR 52.2080(c)(19)).

(2) [Reserved]

(b) *Non-Part D—No Action*— EPA is neither approving nor disapproving the following elements of the revisions:

(i) [Reserved]

(ii) Consultation.

(iii) Permit fees.

(iv) Stack height requirements.

(v) Public notification.

[46 FR 25460, May 7, 1981, as amended at 48 FR 31027, July 6, 1983; 50 FR 52461, Dec. 24, 1985; 52 FR 38764, Oct. 19, 1987; 62 FR 18716, Apr. 17, 1997; 63 FR 67600, Dec. 8, 1998; 64 FR 926, Jan. 6, 1999]

### § 52.2085 Stack height review.

The State of Rhode Island 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 technique as defined in EPA's stack height regulations, as revised on July 8, 1985. Such declarations were submitted to EPA on March 27, 1986. The State has further declared, in letters from Thomas D. Getz, dated October 15, 1985 and March 27, 1986, that ''[R]hode Island will use the 8 July 1985 revised height regulations in administering section 9.18 of its new source review regulations.'' Thus, Rhode Island has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

[52 FR 49407, Dec. 31, 1987]

### § 52.2086 Emission inventories.

(a) The Governor's designee for the State of Rhode Island submitted the 1990 base year emission inventory for the Providence ozone nonattainment area on January 12, 1993 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 this area.

(b) The inventory is for the ozone precursors which are volatile organic compounds, nitrogen oxides, and carbon monoxide. The inventory covers point, area, non-road mobile, on-road mobile, and biogenic sources.

(c) The Providence nonattainment area is classified as serious and includes the entire state of Rhode Island.

(d) Minor revisions to the Rhode Island 1990 base year emission inventory were submitted to EPA on September 21, 1998. The revised emission estimates were prepared in accordance with EPA guidance, and are approved into the State's SIP.

[61 FR 55902, Oct. 30, 1996, as amended at 63 FR 67600, Dec. 8, 1998]

### § 52.2087 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Rhode Island'' and all revisions submitted by Rhode Island that were federally approved prior to August 9, 1999.

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Notice of public hearing submitted on February 9, 1972, by the Rhode Island Department of Health.

(2) Miscellaneous non-regulatory additions to the plan correcting minor deficiencies submitted on February 29, 1972, by the Rhode Island Department of Health.

(3) Regulation 12 requiring prevention and control of air pollution from incinerators submitted on March 7, 1973, by the Rhode Island Department of Health.

(4) Regulation 13 requiring prevention and control of air pollution from fuel burning equipment submitted on March 19, 1973, by the Rhode Island Department of Health.

(5) Compliance schedules submitted on April 24, 1973, by the Rhode Island Department of Health.

(6) Revisions to Regulation 10, Air Pollution Episodes, submitted on January 25, 1974, by the Rhode Island Department of Health.

(7) AQMA identifications submitted on April 11, 1974, by the Rhode Island Department of Health.

(8) Revision to Regulation 8, Limitation of Sulfur in Fuels, submitted on May 22, 1974, by the Rhode Island Department of Health.

(9) Letter identifying Metropolitan Providence as an AQMA submitted on September 6, 1974, by the Governor.

(10) Revision to Regulation 14, Source Recordkeeping and Reporting, submitted on September 5, 1973, by the Rhode Island Department of Health.

(11) A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58, was submitted by the Rhode Island Department of Environmental Management Director on January 8, 1980.

(12) Attainment plans to meet the requirements of Part D of the Clean Air Act, as amended in 1977, were submitted on May 14, 1979, June 11, 1979, August 13, 1979, January 8, January 24, March 10, March 31, April 21, June 6, June 13, August 20, November 14, March 4, March 5, and April 16, 1981. Included are plans to attain the carbon monoxide and ozone standards and information allowing for the redesignation of Providence to non-attainment for the primary TSP standard based on new data. 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 unrelated to Part D are also included.

(13) A revision to Regulation 8, ''Sulfur Content in Fuels,'' for the Narragansett Electric Company, Providence, submitted on August 28, 1980 by the Director of the Department of Environmental Management.

(14) A revision to Regulation 8, ''Limitation of Sulfur in Fuels,'' submitted on January 30, 1981, by the Director of the Rhode Island Division of Air Resources allowing Bradford Dyeing Association, Westerly, to burn higher sulfur fuel oil, temporarily.

(15) Revisions for Group II CTGs: Storage of Petroleum Liquids—External Floating Roof Vessels (Regulation 11.6); and revisions to existing regulations: Stage I Vapor Controls (Regulation 11.5), Hazardous Waste Incinerators (Regulation 12.7.1), and Control of Solvent Metal Cleaning Emissions (Regulation 18) were submitted on January 9, July 23, and August 17, 1981.

(16) Variances from Regulations 8, ''Sulfur Content in Fuels'' and 13, ''Particulate Emissions from Fossil Fired Steam or Hot Water Generating Units'', for Kenyon Piece Dye Works, Richmond, submitted on July 1, 1982.

(17) Revisions to Regulations 8, ''Sulfur Content of Fuels'' and 13, ''Particulate Emissions from Fossil Fuel Fired Steam or Hot Water Generating Units'' were submitted on November 9, 1982 by the Division of Air and Hazardous Materials.

(18) Revisions to Air Pollution Control Regulation Number 9, Approval to Construct, Install, Modify, or Operate (except to subsection 9.1.1), and Section VI, Part II, ''Stationary Source Permitting and Enforcement'' of the narrative as submitted by the Department of Environmental Management on May 14, 1982 and July 1, 1982 for review of new major sources and major modifications in nonattainment areas. Also included are revisions to add rules for banking emission reductions.

(19) Revisions to the Rhode Island State Implementation Plan for attainment of the primary National Ambient Air Quality Standard for ozone as submitted on May 14, 1982; July 1, 1982; July 7, 1982; October 4, 1982 and March 2, 1983 by the Department of Environmental Management. Also included are generic bubble rules which provide for regulatory flexibility for VOC sources subject to RACT requirements under Regulations 15, 19 and 21 of the Rhode Island SIP

(20) Revisions to attain and maintain the lead NAAQS as submitted on July 7, 1983 by the Department of Environmental Management.

(21) The permit issued to the University of Rhode Island in Kingston approving a three-year bubble to control sulfur dioxide emissions. The Rhode Island Department of Environmental Management issued the permit in accordance with Regulation 8, §8.3.2, ''Emissions Bubbling'' and submitted it to EPA as a SIP revision on January 16, 1984.

(22) Revisions to Regulation 9, ''Approval to Construct, Install, Modify or Operate'', and Section VI, Part II of the associated narrative of the Rhode Island SIP, to incorporate the requirements for the Prevention of Significant Deterioration of 40 CFR 51.24, permitting major stationary sources of lead and other miscellaneous changes as submitted on February 6, 1984 by the Rhode Island Department of Environmental Management. Clarifying letters dated January 27, 1984 and June 6, 1984.

(23) Revisions to Air Pollution Control Regulation 8, ''Sulfur Content of Fuels,'' submitted on July 19, 1983,

specifying maximum sulfur-in-coal limits (1.21 lbs/MMBtu on a 30-day rolling average and 2.31 lbs/MMBtu on a 24-hour average) for the Narragansett Electric Company South Street Station in Providence. These revisions approve Section 8.3.4, ''Large Fuel Burning Devices Using Coal,'' for South Street Station only.

(24) Revisions to the State Implementation Plan were submitted by the Rhode Island Department of Environmental Management on May 28, 1985 and October 15, 1985.

(i) Incorporation by reference.

(A) Amendments to Regulation 8, ''Sulfur Content of Fuels'' at 8.4.1(b) requiring owners/operators of fuel burning sources to have a sampling valve in the fuel line to the boiler to facilitate fuel sampling, amended on May 2, 1985.

(B) Amendments to Regulation 9, ''Approval to Construct, Install, Modify, or Operate'' requiring best available control technology (BACT) for each air pollutant emitted when permitting all new stationary sources and modifications not otherwise subject to lowest achievable emission rate (LAER) requirements under Rhode Island's approved new source review plan. The amended sections are 9.1.9, 9.1.14, 9.1.21, 9.1.22, 9.1.33, 9.1.36, 9.3.1, 9.3.3, 9.5.3, and 9.13.1. Regulation 9 was incorporated by reference in its present form on July 6, 1984 at paragraph (c)(22), above. The entire Regulation is being reincorporated by reference here to maintain consistency in the numbering and format, amended May 2, 1985.

(ii) October 15, 1985 letter from Rhode Island DEM to EPA which commits to implement the stack height related requirements of Regulation 9 in accordance with the Stack Height regulations at 40 CFR part 51, subpart B.

(25) A revision submitted on December 16, 1985 and January 23, 1986 allowing the burning of 2.2% sulfur content fuel oil at the Seville Dyeing Corporation facility in Woonsocket, Rhode Island for a period of up to 30 months, commencing on August 1, 1986, the savings from which will be used to pay for permanent energy conservation measures to reduce on-site consumption of petroleum products by at least 50,000 gallons per year (estimated 250,000 gallons per year).

(i) Incorporation by reference.

(A) Letter from Doug L. McVay, Principal Engineer, to Seville Dyeing Corporation, dated December 16, 1985 allowing the temporary use of less expensive 2.2% sulfur fuel oil until February 1, 1989. At the end of the temporary use period, Seville Dyeing Corporation will return to the use of 1.0% sulfur fuel oil. The particulate emission rate for the facility will not exceed 0.15 lbs per million Btu.

(B) Letter to Louis F. Gitto, Director of Air Management Division, EPA Region I from Thomas D. Getz, Director of Air & Hazardous Materials, RI DEM dated January 23, 1986; subject: Response to EPA questions regarding Seville Dyeing Corporation, and outline of the permanent energy conservation measures to be used.

(26) Revisions submitted on November 5, 1985, June 16, 1986 and November 3, 1986 by the Rhode Island Department of Environmental Management (DEM) consisting of an administrative consent agreement between the DEM's Division of Air and Hazardous Materials and Whitman Products Limited (now James River Corporation's Decorative Product Division) in Johnston, Rhode Island. When the consent agreement expires on December 31, 1986, James River Corporation will be subject to the emission limits in Rhode Island Regulation No. 19, subsection 19.3.1.

(i) Incorporation by reference.

(A) An administrative consent agreement between the Rhode Island and Providence Plantation Department of Environmental Management and Whitman Products Limited. The consent agreement became effective on May 29, 1985.

(B) Letters of June 16, 1986 and September 17, 1985 from the Department of Environmental Management to EPA.

(ii) Additional material.

(A) Letter submitted on November 3, 1986 affirming that a sufficient growth margin exists, below the level of emissions necessary to show attainment of the national ambient air quality standard for ozone in Rhode Island, to absorb the increased emissions resulting from this compliance date extension.

(27) Revision submitted on November 5, 1985 by the Rhode Island Department of Environmental Management consisting of an administrative consent agreement defining reasonably available control technology for Stanley Bostitch (formerly Bostitch Division

(i) Incorporation by reference.

(A) An administrative consent agreement between the Rhode Island Department of Environmental Management and Bostitch Division of Textron. The consent agreement became effective on June 6, 1985 and requires Bostitch Division of Textron to reformulate certain solvent-based coatings to low/no solvent formulations by December 31, 1986.

(B) A letter to Bostitch Division of Textron from the Rhode Island Department of Environmental Management dated September 20, 1985 which serves as an addendum to the consent agreement. The addendum defines the emission limitations which Bostitch's Division of Textron reformulated coatings must meet.

(28) Revision submitted on November 5, 1985 by the Rhode Island Department of Environmental Management consisting of an administrative consent agreement granting a final compliance date extension for the control of organic solvent emissions from sixpaper coating lines at Keene Corporation in East Providence, Rhode Island.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated November 5, 1985 submitting revisions to the Rhode Island State Implementation Plan.

(B) An administrative consent agreement between the Rhode Island Department of Environmental Management and Keene Corporation, effective on September 12, 1985.

(29) Revisions submitted on November 5, 1985, February 21, 1986, April 15, 1987 and May 14, 1987 by the Rhode Island Department of Environmental Management consisting of an administrative consent agreement defining alternative reasonably available control technology for Kenyon Industries in Kenyon, Rhode Island.

(i) Incorporation by reference.

(A) Letter from the State of Rhode Island and Providence Plantations dated April 15, 1987 submitting revisions for Kenyon Industries to the Rhode Island State Implementation Plan.

(B) An administrative consent agreement between the State of Rhode Island and Providence Plantations Department of Environmental Management and Kenyon Industries, Inc., signed on December 31, 1986.

(ii) Additional material.

(A) A letter dated May 14, 1987 from the Department of Environmental Management containing technical support demonstrating that the revised consent agreement is at least as stringent as the consent agreement between the Rhode Island Department of Environmental Management and Kenyon effective in Rhode Island May 13, 1985.

(B) Original consent agreement between the Rhode Island Department of Environmental Management and Kenyon effective on May 13, 1985 submitted to EPA on November 5, 1985.

(C) Letter dated February 21, 1986 from Rhode Island describing required recordkeeping for Kenyon.

(30) Revisions to the State Implementation Plan were submitted by Rhode Island Department of Environmental Management on February 27, 1987. These revisions were effective as of January 20, 1987 in the State of Rhode Island.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated February 27, 1987 submitting revisions to the Rhode Island State Implementation Plan.

(B) Amendment to Air Pollution Control Regulation No. 11, at subsection 11.4.5 adopted on January 20, 1987 in Rhode Island.

(C) Amendment to Air Pollution Control Regulation No. 19, at subsection 19.7.1 adopted on January 20, 1987 in Rhode Island.

(D) Amendment to Air Pollution Control Regulation No. 21, at subsection 21.6.1 adopted on January 20, 1987 in Rhode Island.

(31) [Reserved]

(32) Revisions submitted on May 6, 1987, October 15, 1987, and January 4, 1988 by the Rhode Island Department of Environmental Management consisting

of an administrative consent agreement which defines and imposes RACT to control volatile organic comp

(i) Incorporation by reference.

(A) An administrative consent agreement (86–12–AP), except for Provisions 7 and 8, between the Rhode Island Department of Environmental Management and Tech Industries effective June 12, 1986.

(B) An addendum to the administrative consent agreement (86–12–AP) between the Rhode Island Department of Environmental Management and Tech Industries. The addendum was effective November 24, 1987.

(C) Letters dated May 6, 1987; October 15, 1987; and January 4, 1988 submitted to the Environmental Protection Agency by the Rhode Island Department of Environmental Management.

(33) Revisions to federally approved Air Pollution Control Regulation Number 11 submitted on November 7, 1988 and April 24, 1989 by the Rhode Island Department of Environmental Management, limiting the volatility of gasoline from May 1 through September 15, beginning 1989 and continuing every year thereafter, including any waivers to such limits Rhode Island may grant. In 1989, the control period will begin on June 30.

(i) Incorporation by reference.

(A) Amendments to Rhode Island Air Pollution Control Regulation No. 11, effective July 5, 1979, entitled, ''Petroleum Liquids Marketing and Storage,'' sections 11.7.1 filed with the Secretary of State of Rhode Island on August 11, 1988, and effective in the State of Rhode Island on August 31, 1988.

(B) Amendments to Rhode Island Air Pollution Control Regulation No. 11, effective July 5, 1979, entitled, ''Petroleum Liquids Marketing and Storage,'' amendmends to section 11.7.2 filed with the Secretary of State of Rhode Island on April 27, 1989, and effective in the State of Rhode Island on May 17, 1989.

(34) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on April 28, 1989, approving a renewal of a sulfur dioxide bubble for the University of Rhode Island originally approved at paragraph (c)(21), of this section.

(i) Incorporation by reference.

(A) A renewal of an emissions bubble for the University of Rhode Island effective December 26, 1986.

(35) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on April 26, 1990, which define and impose RACT to control volatile organic compound emissions from Providence Metallizing in Pawtucket, Rhode Island.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated April 26, 1990, submitting a revision to the Rhode Island State Implementation Plan.

(B) An administrative consent agreement (87–2–AP) between the Rhode Island Department of Environmental Management and Providence Metallizing effective July 24, 1987.

(C) An amendment to the administrative consent agreement (87–2–AP) between the Rhode Island Department of Environmental Management and Providence Metallizing effective May 4, 1989.

(D) An addendum to the administrative consent agreement (87–2–AP) between the Rhode Island Department of Environmental Management and Providence Metallizing effective April 24, 1990.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(36) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on May 24, 1990, which define and impose RACT to control volatile organic compound emissions from Tillotson-Pearson in Warren, RhodeIsland.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated May 24, 1990 submitting a revision to the Rhode Island State Implementation Plan.

(B) An Administrative consent agreement (90–1–AP) between the Rhode Island Department of Environmental Management and Tillotson-Pearson effective June 5, 1990.

(37) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental

Management dated November 3, 1989, November 21, 1989, February 1, 1990 and September 19, 1990.

(i) Incorporation by reference.

(A) Letters from the Rhode Island Department of Environmental Management dated November 3, 1989, November 21, 1989, February 1, 1990 and September 19, 1990 submitting revisions to the Rhode Island State ImplementationPlan.

(B) Amendments to Rhode Island's Air Pollution Control Regulation Number 6, amended and effective November 22, 1989.

(C) Amendments to Rhode Island's Air Pollution Control Regulation Numbers 11; 15, excluding subsections 15.1.16 and 15.2.2; 18, excluding subsections 18.1.8, 18.2.1, 18.3.2(d), 18.3.3(f), and 18.5.2; 19, excluding subsections 19.1.11, 19.2.2, and 19.3.2(a); and 21, except subsections 21.1.15 and 21.2.2, and portion of subsection 21.5.2(h) which states ''equivalent to'' in the parenthetical, amended and effective December 10, 1989.

(38) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on May 22, 1991.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated May 22, 1991 submitting a revision to the Rhode Island State Implementation Plan.

(B) Section 9.1.36 ''baseline concentration,'' section 9.1.39 ''increment,'' section 9.1.40 ''major source baseline date,'' section 9.1.42 ''minor source baseline date,'' section 9.1.43 ''net emissions increase,'' and section 9.15.1(c)(5)—exclusion from $NO_2$ increments due to SIP-approved temporary increases of emissions, of the Rhode Island Air Pollution Control Regulation No. 9 entitled ''Approval to Construct, Install, Modify or Operate,'' effective in the State on May 20, 1991.

(ii) Additional materials.

(A) Nonregulatory portions of the state submittal.

(39) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on January 12, 1993.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management, dated January 12, 1993, submitting a revision to the Rhode Island State Implementation Plan.

(B) Rhode Island Department of Environmental Protection, Division of Air and Hazardous Materials, Air Pollution Control Regulation No. 11, entitled ''Petroleum Liquids Marketing Storage,'' submitted to the Secretary of State on January 11, 1993.

(C) Letter from the Rhode Island Department of Environmental Protection, dated February 10, 1993, stating that Regulation No. 11 became effective on January 31, 1993, 20 days after being filed with the Secretary of State.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(40) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on November 13, 1992.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated November 13, 1992 submitting a revision to the Rhode Island State Implementation Plan.

(B) Rhode Island Department of Environmental Protection, Division of Air and Hazardous Materials, Air Pollution Control Regulations No. 19, entitled ''Control of Volatile Organic Compounds from Surface Coating Operations,'' submitted to the Secretary of State on October 30, 1992 and effective on November 20, 1992.

(C) Rhode Island Department of Environmental Protection, Division of Air and Hazardous Materials, Air Pollution Control Regulations No. 25, entitled ''Control of Volatile Organic Compound Emissions from Cutback and Emulsified Asphalt,'' submitted to the Secretary of State on October 30, 1992 and effective on November 20, 1992.

(D) Rhode Island Department of Environmental Protection, Division of Air and Hazardous Materials, Air Pollution Control Regulations No. 26, entitled ''Control of Organic Solvent Emissions from Manufacture of Synthesized Pharmaceutical Products,'' submitted to the Secretary of State on October 30, 1992 and effective on November 20, 1992.

(ii) Additional materials.

(A) Letter from the Rhode Island Department of Environmental Protection, dated February 10, 1993, clarifying the November 13, 1992 revision to the SIP.

(B) Nonregulatory portions of the submittal.

(41) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on March 11, 1993.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated March 5, 1993 submitting a revision to the Rhode Island State Implementation Plan.

(B) Rhode Island's Air Pollution Control Regulation No. 9 entitled, ''Air Pollution Control Permits,'' except for Chapter 9.13, Application for an Air Toxics Operating Permit; Chapter 9.14, Administrative Action: Air Toxics Operating Permits; and Chapter 9.15, Transfer of an Air Toxics Operating Permit; and Appendix A, Toxic Air Pollutants, Minimum Quantities. This regulation was effective in the State of Rhode Island on March 24, 1993.

(ii) Additional materials.

(A) A fact sheet on the proposed amendments to Regulation No. 9 entitled, ''Approval to Construct, Install, Modify or Operate''.

(B) Nonregulatory portions of the State submittal.

(42) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on January 12, 1993.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated January 12, 1993 submitting a revision to the Rhode Island State Implementation Plan.

(B) Revisions to Air Pollution Control Regulation No. 14, ''Record Keeping and Reporting,'' filed with the Secretary of State on January 11, 1993 and effective in the State of Rhode Island on January 31, 1993.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(43) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on March 15, 1994.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated March 15, 1994 submitting a revision to the Rhode Island State Implementation Plan.

(B) Rhode Island Department of Environmental Management, Division of Air Resources, Air Pollution Control Regulation No. 32, ''Control of Volatile Organic Compounds from Marine Vessel Loading Operations'' effective in the State of Rhode Island on March 31, 1994, with the exception of Section 32.2.2 which Rhode Island did not submit as part of the SIP revision.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(44) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on June 27, 1995.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated June 27, 1995 submitting a revision to the Rhode Island State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the State of Rhode Island effective on July 17, 1995: Air Pollution Control Regulation No. 30, Control of Volatile Organic Compounds from Automotive Refinishing Operations.

(45) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on May 15, 1995

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Protection dated May 15, 1995 submitting a revision to the Rhode Island State Implementation Plan.

(B) Air Pollution Control Regulation 29.3 ''Emissions Caps''; effective in the State of Rhode Island on May 18, 1995.

(ii) Additional materials.

(A) Non-regulatory portions of the submittal.

(46) A revision to the Rhode Island SIP regarding ozone monitoring. The State of Rhode Island will modify its SLAMS and its NAMS monitoring systems to include a PAMS network design and establish monitoring sites.

The State's SIP revision satisfies 40 CFR 58.20(f) PAMS requirements.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated January 14, 1994 submitting an amendment to the Rhode Island State Implementation Plan.

(B) Letter from the Rhode Island Department of Environmental Management dated June 14, 1994 submitting an amendment to the Rhode Island State Implementation Plan.

(C) Section VII of the Rhode Island State Implementation Plan, Ambient Air Quality Monitoring.

(47) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on March 15, 1994.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated March 15, 1994 submitting revisions to the Rhode Island State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the State of Rhode Island, with the exception of Section 31.2.2, effective 90 days after the date that EPA notifies Rhode Island that the State has failed to achieve a 15% reduction of VOC emission from the 1990 emission levels, in accordance with the contingency measure provisions of the Rhode Island SIP, (except for Section 31.5.2, which requires records of amount of product sold, beginning July, 1994.): Air Pollution Control Regulation No. 31, Control of Volatile Organic Compounds from Commercial and Consumer Products.

(C) The following portions of the Rules Governing the Control of Air Pollution for the State of Rhode Island, with the exception of Section 33.2.2, effective 90 days after the date that EPA notifies Rhode Island the State has failed to achieve a 15% reduction of VOC emission from the 1990 emission levels, in accordance with the contingency measure provisions of the Rhode Island SIP, (except for Section 33.5.2, which requires records of amount of product sold, beginning July, 1994.): Air Pollution Control Regulation No. 33, Control of Volatile Organic Compounds from Architectural and Industrial Maintenance Coatings.

(48) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on September 17, 1996, which define and impose reasonably available control technology (RACT) to control nitrogen oxides emissions at major stationary sources in Rhode Island.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management, dated September 17, 1996, submitting revisions to the Rhode Island State Implementation Plan.

(B) Regulation number 27, ''Control of Nitrogen Oxide Emissions,'' as adopted on December 27, 1995, effective January 16, 1996.

(C) An administrative consent agreement between Rhode Island Department of Environmental Management and Rhode Island Hospital, file no. 95–14–AP, effective on November 27, 1995.

(D) An administrative consent agreement between Rhode Island Department of Environmental Management and Osram Sylvania Incorporated, file no. 96–06–AP, effective on September 4, 1996.

(E) An air pollution permit approval, no. 1350, for Osram Sylvania Incorporated issued by the Rhode Island Department of Environmental Management on May 14, 1996 and effective on that date.

(49) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on September 17, 1996, which define and impose alternative reasonably available control technology (RACT) requirements to control nitrogen oxides emissions at certain major stationary sources in Rhode Island.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated September 17, 1996, submitting revisions to the Rhode Island State Implementation Plan.

(B) An administrative consent agreement between Rhode Island Department of Environmental Management

and Algonquin Gas Transmission Company, file no. 95–52–AP, effective on December 5, 1995.

(C) An administrative consent agreement between Rhode Island Department of Environmental Management and Bradford Dyeing Association, Inc., file no. 95–28–AP, effective on November 17, 1995.

(D) An administrative consent agreement between Rhode Island Department of Environmental Management and Hoechst Celanese Corporation, file no. 95–62–AP, effective on November 20, 1995.

(E) An administrative consent agreement between Rhode Island Department of Environmental Management and University of Rhode Island, file no. 95–50–AP, effective on March 12, 1996.

(F) An administrative consent agreement between Rhode Island Department of Environmental Management and the Naval Education and Training Center in Newport, file no. 96–07–AP, effective on March 4, 1996.

(50) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on September 21, 1998. The revisions consist of the State's 15 Percent plan and Contingency plan. The EPA is approving the calculation of the required emission reductions, and the emission reduction credit claimed from surface coating operations, printing operations, plant closures, cutback asphalt, synthetic pharmaceutical manufacturing, automobile refinishing, consumer and commercial products, architectural and industrial maintenance coatings, stage II vapor recovery, reformulated gasoline in on-road and off-road engines, tier I motor vehicle controls, and low emitting vehicles. EPA is taking no action at this time on the emission reduction credit claim made for the Rhode Island automobile inspection and maintenance program.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated September 21, 1998 submitting a revision to the Rhode Island State Implementation Plan.

(51)–(53) [Reserved]

(54) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated 9 August 1996 submitting a revision to the Rhode Island State Implementation Plan.

(B) Changes to Air Pollution Control Regulation Number 9.

For the State of Rhode Island.

(55) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on February 13, 1998 and January 20, 1999 which define alternative $NO_X$ RACT requirements and impose seasonal limitations on the emissions of nitrogen oxides at certain major stationary sources in Rhode Island.

(i) Incorporation by reference.

(A) Letters from the Rhode Island Department of Environmental Management, dated February 13, 1998 and January 20, 1999 submitting revisions to the Rhode Island State Implementation Plan.

(B) Regulation number 38, ''Nitrogen Oxides Allowance Program,'' as adopted on May 21, 1998, submitted on effective on June 10, 1998.

(C) An administrative consent agreement between Rhode Island Department of Environmental Management and Rhode Island Economic Development Corporation, file no. 96–04–AP, adopted and effective on September 2, 1997.

[37 FR 10891, May 31, 1972. Redesignated and amended at 64 FR 43085, Aug. 9, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2087, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2088 Control strategy: Ozone.

(a) *Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on September 21, 1998.* These revisions are for the purpose of satisfying the rate of progress requirement of section 182(c)(2)(B), and the contingency measure requirements of section 182(c)(9) of the Clean Air Act, for the Providence serious ozone nonattainment area.

(b) Approval—Revisions to the state implementation plan submitted by the Rhode Island Department of Environmental Management on March 24, 2003. The revisions are for the purpose of satisfying the one-hour ozone attainment demonstration requirements of section 182(c)(2)(A) of the Clean Air Act, for the Rhode Island serious ozone nonattainment area. The revision establishes a one-hour attainment date of November 15, 2007 for the Rhode Island serious ozone nonattainment area, and approves the contingency measures for purposes of attainment. This revision establishes motor vehicle emissions budgets for 2007 of 30.68 tons per day of volatile organic compounds and 33.97 tons per day of nitrogen oxides to be used in transportation conformity in the Rhode Island serious ozone nonattainment area. Rhode Island also commits to conduct a mid-course review to assess modeling and monitoring progress achieved towards the goal of attainment by 2007, and to submit the results to EPA by December 31, 2004.

(c) Determination of Attainment. Effective July 6, 2010, EPA is determining that the Providence (All of Rhode Island) 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 Providence (All of Rhode Island) 8-hour ozone nonattainment area, this determination shall no longer apply.

(d) *Determination of Attainment*. Effective November 22, 2010, EPA is determining that the Providence (All of Rhode Island) 8-hour ozone nonattainment area has attained the 1997 8-hour ozone standard based on 2007–2009 monitoring data. 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 Providence (All of Rhode Island) 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.

[66 FR 30815, June 8, 2001, as amended at 68 FR 16724, Apr. 7, 2003; 75 FR 31290, June 3, 2010; 75 FR 64951, Oct. 22, 2010]

### § 52.2089 Control strategy: carbon monoxide.

(a) Approval—On September 22, 2008, the Rhode Island Department of Environmental Management submitted a request to establish a limited maintenance plan for the Providence Rhode Island carbon monoxide attainment area for the remainder of the second ten-year maintenance plan. The State of Rhode Island has committed to year round carbon monoxide monitoring at the East Providence Photochemical Assessment Monitoring Station (PAMS) site; re-establishing downtown Providence CO monitoring if criteria specified in the Limited Maintenance Plan are triggered; and, ensuring that project-level carbon monoxide evaluations of transportation projects in the maintenance area are conducted. The limited maintenance plan satisfies all applicable requirements of section 175A of the Clean Air Act. Approval of a limited maintenance plan is conditioned on maintaining levels of ambient carbon monoxide levels below the required limited maintenance plan 8-hour carbon monoxide design value criterion of 7.65 parts per million. If the Limited Maintenance Plan criterion is no longer satisfied, Rhode Island must develop a full maintenance plan to meet Clean Air Act requirements.

(b) [Reserved]

[74 FR 12559, Mar. 25, 2009]

## Subpart PP—South Carolina

### § 52.2119 Identification of plan-conditional approval.

EPA is conditionally approving a revision to the South Carolina State Implementation Plan (SIP) consisting of a new Standard (South Carolina Regulation 61–62.5 Standard No. 7.1). Based upon a commitment from the State, South Carolina must:

(a) Revise the Nonattainment New Source Review (NNSR) program to include a provision that emission reductions must be surplus and are not to be used as offsets if they are otherwise required by the SIP, New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants including the Maximum Achievable Control Technology standards, or other federal requirements and submit to EPA a SIP revision with the revised rule;

(b) Revise the State NNSR program to include a methodology for calculating offsets, and submit to EPA a SIP revision with the revised rule; and

(c) Utilize the provisions of 40 CFR part 51, Appendix S to supplement its NNSR program until South Carolina's NNSR program is approved by EPA. If the State fails to meet its commitment by June 2, 2009 the approval is treated as a disapproval. Also, EPA is disapproving two provisions of South Carolina's NNSR program (submitted on July 1, 2005) that relate to provisions that were vacated from the federal program by the United States Court of Appeals for the District of Columbia Circuit on June 24, 2005. The two provisions vacated from the federal rules pertain to Pollution Control Projects (PCPs) and clean units. The PCP and clean unit references are severable from the remainder of the NNSR program. Specifically, the following sections of South Carolina Regulation 61–62.5 Standard No. 7.1 are being disapproved: (b)(5); (b)(6)—Second sentence only; (b)(8); (c)(4); (c)(6)(C)(viii); (c)(8)(C)(iii); (c)(8)(E)(v); (c)(10); (d)(1)(C)(ix); (d)(1)(C)(x); (d)(3)—Only the reference to the term ''clean unit'' is being disapproved. The remainder of this regulatory provision is being approved; (d)(4)—Only the reference to the term ''clean unit'' is being disapproved. The remainder of this regulatory provision is being approved; (f); (g) and (h).

[73 FR 31371, June 2, 2008]

EFFECTIVE DATE NOTE: At 76 FR 36878, June 23, 2011, § 52.2119 was removed, effective July 25, 2011.

### § 52.2120 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan (SIP) for South Carolina 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 July 31, 2009, for South Carolina 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 July 31, 2009, for South Carolina 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 regulations.*

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

| State citation | Title/subject | State effective date | EPA approval date | **Federal Register** notice |
|---|---|---|---|---|
| Regulation No. 62.1 | Definitions and General Requirements | 6/26/1998 | 8/10/2004 | 69 FR 48395 |
| Section I | Definitions | 8/26/2005 | 12/7/2006 | 71 FR 70880 |
| Section II | Permit Requirements | 6/24/2005 | 6/2/2008 | 73 FR 31368 |
| Section III | Emissions Inventory | 2/25/2005 | 12/7/2006 | 71 FR 70880 |
| Section IV | Source Tests | 6/27/2003 | 8/10/2004 | 69 FR 48395 |
| Section V | Credible Evidence | 7/27/2001 | 11/13/2003 | 67 FR 68767 |
| Regulation No. 62.2 | Prohibition of Open Burning | 6/25/2004 | 8/26/2005 | 70 FR 50195 |
| Regulation No. 62.3 | Air Pollution Episodes | | | |
| Section I | Episode Criteria | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Section II | Emission Reduction Requirements | 4/22/1988 | 10/3/1989 | 54 FR 40659 |
| Regulation No. 62.4 | Hazardous Air Pollution Conditions | 12/20/1978 | 1/29/1980 | 45 FR 6572 |
| Regulation No. 62.5 | Air Pollution Control Standards | | | |
| *Standard No. 1* | Emissions from Fuel Burning Operations | | | |
| Section I | Visible Emissions | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Section II | Particulate Matter Emissions | 4/22/1988 | 10/3/1989 | 54 FR 40659 |
| Section III | Sulfur Dioxide Emissions | 3/3/1983 | 10/29/1984 | 49 FR 43469 |
| Section IV | Opacity Monitoring Requirements | 4/22/1988 | 7/2/1990 | 55 FR 27226 |
| Section V | Exemptions | 5/24/1985 | 10/3/1989 | 54 FR 40659 |
| Section VI | Periodic Testing | 6/26/1998 | 8/10/2004 | 69 FR 48395 |
| Section VII | [Reserved] | | | |
| *Standard No. 2* | Ambient Air Quality Standards | 9/24/2004 | 8/22/2007 | 72 FR 46903 |
| *Standard No. 4* | Emissions From Process Industries | | | |
| Section I | General | 2/28/1986 | 2/17/1987 | 52 FR 4772 |
| Section II | Sulfuric Acid Manufacturing | 2/28/1986 | 2/17/1987 | 52 FR 4772 |
| Section III | Kraft Pulp and Paper Manufacturing Plants | 4/22/1988 | 10/3/1989 | 54 FR 40659 |
| Section IV | Portland Cement Manufacturing | 2/28/1986 | 2/17/1987 | 52 FR 4772 |
| Section V | Cotton Gins | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Section VI | Hot Mix Asphalt Manufacturing | 5/24/1985 | 10/3/1989 | 54 FR 40659 |
| Section VII | Metal Refining | 2/28/1986 | 2/17/1987 | 52 FR 4772 |
| Section VIII | Other Manufacturing | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Section IX | Visible Emissions | 3/16/1989 | 7/2/1990 | 55 FR 27226 |
| Section X | Non-Enclosed Operations | 3/16/1989 | 7/2/1990 | 55 FR 27226 |
| Section XI | Total Reduced Sulfur Emissions of Kraft Pulp Mills | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Section XII | Periodic Testing | 6/26/1998 | 8/10/2004 | 69 FR 48395 |
| Section XIII | [Reserved] | | | |
| *Standard No. 5* | Volatile Organic Compounds | | | |
| Section I | General Provisions | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part A | Definitions | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part B | General Applicability | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part C | Alternatives and Exceptions to Control Requirements | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part D | Compliance Schedules | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part E | Volatile Organic Compound Compliance Testing | 6/26/1998 | 8/10/2004 | 69 FR 48395 |
| Part F | Recordkeeping, Reporting, Monitoring | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part G | Equivalency Calculations | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Section II | Provisions for Specific Sources | | | |
| Part A | Surface Coating of Cans | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part B | Surface Coating of Coils | 9/18/1990 | 2/4/1992 | 57 FR 4158 |
| Part C | Surface Coating of Paper, Vinyl, and Fabric | 9/18/1990 | 2/4/1992 | 57 FR 4158 |
| Part D | Surface Coating of Metal Furniture and Large Appliances | 9/18/1990 | 2/4/1992 | 57 FR 4158 |
| Part E | Surface Coating of Magnet Wire | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part F | Surface Coating of Miscellaneous Metal Parts and Products. | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part G | Surface Coating of Flat Wood Paneling | 5/5/1983 | 10/31/1983 | 48 FR 50078 |
| Part H | Graphic Arts—Rotogravure Flexography | 5/5/1983 | 10/31/1983 | 48 FR 50078 |
| Part I | [Reserved] | | | |
| Part J | [Reserved] | | | |
| Part K | [Reserved] | | | |
| Part L | [Reserved] | | | |
| Part M | [Reserved] | | | |
| Part N | Solvent Metal Cleaning | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part O | Petroleum Liquid Storage in Fixed Roof Tanks | 5/5/1983 | 10/31/1983 | 48 FR 50078 |
| Part P | Petroleum Liquid Storage in External Floating Roof Tanks | 5/5/1983 | 10/31/1983 | 48 FR 50078 |
| Part Q | Manufacture of Synthesized Pharmaceutical Products | 5/5/1983 | 10/31/1983 | 48 FR 50078 |
| Part R | Manufacture of Pneumatic Rubber Tires | 5/5/1983 | 10/31/1983 | 48 FR 50078 |
| Part S | Cutback Asphalt | 6/13/1979 | 12/16/1981 | 46 FR 61268 |
| Part T | Bulk Gasoline Terminals and Vapor Collection Systems | 5/5/1983 | 10/31/1983 | 48 FR 50078 |
| *Standard No. 5.2* | Control of Oxides of Nitrogen ($NO_X$) | 6/25/2004 | 8/26/2005 | 70 FR 50195 |

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA—Continued

| State citation | Title/subject | State effective date | EPA approval date | **Federal Register** notice |
|---|---|---|---|---|
| *Standard No. 6* | Alternative Emission Limitation Options (''Bubble'') | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Section I | General | | | |
| Section II | Conditions for Approval | | | |
| Part A | Emissions of Total Suspended Particulate or Sulfur Dioxide. | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part B | Emissions of Volatile Organic Compounds | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part C | Emissions of Nitrogen Dioxide, Carbon Monoxide, or Lead | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part D | Designated Pollutants | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Part E | De Minimis Cases | 10/26/2001 | 5/7/2002 | 67 FR 30594 |
| Section III | Enforceability | | | |
| *Standard No. 7* | Prevention of Significant Deterioration [1] | 6/24/2005 | 6/2/2008 | 73 FR 31371 |
| Section I | Definitions | 6/24/2005 | 6/2/2008 | 73 FR 31368 |
| Section II | Ambient Air Limits | 6/24/2005 | 6/2/2008 | 73 FR 31368 |
| Section III | Review of Major Plants and Major Modifications—Applicability and Exemptions. | 6/24/2005 | 6/2/2008 | 73 FR 31368 |
| Section IV | Review Requirements—Supplement C | 4/26/1996 | 8/20/1997 | 62 FR 44218 |
| Regulation No. 62.6 | Control of Fugitive Particulate Matter | 5/24/1985 | 10/3/1989 | 54 FR 40659 |
| Section I | Control of Fugitive Particulate Matter in Non-Attainment Areas. | 5/24/1985 | 10/3/1989 | 54 FR 40659 |
| Section II | Control of Fugitive Particulate Matter in Problem Areas | 5/24/1985 | 10/3/1989 | 54 FR 40659 |
| Section III | Control of Fugitive Particulate Matter Statewide | 5/24/1985 | 10/3/1989 | 54 FR 40659 |
| Section IV | Effective Date | 5/24/1985 | 10/3/1989 | 54 FR 40659 |
| Regulation No. 62.7 | Good Engineering Practice Stack Height | 6/11/1986 | 5/28/1987 | 52 FR 19858 |
| Section I | General | 6/11/1986 | 5/28/1987 | 52 FR 19858 |
| Section II | Applicability | 6/11/1986 | 5/28/1987 | 52 FR 19858 |
| Section III | Definitions and Conditions | 6/11/1986 | 5/28/1987 | 52 FR 19858 |
| Section IV | Public Participation | 6/11/1986 | 5/28/1987 | 52 FR 19858 |
| Regulation No. 62.96 | Nitrogen Oxides ($NO_X$) and Sulfur Dioxide ($SO_2$) Budget Trading Program General Provisions. | 10/24/2009 | 10/16/2009 | 74 FR 53167 |
| Regulation No. 62.99 | Nitrogen Oxides ($NO_X$) Budget Program Requirements for Stationary Sources Not in the Trading Program. | 5/24/2002 | 6/28/2002 | 67 FR 43546 |

[1] This regulation (submitted on July 1, 2005) includes two portions of EPA's 2002 NSR Reform Rules that were vacated by the DC Circuit Court—Pollution Control Projects (PCPs) and clean units. As a result, EPA is disapproving all rules and/or rule sections in the South Carolina PSD rules referencing clean units or PCPs. Specifically, the following South Carolina rules are being disapproved: (a)(2)(iv)(e); (a)(2)(iv)(f) (second sentence only); (a)(2)(vi); (b)(12); (b)(30)(iii)(h); (b)(34)(iii)(b); (b)(34)(vi)(d); (b)(35); (r)(6) (only the reference to the term ''clean unit'' is being disapproved. The remainder of this regulatory provision is being approved); (r)(7) (only the reference to the term ''clean unit'' is being disapproved. The remainder of this regulatory provision is being approved); (x); (y) and (z).

(d) *EPA-approved State Source specific requirements.*

EPA-APPROVED SOUTH CAROLINA SOURCE-SPECIFIC REQUIREMENTS

| Name of source | Permit No. | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Transcontinental Gas Pipeline Corporation Station 140. | 2060–0179–CD | 4/27/2004 | 4/23/2009, 74 FR 18471 | This permit is incorporated in fulfillment of the $NO_X$ SIP Call Phase II requirements for South Carolina. |

(e) *EPA-approved South Carolina non-regulatory provisions.*

| Provision | State effective date | EPA approval date | Explanation |
|---|---|---|---|
| Cherokee County Ozone Attainment Demonstration and Ten-year Maintenance Plan. | 6/26/1998 | 12/18/1998, 63 FR 70022. | |
| Cherokee County Ozone Ten Year Maintenance Plan. | 1/31/2002 | 4/26/2002, 67 FR 20647. | |
| Transportation Conformity | 10/24/2003 | 1/29/2004, 69 FR 4245. | |
| Attainment Demonstration for the Appalachian, Catawba, Pee Dee, Waccamaw, Santee Lynches, Berkeley-Charleston-Dorchester, Low Country, Lower Savannah, Central Midlands, and Upper Savannah Early Action Compact Areas. | 12/29/2004 | 8/26/2005, 70 FR 50195. | |
| South Carolina Transportation Conformity Air Quality Implementation Plan. | 11/28/2008 | 7/28/2009, 74 FR 37168. | |
| Cherokee County 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard. | 12/13/2007 | 7/31/2009, 74 FR 26099. | |

[62 FR 35444, July 1, 1997]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2120, 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 76 FR 36878, June 23, 2011, § 52.2120 was amended by revising the entry for ''Standard No. 7'' and adding an entry for ''Standard No. 7.1'', effective July 25, 2011. For the convenience of the user, the added and revised text is set forth as follows:

### § 52.2120 Identification of plan.

* * * * *

(c) * * *

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

| State citation | Title/subject | State effective date | EPA approval date | **Federal Register** notice |
|---|---|---|---|---|
| * | * * * | * | * | * |
| Regulation No. 62.5 | Air Pollution Control Standards | | | |
| * | * * * | * | * | * |
| Standard No. 7 ..... | Prevention of Significant Deterioration[1] ..... | 2/25/2011 | 6/23/2011 | [Insert citation of publication]. |
| Standard No. 7.1 ..... | Nonattainment New Source Review[1] ..... | 2/25/2011 | 6/23/2011 | [Insert citation of publication]. |
| * | * * * | * | * | * |

[1] This EPA action is approving revisions to the South Carolina SIP with the exception of the phrase ''except ethanol production facilities producing ethanol by natural fermentation under the North American Industry Classification System (NAICS) codes 325193 or 312140,'' as amended in the Ethanol Rule. *See* 72 FR 24060 (May 1, 2007).

* * * * *

### § 52.2121 Classification of regions.

The South 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) |
| Augusta (Georgia)-Aiken (South Carolina) Interstate ..... | I | I | III | III | III |
| Metropolitan Charlotte Interstate ..... | I | II | III | III | I |
| Camden-Sumter Intrastate ..... | II | III | III | III | III |
| Charleston Intrastate ..... | I | I | III | III | III |
| Columbia Intrastate ..... | II | III | III | III | III |
| Florence Intrastate ..... | III | III | III | III | III |
| Georgetown Intrastate ..... | II | III | III | III | III |
| Greenville-Spartanburg Intrastate ..... | I | III | III | III | III |
| Greenwood Intrastate ..... | III | III | III | III | III |
| Savannah (Georgia)-Beaufort (South Carolina) Interstate ..... | I | I | III | III | III |

### § 52.2122 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves South 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 elsewhere in this subpart. 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 CTG's 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) EPA disapproved South Carolina's generic bubble regulation submitted for approval into the State Implementation Plan (SIP) on June 5, 1985.

(c)(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 (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 $CO_2$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 (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 $CO_2$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 (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 $CO_2$ 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 (c)(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 South Carolina Air Pollution Control Regulations and Standards (South Carolina Regulations) 61–62.5, Standard No. 7, paragraph (a)(2)(iv)) and a significant net emissions increase (as defined in South Carolina Air Pollution Control Regulations and Standards (South Carolina Regulations) 61–62.5, Standard No. 7, paragraphs (b)(34) and (b)(49)(i)) 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 South Carolina Air Pollution Control Regulations and Standards (South Carolina Regulations) 61–62.5, Standard No. 7, paragraph (b)(49)(ii).

[45 FR 6575, Jan. 29, 1980, as amended at 60 FR 12702, Mar. 8, 1995; 75 FR 82560, Dec. 30, 2010]

EFFECTIVE DATE NOTE: At 76 FR 36879, June 23, 2011, § 52.2122 was amended by adding paragraphs (d) and (e), effective July 25, 2011. For the convenience of the user, the added text is set forth as follows:

**§ 52.2122 Approval status.**

* * * * *

(d) Regulation 61–62.5 Standard No. 7—This regulation (submitted on July 1, 2005) includes two portions of EPA's 2002 NSR Reform Rules that were vacated by the D.C. Circuit Court—Pollution Control Projects (PCPs) and clean units. As a result, EPA is disapproving all rules and/or rule sections in the South Carolina PSD rules referencing

clean units or PCPs. Specifically, the following South Carolina rules are being disapproved: (a)(2)(iv)(e); (a)(2)(iv)(f) (second sentence only); (a)(2)(vi); (b)(12); (b)(30)(iii)(h); (b)(34)(iii)(b); (b)(34)(vi)(d); (b)(35); (r)(6)—only the reference to the term ''clean unit'' is being disapproved. The remainder of this regulatory provision is being approved); (r)(7)—only the reference to the term ''clean unit'' is being disapproved. The remainder of this regulatory provision is being approved); (x); (y) and (z).

(e) Regulation 61–62.5 Standard No. 7.1—EPA is disapproving two provisions of South Carolina's NNSR program (submitted on July 1, 2005) that relate to provisions that were vacated from the federal program by the United States Court of Appeals for the District of Columbia Circuit on June 24, 2005. The two provisions vacated from the federal rules pertain to Pollution Control Projects (PCPs) and clean units. The PCP and clean unit references are severable from the remainder of the NNSR program. Specifically, the following sections of South Carolina Regulation 61–62.5 Standard No. 7.1 are being disapproved: (b)(5); (b)(6)—Second sentence only; (b)(8); (c)(4); (c)(6)(C)(viii); (c)(8)(C)(iii); (c)(8)(E)(v); (c)(10); (d)(1)(C)(ix); (d)(1)(C)(x); (d)(3)—Only the reference to the term ''clean unit'' is being disapproved. The remainder of this regulatory provision is being approved; (d)(4)—Only the reference to the term ''clean unit'' is being disapproved. The remainder of this regulatory provision is being approved; (f); (g) and (h). These disapprovals were amended in 73 FR 31371, (June 2, 2008).

### §52.2124 Legal authority.

(a)–(c) [Reserved]

(d) The requirements of §51.230(d) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

[37 FR 10892, May 31, 1972, as amended at 39 FR 7284, Feb. 25, 1974; 41 FR 10065, Mar. 9, 1976; 51 FR 40676, Nov. 7, 1986]

### §52.2125 [Reserved]

### §52.2126 VOC rule deficiency correction.

Sections I and II of South Carolina's Regulations 62.1 and 62.5 is approved. The State submitted these regulations to EPA for approval on September 18, 1990. Sections I and II of Regulation 62.5 were intended to correct deficiencies cited in a letter calling for the State to revise its SIP for ozone from Mr. Greer C. Tidwell, the EPA Regional Administrator, to Governor Carroll A. Campbell on May 26, 1988, and clarified in a letter from Mr. Winston A. Smith, EPA Region IV, Air, Pesticides and Toxics Management Division, to Mr. Otto E. Pearson, former Director of the South Carolina Department of Health and Environmental Control:

(a) South Carolina's VOC regulations contain no method for determining capture efficiency. This deficiency must be corrected after EPA publishes guidance on the methods for determining capture efficiency before the SIP for ozone can be fully approved.

(b) [Reserved]

[57 FR 4161, Feb. 4, 1992, as amended at 59 FR 17937, Apr. 15, 1994]

### §§52.2127–52.2129 [Reserved]

### §52.2130 Control strategy: Sulfur oxides and particulate matter.

In letters dated May 7, and December 2, 1986, the South Carolina 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. This certification does not apply to Public Service Authority—Winyah, SCE& G—Bowater, and SCE & G—Williams.

[54 FR 14651, Apr. 12, 1989]

### §52.2131 Significant deterioration of air quality.

(a)–(b) [Reserved]

(c) All applications and other information required pursuant to §52.21 from sources located in the State of South Carolina shall be submitted to the State agency, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201, rather than to EPA's Region 4 office.

[42 FR 4124, Jan. 24, 1977, as amended at 47 FR 6018, Feb. 10, 1982; 74 FR 55143, Oct. 27, 2009]

### § 52.2132 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) Regulation for visibility monitoring. The provisions of § 52.26 are hereby incorporated and made a part of the applicable plan for the State of South Carolina.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of South Carolina.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

### § 52.2133 General conformity.

The General Conformity regulations adopted into the South Carolina State Implementation Plan which were submitted on November 8, 1996. South Carolina incorporated by reference regulations 40 CFR part 51, subpart W—determining conformity of General Federal Actions to State or Federal Implementation Plans.

[62 FR 32538, June 16, 1997]

### § 52.2134 Original identification of plan section.

(a) This section identifies the original ''South Carolina Air Quality Implementation Plan'' and all revisions submitted by South Carolina that were federally approved prior to July 1, 1997.

(b) The plan was officially submitted on January 21, 1972.

(c) The plan revisions listed below were submitted on the dates specified:

(1) Miscellaneous non-regulatory additions to the plan submitted on May 4, 1972, by the South Carolina Pollution Control Authority.

(2) Letter requesting delegation of authority submitted on July 21, 1972, by the Governor.

(3) Miscellaneous wording changes in paragraph 2.B.4 of Regulation 1A; in Sections I.B., II.B, and II.C of Standard 1A; in Section II.D of Standards 2A and in paragraph II of Regulation 4A submitted on August 23, 1972, by the Governor.

(4) Compliance schedules submitted on February 16, 1973, by the South Carolina Pollution Control Authority.

(5) Categorical compliance schedule regulation submitted on August 16, 1973, by the South Carolina Department of Health and Environmental Control.

(6) Revised $SO_2$ emission limits for fuel combustion sources submitted on March 14, 1974, by the South Carolina Department of Health and Environmental Control.

(7) AQMA identification material submitted on March 22, 1974, by the South Carolina Department of Health and Environmental Control.

(8) Revised legal authority with respect to the public availability of emission data, submitted on October 15, 1975, by the Governor of South Carolina.

(9) Revised particulate emission limits for existing fuel burning sources and requirements for continuous in-stack monitoring and reporting of opacity by certain of these sources, submitted January 13 and March 30, 1977, by the South Carolina Department of Health and Environmental Control. (The revised particulate limits do not apply to International Paper Company's Georgetown facility or to the South Carolina Electric and Gas Company's Hagood Plant in Charleston; for these two sources, the plan's original emission limits continue to apply.)

(10) Permit changes, specified below, were submitted by the South Carolina Department of Health and Environmental Control on May 9, 1979. These changes provide emissions offset for R. R. Donnelley and Sons Company, and apply to M. Lowenstein and Sons, Inc., as follows:

(i) Operating permit number O/P–42–167 for the operation of five (5) Kingsley Roller Print Dryers (Nos. 3, 4, 5, 6, and 7) is cancelled with these dryers not to be operated after June 1, 1979.

(ii) Operating permit number O/P–42–170 through O/P–42–179 for screen print machine Nos. 3, 4, 5, 6, 7, 8, 10, 11, and 12 are reissued to reflect the total and permanent transition from solvent-based print pastes to water-based print pastes on these machines as of June 1, 1979.

(11) 1979 implementation plan revision for nonattainment areas, submitted on December 20, 1978, by the South Carolina Department of Health and Environmental Control.

(12) Variance granted to Bowater Carolina Corporation until April 1, 1981, for increased particulate emissions and opacity limits, and revised regulation 61.62.1(B)(II), submitted on April 24, 1980, by the South Carolina Department of Health and Environmental Control.

(13) Changes in and supplements to 1979 implementation plan revisions for nonattainment areas, submitted on April 4, June 13, July 6, August 14, August 22, 1979, and on April 29, 1981, by the South Carolina Department of Health and Environmental Control. Included are a special operating permit for Macalloy Corporation and the following regulation changes:

R. 62.5, Standard No. 5, Section II, revised definition of VOC (formerly located in R. 62.5, Standard No. 5, Section I, Part A);

R. 62.5, Standard No. 5, Section II, revised VOC regulation-Petroleum liquid storage tanks (formerly R. 62.5, Standard 5, Section II, Part B);

R. 62.1, Section I, revised definition of ''fugitive dust'';

R. 62.5, Standard No. 5, Section I, Part E—VOC—Case-by-Case Exceptions;

R. 62.5, Standard No. 1, Section I, Part C—VE—Special Provisions.

(14) Revisions in emergency episode plan, submitted on September 10, 1980, by the South Carolina Department of Health and Environmental Control.

(15) Air quality surveillance plan revision to satisfy the requirements of 40 CFR part 58, submitted on March 10, 1980 by the South Carolina Department of Health and Environmental Control.

(16) Provision for public participation to satisfy section 127(a) of the Clean Air Act, submitted on March 10, 1980 by the South Carolina Department of Health and Environmental Control.

(17) Standard No. 6, Alternative Emission Reduction Options, submitted on June 17, 1981, by the South Carolina Department of Health and Environmental Control.

(18) Set II VOC regulations, submitted on September 10, 1980, by the South Carolina Department of Health and Environmental Control.

(19) Alternative compliance schedule for Cryovac Division of W. R. Grace, Simpsonville, submitted on January 5, 1981, by the South Carolina Department of Health and Environmental Control.

(20) Implementation plan for lead, submitted on May 1, 1980, by the South Carolina Department of Health and Environmental Control.

(21) Prevention of significant deterioration SIP, submitted on April 14, 1981, by the South Carolina Department of Health and Environmental Control.

(22) Provision for variance from conditions of operating permits, submitted on June 7, 1982, by the South Carolina Department of Health and Environmental Control.

(23) Revised visible emissions standard for incinerators and revised regulation for alternate emission limitation options (bubbles), submitted on June 7, 1982, by the South Carolina Department of Health and Environmental Control. EPA is not taking action on that portion of this regulation (Regulation No. 62.5, Standard No. 6, Section II, Part D) pertaining to alternative emission limitation options for designated pollutants subject to regulation under section 111(d) of the Clean air Act.

(24) Special Operating Permit for South Carolina Electric and Gas Company-Williams Power Station, submitted on June 25, 1982, by the South Carolina Department of Health and Environmental Control.

(25) Visibility new source review regulations and narrative visibility SIP were submitted to EPA on June 3, 1985.

(i) Incorporation by reference.

(A) Letter of June 3, 1985, from the South Carolina Department of Health and Environmental Control, and amendments to Regulation No. 62.5, Standard No. 7, Section IV, Part H; Regulation No. 62.5, Standard No. 7, Section IV, Part E; and Regulation No. 62.5, Standard No. 7, Section I, Part CC, adopted by the South Carolina Board of Health and Environmental Control on May 21, 1985.

(ii) Additional material.

(A) Narrative section, titled ''Visibility Protection Control Strategy'', adopted by the South Carolina Board of

Health and Environmental Control on May 21, 1985.

(26) Changes in Regulations 62.2, 62.3, and 62.5, submitted on March 3, May 5, and July 11, 1983 by the South Carolina Department of Health and Environmental Control.

(27) On March 3, and August 17, 1983 and September 5, 1984, Appendix B, a Methodology Manual for use with Standards for Volatile Organic Compounds, and on May 12, 1983, and January 23, 1980, studies for Appendix J, Transportation Control Plans for Columbia and Charleston, were submitted to EPA by the South Carolina Department of Health and Environmental Control.

(28) Stack height regulations were submitted to EPA on June 11, 1986.

(i) Incorporation by reference.

(A) Letter of June 11, 1986, from the South Carolina Department of Health and Environmental Control transmitting stack height regulations.

(B) Regulation 62.7, Good Engineering Practice Stack Height, adopted on April 24, 1986, and effective on May 23, 1986.

(C) Addition of item 10 to Section I, Definitions, of regulation 62.1, adopted on April 24, 1986, and effective on May 23, 1986.

(D) Addition of item A.2.f to Section II, Permit Requirements, of regulation 62.1, adopted on April 24, 1986, and effective on May 23, 1986.

(ii) Other material—none.

(29) Process opacity monitoring requirements were submitted to EPA on March 24, 1986 and July 8, 1986.

(i) Incorporation by reference.

(A) Letter of March 24, 1986 to EPA from the South Carolina Department of Health and Environmental Control, and amendments to Air Pollution Control Regulation No. 62.5, Standard No. 4, which was effective on February 28, 1986.

(ii) Other material—none.

(30) [Reserved]

(31) Changes in South Carolina's SIP submitted to EPA on June 5, 1985, by the South Carolina Department of Health and Environmental Control.

(i) Incorporation by reference.

(A) Changes in South Carolina's Regulations which were adopted May 24, 1985:

(*1*) Regulations 62.1, Section I (Definitions) No. 1 and Section III (Emission Inventory)

(*2*) Regulation 62.2 (Prohibition of Open Burning)

(*3*) Regulation 62.3 (Air Pollution Episodes); except for Section I and Section II Introductory paragraph

(*4*) Regulation 62.5, Standard No. 1 (Emissions From Fuel Burning Operations), Section IV, Part B, Section V, and Section VII

(*5*) Regulation 62.5, Standard No. 4 (Emissions from Process Industries), Except for Section III, Section VIII(A), and Section XI Introductory paragraph

(*6*) Regulation 62.5, Standard No. 7 (Prevention of Significant Deterioration), Section I, Parts B(1), E, F and Q(2)

(*7*) Regulation 62.6 (Control of Fugitive Particulate Matter), Section I (b) and (c) and Section III (c) and (d)

(ii) Other material.

(32) Provisions for $PM_{10}$ submitted on April 29, 1988 and April 4, 1989, by the South Carolina Department of Health and Environmental Control. The April 29, 1988, submittal contained revisions that were effective on April 22, 1988. The April 4, 1989, submittal contained revisions that were effective on March 24, 1989.

(i) Incorporation by reference.

(A) Regulation 62.1, Definitions, Permit Requirements, and Emissions Inventory as revised by the addition on April 22, 1988, of Section I, Nos. 22, 23, 25, and 42.

(B) The following portions of Regulation 62.3, Air Pollution Episodes were revised April 22, 1988.

(*1*) Section I.

(*2*) Section II, Introductory paragraph.

(C) The following portions of Regulation 62.5, Standard No. 1—Emissions from Fuel Burning Operations were revised April 22, 1988:

(*1*) Section II, Title.

(*2*) Section VI, Introductory paragraph

(D) Regulation 62.5, Standard No. 2—Ambient Air Quality Standards revised April 22, 1988.

(E) The following portions of Regulation 62.5, Standard No. 4—Emissions from Process Industries were revised April 22, 1988.

(*1*) Section III
(*2*) Section VIII (A)
(*3*) Section XI, Introductory paragraph
(F) The following portions of Regulation 62.5, Standard No. 7—Prevention of Significant Deterioration were revised April 22, 1988.
(*1*) Section I, Part V(1)
(*2*) Section II, Part A
(*3*) Section III Part H(1)
(*4*) Section IV Part E(4)
(G) The following portions of Regulation 62.5, Standard No. 7—Prevention of Significant Deterioration were revised March 24, 1989.
(*1*) Section III, Part D, (6) and (7)
(*2*) Section III Part (J)(3), (4), and (5)
(*3*) Section IV Part (H)(4)
(ii) Other materials.
(A) Letters of April 29, 1988, and April 4, 1989, from the South Carolina Department of Health and Environmental Control which address $PM_{10}$ revisions.
(B) Revised narrative on particulate matter.
(33) Changes in South Carolina's SIP submitted to EPA on March 16, 1989, by the South Carolina Department of Health and Environmental Control.
(i) Incorporation by reference.
(A) Regulation 62.5 Standard No. 4. Sections I thru VIII and Tables A and B effective April 22, 1988.
(B) Changes in South Carolina's Regulations which were effective March 24, 1989:

1. Regulation 62.1: Section I Definitions. 9 and 38 and Section III Emission Inventory.
2. Regulation 62.5, Standard No. 1 Emissions from Fuel Burning Operations: Section I, Part D; Section IV, Paragraph A.2.a. and Part D.
3. Regulation 62.5, Standard No. 2 Ambient Air Quality Standards: Introductory paragraph.
4. Regulation 62.5, Standard No. 4 Emissions from Process Industries: Section IX and X.
5. Regulation 62.5, Standard No. 7 Prevention of Significant Deterioration: Section 1 B(1)(a) and Part L

(ii) Additional Material.
(A) March 16, 1989, letter from South Carolina Department of Health and Environmental Control.
(34) Changes in South Carolina's SIP submitted to EPA on September 18, 1990, by the South Carolina Department of Health and Environmental Control.
(i) Incorporation by reference.
(A) The following revision to South Carolina's State Implementation Plan (SIP) which became effective on August 24, 1990:
(*1*) Regulation 61–62.1:
(*i*) Section II,A,1. Applicability
(*ii*) Standard No. 5.1:

Section I,A.
Section III,A,1.
Section III,D.
Section III,L.
Section IV,B.

(*2*) Regulation 61–62.5:
(*i*) Standard No. 7:

Section I,C,(4)
Section I,Part M
Section I,Part N
Section I,Part O
Section I, BB
Section II A.
Section II D,(1),(e)
Section II D,(3),(a)
Section IV,D,(1)
Section IV H,(4)

(*3*) Regulation 61–62.1
(*i*) Section I,74.
(*4*) Regulation 61–62.5, Standard No. 5
(*i*) Section I,A: 9,22,27–78
(*ii*) Section I,C,1,b,(vi)
(*iii*) Section I,E,4
(*iv*) Section I,E,12
(*v*) Part F. Recordkeeping, Reporting, Monitoring
(*vi*) Part G. Equivalency Calculations
(*vii*) Section II—Provisions for Specific Sources

Part A. Surface Coating of Cans
Part B,2. Control Technology
Part C
Part D
Part E Surface Coating of Magnet Wire
Part F,2. and 3.
Part G,3. Control Technology

(ii) Other material.
(A) None.
(35) [Reserved]
(36) The maintenance plan for Cherokee County submitted by the South Carolina Department of Health and Environmental Control on July 20, 1992, as part of the South Carolina SIP.
(i) Incorporation by reference.
(A) Cherokee County Ozone Attainment Demonstration and Ten Year Maintenance Plan effective June 11, 1992.

(B) Emissions Inventory Projections for Cherokee County effective June 11, 1992.

(ii) Other material.

(A) July 20, 1992 letter from the Department of Health and Environmental Control. Ten Year Maintenance Plan effective June 11, 1992.

(B) Emission Inventory Projections for Cherokee County effective June 11, 1992.

(iii) Other material.

(A) July 20, 1992 letter from the Department of Health and Environmental Control.

(37) The VOC Recordkeeping regulations for ozone nonattainment areas, PSD $NO_X$ increment regulations, and regulations listing the definition of VOC submitted by South Carolina Department of Health and Environmental Control on July 23, 1992, as part of the South Carolina SIP.

(i) Incorporation by reference.

(A) South Carolina Regulation 61–62.5, Standard No. 5, section I, part F, covering VOC Recordkeeping, Reporting, and Monitoring; Regulation 61–62.5, Standard No. 7, section I, part C, paragraph 4; section I, part M; section I, part N; section I, part O; section I, part BB; section II, part A; section II, part D, paragraph 1, subparagraph e; section II, part D, paragraph 3, subparagraph a; section IV, part D, paragraph 1; section IV, part H, paragraph 4; covering PSD. These regulations were effective August 24, 1990, and submitted September 18, 1990.

(B) South Carolina Regulation 61–62.1, section I, paragraph 74, covering the definition of VOC; Regulation 61–62.5, Standard No. 5, section I, part F, paragraph 3, covering VOC Recordkeeping in ozone nonattainment areas; and Regulation 61–62.5, Standard No. 7, section I, part O and section IV, part H, paragraph 4 covering PSD. These regulations were effective June 26, 1992, and submitted July 23, 1992.

(ii) Other material.

(A) July 23, 1992, letter from the South Carolina Department of Health and Environmental Control to Region IV EPA.

(B) [Reserved]

(38) The South Carolina Department of Health and Environmental Control has submitted revisions to the South Carolina Air Quality Implementation Plan on November 12, 1993. These revisions address the requirements of section 507 of title V of the Clean Air Act and establish the Small Business Stationary Source Technical and Environmental Program.

(i) Incorporation by reference.

(A) The submittal of the state of South Carolina's Small Business Assistance Program which was adopted on September 9, 1993.

(ii) Additional material. None.

(39) The PSD regulation revisions to the South Carolina State Implementation Plan which were submitted on March 3, 1995.

(i) Incorporation by reference.

(A) Regulations 61–62.5, Standard No. 7 Prevention of Significant Deterioration; I.C(4), I.N(1)(c), I.O(2)(b), I.O(3), II.A, II.D, III.D(10)(b), III.H(1), III.I(1) through III.I(2)ii, IV.D (1) & (2), and IV.H(4) effective on November 25, 1994.

(ii) Other material. none

(40) The minor source operating permit program for South Carolina, submitted by the Department of Health and Environmental Control on July 12, 1995, and as part of the South Carolina SIP.

(i) Incorporation by reference.

(A) Regulation 61–62.1, Section I.3, 13, 19, 50, 72, and 73, Section II.F.2, Section II.F.2.e, Section II.G, and Section II.H of the South Carolina SIP which became effective on June 23, 1995.

(ii) Other material. None.

[37 FR 10892, May 31, 1972. Redesignated and amended at 62 FR 35444, July 1, 1997]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2134, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2140 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 South Carolina 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 South Carolina 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 authorizing 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 South Carolina 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 South Carolina 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 62354, Nov. 2, 2007]

### §52.2141 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

The owner and operator of each $SO_2$ source located within the State of South Carolina 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 South Carolina 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.

[72 FR 62354, Nov. 2, 2007]

## Subpart QQ—South Dakota

### §52.2170 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for South Dakota 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 November 15, 2004 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 November 15, 2004, 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 November 15, 2004.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 8, 999 18th Street, Suite 300, Denver, Colorado, 80202–2466; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B–108 (Mail Code 6102T), 1301 Constitution Ave., NW., Washington, DC 20460; and 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*.

(1) State of South Dakota Regulations

| State citation | Title/subject | State effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| | **74:36:01 Definitions** | | | |
| 74:36:01:01 .... | Definitions 74:36:01:01(8)(e), (29), (30), (77) ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:01:05 .... | Applicable Requirements of the Clean Air Act Defined. | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:01:20 .... | Physical change or change in the method of operation. | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| | **74:36:02 Ambient Air Quality** | | | |
| 74:36:02:02 .... | Ambient air quality standards ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:02:03 .... | Methods of sampling and analysis ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:02:04 .... | Air quality monitoring network ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:02:05 .... | Ambient air monitoring requirements ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| | **74:36:03 Air Quality Episodes** | | | |
| 74:36:03:01 .... | Air pollution emergency episode ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:03:02 .... | Episode emergency contingency plan ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| | **74:36:04 Operating Permits for Minor Sources** | | | |
| 74:36:04:04 .... | Standard for issuance of operating permit ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| | **74:36:06 Regulated Air Pollutant Emissions** | | | |
| 74:36:06:04 .... | Particulate emission restrictions for incinerators and waste wood burners. | 1/2/05 | 8/14/06, 71 FR 46403. | |
| 74:36:06:06 .... | Stack performance test ..... | 1/2/05 | 8/14/06, 71 FR 46403. | |
| | **74:36:07 New Source Performance Standards [2]** | | | |
| 74:36:07:08 .... | Ash Disposal requirements ..... | 12/29/96 | 5/22/00, 65 FR 32033. | |
| 74:36:07:11 .... | Additional permit requirements for asphalt plants (repealed). | 4/4/99 | 5/22/00, 65 FR 32033. | |
| 74:36:07:29 .... | Operating requirements for wire reclamation furnaces. | 4/22/93 | 9/6/95, 60 FR 46222. | |
| 74:36:07:30 .... | Monitoring requirements for wire reclamation furnaces. | 4/22/93 | 9/6/95, 60 FR 46222. | |
| | **74:36:09 Prevention of Significant Deterioration** | | | |
| 74:36:09:01 .... | Applicability ..... | 9/18/06 | 72 FR 72617. | |

| State citation | Title/subject | State effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| 74:36:09:01.01 | Prevention of significant deterioration permit required. | 9/18/06 | 72 FR 72617. | |
| 74:36:09:02 .... | Prevention of significant deterioration ..... | 6/13/07 | 72 FR 72617. | |
| 74:36:09:03 .... | Public participation ..... | 9/18/06 | 72 FR 72617. | |
| **74:36:10 New Source Review** | | | | |
| 74:36:10:02 .... | Definitions ..... | 1/2/05 | 8/14/06, 71 FR 46403. | |
| 74:36:10:03.01 | New source review preconstruction permit required. | 1/2/05 | 8/14/06, 71 FR 46403. | |
| 74:36:10:05 .... | New source review preconstruction permit ..... | 1/2/05 | 8/14/06, 71 FR 46403. | |
| 74:36:10:07 .... | Determining credit for emission offsets ..... | 1/2/05 | 8/14/06, 71 FR 46403. | |
| 74:36:10:08 .... | Projected actual emissions ..... | 1/2/05 | 8/14/06, 71 FR 46403. | |
| 74:36:10:09 .... | Clean unit test for emission units subject to lowest achievable emission rate. | 1/2/05 | 8/14/06, 71 FR 46403. | |
| 74:36:10:10 .... | Clean unit test for emission units comparable to lowest achievable emission rate. | 1/2/05 | 8/14/06, 71 FR 46403. | |
| **74:36:11 Performance Testing** | | | | |
| 74:36:11:01 .... | Stack performance testing or other testing methods. | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| **74:36:12 Control of Visible Emissions** | | | | |
| 74:36:12:01 .... | Restrictions on visible emissions ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:12:03 .... | Exceptions granted to alfalfa pelletizers or dehydrators. | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| **74:36:13 Continuous Emission Monitoring Systems** | | | | |
| 74:36:13:02 .... | Minimum performance specifications for all continuous emission monitoring systems. | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:13:03 .... | Reporting requirements ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:13:04 .... | Notice to department of exceedance ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:13:06 .... | Compliance certification ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:13:07 .... | Credible evidence ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:13:08 .... | Compliance Assurance Monitoring ..... | 6/13/2006 | 72 FR 57864; 10/11/2007. | |
| 74:36:13:07 .... | Credible evidence ..... | 1/2/05 | 8/14/06, 71 FR 46403. | |
| **74:36:17 Rapid City Street Sanding and Deicing** | | | | |
| 74:36:17:01 .... | Applicability ..... | 2/11/96 | 6/10/02, 67 FR 39619. | |
| 74:36:17:02 .... | Reasonable available control technology ..... | 2/11/96 | 6/10/02, 67 FR 39619. | |
| 74:36:17:03 .... | Street sanding specifications ..... | 2/11/96 | 6/10/02, 67 FR 39619. | |
| 74:36:17:04 .... | Street deicing and maintenance plan ..... | 2/11/96 | 6/10/02, 67 FR 39619. | |
| 74:36:17:05 .... | Street sanding and sweeping recordkeeping ..... | 2/11/96 | 6/10/02, 67 FR 39619. | |
| 74:36:17:06 .... | Inspection authority ..... | 2/11/96 | 6/10/02, 67 FR 39619. | |
| **74:36:18 Regulations for State Facilities in the Rapid City Area** | | | | |
| 74:36:18:01 .... | Definitions ..... | 7/1/02 | 1/20/04, 69 FR 2671. | |
| 74:36:18:02 .... | Applicability ..... | 7/1/02 | 1/20/04, 69 FR 2671. | |

| State citation | Title/subject | State effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| 74:36:18:03 .... | Permit required | 7/1/02 | 1/20/04, 69 FR 2671. | |
| 74:36:18:04 .... | Time period for permits and renewals | 7/1/02 | 1/20/04, 69 FR 2671. | |
| 74:36:18:05 .... | Required contents of a complete application for a permit. | 7/1/02 | 1/20/04, 69 FR 2671. | |
| 74:36:18:06 .... | Contents of permit | 7/1/02 | 1/20/04, 69 FR 2671. | |
| 74:36:18:07 .... | Permit expiration | 7/1/02 | 1/20/04, 69 FR 2671. | |
| 74:36:18:08 .... | Renewal of permit | 7/1/02 | 1/20/04, 69 FR 2671. | |
| 74:36:18:09 .... | Reasonably available control technology required | 7/1/02 | 1/20/04, 69 FR 2671. | |
| 74:36:18:10 .... | Visible emission limit for construction and continuous operation activities. | 7/1/02 | 1/20/04, 69 FR 2671. | |
| 74:36:18:11 .... | Exception to visible emission limit | 7/1/02 | 1/20/04, 69 FR 2671. | |
| 74:36:18:12 .... | Notice of operating noncompliance—Contents | 7/1/02 | 1/20/04, 69 FR 2671. | |

[1] In order to determine the EPA effective date for a specific provision that is listed in this table, consult the FEDERAL REGISTER cited in this column for that particular provision.
[2] The listed provisions are the only provisions of 74:36:07 included in the SIP.

(2) Pennington County Ordinance.

| Ordinance citation | Title/subject | Adoption date | EPA approval date and citation [3] | Explanations |
|---|---|---|---|---|
| | **Ordinance #12—Fugitive Dust Regulation—1.0 Control of Fugitive Dust** | | | |
| 1.1 .... | Applicability | 12/12/78 | 7/30/79, 44 FR 44494. | |
| 1.2 .... | Definitions | 12/12/78 | 7/30/79, 44 FR 44494. | |
| 1.3 .... | Standard of Compliance | 12/12/78 | 7/30/79, 44 FR 44494. | |
| 1.4 .... | Reasonably available control technology required | 12/12/78 | 7/30/79, 44 FR 44494. | |
| 1.5 .... | Fugitive dust control permits required for construction activities, *i.e.*, temporary operations. | 12/12/78 | 7/30/79, 44 FR 44494. | |
| 1.6 .... | Compliance plans and schedules required, *i.e.*, continuous operations. | 12/12/78 | 7/30/79, 44 FR 44494. | |
| 1.7 .... | Enforcement procedures | 12/12/78 | 7/30/79, 44 FR 44494. | |
| 1.8 .... | Establishment of administrative mechanisms | 12/12/78 | 7/30/79, 44 FR 44494. | |
| 1.9 .... | Separability | 12/12/78 | 7/30/79, 44 FR 44494. | |

[3] In order to determine the EPA effective date for a specific provision that is listed in this table, consult the FEDERAL REGISTER cited in this column for that particular provision.

(d) *EPA-approved source-specific requirements.*

| Name of source | Nature of requirement | State effective date | EPA approval date and citation [4] | Explanations |
|---|---|---|---|---|
| South Dakota State University steam generating Plant. | Variance No. AQ 79–02 | 3/18/82 | 7/7/83, 48 FR 31199. | Variance expired on 3/18/85. |

[4] In order to determine the EPA effective date for a specific provision that is listed in this table, consult the FEDERAL REGISTER cited in this column for that particular provision.

(e) *EPA-approved nonregulatory provisions.*

| Name of nonregulatory SIP provision | Applicable geographic or non-attainment area | State submittal date/adopted date | EPA approval date and citation [5] | Explanations |
|---|---|---|---|---|
| I. South Dakota's Air Pollution Control Implementation Plan. Contains the following sections:<br>A. Introduction<br>B. Legal Authority<br>C. Control Strategy<br>D. Compliance Schedule<br>E. Prevention of Air Pollution Emergency Episodes<br>F. Air Quality Surveillance<br>G. Review of New Sources and Modifications<br>H. Source Surveillance<br>I. Resources<br>J. Intergovernmental Cooperation | Statewide ..... | Submitted: 1/27/72 and 5/2/72 Adopted: 1/17/72. | 5/31/72, 37 FR 10842 with correction and clarification on 7/27/72, 37 FR 15080. | |
| II. Part D Plan for Total Suspended Particulate. | Rapid City ..... | Submitted: 12/27/78 Adopted: 12/78. | 7/30/79 44 FR 44494. | |
| III. SIP to meet Air Quality Monitoring 40 CFR part 58, subpart c, paragraph 58.20 and public notification required under section 127 of the Clean Air Act. | Statewide ..... | Submitted: 1/21/80 .. | 9/4/80, 45 FR 58528. | |
| IV. Lead SIP ..... | Statewide ..... | Submitted: 5/4/84 .... | 9/26/84, 49 FR 37752. | |
| V. Stack Height Demonstration Analysis .. | Statewide ..... | Submitted: 8/20/96 and 12/3/86. | 6/7/89, 54 FR 24334. | |
| VI. Commitment to revise stack height rules in response to NRDC v. Thomas, 838 F.2d 1224 (DC Cir. 1988). | Statewide ..... | Submitted: 5/11/88 .. | 9/2/88, 53 FR 34077. | |
| VII. PM10 Committal SIP ..... | Statewide ..... | Submitted: 7/12/88 .. | 10/5/90, 55 FR 4083.1 | |
| VIII. Small Business Assistance Program | Statewide ..... | Submitted: 11/10/92 and 4/1/94. | 10/25/94, 59 FR 53589. | |
| IX. Commitment regarding permit exceedences of the PM10 standard in Rapid City. | Rapid City ..... | Submitted: 7/19/95 .. | 6/10/02, 67 FR 39619. | |
| X. Interstate Transport. South Dakota Interstate Transport Report satisfying the requirement of Section 110(a)(2)(D)(i) of the CAA for the 1997 8-hour ozone and $PM_{2.5}$ standards. | Statewide ..... | Submitted: 5/15/07 .. Adopted: 4/19/07 ..... | 5/8/08, 73 FR 26019. | |

[5] In order to determine the EPA effective date for a specific provision that is listed in this table, consult the FEDERAL REGISTER cited in this column for that particular provision.

[70 FR 11128, Mar. 8, 2005, as amended at 71 FR 46407, Aug. 14, 2006; 72 FR 57868, Oct. 11, 2007; 72 FR 72621, Dec. 21, 2007; 73 FR 26024, May 8, 2008]

## § 52.2171 Classification of regions.

The South Dakota plan evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Photochemical oxidants (hydrocarbons) |
| Metropolitan Sioux City Interstate ..... | III | III | III | III | III |
| Metropolitan Sioux Falls Interstate ..... | II | III | III | III | III |
| Black Hills—Rapid City Intrastate ..... | III | III | III | III | III |
| South Dakota Intrastate ..... | III | III | III | III | III |

[37 FR 10893, May 31, 1972]

**§ 52.2172 Approval status.**

(a) With the exceptions set forth in this subpart, the Administrator approves South Dakota's plan as meeting the requirements of section 110 of the Clean Air Act, as amended in 1977. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D of the Clean Air Act, as amended in 1977.

(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 will have the potential to emit 75,000 tpy $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 ($CO_2e$) 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 $CO_2e$.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 40 CFR 52.21(a)(2)(iv)) and a significant net emissions increase (as defined in paragraphs 40 CFR 52.21(b)(3) and (b)(23)(i)) occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in 40 CFR 52.21(b)(23)(ii).

[75 FR 82561, Dec. 30, 2010]

**§ 52.2173 Legal authority.**

(a) The requirements of § 51.230(f) of this chapter are not met since the South Dakota Compiled Law 34–16A–21 provides that data which relates to processes or production unique to the owner or which tend to adversely affect a competitive position of the owner shall be held confidential.

(b) Delegation of authority: Pursuant to section 114 of the Act, South Dakota requested a delegation of authority to enable it to collect, correlate and release emission data to the public. The Administrator has determined that South Dakota is qualified to receive a delegation of the authority it requested. Accordingly, the Administrator delegates to South Dakota his authority under sections 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.

[37 FR 15089, July 27, 1972, as amended at 51 FR 40676, Nov. 7, 1986]

### §§52.2174–52.2177 [Reserved]

### §52.2178 Significant deterioration of air quality.

(a) The South Dakota plan, as submitted, is approved as meeting the requirements of part C, subpart 1 of the CAA, except that it does not apply to sources proposing to construct on Indian reservations;

(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 South Dakota State implementation plan and are applicable to proposed major stationary sources or major modifications to be located on Indian reservations.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 59 FR 47261, Sept. 15, 1994; 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003; 72 FR 72621, Dec. 21, 2007]

### §52.2179 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) Regulation for visibility monitoring and new source review. The provisions of §§52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of South Dakota.

(c) *Long-term strategy*. The provisions of §52.29 are hereby incorporated and made part of the applicable plan for the State of South Dakota.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

### §52.2180 Stack height regulations.

The State of South Dakota 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 Douglas M. Skie, EPA, dated May 11, 1988, Joel C. Smith, Administrator, Office of Air Quality and Solid Waste, 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 modifies the July 8, 1985 regulations, EPA will notify the State of the rules that must be changed to comport with the EPA's modified requirements. The State of South Dakota agrees to make the appropriate changes.''

[53 FR 34079, Sept. 2, 1988]

### §52.2181 [Reserved]

### §52.2182 $PM_{10}$ Committal SIP.

On July 12 1988, the State submitted a Committal SIP for the Rapid City Group II $PM_{10}$ area, as required by the $PM_{10}$ implementation policy. The SIP commits the State to continue to monitor for $PM_{10}$ and to submit a full SIP if a violation of the $PM_{10}$ National Ambient Air Quality Standards is detected. It also commits the State to make several revisions related to $PM_{10}$ to the existing SIP.

[55 FR 40834, Oct. 5, 1990]

### §52.2183 Variance provision.

The revisions to the variance provisions in Chapter 74:26:01:31.01 of the South Dakota Air Pollution Control Program, which were submitted by the Governor's designee on September 25, 1991, are disapproved because they are inconsistent with section 110(i) of the Clean Air Act, which prohibits any state or EPA from granting a variance from any requirement of an applicable implementation plan with respect to a stationary source.

[58 FR 37426, July 12, 1993]

### §52.2184 Operating permits for minor sources.

Emission limitations and related provisions established in South Dakota minor source operating permits, which are issued in accordance with ARSD 74:36:04 and which are submitted to EPA in a timely manner in both proposed and final form, 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 will be based upon the permit, permit approval procedures, or

permit requirements which do not conform with the operating permit program requirements of EPA's underlying regulations.

[60 FR 46228, Sept. 6, 1995]

### § 52.2185 Change to approved plan.

South Dakota Air Pollution Control Program Chapter 74:36:07, New Source Performance Standards, is removed from the approved plan, except for sections 74:36:07:08, 74:36:07:11 and 74:36:07:29–30. On April 2, 2002, we issued a letter delegating responsibility for all sources located, or to be located, in the State of South Dakota subject to the specified NSPS in 40 CFR part 60. See the table in 40 CFR 60.4 for the delegation status of NSPS to the State of South Dakota.

[67 FR 57521, Sept. 11, 2002]

### § 52.2186 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of South Dakota'' and all revisions submitted by South Dakota that were federally approved prior to November 15, 2004.

(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 delegation of authority submitted January 27, 1972, by the Governor.

(2) Clarification of control regulations (section 1.8.4) submitted April 27, 1972, by the State Department of Health.

(3) Clarification of control regulations (section 1.8.4) submitted May 2, 1972, by the Governor.

(4) On December 4, 1975, the Governor of South Dakota submitted revisions and additions to the air pollution control regulations (Article 34:10 of the Administrative Rules of South Dakota). The submittal updated rules and regulations; review procedures for newand modified direct sources; variance and enforcement procedure revisions; episode procedure changes; and the addition of new source performance standards similar to those of EPA.

(5) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977 were submitted on January 3, 1979.

(6) A new control strategy for Brookings, South Dakota was submitted on April 16, 1979.

(7) On January 21, 1980, the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR part 58, subpart C, § 58.20, and Public Notification required under section 127 of the Clean Air Act.

(8) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, were submitted on October 16, 1980.

(9) On September 13, 1982, the Governor submitted a plan revision for a new control strategy for Brookings, South Dakota and an amendment to the opacity regulation for alfalfa pelletizers.

(10) On May 4, 1984, the Governor submitted a plan revision for lead and repealed the hydrocarbon standard.

(11) On January 28, 1988, the Governor submitted a plan revision (1) updating citations to Federal regulations in the South Dakota air pollution control regulations (Administrative Rules of South Dakota 74:26), (2) adopting new ambient air quality standards for particulates ($PM_{10}$), (3) revising the State administrative procedures for handling permit hearings and contested cases, and (4) correcting deficiencies in the stack height regulations.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of South Dakota (ARSD) 74:26:01:12, ARSD 74:26:01:35, ARSD 74:26:01:37, ARSD 74:26:01:64, ARSD 74:26:08 through ARSD 74:26:23, inclusive, and addition of a new section, ARSD 74:26:02:35, were revised through November 24, 1987.

(12) In a letter dated August 7, 1986, the Governor submitted revisions to the South Dakota SIP adopting federal stack height regulations (Administrative Rules of South Dakota 74:26). In a letter dated August 20, 1986, the Administrator, Office of Air Quality and Solid Waste of South Dakota, submitted the stack height demonstration analysis with supplemental information submitted on December 3, 1986.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of South Dakota 74:26 effective

on May 21, 1986. The changes consisted of incorporating definitions for good engineering practices and dispersion techniques into 74:26:01:12, standard for the issuance of construction permit.

(B) Stack height demonstration analysis submitted by the State with letters dated August 20, 1986 and December 3, 1986.

(13) On September 25, 1992 and February 24, 1992, the Governor of South Dakota submitted revisions to the plan for new source performance standards and asbestos.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Program, Sections 74:26:08–74:26:21 and 74:26:23–74:26:25, New Source Performance Standards, effective May 13, 1991, Section 74:26:26, Standards of Performance for Municipal Waste Combustors, effective November 24, 1991, and Section 74:26:22, Emission Standards for Asbestos Air Pollutants, effective December 2, 1991.

(14) On September 25, 1991, the designee of the Governor of South Dakota submitted revisions to the plan for new source review, operating permits, and the PM–10 Group II requirements.

(i) Incorporation by reference

(A) Revisions to the Air Pollution Control Program, Sections 74:26:01–74:26:08, effective May 13, 1991.

(ii) Additional material

(A) Letter dated April 14, 1992, from the South Dakota Department of Environment and Natural Resources to EPA.

(15) On November 10, 1992, the Governor of South Dakota's designee submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the South Dakota State Implementation Plan as required by section 507 of the Clean Air Act. An amendment to the plan was submitted by the Governor's designee on April 1, 1994.

(i) Incorporation by reference.

(A) November 10, 1992 letter from the Governor of South Dakota's designee submitting a Small Business Assistance Program plan to EPA.

(B) April 1, 1994 letter from the Governor of South Dakota's designee submitting an amendment to the South Dakota Small Business Assistance Program plan to EPA.

(C) The State of South Dakota amended plan for the establishment and implementation of a Small Business Assistance Program, adopted January 12, 1994 by the South Dakota Department of Environment and Natural Resources.

(D) South Dakota Codified Laws 34A–1–57, effective July 1, 1992 and 34A–1–58 through 60, effective July 1, 1993, which gives the State of South Dakota the authority to establish and fund the South Dakota Small Business Assistance Program.

(16) On November 12, 1993 and March 7, 1995, the designee of the Governor of South Dakota submitted revisions to the plan, which included revised regulations for definitions, minor source construction and federally enforceable state operating permit (FESOP) rules, source category emission limitations, sulfur dioxide rule corrections, new source performance standards (NSPS), new source review (NSR) requirements for new and modified major sources impacting nonattainment areas, and enhanced monitoring and compliance certification requirements. The State also requested that the existing State regulations approved in the South Dakota SIP be replaced with the following chapters of the recently recodified Administrative Rules of South Dakota (ARSD): 74:36:01–74:36:04, 74:36:06; 74:36:07, 74:36:10–74:36:13, and 74:36:15, as in effect on January 5, 1995.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of South Dakota, Air Pollution Control Program, Chapters 74:36:01 (except 74:36:01:01(2) and (3)); 74:36:02–74:36:04, 74:36:06; 74:36:07, 74:36:10–74:36:13, and 74:36:15, effective April 22, 1993 and January 5, 1995.

(17) On May 2, 1997, the designee of the Governor of South Dakota submitted revisions to the plan. The revisions pertain to revised regulations for definitions, minor source operating permits, open burning, and performance testing. The State's SIP submittal requested that EPA replace the previous version of the ARSD approved into the SIP with the following chapters of the ARSD as in effect on December 29, 1996: 74:36:01 through

74:36:03, 74:36:04 (with the exception of section 74:36:04:03.01), 74:36:06, 74:36:07, 74:36:10–13, and 74:36:17. EPA is replacing all of the previously approved State regulations, except the NSPS rules in ARSD 74:36:07, with those regulations listed in paragraph (c)(17)(i)(A). ARSD 74:36:07, as in effect on January 5, 1995 and as approved by EPA at 40 CFR 52.2170(c)(16)(i)(A), will remain part of the SIP. [Note that EPA is not incorporating the revised ARSD 74:36:07, new ARSD 74:36:11:04, or new ARSD 74:36:17 in this action, as these chapters will be acted on separately by EPA.]

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of South Dakota, Air Pollution Control Program, Chapters 74:36:01–03; 74:36:04 (except section 74:36:04:03.1); 74:36:06; 74:36:10, 74:36:11 (with the exception of ARSD 74:36:11:04), 74:36:12, and 74:36:13, effective December 29, 1996.

(18) On May 2, 1997 and on May 6, 1999, the designee of the Governor of South Dakota submitted revisions to the new source performance standards in subchapter 74:36:07 of the Administrative Rules of South Dakota (ARSD).

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of South Dakota, Air Pollution Control Program, Chapter 74:36:07—New Source Performance Standards, subsections 74:36:07:01 through 74:36:07:10, 74:36:07:12 through 74:36:07:28, 74:36:07:31 through 74:36:07:33, and 74:36:07:43, effective December 29, 1996.

(B) Revisions to the Administrative Rules of South Dakota, Air Pollution Control Program, Chapter 74:36:07—New Source Performance Standards, subsections 74:36:07:06.02, 74:36:07:07.01, 74:36:07:11, and 74:36:07:43, effective April 4, 1999.

(19) On May 2, 1997 and on May 6, 1999, the designee of the Governor of South Dakota submitted provisions in Section 74:36:11:04 of the Administrative Rules of South Dakota. The provisions allow permitted sources to request permission to test a new fuel or raw material, to determine if it is compatible with existing equipment and to determine air emission rates, before requesting a permit amendment or modification if certain conditions are met.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of South Dakota, Air Pollution Control Program, Chapter 74:36:11, Performance Testing, section 74:36:11:04, effective April 4, 1999.

(20) On January 22, 1996, the designee of the Governor of South Dakota submitted provisions in Section 74:36:17 of the Administrative rules of South Dakota. The provisions consist of street sanding requirements that apply within the city limits of Rapid City, South Dakota.

(i) Incorporation by reference.

(A) Administrative Rules of South Dakota, Air Pollution Control Program, Chapter 74:36:17.

(ii) Additional materials.

(A) Letter of March 25, 1994 from South Dakota Department of Environment and Natural Resources discussing whether EPA should designate Rapid City as nonattainment for the PM–10 standard.

(B) Letter of July 19, 1995 from EPA Region VIII discussing with the South Dakota Department of Environment and Natural Resources the exceedances of the PM–10 standard measured in the Rapid City.

(C) Letter of November 16, 1995 from the South Dakota Department of Environment and Natural Resources describing the commitment the State of South Dakota has toward permit exceedances of the PM–10 standard in the future.

(D) Letter of January 22, 1996 from the South Dakota Department of Environment and Natural Resources transmitting Rapid City street sanding requirements.

(21) On May 6, 1999 and June 30, 2000, South Dakota submitted revisions to its Air Pollution Control Program Rules. The sections of the rule being approved replace the same numbered sections that have previously been approved into the SIP. The provisions of section 74:36:07, except 74:36:07:29 and 74:36:07:30, which have previously been incorporated by reference in paragraphs (c)(16)(i)(A) and (c)(18)(i) of this section, are being removed from the South Dakota SIP.

(i) Incorporation by reference.

(A) Sections 74:36:01:01(1) through (79), effective 4/4/1999; 74:36:01:03, effective 4/4/1999; 74:36:01:05, effective 4/4/

1999; 74:36:01:07, effective 4/4/1999; 74:36:01:08, effective 4/4/1999; 74:36:01:10, effective 4/4/1999; 74:36:01:17, effective 4/4/1999; 74:36:01:20, effective 4/4/1999; 74:36:02:02, effective 6/27/2000; 74:36:02:03, effective 6/27/2000; 74:36:02:04, effective 6/27/2000; 74:36:02:05, effective 6/27/2000; 74:36:04:03, effective 4/4/1999; 74:36:04:09, effective 4/4/1999; 74:36:04:11, effective 4/4/1999; 74:36:04:12, effective 4/4/1999; 74:36:04:12.01, effective 4/4/1999; 74:36:04:13, effective 4/4/1999; 74:36:01:14, effective 4/4/1999; 74:36:04:18, effective 4/4/1999; 74:36:04:19, effective 4/4/1999; 74:36:04:20, effective 4/4/1999; 74:36:04:20.01, effective 4/4/1999; 74:36:04:20.04, effective 4/4/1999; 74:36:04:22, effective 4/4/1999; 74:36:06:02, effective 4/4/1999; 74:36:06:03, effective 4/4/1999; 74:36:06:07, effective 4/4/1999; 74:36:11:01, effective 6/27/2000; 74:36:12:01, effective 6/27/2000; 74:36:13:02, effective 6/27/2000; 74:36:13:03, effective 6/27/2000; 74:36:13:04, effective 6/27/2000; and 74:36:13:07, effective 6/27/2000.

(22) On June 27, 2002, the designee of the Governor of South Dakota submitted revisions to the State Implementation Plan. The June 27, 2002 submittal consists of revisions to the Administrative Rules of South Dakota. These revisions add a new chapter 74:36:18, ''Regulations for State Facilities in the Rapid City Area''. Chapter 74:36:18 regulates fugitive emissions of particulate matter from state facilities and state contractors that conduct a construction activity or continuous operation activity within the Rapid City air quality control zone.

(i) Incorporation by reference.

(A) Chapter 74:36:18 of the Administrative Rules of South Dakota, effective July 1, 2002.

(23) On September 12, 2003, the designee of the Governor of South Dakota submitted revisions to the State Implementation Plan. The September 12, 2003 submittal revises the following chapters of the Administrative Rules of South Dakota: 74:36:01, 74:36:04, 74:36:10 and 74:36:11.

(i) Incorporation by reference.

(A) Administrative Rules of South Dakota, Chapter 74:36:01, sections 74:36:01:01(77), 74:36:01:01(80), and 74:36:01:01(81); Chapter 74:36:04, sections 74:36:04:06, 74:36:04:32 and 74:36:04:33; Chapter 74:36:10, except section 74:36:10:01; and Chapter 74:36:11, section 74:36:11:01, effective September 1, 2003.

[37 FR 15089, July 27, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2186, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart RR—Tennessee

### § 52.2219 [Reserved]

### § 52.2220 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Tennessee 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 paragraph (c) of this section with an EPA approval date prior to January 1, 2006, for Tennessee (Table 1 of the Tennessee State Implementation Plan), January 1, 2003 for Memphis Shelby County (Table 2 of the Tennessee State Implementation Plan), March 1, 2005, for Knox County (Table 3 of the Tennessee State Implementation Plan), April 1, 2005 for Chattanooga (Table 4 of the Tennessee State Implementation Plan), April 1, 2005, for Nashville-Davidson County (Table 5 of the Tennessee State Implementation Plan) and paragraph (d) with an EPA approval date prior to December 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) of this section with EPA approval dates after January 1, 2006, for Tennessee (Table 1 of the Tennessee State Implementation Plan), January 1, 2003 for Memphis Shelby County (Table 2 of the Tennessee State Implementation Plan), March 1, 2005, for Knox County (Table 3 of the Tennessee State Implementation Plan), April 1, 2005 for Chattanooga (Table 4 of the Tennessee State Implementation Plan), April 1, 2005, for Nashville-Davidson County (Table 5 of the Tennessee State Implementation

Plan) and paragraph (d) with an EPA approval date after December 1, 1998, 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 EPA, Air and Radiation Docket and Information Center, Air Docket, 1301 Constitution Avenue, NW., Room B102, 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.*

TABLE 1—EPA APPROVED TENNESSEE REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **CHAPTER 1200–3–1 GENERAL PROVISIONS** | | | | |
| Section 1200–3–1–.01. | General Rules | 02/09/77 | 03/29/85, 50 FR 12540 | |
| Section 1200–3–1–.02. | Severability | 10/12/79 | 06/24/82, 47 FR 27267 | |
| **CHAPTER 1200–3–2 DEFINITIONS** | | | | |
| Section 1200–3–2–.01. | General Definitions | 06/26/93 | 09/16/02, 67 FR 46594 | |
| Section 1200–3–2–.02. | Abbreviations | 02/09/77 | 03/29/85, 50 FR 12540 | |
| **CHAPTER 1200–3–3 AIR QUALITY STANDARDS** | | | | |
| Section 1200–3–3–.01. | Primary Air Quality Standards | 02/09/77 | 03/29/85, 50 FR 12539 | |
| Section 1200–3–3–.02. | Secondary Air Quality Standards | 02/09/77 | 03/29/85, 50 FR 12539 | |
| Section 1200–3–3–.03. | Tennessee's Ambient Air Quality Standards | 12/05/84 | 03/29/85, 50 FR 12539 | |
| Section 1200–3–3–.04. | Nondegradation | 02/09/77 | 03/29/85, 50 FR 12540 | |
| Section 1200–3–3–.05. | Achievement | 08/02/83 | 04/07/93, 58 FR 18011 | |
| **CHAPTER 1200–3–4 OPEN BURNING** | | | | |
| Section 1200–3–4–.01. | Purpose | 02/09/77 | 03/29/85, 50 FR 12540 | |
| Section 1200–3–4–.02. | Open Burning Prohibited | 03/21/79 | 06/24/82, 47 FR 27268 | |
| Section 1200–3–4–.03. | Exceptions to Prohibition | 02/09/77 | 03/29/85, 50 FR 12540 | |
| Section 1200–3–4–.04. | Permits for Open Burning | 06/21/79 | 06/24/82, 47 FR 27268 | |
| **CHAPTER 1200–3–5 VISIBLE EMISSION REGULATIONS** | | | | |
| Section 1200–3–5–.01. | General Standards | 06/07/92 | 08/15/97, 62 FR 43643 | |
| Section 1200–3–5–.02. | Exceptions | 06/07/92 | 08/15/97, 62 FR 43643 | |
| Section 1200–3–5–.03. | Method of Evaluating and Recording | 06/07/92 | 08/15/97, 62 FR 43643 | |
| Section 1200–3–5–.04. | Exemption | 06/07/92 | 08/15/97, 62 FR 43643 | |
| Section 1200–3–5–.05. | Standard for Certain Existing Sources | 06/07/92 | 08/15/97, 62 FR 43643 | |
| Section 1200–3–5–.06. | Wood-Fired Fuel Burning Equipment | 06/07/92 | 08/15/97, 62 FR 43643 | |

TABLE 1—EPA APPROVED TENNESSEE REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 1200–3–5–.07. | Repealed | 06/07/92 | 08/15/97, 62 FR 43643 | |
| Section 1200–3–5–.08. | Titanium Dioxide ($TiO_2$) Manufacturing | 06/07/92 | 08/15/97, 62 FR 43643 | |
| Section 1200–3–5–.09. | Kraft Mill and Soda Mill Recovery | 04/06/98 | 09/16/02, 67 FR 46594 | |
| Section 1200–3–5–.10. | Choice of Visible Emission Standard for Certain Fuel Burning Equipment. | 06/07/92 | 08/15/97, 62 FR 43643 | |
| Section 1200–3–5–.11. | Repealed | 04/06/98 | 09/16/02, 62 FR 46594 | |
| Section 1200–3–5–.12. | Coke Battery Underfire (combustion) Stacks | 06/07/92 | 08/15/97, 62 FR 43643 | |
| **CHAPTER 1200–3–6 NON-PROCESS EMISSION STANDARDS** | | | | |
| Section 1200–3–6–.01. | General Non-Process Emissions | 06/21/79 | 06/24/82, 47 FR 27267 | |
| Section 1200–3–6–.02. | Non-Process Particulate Emission Standards. | 09/08/80 | 06/24/82, 47 FR 27267 | |
| Section 1200–3–6–.03. | General Non-Process Gaseous Emissions | 06/21/79 | 06/24/82, 47 FR 27267 | |
| Section 1200–3–6–.04. | (Deleted) | 06/21/79 | 06/24/82, 47 FR 27267 | |
| Section 1200–3–6–.05. | Wood-Fired Fuel Burning Equipment | 05/30/87 | 11/23/88, 53 FR 47530 | |
| **CHAPTER 1200–3–7 PROCESS EMISSION STANDARDS** | | | | |
| Section 1200–3–7–.01. | General Process Particulate Emission Standards. | 03/02/79 | 06/24/82, 47 FR 27267 | |
| Section 1200–3–7–.02. | Choice of Particulate Emission Standards—Existing Process. | 04/12/78 | 06/07/79, 44 FR 32681 | |
| Section 1200–3–7–.03. | New Processes | 06/21/79 | 06/24/82, 47 FR 27267 | |
| Section 1200–3–7–.04. | Limiting Allowable Emissions | 03/21/79 | 06/07/79, 44 FR 32681 | |
| Section 1200–3–7–.05. | Specific Process Emission Standards | 06/07/74 | 06/07/79, 44 FR 32681 | |
| Section 1200–3–7–.06. | Standards of Performance for New Stationary Sources. | 06/07/74 | 06/07/79, 44 FR 32681 | |
| Section 1200–3–7–.07. | General Provisions and Applicability for Process Gaseous Emission Standards. | 01/22/82 | 06/12/96, 61 FR 29666 | |
| Section 1200–3–7–.08. | Specific Process Emission Standards | 09/22/80 | 01/31/96, 61 FR 3318 | |
| Section 1200–3–7–.09. | Sulfuric Acid Mist | 02/09/77 | 03/29/85, 50 FR 12540 | |
| Section 1200–3–7–.10. | Grain Loading Limit for Certain Existing Sources. | 03/21/79 | 06/24/82, 47 FR 27267 | |
| Section 1200–3–7–.11. | Carbon Monoxide, Electric Arc Furnaces | 10/25/79 | 06/24/82, 47 FR 27267 | |
| Section 1200–3–7–.12. | Carbon Monoxide, Catalytic Cracking Units | 01/22/82 | 06/21/82, 47 FR 26621 | |
| **CHAPTER 1200–3–8 FUGITIVE DUST** | | | | |
| Section 1200–3–8–.01. | Fugitive Dust | 07/11/80 | 06/24/82, 47 FR 27267 | |
| Section 1200–3–8–.02. | Special Nonattainment Area Fugitive Dust Requirements. | 03/21/79 | 06/24/82, 47 FR 27267 | |
| **CHAPTER 1200–3–9 CONSTRUCTION AND OPERATING PERMITS** | | | | |
| Section 1200–3–9–.01. | Construction Permits | 02/14/06 | 09/14/07, 72 FR 52474 | |
| Section 1200–3–9–.02. | Operating Permits | 09/21/94 | 02/13/97, 62 FR 6724 | |
| Section 1200–3–9–.03. | General Provisions | 02/09/77 | 03/29/85, 50 FR 12540 | |
| Section 1200–3–9–.04. | Exemptions | 08/28/95 | 08/29/02, 67 FR 55320 | |
| Section 1200–3–9–.05. | Reserved. | | | |

TABLE 1—EPA APPROVED TENNESSEE REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 1200–3–9–.06. | Appeal of Permit Application Denials and Permit Conditions. | 11/16/79 | 06/24/82 47 FR 27269 | |
| **CHAPTER 1200–3–10 REQUIRED SAMPLING, RECORDING, AND REPORTING** | | | | |
| Section 1200–3–10–.01. | Sampling Required to Establish Contaminant Emission Levels. | 12/14/81 | 03/19/96, 61 FR 11136 | |
| Section 1200–3–10–.02. | Monitoring of Source Emissions, Recording, Reporting of the Same are Required. | 02/14/96 | 01/07/00, 65 FR 1070 | |
| Section 1200–3–10–.04. | Sampling, Recording, and Reporting Required for Major Stationary Sources. | 09/12/94 | 01/19/00, 65 FR 2880 | |
| **CHAPTER 1200–3–12 METHODS OF SAMPLING AND ANALYSIS** | | | | |
| Section 1200–3–12–.01. | General | 02/09/77 | 03/29/85, 50 FR 12540 | |
| Section 1200–3–12–.02. | Procedures for Ambient Sampling and Analysis. | 01/18/80 | 06/24/82, 47 FR 27270 | |
| Section 1200–3–12–.03. | Source Sampling and Analysis | 08/01/84 | 03/29/85, 50 FR 12539 | |
| Section 1200–3–12–.04. | Monitoring Required for Determining Compliance of Certain Large Sources. | 12/28/96 | 01/07/00, 65 FR 1070 | |
| **CHAPTER 1200–3–13 VIOLATIONS** | | | | |
| Section 1200–3–13–.01. | Violation Statement | 06/07/74 | 06/07/79, 44 FR 32681 | |
| **CHAPTER 1200–3–14 CONTROL OF SULFUR DIOXIDE EMISSIONS** | | | | |
| Section 1200–3–14–.01. | General Provisions | 08/01/84 | 04/07/93, 58 FR 18011 | |
| Section 1200–3–14–.02. | Non-Process Emission Standards | 08/01/84 | 04/07/93, 58 FR 18011 | |
| Section 1200–3–14–.03. | Process Emission Standards | 03/21/93 | 03/19/96, 61 FR 11136 | |
| Section 1200–3–14.04. | CAIR $SO_2$ Annual Trading Program | 11/06/06 | 8/20/07, 72 FR 46393 | |
| **CHAPTER 1200–3–15 EMERGENCY EPISODE REQUIREMENTS** | | | | |
| Section 1200–3–15–.01. | Purpose | 02/09/77 | 03/29/85, 50 FR 12540 | |
| Section 1200–3–15–.02. | Episode Criteria | 06/26/93 | 09/15/94, 59 FR 47256 | |
| Section 1200–3–15–.03. | Required Emissions Reductions | 05/15/81 | 06/24/82, 47 FR 27267 | |
| **CHAPTER 1200–3–17 CONFLICT OF INTEREST** | | | | |
| Section 1200–3–17–.01. | Purpose and Intent | 09/18/96 | 10/28/02, 67 FR 55322 | |
| Section 1200–3–17–.02. | Conflict of Interest on the Part of the Board and Technical Secretary. | 09/18/96 | 10/28/02, 67 FR 55322 | |
| Section 1200–3–17–.03. | Conflict of Interest in the Permitting of Municipal Solid Waste Incineration Units. | 09/18/96 | 10/28/02, 67 FR 55322 | |
| **CHAPTER 1200–3–18 VOLATILE ORGANIC COMPOUNDS** | | | | |
| Section 1200–3–18–.01. | Definitions | 01/12/98 | 06/03/03, 68 FR 33008 | |
| Section 1200–3–18–.02. | General Provisions and Applicability | 02/23/96 | 07/18/96, 61 FR 37387 | |
| Section 1200–3–18–.03. | Compliance Certification, Recordkeeping, and Reporting Requirements for Coating and Printing Sources. | 02/08/96 | 07/18/96, 61 FR 37387 | |
| Section 1200–3–18–.04. | Compliance Certification, Recordkeeping, and Reporting Requirements for Non-Coating and Non-Printing Sources. | 02/08/96 | 07/18/96, 61 FR 37387 | |
| Section 1200–3–18–.05. | (Reserved) | 05/18/93 | 02/27/95, 60 FR 10504 | |

TABLE 1—EPA APPROVED TENNESSEE REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 1200–3–18–.06. | Handling, Storage, Use, and Disposal of Volatile Organic Compounds (VOC). | 06/04/96 | 08/27/96, 61 FR 43972 | |
| Section 1200–3–18–.07. | Source-Specific Compliance Schedules | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.08. | (Reserved) | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.09. | (Reserved) | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.10. | (Reserved) | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.11. | Automobile and Light-Duty Truck Coating Operations. | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.12. | Can Coating | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.13. | Coil Coating | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.14. | Paper and Related Coating | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.15. | Fabric Coating | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.16. | Vinyl Coating | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.17. | Coating of Metal Furniture | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.18. | Coating of Large Appliances | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.19. | Coating of Magnet Wire | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.20. | Coating of Miscellaneous Metal Parts | 01/26/99 | 11/03/99, 64 FR 59628 | |
| Section 1200–3–18–.21. | Coating of Flat Wood Paneling | 02/08/96 | 07/18/96, 61 FR 37387 | |
| Section 1200–3–18–.22. | Bulk Gasoline Plants | 12/29/04 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–18–.23. | Bulk Gasoline Terminals | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.24. | Gasoline Dispensing Facility—Stage I and Stage II Vapor Recovery. | 12/29/04 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–18–.25. | Leaks from Gasoline Tank Trucks | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.26. | Petroleum Refinery Sources | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.27. | Leaks from Petroleum Refinery Equipment | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.28. | Petroleum Liquid Storage in External Floating Roof Tanks. | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.29. | Petroleum Liquid Storage in Fixed Roof Tanks. | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.30. | Leaks from Natural Gas/Gasoline Processing Equipment. | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.31. | Solvent Metal Cleaning | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.32. | Cutback and Emulsified Asphalt | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.33. | Manufacture of Synthesized Pharmaceutical Products. | 02/21/95 | 07/18/96, 61 FR 37387 | |
| Section 1200–3–18–.34. | Pneumatic Rubber Tire Manufacturing | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.35. | Graphic Arts Systems | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.36. | Petroleum Solvent Dry Cleaners | 02/08/96 | 07/18/96, 61 FR 37387 | |
| Section 1200–3–18–.37. | (Reserved) | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.38. | Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment. | 02/08/96 | 07/18/96, 61 FR 37387 | |
| Section 1200–3–18–.39. | Manufacture of High Density Polyethylene, Polypropylene, and Polystyrene Resins. | 05/08/97 | 07/29/97, 62 FR 40458 | |
| Section 1200–3–18–.40. | Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry. | 05/18/93 | 02/27/95, 60 FR 10504 | |

TABLE 1—EPA APPROVED TENNESSEE REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 1200–3–18–.41. | (Reserved) | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.42. | Wood Furniture Finishing and Cleaning Operations. | 04/25/96 | 07/18/96, 61 FR 37387 | |
| Section 1200–3–18–.43. | Offset Lithographic Printing Operations | 04/22/96 | 07/18/96, 61 FR 37387 | |
| Section 1200–3–18–.44. | Surface Coating of Plastic Parts | 06/03/96 | 08/27/96, 61 FR 43972 | |
| Section 1200–3–18–.45. | Standards of Performance for Commercial Motor Vehicle and Mobile Equipment Refinishing Operations. | 06/03/96 | 08/27/96, 61 FR 43972 | |
| Section 1200–3–18–.48. | Volatile Organic Liquid Storage Tanks | 06/03/96 | 08/27/96, 61 FR 43972 | |
| Sections 1200–3–18–.49–.77. | (Reserved) | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.78. | Other Facilities That Emit Volatile Organic Compounds (VOC's) of Fifty Tons Per Year. | 02/08/96 | 07/18/96, 61 FR 37387 | |
| Section 1200–3–18–.79. | Other Facilities That Emit Volatile Organic Compounds (VOC's) of One Hundred Tons Per Year. | 02/08/96 | 07/18/96, 61 FR 37387 | |
| Section 1200–3–18–.80. | Test Methods and Compliance Procedures: General Provisions. | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.81. | Test Methods and Compliance Procedures: Determining the Volatile Organic Compound (VOC) Content of Coatings and Inks. | 05/08/97 | 07/29/97, 62 FR 40458 | |
| Section 1200–3–18–.82. | Test Methods and Compliance Procedures: Alternative Compliance Methods for Surface Coating. | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.83. | Test Methods and Compliance Procedures: Emission Capture and Destruction or Removal Efficiency and Monitoring Requirements. | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.84. | Test Methods and Compliance Procedures: Determining the Destruction or Removal Efficiency of a Control Device. | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.85. | Test Methods and Compliance Procedures: Leak Detection Methods for Volatile Organic Compounds (VOC's). | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.86. | Performance Specifications for Continuous Emission Monitoring of Total Hydrocarbons. | 06/03/96 | 04/14/97, 62 FR 18046 | |
| Section 1200–3–18–.87. | Quality Control Procedures for Continuous Emission Monitoring Systems (CEMS). | 05/18/93 | 02/27/95, 60 FR 10504 | |
| Section 1200–3–18–.88–.99. | (Reserved) | 05/18/93 | 02/27/95, 60 FR 10504 | |
| **CHAPTER 1200–3–19** | **EMISSION STANDARDS AND MONITORING REQUIREMENTS FOR PARTICULATE AND SULFUR DIOXIDE NONATTAINMENT AREAS** | | | |
| Section 1200–3–19–.01. | Purpose | 04/30/96 | 07/30/97, 62 FR 40734 | |
| Section 1200–3–19–.02. | General Requirements | 04/30/96 | 07/30/97, 62 FR 40734 | |
| Section 1200–3–19–.03. | Particulate and Sulfur Dioxide Nonattainment Areas within Tennessee. | 04/30/96 | 07/30/97, 62 FR 40734 | |
| Section 1200–3–19–.04. | (Reserved) | 04/30/96 | 07/30/97, 62 FR 40734 | |
| Section 1200–3–19–.05. | Operating Permits and Emission Limiting Conditions. | 04/30/96 | 07/30/97, 62 FR 40734 | |
| Section 1200–3–19–.06. | Logs for Operating Hours | 04/30/96 | 07/30/97, 62 FR 40734 | |
| Section 1200–3–19–.07–.10. | (Reserved) | 04/30/96 | 07/30/97, 62 FR 40734 | |
| Section 1200–3–19–.11. | Particulate Matter Emission Regulations for the Bristol Nonattainment Area. | 04/30/96 | 07/30/97, 62 FR 40734 | |
| Section 1200–3–19–.12. | Particulate Matter Emission Regulations for Air Contaminant Sources in or Significantly Impacting the Particulate Nonattainment Areas in Campbell County. | 04/30/96 | 07/30/97, 62 FR 40734 | |

TABLE 1—EPA APPROVED TENNESSEE REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 1200–3–19–.13. | Particulate Emission Regulations for the Bull Run Nonattainment Area and Odoms Bend Nonattainment Area. | 04/30/96 | 07/30/97, 62 FR 40734 | |
| Section 1200–3–19–.14. | Sulfur Dioxide Emission Regulations for the New Johnsonville Nonattainment Area. | 04/16/97 | 09/13/99, 64 FR 49397 | |
| Section 1200–3–19–.15. | Particulate Matter Monitoring Requirements for Steam Electric Generating Units in the Bull Run and Odoms Bend Nonattainment Areas. | 04/30/96 | 07/30/97, 62 FR 40734 | |
| Section 1200–3–19–.16–.18. | (Reserved) | 04/30/96 | 07/30/97, 62 FR 40734 | |
| Section 1200–3–19–.19. | Sulfur Dioxide Regulations for the Copper Basin Nonattainment Area. | 11/30/96 | 09/13/99, 64 FR 49398 | |
| **CHAPTER 1200–3–20 LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, START-UPS, AND SHUTDOWNS** | | | | |
| Section 1200–3–20–.01. | Purpose | 02/13/79 | 02/06/80, 45 FR 8004 | |
| Section 1200–3–20–.02. | Reasonable Measures Required | 02/13/79 | 02/06/80, 45 FR 8004 | |
| Section 1200–3–20–.03. | Notice Required When Malfunction Occurs | 12/09/81 | 06/24/82, 47 FR 27272 | |
| Section 1200–3–20–.04. | Logs and Reports | 02/13/79 | 02/06/80, 45 FR 8004 | |
| Section 1200–3–20–.05. | Copies of Log Required | 02/13/79 | 02/06/80, 45 FR 8004 | |
| Section 1200–3–20–.06. | Scheduled Maintenance | 02/13/79 | 02/06/80, 45 FR 8004 | |
| Section 1200–3–20–.07. | Report Required Upon The Issuance of Notice of Violation. | 02/13/79 | 02/06/80, 45 FR 8004 | |
| Section 1200–3–20–.08. | Special Reports Required | 02/13/79 | 02/06/80, 45 FR 8004 | |
| Section 1200–3–20–.09. | Rights Reserved | 02/13/79 | 02/06/80, 45 FR 8004 | |
| Section 1200–3–20–.10. | Additional Sources Covered | 11/23/79 | 06/24/82, 47 FR 27272 | |
| **CHAPTER 1200–3–21 GENERAL ALTERNATE EMISSION STANDARD** | | | | |
| Section 1200–3–21–.01. | General Alternate Emission Standard | 01/22/82 | 06/24/82, 47 FR 27272 | |
| Section 1200–3–21–.02. | Applicability | 03/22/93 | 04/18/94, 59 FR 18310 | |
| **CHAPTER 1200–3–22 LEAD EMISSION STANDARDS** | | | | |
| Section 1200–3–22–.01. | Definitions | 03/18/85 | 08/12/85, 50 FR 32412 | |
| Section 1200–3–22–.02. | General Lead Emission Standards | 12/05/84 | 08/12/85, 50 FR 32412 | |
| Section 1200–3–22–.03. | Specific Emission Standards for Existing Sources of Lead. | 01/26/00 | 10/29/01, 66 FR 44632 | |
| Section 1200–3–22–.04. | Standards for New and Modified Sources of Lead. | 12/05/84 | 08/12/85, 50 FR 32412 | |
| Section 1200–3–22–.05. | Source Sampling and Analysis | 12/05/84 | 08/12/85, 50 FR 32412 | |
| Section 1200–3–22–.06. | Lead Ambient Monitoring Requirements | 12/05/84 | 08/12/85, 50 FR 32412 | |
| **CHAPTER 1200–3–23 VISIBILITY PROTECTION** | | | | |
| Section 1200–3–23–.01. | Purpose | 12/19/94 | 07/02/97, 62 FR 35681 | |
| Section 1200–3–23–.02. | Definitions | 12/19/94 | 07/02/97, 62 FR 35681 | |
| Section 1200–3–23–.03. | General Visibility Protection Standards | 12/19/94 | 07/02/97, 62 FR 35681 | |
| Section 1200–3–23–.04. | Specific Emission Standards for Existing Stationary Facilities. | 12/19/94 | 07/02/97, 62 FR 35681 | |
| Section 1200–3–23–.05. | Specific Emission Standards for Existing Sources. | 12/19/94 | 07/02/97, 62 FR 35681 | |

TABLE 1—EPA APPROVED TENNESSEE REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 1200–3–23–.06. | Visibility Standards for New and Modified Sources. | 12/19/94 | 07/02/97, 62 FR 35681 | |
| Section 1200–3–23–.07. | Visibility Monitoring Requirements | 12/19/94 | 07/02/97, 62 FR 35681 | |
| Section 1200–3–23–.08. | Exemptions from BART Requirements | 12/19/94 | 07/02/97, 62 FR 35681 | |
| **CHAPTER 1200–3–24 GOOD ENGINEERING PRACTICE STACK HEIGHT REGULATIONS** | | | | |
| Section 1200–3–24–.01. | General Provisions | 08/18/86 | 10/19/88, 53 FR 40881 | |
| Section 1200–3–24–.02. | Definitions | 08/18/86 | 10/19/88, 53 FR 40881 | |
| Section 1200–3–24–.03. | Good Engineering Practice Stack Height Regulations Standards. | 08/18/86 | 10/19/88, 53 FR 40881 | |
| Section 1200–3–24–.04. | Specific Emission Standards | 08/18/86 | 10/19/88, 53 FR 40881 | |
| **CHAPTER 1200–3–27 NITROGEN OXIDES** | | | | |
| Section 1200–3–27–.01. | Definitions | 06/14/93 | 07/29/96, 61 FR 39326 | |
| Section 1200–3–27–.02. | General Provisions and Applicability | 11/23/96 | 10/28/02, 67 FR 55320 | |
| Section 1200–3–27–.03. | Standards and Requirements | 04/29/96 | 07/29/96, 61 FR 39326 | |
| Section 1200–3–27–.04. | Standards for Cement Kilns | 07/23/03 | 01/22/04, 69 FR 3015 | |
| Section 1200–3–27–.06. | $NO_X$ Trading Budget for State Implementation Plans. | 07/23/03 | 01/22/04, 69 FR 3015 | |
| Section 1200–3–27–.09. | Compliance Plans for $NO_X$ Emissions From Stationary Internal Combustion Engines. | 11/14/05 | 12/27/05, 70 FR 76401 | |
| Section 1200–3–27.10. | CAIR $NO_X$ Annual Trading Program | 11/06/06 | 8/20/07, 72 FR 46393 | |
| Section 1200–3–27.11. | CAIR $NO_X$ Ozone Season Trading Program | 10/4/09 | 11/25/09, 74 FR 61535. | |
| **CHAPTER 1200–3–29 LIGHT-DUTY MOTOR VEHICLE INSPECTION AND MAINTENANCE** | | | | |
| Section 1200–3–29–.01. | Purpose | 07/08/94 | 07/28/95, 60 FR 38694 | |
| Section 1200–3–29–.02. | Definitions | 12/29/94 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–29–.03. | Motor Vehicle Inspection Requirements | 12/29/94 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–29–.04. | Exemption From Motor Vehicle Inspection Requirements. | 12/29/94 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–29–.05. | Motor Vehicle Emission Performance Test Criteria. | 12/29/94 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–29–.06. | Motor Vehicle Anti-Tampering Test Criteria | 12/29/94 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–29–.07. | Motor Vehicle Emissions Performance Test Methods. | 12/29/94 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–29–.08. | Motor Vehicle Anti-Tampering Test Methods. | 12/29/94 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–29–.09. | Motor Vehicle Inspection Program | 12/29/94 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–29–.10. | Motor Vehicle Inspection Fee | 12/29/94 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–29–.12. | Area of Applicability | 12/29/94 | 08/26/05, 70 FR 50199 | |
| **CHAPTER 1200–3–34 CONFORMITY** | | | | |
| Section 1200–3–34–.01. | Conformity of Transportation Plans, Programs, and Projects. | 03/21/02 | 05/16/03, 68 FR 25495 | |
| **CHAPTER 1200–3–36 MOTOR VEHICLE TAMPERING** | | | | |
| Section 1200–3–36–.01. | Purpose | 12/29/04 | 08/26/05, 70 FR 50199 | |

TABLE 1—EPA APPROVED TENNESSEE REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 1200–3–36–.02. | Definitions | 12/29/04 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–36–.03. | Motor Vehicle Tampering Prohibited | 12/29/04 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–36–.04. | Recordkeeping Requirements | 12/29/04 | 08/26/05, 70 FR 50199 | |
| Section 1200–3–36–.05. | Exemptions | 12/29/04 | 08/26/05, 70 FR 50199 | |

TABLE 2—EPA APPROVED MEMPHIS-SHELBY COUNTY REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Division I Generally** | | | | |
| Section 16–46 | Definitions | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–47 | Abbreviations, Acronyms & Symbols | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–48 | Words, Phrases Substituted in State Regulations Adopted by Reference. | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–49 | Ambient Air Quality Standards | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–50 | Open Burning | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–51 | Severability of Parts of Articles | 8/14/89 | 6/15/89, 54 FR 25456 | |
| **Division II Enforcement** | | | | |
| Section 16–56 | Violations of Chapter—Notice; Citation; Injunctive Relief. | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–57 | Penalties, Misdemeanor, Civil, Noncompliance. | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–58 | Variances | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–59 | Emergency Powers of Health Officer | 8/14/89 | 6/15/89, 54 FR 25456 | |
| **Division III Air Pollution Control Board** | | | | |
| Section 16–71 | Created; Membership; Term of Office; Jurisdiction; Hearings; Appeals. | 8/14/89 | 6/15/89, 54 FR 25456 | |
| **Division IV Source Emissions Standards** | | | | |
| Section 16–77 | Construction and Operating Permits | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–78 | Process Emissions Standards | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–79 | Nonprocess Emission Standards | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–80 | Volatile Organic Compounds | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–82 | Control of Sulfur Dioxide Emissions | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–83 | Visible Emissions | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–84 | Particulate Matter from Incinerators | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–85 | Required Sampling, Recording, and Reporting. | 5/20/96 | 3/19/96, 61 FR 11136 | |
| Section 16–86 | Methods of Sampling and Analysis | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–87 | Limits on Emissions due to Malfunctions, Startups & Shutdowns. | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–88 | Nuisance Abatement | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–89 | Fugitive Dust | 8/14/89 | 6/15/89, 54 FR 25456 | |

TABLE 2—EPA APPROVED MEMPHIS-SHELBY COUNTY REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 16–90 | General Alternate Emission Standard | 8/14/89 | 6/15/89, 54 FR 25456 | |
| Section 16–91 | Lead Emission Standards | 8/14/89 | 6/15/89, 54 FR 25456 | |

TABLE 3—EPA APPROVED KNOX COUNTY, REGULATIONS

| State section | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| 12.0 | Introduction | 6/18/86 | 8/03/89, 54 FR 31953 | |
| 13.0 | Definitions | 03/08/00 | 1/3/07, 72 FR 23 | |
| 14.0 | Ambient Air Quality Standards | 7/19/89 | 2/21/90, 55 FR 5985 | |
| 15.0 | Prohibitions of Air Pollution | 6/18/86 | 8/03/89, 54 FR 31953 | |
| 16.0 | Open Burning | 12/14/05 | 1/3/07, 72 FR 20 | |
| 17.0 | Regulation of Visible Emissions | 10/13/93 | 11/01/94, 59 FR 54523 | |
| 18.0 | Regulation of Non-Process Emissions | 10/13/93 | 11/01/94, 59 FR 54523 | |
| 19.0 | Regulation of Process Emissions | 12/11/96 | 6/08/98, 63 FR 31121 | |
| 20.0 | Regulation of Incinerators | 6/18/86 | 8/03/89, 54 FR 31953 | |
| 22.0 | Regulation of Fugitive Dust and Materials | 1/10/01 | 1/3/07, 72 FR 23 | |
| 23.0 | Regulation of Hydrocarbon Emissions | 6/16/72 | 10/28/72, 37 FR 23085 | |
| 24.0 | Regulation of Airborne and Windborne Materials | 6/18/86 | 8/03/89, 54 FR 31953 | |
| Section 25.0 | Permits | 1/16/08 | 6/25/09, 74 FR 30235 | |
| 26.0 | Monitoring, Recording, and Reporting | 6/10/92 | 4/28/93, 58 FR 25777 | |
| 27.0 | Sampling and Testing Methods | 6/10/92 | 4/28/93, 58 FR 25777 | |
| 28.0 | Variances | 6/10/92 | 4/28/93, 58 FR 25777 | |
| 29.0 | Appeals | 5/25/94 | 12/26/95, 60 FR 66748 | |
| 30.0 | Violations | 1/10/96 | 3/26/97, 62 FR 14327 | |
| 31.0 | Right of Entry | 6/18/86 | 8/03/89, 54 FR 31953 | |
| 32.0 | Use of Evidence | 6/18/86 | 8/03/89, 54 FR 31953 | |
| 33.0 | Confidentiality and Accessibility of Records | 6/18/86 | 8/03/89, 54 FR 31953 | |
| 34.0 | Malfunction of Equipment | 6/18/86 | 8/03/89, 54 FR 31953 | |
| 36.0 | Emergency Regulations | 7/19/89 | 2/21/90, 55 FR 5985 | |
| 37.0 | Separation of Emissions | 6/18/86 | 8/03/89, 54 FR 31953 | |
| 38.0 | Combination of Emissions | 6/18/86 | 8/03/89, 54 FR 31953 | |
| 39.0 | Severability | 6/18/86 | 8/03/89, 54 FR 31953 | |
| 41.0 | Regulation for the Review of New Sources | 6/18/86 | 8/03/89, 54 FR 31953 | |
| 45.0 | Prevention of Significant Deterioration | 6/10/92 | 4/28/93, 58 FR 25776 | |
| 46.0 | Regulation of Volatile Organic Compounds | 10/12/05 | 1/4/07, 72 FR 265 | |
| 47.0 | Good Engineering Practice Stack Height | 10/13/93 | 11/01/94, 59 FR 54523 | |
| 51.0 | Standards for Cement Kilns | 7/11/01 | 4/12/2007, 72 FR 18391 | |

TABLE 4—EPA APPROVED CHATTANOOGA REGULATIONS

| State section | Title/subject | Adoption date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Article I. In General** | | | | |
| Section 4–1 | Declaration of Policy and Purposes: Title | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–2 | Definitions | 8/16/95 | 2/18/97, 62 FR 7163. | |
| Section 4–3 | Regulations cumulative; compliance with one provision no defense to noncompliance with another; use of alternative methods. | 8/16/95 | 2/18/97, 62 FR 7163. | |
| Section 4–4 | Penalties for violation of chapter, permit or order. | 8/16/95 | 2/18/97, 62 FR 7163. | |
| Section 4–5 | Limitations of chapter | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–6 | Air pollution control board; bureau of air pollution control; persons required to comply with chapter. | 8/16/95 | 2/18/97, 62 FR 7163. | |
| Section 4–7 | Powers and duties of the board; delegation | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–8 | Installation permit, temporary operating permit, certification of operation and solid fuel permit. | 8/16/95 | 2/18/97, 62 FR 7163. | |
| Section 4–9 | Technical reports; charges | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–10 | Records | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–11 | General Requirements | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–12 | Limits on emissions due to equipment malfunction, start-up or shutdown. | 8/16/95 | 2/18/97, 62 FR 7163. | |
| Section 4–13 | Certificate of alternate control | 12/11/95 | 8/12/97, 62 FR 43109. | |
| Section 4–14 | Court determination of invalidity of having two sets of limitations for process or fuel burning equipment; effect. | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–15 | Right to file abatement suits | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–16 | Right of entry of city employees; search warrants. | 8/16/95 | 2/18/97, 62 FR 7163. | |
| Section 4–17 | Enforcement of chapter; procedure for adjudicatory hearings. | 8/16/95 | 2/18/97, 62 FR 7163. | |
| Section 4–18 | Hearings and judicial review | 8/16/95 | 2/18/97, 62 FR 7163. | |
| Section 4–19 | Confidentiality of certain records | 8/16/95 | 2/18/97, 62 FR 7163. | |
| Section 4–20 | Emergencies | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–21 | Variances | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–22 | Reserved. | | | |
| **Article II. Section 4–41 Rules, Regulations, Criteria, Standards** | | | | |
| Section 4–41 Rule 1 | Rules adopted | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–41 Rule 2 | Regulation of Nitrogen Oxides | 8/15/95 | 8/12/97, 62 FR 43109. | |
| Section 4–41 Rule 3 | Visible Emission Regulations | 8/15/95 | 8/12/97, 62 FR 43109. | |
| Section 4–41 Rule 4 | Regulation of the Importation, Sales, Transportation, Use or Consumption of Certain Fuels. | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–41 Rule 5 | Prohibition of Hand-Fired Fuel Burning Equipment. | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–41 Rule 6 | Prohibition of Open Burning | 12/8/04 | 8/26/05, 70 FR 50199. | |
| Section 4–41 Rule 7 | Incinerator Regulation | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–41 Rule 8 | Fuel Burning Equipment Regulations | 8/15/95 | 8/12/97, 62 FR 43109. | |
| Section 4–41 Rule 9 | Regulation of Visible Emissions from Internal Combustion Engines. | 8/15/95 | 8/12/97, 62 FR 43109. | |
| Section 4–41 Rule 10 | Process Emission Regulations | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–41 Rule 11 | Regulation of Transporting and Material Handling in Open Air. | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–41 Rule 12 | Regulation of Odors in the Ambient Air | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–41 Rule 13 | Regulation of Sulfur Oxides | 8/15/95 | 8/12/97, 62 FR 43109. | |
| Section 4–41 Rule 14 | Nuisances | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–41 Rule 16 | Emission Standards for Source Categories of Area Sources. | 8/15/95 | 8/12/97, 62 FR 43109. | |
| Section 4–41 Rule 17 | General Provisions and Applicability for Process Gaseous Emissions Standards. | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–41 Rule 18 | Prevention of Significant Air Quality Deterioration. | 8/15/95 | 8/12/97, 62 FR 43109. | |
| Section 4–41 Rule 20 | Proposed Infectious Waste Rule | 8/15/95 | 8/12/97, 62 FR 43109. | |
| Section 4–41 Rule 21 | Ambient Air Quality Standards | 8/15/95 | 8/12/97, 62 FR 43109. | |
| Section 4–41 Rule 22 | (Reserved). | | | |
| Section 4–41 Rule 23 | General Provisions and Applicability for Process Gaseous Emissions Standards. | 7/20/89 | 5/08/90, 55 FR 19066. | |
| Section 4–41 Rule 24 | (Reserved). | | | |
| Section 4–41 Rule 25 | General Provisions and Applicability for Volatile Organic Compounds. | 12/8/04 | 8/26/05, 70 FR 50199. | |

TABLE 4—EPA APPROVED CHATTANOOGA REGULATIONS—Continued

| State section | Title/subject | Adoption date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 4–41 Rule 26 .. | Reasonably Available Control Technology (RACT). | 8/15/95 | 8/12/97, 62 FR 43109. | |
| Section 4–41 Rule 27 .. | Particulate Matter Controls for New Sources and New Modifications after August 12, 1997. | 8/15/95 | 8/12/97, 62 FR 43109. | |

TABLE 5—EPA APPROVED NASHVILLE-DAVIDSON COUNTY, REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Chapter 10.56. Air Pollution Control** | | | | |
| Section 10.56.010 ..... | Definitions ..... | 03/12/97 | 12/31/98, 63 FR 72195. | |
| **Article I. Administration and Enforcement** | | | | |
| Section 10.56.020 + ..... | Construction Permits ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.040 ..... | Operating Permit ..... | 12/14/95 | 05/30/97, 62 FR 29301. | |
| Section 10.56.050 ..... | Exemptions ..... | 12/14/95 | 5/30/97, 62 FR 29301. | |
| Section 10.56.060 ..... | Transferability of Permit ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.070 ..... | Suspension or Revocation of Permit ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.080 ..... | Permit and Annual Emission Fees ..... | 3/12/97 | 12/31/98, 63 FR 72195. | |
| Section 10.56.090 ..... | Board—Powers and Duties ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.100 ..... | Board—Consideration of Facts and Circumstances. | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.110 ..... | Rules and Regulations —Hearings Procedure .... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.120 ..... | Complaint Notice—Hearings Procedure ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.130 ..... | Variances—Hearings Procedure ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.140 ..... | Emergency Measures—Hearings Procedure ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| **Article II. Standards for Operation** | | | | |
| Section 10.56.160 ..... | Ambient Air Quality Standards ..... | 3/12/97 | 12/31/98, 63 FR 72195. | |
| Section 10.56.170 ..... | Emission of Gases, Vapors or Objectionable Odors. | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.180 ..... | Laundry Operations—Dryer and Vent Pipe Requirements. | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.190 ..... | Controlling Wind-Borne Materials ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.200 ..... | Sale, Use or Consumption of Solid and Liquid Fuels. | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.220 ..... | Fuel-Burning Equipment ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.230 ..... | Incinerators ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.240 ..... | Internal Combustion Engines ..... | 12/14/95 | 5/30/97, 62 FR 29301. | |
| Section 10.56.250 ..... | Open Burning ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.260 ..... | Process Emissions ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.270 ..... | Visible Emissions ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.280 ..... | Start-ups, Shutdowns and Malfunctions ..... | 3/12/97 | 12/31/98, 63 FR 72195. | |
| Section 10.56.290 ..... | Measurement and Reporting of Emissions ..... | 10/06/94 | 9/06/96, 61 FR 47057. | |

TABLE 5—EPA APPROVED NASHVILLE-DAVIDSON COUNTY, REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 10.56.300 | Testing Procedures | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10.56.310 | Severability | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Regulation No. 1 | Prevention, Abatement and Control of Air Control Contaminants from Open Burning. | 6/28/79 | 8/13/80, 45 FR 53810. | |
| Regulation No. 2 | Prevention, Abatement and Control of Air Contaminants from Materials Subject to Becoming Windborne. | 6/28/79 | 8/13/80, 45 FR 53810. | |
| Regulation No. 3 New Source Review. | | | | |
| Section 3–1 | Definitions | 03/14/06 | 09/14/07, 72 FR 52474. | |
| Section 3–2 | New Source Review | 03/14/06 | 09/14/07, 72 FR 52474. | |
| Section 3–3 | Prevention of Significant Deterioration (PSD) Review. | 03/14/06 | 09/14/07, 72 FR 52474. | |
| Section 3–4 | Plantwide Applicability Limits (PAL) | 03/14/06 | 09/14/07, 72 FR 52474. | |
| Regulation No. 6 | Emission Monitoring of Stationary Sources. | | | |
| Section 6.1 | Definitions | 5/22/77 | 3/22/78, 43 FR 11819. | |
| Section 6.2 | Monitoring of Emissions | 5/22/77 | 3/22/78, 43 FR 11819. | |
| Section 6.3 | Equipment Specifications | 5/22/77 | 3/22/78, 43 FR 11819. | |
| Section 6.4 | Monitoring System Malfunction | 5/22/77 | 3/22/78, 43 FR 11819. | |
| Section 6.5 | Recording and Reporting | 5/22/77 | 3/22/78, 43 FR 11819. | |
| Section 6.6 | Data Reduction | 5/22/77 | 3/22/78, 43 FR 11819. | |
| Regulation No. 7 | Regulation for Control of Volatile Organic Compounds. | | | |
| Section 7–1 | Definitions | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–2 | General Provisions and Applicability | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–3 | Petition for Alternative Controls | 12/10/91 | 6/26/92, 57 FR 28625. | |
| Section 7–4 | Compliance Certification, Recordkeeping and Reporting Requirements. | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–5 | Emission Standards for Coil Coating | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–6 | Emission Standards for Paper Coating | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–7 | Emission Standards for Fabric and Vinyl Coating | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–8 | Emission Standards for Metal Furniture Coating | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–9 | Emission Standards for Surface Coating of Large Appliances. | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–10 | Petroleum Liquid Storage | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–11 | Bulk Gasoline Plants | 12/10/91 | 6/26/92, 57 FR 28265. | |
| Section 7–12 | Bulk Gasoline Terminals | 12/10/91 | 6/26/92, 57 FR 28265. | |
| Section 7–13 | Gasoline Dispensing Facility, Stage 1 | 12/10/91 | 6/26/92, 57 FR 28265. | |
| Section 7–14 | Solvent Metal Cleaning | 12/10/91 | 6/26/92, 57 FR 28265. | |
| Section 7–15 | Prohibition of Cutback Asphalt | 12/10/91 | 6/26/92, 57 FR 28265. | |
| Section 7–16 | Emission Standards for Surface Coating of Miscellaneous Metal Parts and Products. | 7/09/97 | 10/08/98, 63 FR 54053. | |
| Section 7–17 | Manufacture of Pneumatic Tires | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–18 | Graphic Arts—Rotogravure and Flexography | 12/10/91 | 6/26/92, 57 FR 28265. | |

TABLE 5—EPA APPROVED NASHVILLE-DAVIDSON COUNTY, REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 7–20 | Petroleum Solvent Dry Cleaners | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–21 | Volatile Organic Liquid Storage In External Floating Roof Tanks. | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–22 | Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment. | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–23 | Air Oxidation Processes in the Synthetic Organic Chemical Manufacturer's Industry. | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–24 | Test Methods and Procedures | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–26 | Special Provisions for New Volatile Organic Compund Sources and Modifications. | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–27 | Handling, Storage, Use, and Disposal of Volatile Organic Compounds (VOC). | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 7–28 | Surface Coating of Plastic Parts | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Regulation No. 8 | Regulation of Emissions from Light-Duty Motor Vehicles Through Mandatory Vehicle Inspection and Maintenance Program. | 10/10/2007 | 8/18/08, 73 FR 48127. | |
| Regulation No. 10 | Infectious Waste Incinerators. | | | |
| Section 10–1 | Definitions | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10–2 | Prohibited Act | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10–3 | Emission Standards | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10–4 | Performance Specifications | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10–5 | Monitoring Requirements | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10–6 | Compliance Schedule for Existing Infectious Waste Incinerators. | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10–7 | Testing Requirement | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10–8 | Recordkeeping and Reporting Requirements | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Section 10–9 | Severability | 10/06/94 | 9/06/96, 61 FR 47057. | |
| Regulation No. 11 | Emergency Episode Regulation. | | | |
| Section 11–1 | Episode Criteria | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Section 11–2 | Emission Reductions | 11/13/96 | 6/17/97, 62 FR 32688. | |
| Regulation No. 14 | Regulation for Control of Nitrogen Oxides. | | | |
| Section 14–1 | Definitions | 8/10/93 | 6/29/96, 61 FR 39326. | |
| Section 14–2 | Emission Standards | 8/10/93 | 6/29/96, 61 FR 39326. | |
| Section 14–3 | Procedures for Determining RACT | 8/10/93 | 6/29/96, 61 FR 39326. | |
| Section 14–4 | Recordkeeping and Reporting Requirements | 8/10/93 | 6/29/96, 61 FR 39326. | |
| Section 14–5 | Compliance Schedule | 8/10/93 | 6/29/96, 61 FR 39326. | |

(d) *EPA-approved State Source-specific requirements.*

EPA-APPROVED TENNESSEE SOURCE-SPECIFIC REQUIREMENTS

| Name of Source | Permit No. | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Revised Permits for the Kingsport Particulate Nonattainment Area. | n/a | 09/15/99 | 11/5/99, 64 FR 60346. | Various permits. |
| Union Carbide, Tennessee Eastman Company. | n/a, 011397P | 12/30/86 | 6/16/87, 52 FR 22778. | |
| Murray Ohio Manufacturing Company | n/a | 12/30/86 | 12/10/87, 52 FR 46764. | |
| Tennessee Eastman Company | n/a | 1/06/88 | 10/12/88, 53 FR 39742. | |

EPA-APPROVED TENNESSEE SOURCE-SPECIFIC REQUIREMENTS—Continued

| Name of Source | Permit No. | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Variance for Averaging Times for VOC Emission. | n/a | 1/06/88 | 6/23/88, 53 FR 23624. | 5 sources. |
| Avco Aerostructures | n/a | 2/25/88 | 1/23/89, 54 FR 3031. | |
| Miscellaneous Metal Parts | n/a | 4/05/99 | 11/5/99, 64 FR 60346. | 13 sources. |
| Nissan Manufacturing Corporation | n/a | 4/29/91 | 9/09/91, 56 FR 45896. | |
| Tenneco Energy | 045022F, 045025F. | 5/31/96 | 7/24/96, 61 FR 38391. | |
| Brunswick Marine Corporation | 044881P, 045012P, 045013P. | 5/31/96 | 7/21/97, 62 FR 38909. | |
| Metalico College Grove, Inc | n/a | 5/12/99 | 7/12/99, 64 FR 37411. | |
| Refined Metals, Inc. | n/a | | 9/20/00, 65 FR 56796. | |

(e) *EPA-Approved Tennessee Non-Regulatory Provisions*

EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS

| Name of non-regulatory SIP provision | Applicable geographic or nonattainment area | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Revision to Maintenance Plan Update for Knox County, Tennessee. | Knox County, TN | July 16, 2003 | 2/4/04, 69 FR 4856. | |
| Attainment Demonstrations for Early Action Compact Areas. | Chattanooga, Nashville, and Tri-Cities Early Action Compact Areas | 12/31/04 | 8/26/05, 70 FR 50199. | |
| 8-Hour Ozone Maintenance plan for the Montgomery County, Tennessee area. | Montgomery County | 08/10/05 | 09/22/05, 70 FR 55559. | |
| Nashville 1–Hour Ozone Maintenance Plan. | Nashville 1–Hour Ozone Maintenance Area. | 06/11/05 | 01/03/06, 71 FR 21. | |
| Carbon Monoxide Second 10-Year Maintenance Plan for the Memphis/Shelby County Area. | Memphis/Shelby | 5/10/06 | 10/25/06, 71 FR 62384. | |
| 8-Hour Ozone Maintenance plan for the Shelby County, Tennessee Area. | Memphis, Shelby County. | 1/16/09 | 1/4/10, 74 FR 56 | |
| Nashville 8-Hour Ozone 110(a)(1) Maintenance Plan. | Nashville 8-Hour Ozone Attainment Area. | October 13, 2010 | 1/28/11, 76 FR 5078 | Maintenance plan for the 1997 8-hour ozone NAAQS. |
| 8-Hour Ozone Maintenance Plan for the Knoxville, Tennessee Area. | Anderson, Blount, Jefferson, Knox, Loudon, and Sevier Counties, and the portion of Cocke County that falls within the boundary of the Great Smoky Mountains National Park. | 7/14/2010 | 3/8/2011, 76 FR 12587 | For the 1997 8-hour ozone NAAQS. |

[64 FR 35012, June 30, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2220, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2221 Classification of regions.

The Tennessee 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) |
| Eastern Tennessee-Southwestern Virginia Interstate | I | I | III | III | III |
| Tennessee River Valley-Cumberland Mountains Intrastate | I | I | III | III | III |
| Middle Tennessee Intrastate | I | II | III | III | I |
| Western Tennessee Intrastate | I | III | III | III | III |
| Chattanooga Interstate | I | II | III | III | III |
| Metropolitan Memphis Interstate | I | III | III | III | I |

[37 FR 10894, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

### § 52.2222 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Tennessee'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 thus far submitted 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 on 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 (Appendix S of 40 CFR part 51) are met.

(c) EPA approves Nashville/Davidson County, Tennessee's VOC Regulation No. 7, Section 7-1(11), which replaces the definition of Volatile Organic Compound (VOC) with a definition for VOC that is consistent with the EPA approved definition. The EPA approved definition defines VOC as any organic compound that participates in atmospheric photochemical reactions. However, it excludes organic compounds which have negligible photochemical reactivity. These compounds are as follows: methane, ethane, methyl chloroform (1,1,1-trichloroethane), CFC-113 (trichlorotrifluoroethane), methylene chloride, CFC 11 (trichlorofluoromethane), CFC-12 (dichlorodifluoromethane), CFC-22 (chlorodifluoromethane), FC-23 (trifluoromethane), CFC-114 (dichlorotetrafluoroethane), CFC-115 (chloropentafluoroethane). It is also our understanding that by adopting the EPA approved definition, Nashville/Davidson County, Tennessee will use EPA approved test methods for VOC.

(d)(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 (d), 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 $CO_2e$ 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 $CO_2e$ or more; and,

(3) Beginning July 1, 2011, in addition to the provisions in paragraph (d)(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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ or more.

(4) For purposes of this paragraph (d)—

(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 ($CO_2e$) 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 (d)(4)(ii)(A) of this section for each gas to compute a tpy $CO_2e$.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in Tennessee Air Pollution Control Regulation 1200–03–09–.01(4)(c)(4) and a significant net emissions increase (as defined in Tennessee Air Pollution Control Regulation 1200–03–09–.01, paragraphs (4)(b)(4) and (4)(b)(24)(i)) occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in Tennessee Air Pollution Control Regulation 1200–03–09–.01, paragraph (4)(b)(24)(ii).

[45 FR 53817, Aug. 13, 1980, as amended at 54 FR 4021, Jan. 27, 1989; 55 FR 18726, May 4, 1990; 75 FR 82561, Dec. 30, 2010]

### § 52.2223 Compliance schedules.

(a) *Federal compliance schedules—State program.* (1) Except as provided in paragraph (a)(5) of this section, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of Chapter 1200–3–14 of the Rules and Regulations of Tennessee as contained in the Tennessee implementation plan, shall notify the Administrator, no later than January 1, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(2) Any owner or operator of a stationary source subject to paragraph (a)(1) of this section who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) January 31, 1974: Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1975, and for at least one year thereafter.

(ii) March 31, 1974: Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) April 30, 1974: Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) May 31, 1974: Let contracts for necessary boiler modifications, if applicable.

(v) October 31, 1974: Initiate onsite modifications, if applicable.

(vi) June 1, 1975: Complete onsite modifications, if applicable.

(vii) July 1, 1975: Achieve compliance with the requirements of Chapter 1200–3–14 of the Rules and Regulations of Tennessee and certify compliance to the Administrator.

(viii) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before July 1, 1975. Ten days prior to such a

test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(ix) Five days after the deadline for completing increments (a)(2) (ii) through (vi) in this section certification as to whether the increments were met shall be made to the Administrator.

(3) Any owner or operator of a stationary source subject to paragraph (a)(1) of this section who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) January 31, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 28, 1974—Negotiate and sign all necessary contracts for emission-control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 1, 1974—Initiate onsite construction or installation of emission-control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the requirements of Chapter 1200–3–14 of the Rules and Regulations of Tennessee and certify compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments (a)(3) (ii) through (iv) in this section, certification as to whether the increments were met shall be made to the Administrator.

(4) Except as provided in paragraph (a)(5) of this section, the owner or operator of any stationary source subject to the requirements of Chapter 1200–3–14 of the Rules and Regulations of Tennessee as contained in the Tennessee implementation plan, shall comply with the following compliance schedule:

(i) November 15, 1973: Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) January 1, 1974: Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) February 1, 1974: Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975: Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975: Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments (a)(4)(ii) through (iv) in this section certification as to whether the increments were met shall be made to the Administrator.

(5) (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.

(6) The compliance schedules in paragraphs (a)(2) and (3) of this section shall not excuse a source from complying with any interim emission limitations on the date prescribed in the Tennessee air pollution control regulation listed in paragraph (a)(1) of this section.

(7) 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 the above paragraphs of this paragraph fail to satisfy the requirements of §§ 51.261 and 51.262(a) of this chapter.

(b) 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.

(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 or those of a local air pollution control agency as noted.

(1) State compliance schedules:

| Source | Location | State regulation involved | Date of adoption |
|---|---|---|---|
| Burlington Industries, Inc. (State order No. 7–0073) | Washington County, Tenn | Ch. 6, sec. 4 | Mar. 20, 1973. |
| Monsanto Co., kilns Nos. 1 and 2 (State order No. 8–0073). | Maury County, Tenn | Ch. 7, sec. 8 | Do. |
| Monsanto Co., kiln No. 3 (State order No. 20–0073) | .....do | Ch. 7, sec. 8 | Do. |
| Stauffer Chemical Co | .....do | Ch. 7, sec. 8 | Do. |
| Tennessee Eastman Co.: | | | |
| (a) Bldg. 267: Chem. A, vent 1–A (State order No. 15–0073). | Sullivan County, Tenn | Ch. 7, sec. 8 | Do. |
| (b) Bldg. 267: Chem. B, vent 1–A (State order No. 25–0073). | .....do | Ch. 7, sec. 8 | Do. |
| (c) Bldg. 267: Chem. C, vent 1–A (State order No. 26–0073). | .....do | Ch. 7, sec. 8 | Do. |
| (d) Bldg. 267: Chem. D, vent 1–A (State order No. 17–0073). | .....do | Ch. 7, sec. 8 | Do. |
| (e) Bldg. 267: Chem. E, vent 1–A, (State order No. 16–0073). | .....do | Ch. 7, sec. 8 | Do. |
| (f) B3A–1 (State order No. 18–0073) | .....do | Ch. 7, sec. 8 | Do. |
| (g) B13–1 (State order No. 19–0073) | .....do | Ch. 7, sec. 8 | Do. |
| (h) B13–3 (State order No. 24–0073) | .....do | Ch. 7, sec. 8 | Do. |

(e) Federal compliance schedules—Local programs. (1) Except as provided in paragraph (e)(16) of this section, the owner or operator of any stationary source subject to the following emission limiting regulations of the Knox County Air Pollution Control Regulations and the City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code contained as part of the Tennessee implementation plan shall comply with the compliance schedule in paragraph (e)(2) of this section: Knox County Air Pollution Control Regulations, Sections 18.2C; 19.4B; 20.1D; and 23.1; City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code Section 3–24(d).

(2) *Compliance schedule.* (i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) January 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(3) Except as provided in paragraph (e)(16) of this section, the owner or operator of any stationary source subject to the following emission limiting regulation of the Knox County Air Pollution Control Regulations contained as part of the Tennessee implementation plan shall comply with the compliance schedule in paragraph (e)(4) of this section: Knox County Air Pollution Control Regulations, Section 19.2C.

(4) *Compliance schedule.* (i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) January 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975–Complete onsite construction or installation of emission control equipment or process modification.

(v) June 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(5) Except as provided in paragraph (e)(16) of this section, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of Knox County Air Pollution Control Regulations, section 18.4B; and City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code, Section 3–24(b), contained as part of the Tennessee implementation plan shall notify the Administrator no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(6) Any owner or operator of a stationary source subject to paragraph (e)(5) of this section who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) 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 the applicable regulation on July 1, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

(vi) March 31, 1975—Complete onsite modifications, if applicable.

(vii) July 1, 1975—Achieve compliance with the requirements of Knox County Air Pollution Control Regulations, section 18.4B and City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code Section 3–24 (b) and certify such compliance to the Administrator.

(7) Any owner or operator of a stationary source subject to paragraph (e)(5) of this section who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulation.

(ii) January 1, 1974—Negotiate and sign all necessary contracts for emission control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) February 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the applicable regulation and certify such compliance to the Administrator.

(8) Except as provided in paragraph (e)(16) of this section, the owner or operator of any stationary source subject to the following emission limiting regulation of the Hamilton County Air Pollution Control Regulations contained as part of the Tennessee implementation plan shall comply with the compliance schedule in paragraph (e)(9) of this section: Hamilton County Air Pollution Control Regulations, rule 10 (particulate emissions from process operations).

(9) *Compliance schedule.* (i) September 15, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) November 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) December 1, 1973—Initiate onsite construction or installation of emission control equipment or process modifications.

(iv) June 1, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(10) Except as provided in paragraph (e)(16) of this section, the owner or operator of any process (non-fuel burning) source of sulfur dioxide subject to the emission limiting requirements of the Hamilton County Air Pollution Control Regulations, rule 13, contained as part of the Tennessee implementation plan shall comply with the compliance schedule in paragraph (e)(9) of this section.

(11) Except as provided in paragraph (e)(16) of this section, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the sulfur dioxide emission limiting requirements of the Hamilton County Air Pollution Control Regulations, rule 13, contained as part of the Tennessee implementation plan shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(12) Any owner or operator of a fuel burning facility subject to paragraph (e)(11) of this section who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) 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 the applicable regulation on July 1, 1974, and for at least one year thereafter.

(ii) December 1, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 1, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) February 1, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) February 15, 1974—Initiate onsite modifications, if applicable.

(vi) June 15, 1974—Complete onsite modifications, if applicable.

(vii) July 1, 1974—Achieve compliance with the requirements of Hamilton County Air Pollution Control Regulations, rule 13, and certify such compliance to the Administrator.

(13) Any owner or operator of a fuel burning facility subject to paragraph (e)(11) of this section who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source

to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) December 15, 1973—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) June 15, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(14) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable regulation. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(15) 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.

(16)(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.

(17) No compliance schedule in this paragraph shall excuse a source from complying with an interim emission limitation that is applicable to such source.

(18) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of §§ 51.261 and 51.262(a) of this chapter.

(f) The compliance schedules for the sources identified below are approved as meeting the requirements of Subpart N and § 51.6 of this chapter. All regulations cited are air pollution control regulations of the State or those of a local air pollution control agency as noted.

(1) Statewide compliance schedules:

TENNESSEE

| Source | Location | Regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Aluminum Co. of America, State order No. 79–00073. | Alcoa | CH.V–2(b), CH. VII–2. | Oct. 9, 1973 | Immediately | Aug. 9, 1974. |
| American Enka, State order No. 64–00073: | | | | | |
| (a) Boilers 1, 2, 3 | Morristown | CH. V–2(b), CH.VI–2(a). | do | do | July 1, 1975. |
| (b) Boilers 4, 5, 6 | do | CH. VI–2(b), CH. VI–2(a). | do | do | Dec. 30, 1974. |
| (c) Boiler 9 | do | CH. V–2(b), CH. VI–2(a). | do | do | June 30, 1974. |
| Athens Plow Co., State order No. 4–00073. | Athens | CH. V–2(b), CH. VII–9(b). | Mar. 20, 1973 | do | Aug. 9, 1974. |
| Athens Stove Works, State order No. 55–0073. | do | CH. V–2(b), CH. VII–9(b). | June 19, 1973 | do | July 2, 1974. |

TENNESSEE—Continued

| Source | Location | Regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Beaunit Fibers, State order No. 56–0073: | | | | | |
| (a) Stacks 1 and 2 | Elizabethton | CH. V–2(a) | do | do | Mar. 30, 1975. |
| (b) Stack 3 | do | CH. VI–2(a), CH. V–2(a). | do | do | Nov. 30, 1974. |
| Bedford Lumber Co.: | | | | | |
| State order No. 87–00073 | Shelbyville | CH. V–2(b), CH. VI–2(a)(2). | Oct. 9, 1973 | do | Mar. 1, 1974. |
| State order No. 88–00073 | do | CH. V–2(b), CH. VI–2(a)(2). | do | do | Oct. 9, 1974. |
| Bristol Foundry & Machine Co., State order No. 71–00073. | Bristol | CH. V–2(b), CH. VII–9(b). | do | do | Nov. 9, 1973. |
| Bruce Flooring State order No. 72–00073. | Jackson | CH. V–2(b), CH. VII–2. | do | do | Aug. 9, 1974. |
| Burroughs-Ross-Colville Co.: | | | | | |
| State order No. 65–00073: (a) Boiler 1. | McMinnville | CH. V–2(b), CH. VI–2(a)2. | do | do | Do. |
| State order No. 66–00073: | | | | | |
| (a) Collectors C–1, C–3 | do | CH. V–2(b), CH. VII–2(a). | do | do | Do. |
| (b) Collector C–7 | do | CH. V–2(b), CH. VII–2(a). | do | do | Oct. 1, 1973. |
| Celotex Corp., State Order No. 61–0073: | | | | | |
| (a) Collectors A–1–2, B–3, B–4, and E–22. | Paris | CH. V–2(b), CH. VII–2(a). | June 19, 1973 | do | May 1, 1974. |
| (b) Collectors D–12, D–13, and D–14. | do | CH. V–2(b), CH. VII–2(a). | do | do | Apr. 1, 1974. |
| (c) Collectors C–0, C–10, and C–11. | do | CH. V–2(b), CH. VII–2(a). | do | do | Oct. 30, 1973. |
| Clarksville Foundry & Machine Works State order No. 73–00073. | Clarksville | CH. V–2(b), CH. VII–9(b). | Oct. 9, 1973 | do | Jan. 30, 1974. |
| Dover Corp., State order No. 74–00073. | Middleton | CH.V–2(b), CH. VI–2(d). | do | do | July 9, 1974. |
| Farrar Construction, State order No. 75–00073. | McMinnville | CH. V–2(b), CH. VII–9(g). | do | do | Oct. 9, 1973. |
| Harris Manufacturing Co., State order No. 62–0073. | Johnson City | CH.V–2(b), CH. VII–2(a). | June 19, 1973 | do | June 1, 1974. |
| Holston Army Ammunition Plant, State order No. 67–00073. | Kingsport | CH.V–2(b), CH. VI–2(a). | Oct. 9, 1973 | do | July 1, 1975. |
| Kingsport Foundry & Manufacturing Corp., State order No. 57–0073. | do | CH.V–2(b), CH. VII–9(b). | June 19, 1973 | do | Feb. 28, 1974. |
| Koh-i-noor Radiograph, Inc., State order No. 58–0073. | Lewisburg | CH.V–2(b), CH. VII–2(a). | do | do | Mar. 29, 1974. |
| Lenoir Car Works, State order No. 76–00073. | Lenoir City | CH. V–2(b), CH. VII–2. | Oct. 9, 1973 | do | Dec. 9, 1973. |
| Marquette Cement Manufacturing Co., State order No. 5–0073. | Cowan | CH. V–2(b), CH. VII–2. | Mar. 20, 1973 | do | Aug. 9, 1974. |
| Mead Corp., State order No. 59–0073. | Kingsport | CH. V–2(b), CH. VI–2(a)(1). | June 19, 1973 | do | July 1, 1975. |
| Monsanto Co., State order No. 6–0073: | | | | | |
| (a) Source 4 | Columbia | CH. V–2, CH. VII–2. | Mar. 20, 1973 | do | Mar. 9, 1974. |
| (b) Source 5 | do | CH. V–2, CH. VII–2. | do | do | Dec. 9, 1973. |
| Royal Oak Charcoal Co.: | | | | | |
| State order No. 77–00073 | Jamestown | CH.V–2(b), CH. VII–2. | Oct. 9, 1973 | do | July 31, 1974. |
| State order No. 78–00073 | do | CH. V–2(b), CH.VII–2. | do | do | Mar. 1, 1974. |
| Stokely-Van Camp, Inc., State order No. 63–0073. | Tellico Plains | CH.V–2(b), CH. VI–2(a)(2). | June 19, 1973 | do | Jan. 30, 1974. |
| Tennessee Asphalt Co., State order No. 79–00073. | LaFollette | CH.V–2(b), CH. VII–9(g). | Oct. 9, 1973 | do | Dec. 30, 1973. |
| Tennessee Eastman Co.: | | | | | |
| State order No. 80–00073 | Kingsport | CH. V–2(b), CH. VII–2. | do | do | June 1, 1974. |

TENNESSEE—Continued

| Source | Location | Regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| State order No. 81–00073 | .....do | CH. V–2(b), CH. VII–2. | .....do | .....do | Aug. 9, 1974. |
| State order No. 82–00073 | .....do | CH.V–2(b), CH. VII–2. | .....do | .....do | Nov. 1, 1974. |
| State order No. 83–00073 | .....do | CH. V–2(b), CH. VII–2. | .....do | .....do | July 1, 1975. |
| State order No. 84–00073: | | | | | |
| (a) Units 18–22 | .....do | CH. V–2(b), CH.VI–2(a)(1). | .....do | .....do | Mar. 1, 1974. |
| (b) Units 11–17 | .....do | CH. VI–2(b), CH. VI–2(a)(1). | .....do | .....do | June 1, 1975. |
| Tennessee Forging Steel Co., State order No. 85–00073. | Harriman | CH. V–2(b), CH. VII–2. | .....do | .....do | Oct. 30, 1973. |
| Tennessee Metallurgical, State order No. 89–00073: | | | | | |
| (a) Furnace No. 2 | Kimball | CH.V–2(b), CH. VII–2. | .....do | .....do | Mar. 1, 1974. |
| (b) Furnace No. 1 | .....do | CH. V–2(b), CH. VII–2. | .....do | .....do | Jan. 15, 1974. |
| Union Carbide Corp., State order No. 86–00073. | Columbia | CH. V–2(b), CH. VII–2. | .....do | .....do | Aug. 9, 1974. |
| United States Stove Co., State order No. 3–0073. | South Pittsburg | CH.V–2(b) | Mar. 20, 1973 | .....do | Feb. 9, 1974. |
| Aluminum Co. of America, sources 22 and 23 (carbon anode baking). | Alcoa | Ch. V, sec. II.B | Nov. 28, 1973 | .....do | July 9, 1974. |
| Berkline Corp., plant No. 1, collector No. 6. | Morristown | Ch. V. sec. II. B; ch. VII, sec. II. | .....do | .....do | June 9, 1974. |
| E. I. du Pont: 4 steam boilers, particulate emissions, $SO_2$ emissions. | New Johnsonville. | Ch. V, sec. II. B; ch. V, sec. II.A(2). | Feb. 6, 1974 | .....do | June 30, 1975. |
| Industrial Products Co., Inc.: Control equipment. | Mt. Pleasant | Ch. V, sec. II.B; ch. VII, sec. II. | Nov. 28, 1973 | .....do | Jan. 1, 1974. |
| Interstate Foundry & Machine Co.: Cupola. | Johnson City | Ch. V, sec. II. B; ch. VII, sec. IX.B. | .....do | .....do | Feb. 9, 1974. |
| Laminite Plastics Corp.: Moldow system (phase I only). | Morristown | Ch. V, sec. II. B; ch. VII, sec. II. | .....do | .....do | Apr. 30, 1974. |
| Lea Industries: | | | | | |
| Plant No. 4; process emissions | .....do | .....do | .....do | .....do | Jan. 1, 1974. |
| Plant No. 5; process emissions | .....do | .....do | .....do | .....do | Aug. 9, 1974. |
| Plant No. 6; process emissions | .....do | .....do | .....do | .....do | Do. |
| Plant No. 6, boiler | .....do | Ch. V | .....do | .....do | Feb. 1, 1974. |
| Lewisburg Casting Co., Inc.: Cupola | Lewisburg | .....do | Nov. 28, 1979 | .....do | June 9, 1974. |
| A. B. Long Quarries, Inc.: Limestone quarry and crusher. | Harriman | Ch. V, sec. II.B; ch. VII, sec. II: ch. VIII. | .....do | .....do | Mar. 30, 1974. |
| Monsanto Industrial Chemical Co | Columbia | Ch. VII | Feb. 6, 1973 | .....do | July 1, 1975. |
| Plough, Inc.: Boiler | Shelbyville | Ch. V, sec. II. B; ch. VI, sec. II.A(2). | .....do | .....do | May 30, 1974. |
| Powermatic-Houdaille, Inc.: Two No. 5 cupolas. | McMinnville | Ch. V, sec. II.B; ch. VII, sec. II. | .....do | .....do | Aug. 9, 1974. |
| Royal Oak Charcoal Co.: Kilns 1, 2, 3, 4, 5. | Cookeville | .....do | .....do | .....do | Do. |
| Don P. Smith Chair Co.: Drying kiln | Loudin | .....do | .....do | .....do | June 30, 1974. |
| Temple Industries: Conical burner | Savannah | Ch. V, sec. II. B; ch. VI, sec. II.D. | .....do | .....do | Apr. 30, 1974. |
| Tennlite, Inc.: Two rotary kilns | Green Brier | Ch. V, sec. II.B; ch. VII, sec. II. | .....do | .....do | July 30, 1974. |
| Tenn. Asphalt Co. & Road Builders, Inc.: Asphalt batching plant. | Cumberland City. | Ch. V, sec. II.B; ch. VII, secs. II and IX, G; ch. VIII. | .....do | .....do | Dec. 17, 1974. |

TENNESSEE—Continued

| Source | Location | Regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Vulcan Materials Co.: Rock quarry | Emory Gap | Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII. | do | do | Mar. 31, 1974. |
| Do | Savannah | Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII. | do | do | June 21, 1974. |
| Do | Parsons | Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII. | do | do | Feb. 18, 1974. |
| Cities Service (41–0073) | Copperhill | Ch. VII, sec. 8 | June 19, 1973 | do | July 1, 1975. |
| Cities Service (42–0073) | do | Ch. VII, sec. 8 | do | do | Do. |
| Penn Dixie Cement | Kingsport | Ch. VII, sec. 2 | Oct. 9, 1973 | do | Do. |

(2) Chattanooga-Hamilton County compliance schedules:

TENNESSEE

| Source | Location | Regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Chattanooga Public Schools: | | | | | |
| (a) Elbert Long School | Chattanooga | Sec. 9(8) | Feb. 8, 1973 | Immediately | July 1, 1974. |
| (b) Charles A. Bell School | do | Sec. 9(8) | do | do | Do. |
| (c) G. Russel Brown School | do | Sec. 9(8) | do | do | Do. |
| (d) Calvin Donaldwon School | do | Sec. 9(8) | do | do | Do. |
| (e) East Chattanooga School | do | Sec. 9(8) | do | do | Do. |
| (f) Highland Park School | do | Sec. 9(8) | do | do | Do. |
| (g) Normal Park School | do | Sec. 9(8) | do | do | Do. |
| (h) Piney Woods School | do | Sec. 9(8) | do | do | Do. |
| (i) Ridgedale School | do | Sec. 9(8) | do | do | Do. |
| (j) Frank H. Trotter School | do | Sec. 9(8) | do | do | Do. |
| (k) Woodmore School | do | Sec. 9(8) | do | do | Do. |
| (l) Rivermont School | do | Sec. 9(8) | do | do | Do. |
| (m) St. Elmo School | do | Sec. 9(8) | do | do | Do. |
| E.I. du Pont de Nemours & Co.: | | | | | |
| (a) Nylon 66 evaporator Nos. 1–5. | do | Sec. 9 | do | do | Do. |
| (b) Nylon auto clave Nos. 1–17 | do | Sec. 9 | do | do | Do. |
| (c) Continuous polymerization lines I-III. | do | Sec. 9 | do | do | Do. |
| (d) Continuous polymerization line IV. | do | Sec. 9 | do | do | Sept. 1, 1973. |
| (e) Lindburg furnace type 364830–E12–S. | do | Sec. 9 | do | do | Aug. 1, 1973. |
| (f) Lindburg furnace type 243624–E12–S. | do | Sec. 9 | do | do | Feb. 1, 1974. |
| (g) Trent furnace model 862640A. | do | Sec. 9 | do | do | Mar. 1, 1974. |
| (h) Lindburg furnace type 364830–E12–S. | do | Sec. 9 | do | do | Apr. 1, 1974. |
| (i) Riley boiler | do | Sec. 9 | do | do | July 1, 1974. |
| (j) B & W boiler | do | Sec. 9 | do | do | Do. |
| General Tire Service | do | Sec. 9 | do | do | Jan. 31, 1974. |
| Randolph Manufacturing Co., Inc | do | Sec. 9 | do | do | Do. |
| Southern Foundry Supply, Inc | do | Sec. 9 | do | do | Mar. 31, 1973. |
| Tennessee Awning & Tent Co | do | Sec. 9 | Feb. 9, 1973 | do | June 1, 1973. |
| United States Pipe & Foundry Co | do | Sec. 9 | Feb. 8, 1973 | do | Nov. 1, 1973. |

(3) Memphis-Shelby County compliance schedules:

TENNESSEE

| Source | Location | Regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Desoto Hardwood Flooring Co.: Phase 1. | Chattanooga | Sec. 9 | Apr. 5, 1973 | Immediately | May 1, 1974. |
| Wabash, Inc.: Phase 1 | do | Secs. 3–17, 3–20. | do | do | Apr. 1, 1974. |

(4) Nashville-Davidson County compliance schedules:

TENNESSEE

| Source | Location | Regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Bruce Flooring | Nashville | Sec. 4–1–9 | Feb. 7, 1973 | Immediately | Dec. 31, 1973. |

[38 FR 16169, June 20, 1973, as amended at 38 FR 22748, Aug. 23, 1973; 38 FR 24341, 24342, Sept. 7, 1973; 40 FR 3445, Jan. 22, 1975; 40 FR 3570, Jan. 23, 1975; 42 FR 10995, Feb. 25, 1977; 51 FR 40676, 40677, Nov. 7, 1986; 52 FR 24367, June 30, 1987; 54 FR 25258, June 14, 1989]

### § 52.2224 Legal authority.

(a) The requirements of § 51.230(c) of this chapter are not met since the plan does not provide the legal authority for controlling motor vehicles during air pollution emergency episodes.

(b) The requirements of § 51.230(d) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

(c)(1) The requirements of § 51.230(b) of this chapter are not met since the definition of *person* set forth in the Tennessee Air Quality Act and in the State implementation plan does not include facilities owned or operated by the State. Therefore, section 53–3409(f) of the Tennessee Code Annotated and section 30 of Chapter II of the Tennessee Air Pollution Control Regulations are disapproved.

(2) Definition of *person*. For the purposes of the plan, *person* shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, State-owned or operated facility, State agency, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.

(d) The requirements of § 51.230(b) of this chapter are not met since the State lacks legal authority, as a result of the enactment of House Bill 1490 by the 1974 Tennessee legislature, to control emissions from the quarrying and processing of agricultural limestone. Therefore, section 53–3424 of the Tennessee Code Annotated is disapproved.

(e) The requirements of § 51.230(b) of this chapter are not met since the State lacks legal authority, as a result of the enactment of House Bill 1845 by the 1974 Tennessee legislature, to control emissions from air contaminant sources which use woodwaste only as fuel. Therefore, the last sentence of section 53–3422 of the Tennessee Code Annotated is disapproved.

[37 FR 10894, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2224, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2225 VOC rule deficiency correction.

(a) Revisions to sections 7–3, 7–13, and 7–24 of the Tennessee regulations are approved. These amendments are in response to the Clean Air Act section 182(a)(2)(A) requirement to submit RACT rules correcting deficiencies in the existing SIP in accordance with EPA's pre-amendment guidance. These deficiencies were first noted in a letter from Greer Tidwell, the EPA Region IV Administrator, to Governor McWherter on May 26, 1988, and clarified in a letter dated June 10, 1988, from Winston Smith, EPA Region IV Air Division Director, to Paul Bontrager, Director of the Air Pollution Control Division of the Metropolitan Health Department for Nashville/Davidson County, and were further identified in EPA guidance including the Blue Book and the proposed Post–87 policy. The following deficiency in the Tennessee Regulations, however, has not been corrected.

(1) Section 7–25, ''Recordkeeping and Reporting Requirements'' Nashville/Davidson County committed in a letter dated May 7, 1991, to include a separate

provision that requires records to be maintained for at least two years. This additional provision, which is scheduled for a July 15, 1992, public hearing, will be submitted to EPA shortly after that date and will be acted upon separately.

(2) In Section 7–3, Petition for Alternative Controls, the words ''as applied'' should be added to the term ''VOC/gallon solids'' as a clarification.

(3) The term ''vapor-tight'' should be defined in section 7–13.

(4) ''Once-in/always-in'' is missing from the applicability section of the individual rules.

(5) Section 7–25, ''Recordkeeping and Reporting Requirements'' should be revised to include additional requirements that would contain: units of compliance consistent with the performance requirements; applicable time periods for data entries; and a clear, separate provision that requires records to be kept.

(b)–(c) [Reserved]

[56 FR 10173, Mar. 11, 1991, as amended at 57 FR 28626, June 26, 1992; 59 FR 18317, Apr. 18, 1994; 60 FR 10508, Feb. 27, 1995; 61 FR 37390, July 18, 1996]

### § 52.2226 Extensions.

The Administrator hereby extends for 18 months (until July 1, 1980) the statutory deadline for submittal of a plan to attain the secondary $SO_2$ standard in Copperhill.

(a) [Reserved]

(b) The Administrator hereby extends for 18 months (until July 1, 1980) the statutory timetable for submittal of Tennessee's plans to attain and maintain the secondary ambient standard for particulate matter in the Chattanooga, Columbia, Kingsport, Memphis, and Nashville nonattainment areas (40 CFR 81.343).

[45 FR 2034, Jan. 10, 1980, as amended at 45 FR 8008, Feb. 6, 1980]

### § 52.2227 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.152(a) of this chapter are not met since the plan does not provide for the enforcement of emission control actions for mobile sources during air pollution emergency episodes.

[37 FR 10895, May 31, 1972, as amended at 51 FR 40677, Nov. 7, 1986]

### § 52.2228 Review of new sources and modifications.

(a) *Part D—Conditional approval.* The Nashville-Davidson County regulation for the review of new sources and modifications in nonattainment areas is approved on condition that the State by October 31, 1984, submit a revision limiting source shutdown credit for offsets to replacement units, and, in the interim, assure implementation of the regulation in conformity with Federal requirements.

(b) *Section 123—Conditional approval.* The plan's provision for implementation of the requirements of section 123 of the Clean Air Act in Nashville-Davidson County is approved on condition that the State by October 31, 1984, submit:

(1) Definitions in the local regulation of *nearby* and *excessive concentration* and

(2) Provision in the local regulation for public notification and opportunity for hearing in cases where stack heights in excess of normal good engineering practice are proposed on the basis of fluid modeling demonstrations, and, in the interim, assure implementation of the local regulation in conformity with Federal requirements.

(c) The State of Tennessee proposed to delete section 1200–3–18–.03 ''Standard for New Sources'' from the Tennessee State Implementation Plan (SIP) and the Memphis-Shelby County portion of the Tennessee SIP. EPA is disapproving the deletion of this rule for the Tennessee SIP because Tennessee does not have federally approved New Source Review (NSR) regulations which apply to some of the sources in this chapter. EPA is approving the deletion of this rule for the Memphis submittal because the federally approved TN NSR applies to the Memphis-Shelby County area.

(d) The State of Tennessee proposed to delete rule 1200–3–18-.03 ''Standard for New Sources'' from the Tennessee State Implementation Plan (SIP). In

paragraph (e) of this section, EPA disapproved the deletion of this rule because Tennessee did not have federally approved New Source Review (NSR) regulations that applied to some of the sources in this chapter. EPA is hereby approving the deletion of section 1200–3–18-.03 of the Tennessee SIP, and is deleting EPA's earlier disapproval in paragraph (e) of this section.

[39 FR 7284, Feb. 25, 1974, as amended at 48 FR 50080, Oct. 31, 1983; 50 FR 32413, Aug. 12, 1985; 51 FR 40677, Nov. 7, 1986; 59 FR 18317, Apr. 18, 1994; 60 FR 7917, Feb. 10, 1995; 60 FR 33924, June 29, 1995]

### § 52.2229 Rules and regulations.

(a) The following portions of the revised Memphis and Shelby County regulations submitted on July 7, 1986, are disapproved because they are inconsistent with EPA policy and requirements:

16–77, Rules 1200–3–9–.01(3); 1200–3–9–.01(4)(o)(2)

(b) Knox County Regulation 25.2.B, submitted July 7, 1986, is disapproved because it is inconsistent with EPA policy and requirements.

[54 FR 25458, June 15, 1989, as amended at 54 FR 31954, Aug. 3, 1989]

### § 52.2230 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 Tennessee's plan.

| Air quality control region | Pollutant | | | | | | |
|---|---|---|---|---|---|---|---|
| | Particulate matter | | Sulfur oxides | | Nitrogen dioxide | Carbon monoxide | Ozone |
| | Primary | Secondary | Primary | Secondary | | | |
| Eastern Tennessee-Southwestern Virginia Interstate: | | | | | | | |
| a. Sullivan County: Bristol and Kingsport nonattainment areas [1] | d | d | c | c | b | b | d |
| b. Campbell County nonattainment areas [1] | d | d | c | c | b | b | b |
| c. Anderson/Knox County nonattainment area [1] | c | d | c | c | b | b | b |
| d. Copperhill nonattainment area [1] | c | c | d | f | b | b | b |
| e. Knox County nonattainment area [1] | c | c | c | c | b | d | d |
| f. Bradley County nonattainment area [1] | c | c | c | c | b | b | d |
| g. Roane County nonattainment area | c | c | c | c | b | b | d |
| h. Rest of AQCR | c | c | c | c | b | b | b |
| Tennessee River Valley-Cumberland Mountains Intrastate | c | c | c | c | b | b | b |
| Middle Tennessee Intrastate: | | | | | | | |
| a. Benton/Humphreys County nonattainment areas [1] | c | c | d | d | b | b | c |
| b. Davidson County nonattainment area [1] | d | d | c | c | b | e | d |
| c. Maury County nonattainment area [1] | c | c | b | b | b | b | d |
| d. Rest of AQCR | c | c | b | b | b | b | c |
| Western Tennessee Intrastate: | | | | | | | |
| a. Benton/Humphreys County nonattainment area [1] | c | c | d | d | b | b | b |
| b. Rest of AQCR | c | c | b | b | b | b | b |
| Chattanooga Interstate: | | | | | | | |
| a. Hamilton County nonattainment area [1] | c | c | b | b | b | b | d |
| b. Rest of AQCR | c | c | b | b | b | b | b |
| Metropolitan Memphis: | | | | | | | |
| a. Shelby County nonattainment area [1] | c | c | b | b | b | e | d |
| b. Rest of AQCR | c | c | b | b | b | b | c |

[1] For more precise delineation, see § 81.343 of this chapter.
a. Air quality levels presently below primary standards or area is unclassifiable.
b. Air quality levels presently below secondary standards or area is unclassifiable.
c. July 1975.
d. December 31, 1982.
e. December 31, 1987.
f. 18-month extension granted.

[45 FR 53818, Aug. 13, 1980, as amended at 45 FR 75661, Nov. 17, 1980; 49 FR 1343, Jan. 11, 1984]

### § 52.2231 Control strategy: Sulfur oxides and particulate matter.

(a) *Part D conditional approval.* The Chattanooga primary TSP plan's provisions for review of new sources and modifications in the nonattainment area are approved on condition that the State submit by December 31, 1987, a definition of the term *Federally enforceable* and provisions for making Federally enforceable all limitations, conditions, and offsets, including permit restrictions, relied upon under the plan, and in the interim, implement these provisions in a manner consistent with EPA requirements.

(b) In letters dated March 9 and April 15, 1988, the Tennessee Department of Health and Environment 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: Dupont (43–07–02); Tennessee Valley Authority—Johnsonville (43–11–1 thru 10); Tennessee Chemical Company (70–04–21); Tennessee Eastman (82–03–15–19); A.E. Staley (53–81–18, 19, 34, 31); Cargill Inc., Memphis; and Grace Chemical Company, Millington.

(c) *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.

[52 FR 15498, Apr. 29, 1987, as amended at 54 FR 25454, June 15, 1989; 76 FR 31239, May 31, 2011]

### § 52.2232 [Reserved]

### § 52.2233 Significant deterioration of air quality.

(a)(1) Paragraph 1200–3–9–.01(4)–(0)–2. of Tennessee's regulations is disapproved because it does not require that the consent of the Governor(s) of affected states be obtained when innovative technology waivers are granted. EPA retains permitting authority for sources requesting innovative technology waivers which would significantly impact air quality in adjacent states.

(2) Tennessee's definition of *stationary source* specifically excludes *the activities of any Vessel.* This exclusion is not currently approvable and EPA is deferring action on it pending final rulemaking on the issue. EPA retains authority for permits which involve vessel emissions where a source is not willing to include all vessel emissions in the definition of source.

(b) The requirements of § 52.21 except paragraph (a)(1) are hereby incorporated and made part of the applicable SIP for the State of Tennessee for the following purposes:

(1) Permitting of sources requesting innovative technology waivers which would significantly impact air quality in adjacent states.

(2) Permitting of sources involving vessel emissions where the source is unwilling to include all vessel emissions in the definition of source.

(c)(1) All applications and other information required pursuant to § 52.21 of this part from sources located or to be located in the State of Tennessee shall be submitted to the State agency, Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 401 Church Street, 9th Floor, L&C Annex, Nashville, Tennessee 37243–1531, or local agencies, Knox County Air Quality Management-Department of Public Health, 140 Dameron Avenue, Knoxville, Tennessee 37917; Air Pollution Control Bureau, Metropolitan Health Department, 311 23rd Avenue North, Nashville, Tennessee 37203; Chattanooga-Hamilton County Air Pollution Control Bureau, 6125 Preservation Drive, Chattanooga, Tennessee 37416; Memphis-Shelby County Health Department-Air Pollution Control Program, 814 Jefferson Avenue, Memphis, Tennessee 38105,

rather than to the EPA's Region 4 office.

[42 FR 36456, July 15, 1977, and 43 FR 26410, June 19, 1978, as amended at 50 FR 7779, Feb. 26, 1985; 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003; 74 FR 55144, Oct. 27, 2009]

### § 52.2234 [Reserved]

### § 52.2235 Control strategy: Ozone.

(a) Determination—EPA is determining that, as of August 8, 1995, the Nashville ozone nonattainment area has attained the ozone standard and that 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 do not apply to the area for so long as the area does not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in the Nashville ozone nonattainment area, these determinations shall no longer apply.

(b) Nonregulatory provisions for the implementation of a basic I/M program in Rutherford, Sumner, Williamson, and Wilson Counties, submitted on July 13, 1994, were approved by EPA on September 26, 1995.

(c) Determination of Attaining Data. EPA has determined, as of October 12, 2010 the Knoxville, Tennessee 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 standards for as long as this area continues to meet the 1997 8-hour ozone NAAQS.

[60 FR 40292, Aug. 8, 1995, as amended at 60 FR 47290, Sept. 12, 1995; 75 FR 62472, Oct. 12, 2010]

### § 52.2236 Control strategy; lead.

The Tennessee Department of Environment and Conservation has submitted revisions to the Tennessee SIP on October 6, 1994. These revisions address the requirements necessary to change a lead nonattainment area to attainment. The maintenance plan for the Fayette County area near Rossville, Tennessee is comprised of a maintenance demonstration and NSR/PSD program. For areas where the only lead source has shut down, these components are sufficient for an approvable maintenance plan. The State's maintenance plan is complete and satisfies all of the requirements of section 175(A) of the CAA.

[60 FR 43020, Aug. 18, 1995]

### § 52.2237 $NO_X$ RACT and $NO_X$ conformity exemption.

*Approval.* EPA is approving the section 182(f) oxides of nitrogen ($NO_X$) reasonably available control technology (RACT) and $NO_X$ conformity exemption request submitted by the Tennessee Department of Environment and Conservation on March 21, 1995, for the five county middle Tennessee (Nashville) ozone moderate nonattainment area. This approval exempts the area from implementing federal $NO_X$ RACT on major sources of $NO_X$ and exempts Tennessee from $NO_X$ conformity. This approval does not exempt sources from any State required or State Implementation Plan (SIP) approved $NO_X$ controls. If a violation of the ozone NAAQS occurs in the area, the exemption from the requirement of section 182(f) of the CAA in the applicable area shall not apply.

[61 FR 54946, Oct. 23, 1996]

### § 52.2239 Original Identification of plan section.

(a) This section identifies the original "Tennessee Air Pollution Control Implementation Plan" and all revisions submitted by Tennessee that were federally approved prior to December 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) Certification of public hearing submitted on February 3, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(2) Miscellaneous corrections to emission inventories submitted on February 10, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(3) Statements of intent for intergovernmental cooperation submitted on April 13, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(4) City of Memphis Air Pollution Control Code submitted on April 27, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health and the Memphis and Shelby County Health Department.

(5) Minor addition to the Tennessee Code, Section 53–3422, submitted on May 3, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(6) Clarifying comments on the plan submitted on May 8, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(7) Statement of public availability of emission data submitted on May 12, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(8) Miscellaneous changes to Chapters II, III, VII, IX and XII of the plan; regulations of Memphis-Shelby County and Knoxville-Knox County and resolutions concerning local programs of Davidson, Hamilton and Shelby Counties submitted on August 17, 1972, by the Governor.

(9) Revised emission limits for asphalt plants, cotton gins and Kraft mills and establishment of new source performance standards submitted on February 16, 1973, by the Tennessee Department of Public Health.

(10) Compliance schedules submitted on March 23, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(11) Compliance schedules submitted on April 16, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(12) Certification of public hearing on February 16, 1973, submission submitted on April 30, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(13) Compliance schedules submitted on May 15, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(14) Clarifying comments on the February 16, 1973, submission submitted on May 25, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(15) Miscellaneous changes to Chapters II through IV and VI through XIII of the plan, miscellaneous non-regulatory additions, certification of public hearing and compliance schedules submitted on June 8, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(16) Categorical compliance schedule regulation for $SO_2$ submitted on June 27, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(17) Compliance schedules submitted on July 3, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(18) Hamilton County Air Pollution Control Regulations and miscellaneous non-regulatory additions to the plan submitted on July 18, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health and the Chattanooga-Hamilton County Air Pollution Control Bureau.

(19) Compliance schedules submitted on July 20, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(20) Chapter IV of the Metropolitan Code for the Metropolitan Government of Nashville and Davidson County submitted on August 13, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health and the Metropolitan Health Department of Nashville and Davidson County.

(21) Revisions to Chapters II, VI, VII, IX, and XIV of the plan concerning $SO_2$ emissions submitted on October 12, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(22) Compliance schedules submitted on October 15, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(23) Compliance schedules submitted on October 16, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(24) Compliance schedules submitted on December 26, 1973, by the Division of

Air Pollution Control of the Tennessee Department of Public Health.

(25) Addition to Subparagraph F, Section I, Chapter XIV submitted on January 17, 1974, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(26) Compliance schedules submitted on February 20, 1974, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(27) Revised emission limits for combustion and process sources of sulfur dioxide, submitted on April 30, 1976, by the Division of Air Pollution Control of the Tennessee Department of Public Health. (The provision for an alternative basis for regulating process sources in Shelby County is given conditional approval; any exercise of this provision must be made the subject of a plan revision.)

(28) Regulations providing for continuous monitoring by existing sources, submitted on May 22, 1977, by the Division of Air Pollution Control of the Tennessee Department of Public Health for the Metropolitan Health Department of Nashville and Davidson County.

(29) Regulations providing for continous monitoring of existing sources, control of vinyl chloride emissions, review of new sources in nonattainment areas, control of emissions from wood-fired boilers, change in diffusion equation limiting particulate emissions, conflict of interest rules and miscellaneous other changes, submitted on May 3 and June 22, 1978, by the Tennessee Department of Public Health, Division of Air Pollution Control.

(30) 1979 implementation plan revisions for nonattainment areas, submitted on February 13 and April 12 and 27, 1979, by the Tennessee Division of Air Pollution Control (Bristol, Lafollettee, Jacksboro, Sumner Co., Anderson/Knox Counties, Copperhill, Johnsonville area, Shelby Co., and Knox Co.)

(31) Requests for an 18-month extension of the statutory timetable for submitting plans to attain and maintain the secondary ambient standard for particulate matter in the Chattanooga, Columbia, Kingsport, Memphis, and Nashville nonattainment areas, submitted on May 4, 9, and 17, and June 21 and 22, 1979, by the Tennessee Department of Public Health.

(32) Regulation 1200–3–9–.01–(4) for the review of new sources adopted on March 21, 1979, with a State effective date of June 21, 1979, and submitted on April 12, 1979, pursuant to the requirements of § 51.24 of this chapter (1978 edition) by the Tennessee Division of Air Pollution Control.

(33) 1979 implementation plans for the Nashville TSP and CO nonattainment areas and Statewide ozone nonattainment areas, including regulations Number 3, and Number 7 for Nashville-Davidson County adopted on April 11, 1979 and March 14, 1979, which were submitted on May 15, 1979, and regulations 1200–3–18–01 through .47, adopted on March 14, April 11, June 20 and 28, 1979, and May 1, 1980, and submitted on June 28, July 2, 1979, and May 8, 1980, by the Tennessee Department of Public Health.

(34) 1979 implementation plan revisions for the Kingsport TSP nonattainment area, submitted on August 15, 1979, by the Tennessee Department of Public Health.

(35) Regulation 1200–3–14–.01, –.02, –.03 for control of sulfur dioxide emissions, adopted on July 1, 1979, with a State effective date of November 16, 1979, and submitted on June 29, 1979, by the Tennessee Department of Public Health.

(36) [Reserved]

(37) Transportation related commitments and schedules, submitted on March 20 and December 17, 1980, by the Tennessee Division of Air Pollution Control to correct deficiencies in the Memphis CO plan given conditional approval on February 6, 1980.

(38) Air quality surveillance plan submitted on April 23, 1980, by the Tennessee Department of Public Health.

(39) Set II VOC regulations, submitted on December 31, 1980, by the Tennessee Department of Public Health.

(40) Davidson County and Hamilton County implementation plans for lead, submitted on August 19, 1981, by the Tennessee Department of Public Health.

(41) Revisions involving the following regulations—

Rule 1200–3–11–.02(2)(1)5.(ii): Asbestos;

Rule 1200–3–12–.04(2)(c): Large Existing Fuel Burning Installations;
Rule 1200–3–18–.02(1)(ii): Definitions: Volatile Organic Compounds;
Rule 1200–3–18–.04: Alternative Emission Standard; and
Rule 1200–3–18–.42(3): Individual Compliance Schedules—submitted on September 30, 1981, by the Tennessee Department of Public Health.

(42) Alternative VOC compliance schedule for Werthan Industries, Inc., Nashville, submitted on October 9, 1981, by the Tennessee Department of Public Health.

(43) Revision to the Volatile Organic Compound (VOC) definition, submitted on August 27, 1980, by the Tennessee Department of Public Health.

(44) Miscellaneous nonregulatory revisions submitted on October 25, 1979, March 20, 1980, May 5, 1980, August 15, 1980, and November 5, 1981, and miscellaneous regulatory revisions submitted on February 6, 1979 (change in Chapter 6), on June 13, 1979 (changes in Chapters 2, 4, 6, 7, and 8), on September 27, 1979 (change in Chapter 16), on October 15, 1979 (changes in Chapters 1, 2, 7, 11, 16, and 19), on November 23, 1979 (changes in Chapters 6, 9, 12, 16, 18, and 20), on February 19, 1980 (changes in Chapters 2 and 12), October 25, 1980 (changes in Chapters 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, and 14), on August 26, 1981 (changes in Chapters 5, 9, 14, 15, 16, 18, and 19), on September 30, 1981 (change in Chapter 16), on December 9, 1981 (changes in Chapters 2, 16, 18, 19, and 20), and on January 22, 1982 (changes in Chapters 2, 5, 7, 8, 12, 16, 18, 19, and 21).

(45)(i) Materials developed to meet conditions on the approval of the 1979 revisions for the Nashville and Kingsport primary TSP nonattainment areas, submitted on September 30, 1980, and December 17, 1980, respectively, by the Tennessee Department of Public Health. Additional materials for Kingsport were submitted on August 27, 1981.

(ii) 1979 revisions for the Copperhill secondary $SO_2$ nonattainment area, submitted on August 15, 1980, by the Tennessee Department of Public Health.

(iii) 1979 revisions for the Kingsport secondary TSP nonattainment area, submitted on May 8, 1980, by the Tennessee Department of Public Health.

(46) Miscellaneous changes in Chapters 1200–3–5, 10, 12, 18, and 20, submitted on December 9, 1981, and miscellaneous changes in Chapters 1200–3–2, 5, 7, 9, 12, 16, 18, submitted on January 22, 1982, by the Tennessee Department of Public Health.

(47) Metropolitan Nashville-Davidson County Set II VOC Regulation, submitted on August 27, 1980 and January 23, 1981, by the Tennessee Department of Public Health.

(48) Extended compliance schedules for five sources of VOC, and operating permit for Du Pont de Nemours Company's scrub solids kiln at New Johnsonville, submitted on February 12, 1982, by the Tennessee Department of Public Health.

(49) Part D revisions for the Chattanooga primary TSP nonattainment area, submitted on August 31, 1981, and December 22, 1982, by the Tennessee Department of Public Health. (No action is taken on the definition of ''reconstruction'' contained in the revisions.)

(50) Certain State permits for the Kingsport area, and a visible emission technique for nontraditional fugitive dust sources (Method 1) submitted on May 10, 1982; and a revision entitled Standard of Performance for Storage Vessels for Petroleum Liquids Contracted after May 18, 1978, (1200–3–16–/.09a) submitted May 5, 1982, by the Tennessee Department of Public Health.

(51) Changes in visible emission evaluation technique for nontraditional sources, submitted on September 29, 1982, by the Tennessee Department of Public Health.

(52) VOC compliance schedule extension for Knowlton Brothers, Chattanooga, submitted on August 3, 1982, by the Tennessee Department of Public Health.

(53) Knox County plan for lead, submitted on March 1, 1983, by the Tennessee Department of Public Health.

(54) Revisions to the Part D ozone plan for the Nashville-Davidson County nonattainment area, submitted on June 30, 1982, by the Tennessee Department of Public Health.

(55) Nashville-Davidson County regulations for prevention of significant deterioration and for new source review in nonattainment areas, submitted on

October 9, 1981 (revised regulation no. 3), June 3 and November 22, 1982 (changes in revised regulation no. 3 and in Chapter Four of the Metropolitan Code of Nashville and Davidson County), and regulations submitted on June 3, 1982, for the control of volatile organic compounds, determination of good engineering practice stack height, and permits for an equivalent opacity standard for Ford Motor Company, by the Tennessee Department of Public Health.

(56) 1982 revisions in the Part D CO SIP for the Nashville-Davidson County nonattainment area (except TCM portion approved on September 13, 1985), submitted on June 30, 1982, and June 14, 1985.

(i) Incorporation by reference.

(A) Metropolitan Health Department Pollution Control Division Regulation No. 8 for Inspection and Maintenance (I/M) adopted on May 13, 1981; and revised on June 12, 1985, and February 15, 1984.

(B) Metropolitan Nashville and Davidson County's Carbon Monoxide Reasonable Further Progress (RFP) curve adopted on May 8, 1985.

(ii) Other material.

(A) Narrative adopted June 16, 1982.

(B) Public awareness program mechanics training program adopted May 8, 1985.

(57) Regulatory revisions (changes and additions in regulations 1200–3–5–.11, 1200–3–12–.04–(4), 1200–3–16–.01–(5), 1200–3–16–.14, 1200–3–16–.32, 1200–3–16–.33, 1200–3–18–.02(1)(hh), 1200–3–18–.02(ii), 1200–3–18–.03(1)(b), 1200–3–18–.21(5), and 1200–3–18–.22(2), 1200–3–19–.03 (g), (h) and addition of regulation 1200–3–18–.30) submitted on April 22, 1983, and nonregulatory revisions (changes in sections 2.15 and 2.12.E.2, 2.8.1, and eleven permits for sources in the Kingsport area) submitted on April 14, 1983, by the Tennessee Department of Health and Environment.

(58) Materials related to attainment status designations of various areas, submitted on January 19, 20, and 21, February 9, March 4, 14, and 22, April 6, and June 1, 1983, by the Tennessee Department for Health and Environment.

(59) Control strategy demonstration for lead, submitted on June 4, 1984, by the Tennessee Department of Health and Environment.

(60) Lead implementation plan for Memphis/Shelby County, submitted on June 25, 1984, by the Tennessee Department of Health and Environment.

(61) Material related to a compliance schedule for Maremont Corporation in Pulaski, and two permits for the Kingsport Press in Kingsport, submitted on September 15, 1983, and January 16, 1984, by the Tennessee Department of Health and Environment.

(62) Regulations for the prevention of significant deterioration, submitted on December 9, 1981, April 22 and September 1, 1983, and clarifications submitted on September 5, 1984, and January 17, 1985 by the Tennessee Department of Health and Environment. (Action has been deferred on the phrase ''except the activities of any vessel'' in 1200–3–9–.01(4)(b) until EPA revises the definition of stationary source.)

(63) Changes in rules 1200–3–5–.01 (to revise general visible emission standards), 1200–3–2–.01 (to add definition of ''calendar quarter''), 1200–3–12–.03 (to specify method for determining inorganic lead emissions in stack gases), 1200–3–14 (to revise monitoring requirements related to $SO_2$ control), and 1200–3–16–.01 (to specify method for determining particulate emissions from asphalt processing and roofing manufacture), submitted on October 17, 1984, and change in rule 1200–3–3 (to delete ambient air quality standard for hydrocarbons), submitted on December 5, 1984, by the Tennessee Department of Health and Environment.

(64) Changes in visible emission evaluation methods, submitted on September 26, 1984, by the Tennessee Department of Health and Environment.

(65) Changes in visible emission limitations for wood-fired fuel burning equipment (changes in regulations 1200–3–5–.06 and 1200–3–5–.07), submitted on October 17, 1984, and January 18, 1985, by the Tennessee Department of Health and Environment. Coverage of wood-fired fuel equipment was expanded to include units of 500,000 to 100,000,000 BTU per hour heat input in certain counties; the compliance determining technique was changed from the aggregate method to the six-minute average.

(66) State implementation plan for lead, submitted on December 5, 1984, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Amendments to the Tennessee Air Pollution Control Regulations, Chapter 1200–3–22, Lead Emission Standards, as submitted, and State-effective on December 5, 1984.

(B) Operating permits for:

(*1*) Ross Metals, Inc., issued on December 5, 1984.

(*2*) General Smelting and Refining Company, issued on December 5, 1984.

(*3*) Tennessee Chemical Company, issued on December 5, 1984.

(ii) Additional information.

(A) Control Strategy and modelling, submitted on June 4, 1984.

(67) Letter of commitment, submitted on December 20, 1984, by the Memphis-Shelby County Health Department.

(i) Incorporation by reference.

(A) Letter of commitment on new source review for lead sources, submitted on December 20, 1984, by the Memphis County Health Department.

(ii) Additional information.

(A) None.

(68) Revisions in the TCM portion of the 1982 CO SIP for Nashville-Davidson County, submitted on July 18, 1984, and adopted on June 4, 1984.

(i) Incorporation by reference.

(A) Air Pollution Control Board of the State of Tennessee Board Order 13 84, which is a statement of intent to adopt two-cent gas tax equivalent measures in place of return of 1980 level of service in Nashville-Davidson County CO SIP TCM; and July 18, 1984 letter from the Tennessee Department of Health and Environment which approves the Metropolitan Nashville and Davidson County Legally Enforceable Limits and Schedules effective June 4, 1984.

(ii) Additional material.

(A) Revision of the calculations on reductions due to implementation of the Rideshare Program submitted on July 18, 1984.

(69) Tennessee Visible Emission Evaluation Method 3, was submitted on January 16 and June 14, 1985, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(*a*) January 16, 1985 letter from Tennessee Department of Health and Environment and Tennessee Visible Emission Evaluation Method 3, §§1, 2, and 5, became State-effective on December 12, 1984.

(*b*) June 14, 1985 letter from Tennessee Department of Health and Environment and Tennessee Visible Emission Evaluation Method 3, §§3 and 4, became State-effective on May 30, 1985.

(ii) Other material—none.

(70)–(71) [Reserved]

(72) Five Board Orders were submitted on January 29, 1986, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Board Order 2–86 from Tennessee Department of Health and Environment, became State-effective on January 15, 1986.

(B) Board Order 3–86 from Tennessee Department of Health and Environment, became State-effective on January 15, 1986.

(C) Board Order 5–86 from Tennessee Department of Health and Environment, became State-effective on January 15, 1986.

(ii) Other material—none.

(73) Tennessee Visible Emissions Evaluation Method 4 was submitted on May 28, 1986, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Tennessee Visible Emissions Evaluation Method 4, which became State-adopted on April 16, 1986.

(ii) Other material—none.

(74) Board Orders 7–86 and 11–86 were submitted on May 9, 1986, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Board Order 7–86, which became State-effective on April 16, 1986.

(B) Board Order 11–86, and temporary operating permit for Refined Metals Corp., permit No. 0212–OIP, which became State-effective on April 16, 1986.

(ii) Other material—none.

(75) Board Order 12–86, a one-year variance from $SO_2$ ambient monitoring by DuPont in Old Hickory, was submitted on July 7, 1986, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Board Order 12–86, which became State-effective on June 19, 1986.

(ii) Other material—none.

(76) Board Orders 23–86, 24–86, 34–86 and 36–86 were submitted on October 7, 1986 and December 30, 1986, respectively by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Board Order 23–86, which became State-effective on September 17, 1986.

(B) Board Order 24–86, which became State-effective on September 17, 1986.

(C) Board Order 34–86, which became State-effective on November 20, 1986.

(D) Board Order 36–86, which became State-effective on November 20, 1986.

(ii) Other material—none.

(77) Board Orders 35–86 and 5–87 were submitted on February 17, 1987, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Board Order 35–86, Opacity variance for Hassel and Hughes Lumber Company, which was approved on November 19, 1986.

(B) Board Order 5–87, variance for Texas Gas Transmission Corporation which was approved on January 21, 1987.

(ii) Other material—none.

(78) A variance from Rule 1200–3–18.21 was submitted to EPA on December 30, 1986, by the Tenessee Department of Health and Environment.

(i) Incorporation by referemce.

(A) A variance for coating bicycles at Murray Ohio Manufacturing Company granted by the Tennessee Department of Health and Environment Air Pollution Control Board, approved on November 19, 1986.

(ii) Additional material—none.

(79) A variance from Rule 1200–3–18–.04(8) was submitted to EPA on January 6, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 08–87 approved on August 13, 1987.

(B) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials—none.

(80) A variance from Rule 1200–3–18–.04(8) was submitted to EPA on January 6, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 11–87 approved on August 13, 1987.

(B) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials—none.

(81) A variance from Rule 1200–3–18–.04(8) was submitted to EPA on January 6, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation of reference.

(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 29–87 approved on December 10, 1987.

(B) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials—none.

(82) A variance from Rule 1200–3–18–.04(8) was submitted to EPA on February 25, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 2–88 approved on February 18, 1988.

(B) Letter of February 25, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials-none.

(83) A variance from Rule 1200–3–18–.04(8) was submitted to EPA on January 6, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 27–87 approved on December 10, 1987.

(B) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials—none.

(84) A variance from Rule 1200–3–18–.04(8) was submitted to EPA on January 6, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Tennessee Department of Health and Environment, Division of Air Pollution Control Board Order 19–87 approved on October 2, 1987.

(B) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials—none.

(85) Board Orders 10–87 and 15–87, incorporating the Prevention of Significant Deterioration modeling guideline in the State of Tennessee and Nashville/Davidson County regulations, submitted on January 6, 1988 by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Board Order 10–87, revision to the Prevention of Significant Deterioration modeling guideline for the State of Tennessee, which was approved on August 13, 1987.

(B) Board Order 15–87, revision to the Prevention of Significant Deterioration modeling guideline for Nashville/Davidson County, which was approved on August 13, 1987.

(C) Letter of January 6, 1988 from the Tennessee Department of Health and Environment.

(ii) Other material—none.

(86) Board Order 1–87 concerning Legally Enforceable Limits and Schedules for the Metropolitan Nashville and Davidson County portion of the Tennessee State Implementation Plan for Total Suspended Particulates, was submitted on February 17, 1987, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Board Order 1–87, and amendments to § 2.12.1.D.8, ''Legally Enforceable Limits and Schedules'', of the Metropolitan Nashville and Davidson County portion of the Tennessee State Implementation Plan for Total Suspended Particulates, approved on January 21, 1987.

(ii) Other material—none.

(87) A certificate of alternate control of volatile organic compound emissions for Avco Aerostructures/Textron was submitted to EPA on February 25, 1988, by the State of Tennessee for the Metropolitan Health Department of Nashville and Davidson County.

(i) Incorporation by reference.

(A) Letter of February 25, 1988, from the State of Tennessee Air Pollution Control Board.

(B) Certificate of alternate control of volatile organic compound (VOC) emissions for Avco Aerostructures/Textron, adopted by the Metropolitan Board of Health on February 9, 1988.

(C) Avco Aerostructures/Textron operating permit numbers 42–3, 42–4, 42–5, 42–6, 42–7, 42–8, 42–9, 42–10, 42–18, 42–19.

(88) Rule 1200–3–19–.06, Logs for Operating Hours, submitted on February 19, 1980, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Rule 1200–3–19–.06, Logs for Operating Hours which became State-effective February 14, 1980.

(B) Letter of February 19, 1980, from the Tennessee Department of Public Health.

(ii) Other material—none.

(89) Revised Memphis and Shelby County regulations (Board Order 17–86) submitted on July 7, 1986.

(i) Incorporation by reference.

(A) Memphis and Shelby County regulations, Board Order 17–86, which became State-effective June 18, 1986. The regulations that are approved are as follows:

Sections 16–46
Sections 16–47
Sections 16–48
Sections 16–49 except for Rule 1200–3–3–.05 (the last sentence)
Sections 16–50
Sections 16–51
Sections 16–56
Sections 16–57
Sections 16–58
Sections 16–59
Sections 16–71
Sections 16–77 except for Rules 1200–3–9.01(3); 1200–3–9–.01(4)(b)(6)(the phrase, ''.except the activities of any vessel.''); 1200–3–9–.01(4)(o)(2); 1200–3–9–.02(1)–(3),(6)–(10) and the last sentence of (5); 1200–3–9–.03(2)(the last sentence), .03(2)(a), and .03(2)(b)
Sections 16–78 except for Rules 1200–3–7–.03(2); 1200–3–7–.04(2)(the last sentence); 1200–3–7–.07(2)–(5); 1200–3–7–.09
Sections 16–79
Sections 16–80
Sections 16–82 except for Rules 1200–3–14–.02; 1200–3–14–.03(5) and (6)
Sections 16–83 except for Rules 1200–3–5–.01(2) and (3); 1200–3–5–.03(2)
Sections 16–84
Sections 16–85
Sections 16–86

Sections 16–87
Sections 16–88 except paragraph (b)
Sections 16–89
Sections 16–90
Sections 16–91

(B) Letter of July 7, 1986, from the Tennessee Department of Health and Environment.

(ii) Other material—none.

(90) An amendment to Section 7–1 of the Nashville/Davidson County regulations was submitted on June 15, 1988, by Tennessee's Department of Health and Environment.

(i) Incorporation by reference.

(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 11–88 approved on June 8, 1988.

(B) Letter of June 15, 1988, from the Tennessee Department of Health and Environment.

(ii) Other material-none.

(91) Board Orders 13–87, deleting five operating permits for Tennessee Eastman Company from the SIP, and 14–87, deleting an operating permit for General Smelting and Refining from the SIP, submitted on January 6, 1988.

(i) Incorporation by reference.

(A) Board Order 13–87, for Tennessee Eastman Company, approved August 13, 1987.

(B) Board Order 14–87, for General Smelting and Refining Company, approved August 13, 1987.

(C) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other material—none.

(92) Revised Knox County regulations: Tennessee Air Pollution Control Board Order 17–86, submitted on July 7, 1986; Board Order 27–86, submitted on October 7, 1986; and Board Order 2–87, submitted on February 17, 1987.

(i) Incorporation by reference.

(A) Tennessee Air Pollution Control Board Orders 17–86, and Knox County regulations 12.0–20.0, 22.0, 24.0, 25.0, except 25.2.B, 26.0–41.0, and 46.0, which became State effective June 18, 1986; 27–86, and Knox County regulation 35.3 and amendments to 41.1, which became State effective September 17, 1986; and 2–87 and Knox County regulation 47.0, which became State effective January 21, 1987.

(ii) Additional material.

(A) Letters of July 7, 1986, October 7, 1986, and February 17, 1987, from the Tennessee Department of Health and Environment, submitting the Knox County SIP revisions.

(93) Stack height regulations were submitted to EPA on August 18, 1986, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Tennessee Air Pollution Control Regulations, Good Engineering Practice Stack Height Regulations, which became effective on November 22, 1987.

(ii) Other material—none.

(94) A revision of Rule 1200–3–18–.02(m) was submitted to EPA on January 6, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Amendment to Tennessee Department of Health and Environment rules (revision of Paragraph 1200–3–18–.02(m)), State-effective on November 10, 1986.

(ii) Other material—none.

(95) Rules 1200–3–6–.05(4), Wood Fired Fuel Burning Equipment, 1200–3–19–.11(3)(b), Particulate Matter Emissions Regulations for the Bristol Nonattainment Area, and 1200–3–19–.12(2)(g), Particulate Matter Emission Regulations for Air Contaminant Sources in or Significantly Impacting the Particulate Nonattainment Control Areas in Campbell County, which were submitted January 6, 1988.

(i) Incorporation by reference.

(A) Rule 1200–3–6–.05(4), Wood Fired Fuel Burning Equipment, which is State-effective, May 30, 1987.

(B) Rule 1200–3–19–.11(3)(b), Particulate Matter Emission Regulations for the Bristol Nonattainment Area, which is State-effective May 30, 1987.

(C) Rule 1200–3–19–.12(2)(g), Particulate Matter Emission Regulations for Air Contaminant Sources in or Significantly Impacting the Particulate Nonattainment Control Areas in Campbell County, which is State-effective May 30, 1987.

(ii) Other material—none.

(96) Tennessee Air Pollution Control Board Order 03–89 approving permits amended by agreed orders for fourteen sources was submitted to EPA on May 16, 1989, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.01, Astec Industries, Inc., effective March 20, 1989.

(B) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.02, Browning-Ferris Industries, effective March 20, 1989.

(C) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.03, The Landes Company Inc., effective March 20, 1989.

(D) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.04, Chattanooga Armature Works, effective March 20, 1989.

(E) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.05, Combustion Engineering, Inc., effective March 20, 1989.

(F) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.06, Cumberland Corporation, effective March 20, 1989.

(G) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.07, Ekco/Glaco, Inc., effective March 20, 1989.

(H) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.08, Electrical Systems, Inc., effective March 20, 1989.

(I) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.09, Mueller Company, effective March 20, 1989.

(J) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.10, McKee Baking Company, effective March 20, 1989.

(K) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.11, Royal, Incorporated, effective March 20, 1989.

(L) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.12, Tuftco Corporation, effective March 20, 1989.

(M) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.13, Sherman & Reilly, Inc., effective March 20, 1989.

(N) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.14, United States Stove Company, effective March 20, 1989.

(O) Board Order 03–89 of the Tennessee Air Pollution Control Board which adopts fourteen miscellaneous metal parts coaters' permits for Chattanooga-Hamilton County on May 10, 1989.

(ii) Other materials.

(A) Letter of May 16, 1989, from the Tennessee Department of Health and Environment.

(97) Revisions to the Nashville/Davidson County portion of the Tennessee SIP which included $PM_{10}$ regulations (Board Orders 10–88 and 88–15) submitted on December 14, 1988.

(i) Incorporation by reference.

(A) Revisions to Nashville/Davidson County Regulation No. 3, ''New Source Review'' and Board Order 10–88 approved June 8, 1988. The following regulations are approved:

Section 3–1–Definition—(dd), (ee) and (gg)
Section 3–2–Registration and Permits—(b)(2) and (e)
Section 3–3–Prevention of Significant Deterioration (PSD) Review—(a)(1), (e)(2), (f), (g)(6), (g)(7) and (g)(8)

(B) Revisions to Nashville/Davidson County Metropolitan Code Chapter 4 Subchapter 1 ''Air Pollution Control'' and Board Order 88–15 approved on November 16, 1988. The following regulations are approved:

Section 4–1–1–Definitions—$PM_{10}$ Emissions, Particulate Matter Emissions, Total Suspended Particulate, and Particulate Matter
Section 4–1–6–Incinerator Regulations—(f)
Section 4–1–16–Registration and Permits—(c) and f(3)
Section 4–1–18–Ambient Air Quality Standards

(98) Nashville/Davidson County stack height provisions (Board Order 28–86) submitted as revisions to the Tennessee SIP on October 7, 1986.

(i) Incorporation by reference.

(A) Tennessee Air Pollution Control Board Order 28–86 and Nashville/Davidson County Regulation No. 3, Sections 3–1 and 3–2 introductory paragraph which was approved September 17, 1986.

(ii) Other material.

(A) Letter of October 7, 1986, from the Tennessee Department of Health and Environment.

(99) $PM_{10}$ revisions to the Knox County portion of the Tennessee SIP adopted in Board Order 06–89 and submitted on August 2, 1989.

(i) Incorporation by reference.

(A) $PM_{10}$ revisions to the Knox County regulations and Board Order 06–89 which became State-effective July 19, 1989. The following regulations are approved:

Section 13, Definitions,
13.56 $PM_{10}$
13.57 $PM_{10}$ emissions
13.58 *Total Suspended Particulate*
Section 14.0, Ambient Air Quality Standards, Table I
Section 14.4A, Procedures for Ambient Sampling and Analysis
Section 36.1, Emergency Regulations (Episode Criteria), B., C. and D.

(ii) Additional material—none.

(100) Revisions to the Hamilton County portion of the Tennessee SIP which approved the regulations for Hamilton County, the City of Chattanooga and the nine other municipalities in Hamilton County adopted in Board Order 05–89 and submitted on July 20, 1989.

(i) Incorporation by reference.

(A) The entire set of regulations, ''The Hamilton County Air Pollution Control Regulation'', as submitted on July 20, 1989, except for section 9, Rules 15, 16, 18.2(q)(2), and 25.21.

(B) The entire set of regulations, ''The Chattanooga Air Pollution Control Ordinance'', as submitted on July 20, 1989, except for section 4–41, Rules 15, 16, 18.2(o)(2), and 25.21, and as amended by Ordinances Nos. 8413, dated January 15, 1985; 8675, dated July 29, 1986; and 8705, except sections 5 and 6, dated September 30, 1986.

(C) The entire set of regulations, ''The Collegedale Air Pollution Control Ordinance'', as submitted on July 20, 1989, except for section 8–541, Rules 15, 16, and 18.2(o)(2).

(D) The entire set of regulations, ''The East Ridge Air Pollution Control Ordinance'', as submitted on July 20, 1989, except for section 8–741, Rules 15, 16, and 18.2(o)(2).

(E) The entire set of regulations, ''The Lakesite Air Pollution Control Ordinance'', as submitted on July 20, 1989, except for section 41, Rules 15, 16, and 18.2(o)(2).

(F) The entire set of regulations, ''The Lookout Mountain Air Pollution Control Ordinance'', as submitted on July 20, 1989, except for section 41, Rules 15, 16, and 18.2(o)(2).

(G) The entire set of regulations, ''The Red Bank Air Pollution Control Ordinance'', as submitted on July 20, 1989, except for section 8–341, Rules 15, 16, and 18.2(o)(2).

(H) The entire set of regulations, ''The Ridgeside Air Pollution Control Ordinance'', as submitted on July 20, 1989, except for section 41, Rules 15, 16, and 18.2(o)(2).

(I) The entire set of regulations, ''The Signal Mountain Air Pollution Control Ordinance'', as submitted on July 20, 1989, except for section 41, Rules 15, 16, and 18.2(o)(2).

(J) The entire set of regulations, ''The Soddy-Daisy Air Pollution Control Ordinance'', as submitted on July 20, 1989, except for section 8–141, Rules 15, 16, and 18.2(o)(2).

(K) The entire set of regulations, ''The Walden Air Pollution Control Ordinance'', as submitted on July 20, 1989, except for section 41, Rules 15, 16, and 18.2(o)(2).

(L) Tennessee Air Pollution Control Board Order 05–89, which became State-effective July 19, 1989, adopted regulations for Hamilton County, the City of Chattanooga and the nine other Hamilton County municipalities as revisions to the Hamilton County portion of the Tennessee SIP.

(ii) Additional material.

(A) The July 20, 1989, submittal from the Tennessee Department of Health and Environment submitting the regulations for Hamilton County, Chattanooga and the nine other Hamilton County municipalities as revisions to the Hamilton County portion of the Tennessee SIP.

(101) Revisions to the Nashville/Davidson County portion of the Tennessee SIP submitted on October 3, 1989.

(i) Incorporation by reference.

(A) Tennessee Air Pollution Control Board Order 10–89 and Nashville/Davidson County Metropolitan Health Department Regulation No. 10, ''Infectious Waste Incinerators'' which became State effective September 13, 1989.

(ii) Other material.

(A) The October 3, 1989 letter from the Tennessee Department of Health and Environment submitting Regulation No. 10.

(102) [Reserved]

(103) A revision to the Metropolitan-Davidson County portion of Tennessee's SIP, Regulation No. 7—Regulation for Control of Volatile Organic Compounds was submitted on February 16, 1990.

(i) Incorporation by reference.

(A) Regulation No. 7—Regulation for the Control of Volatile Organic Compounds, except Section 7–22, effective February 14, 1990.

(ii) Other material.

(A) Letter of February 16, 1990 from the Tennessee Department of Health and Environment.

(104) The Tennessee Department of Conservation submitted a Board order including a certificate of alternate control and revised permits for the Nissan Motor Manufacturing facility located in Smyrna, Tennessee, to EPA on February 19, 1991, with revised information provided on April 29, 1991.

(i) Incorporation by reference.

(A) Nissan Motor Manufacturing Corporation USA operating permit numbers 029538P, 029539P, 029540P, 029541P, 029543P and 029544P which were issued on July 30, 1990, and 030180P which was issued on September 17, 1990.

(ii) Other materials.

(A) Letters of February 19, 1991, and April 29, 1991, from the Tennessee Department of Conservation.

(105) Amendments to the Nashville/Davidson County portion of Tennessee's SIP, Regulation No. 7—Regulation for Control of Volatile Organic Compounds submitted on July 3, 1991, October 4, 1991, and January 2, 1992.

(i)Incorporation by reference.

(A) Regulation No. 7—Regulation for the Control of Volatile Organic Compounds, effective December 10, 1991.

(ii) Other material.

(A) Letter of July 3, 1991, from the Metropolitan Health Department for Nashville/Davidson County.

(B) Letter of October 4, 1991, from the Metropolitan Health Department for Nashville/Davidson County.

(C) Letter of January 2, 1991, from the Metropolitan Health Department for Nashville/Davidson County.

(106) Amendments to the Knox County portion of Tennessee's SIP, submitted on January 4, 1991.

(i) Incorporation by reference.

(A) Amendments to Regulations 25.2B, 29.1B, 17.4E, 18.1, 19.1, 47.3C, effective December 13, 1990.

(ii) Other material.

(A) Letter of January 4, 1991, from the Tennessee Department of Health and Environment.

(107) Revisions to the New Johnsonville $SO_2$ portion of the Tennessee State Implementation Plan submitted on August 2, 1983, by the State of Tennessee through the Tennessee Air Pollution Control Board.

(i) Incorporation by reference.

(A) Revisions to the following Tennessee Air Pollution Control Regulations which became State-effective on December 13, 1982:

1200–3–3–.05—Achievement

(B) Revisions to the following Tennessee Air Pollution Control Regulations which became State-effective on December 17, 1982:

1200–3–19–.14—Sulfur Dioxide Emission Regulation for the New Johnsonville Nonattainment Area

(C) Revisions to the following Tennessee Air Pollution Control Regulations which became State-effective on August 1, 1984:

1200–3–14–.01(2)—General Provisions
1200–3–14–.02(1)(a)—Non-process Emissions Standards

(ii) Other material. None.

(108) Revisions to the Memphis-Shelby County portion of the Tennessee SIP submitted on July 3, 1991, and June 15, 1992, by the State of Tennessee through the Tennessee Air Pollution Control Board.

(i) Incorporation by reference.

(A) Permit for battery receiving and breaking operation for Refined Metals Corporation which became effective on June 12, 1991: Permit No. 0212–01P.

(B) Permit for the refining kettles/casting area for Refined Metals Corporation which became effective on June 12, 1991: Permit No. 0212–04P.

(C) Permit for the blast furnace/dust furnace for Refined Metals Corporation which became effective on June 10, 1992: Permit No. 0212–03P(R).

(ii) Other material.

(A) None.

(109) Addition of Section 45, Prevention of Significant Deterioration to the Knox County portion of the Tennessee SIP, submitted and revised on January 29, 1992 and June 15, 1992, respectively.

(i) Incorporation by reference.

(A) Amendments to Section 45.0 of the Knox County regulations were adopted on June 10, 1992.

(ii) Other material. None.

(110) Revisions to the VOC portion of the Knox County portion of the Tennessee SIP to correct deficiencies, which were submitted on January 4, 1991, January 29, 1992, and June 15, 1992, respectively.

(i) Incorporation by reference.

(A) Amendments to the following Sections of the Knox County regulations—13.15, 46.1–B, 46.4–B.7, 46.4–B.8, 46.4–B.9, 46.4–I, 46.6–D.6, 46.8–B.1.d, 46.11–B.5, 46.11–B.6—were adopted on December 13, 1990.

(B) Amendments to the following Sections of the Knox County regulations—27.2–A and 46.2—were adopted on November 13, 1991.

(C) Amendments to the following Sections of the Knox County regulations—26.5–B, 27.2, 28.1–A.4, 46.2–A.7, 46.2–A.34, 46.6–D.7, 46.17–D, 46.19, 46.20, and 46.21—were adopted on June 10, 1992.

(ii) Other material.

(A) Letter of January 4, 1991, from the Tennessee Department of Conservation and Environment.

(B) Letter of January 29, 1992, from the Tennessee Department of Conservation and Environment.

(C) Letter of June 15, 1992, from the Tennessee Department of Conservation and Environment.

(111) The maintenance plan for Knox County submitted by the Tennessee Department of Environment and Conservation on August 26, 1992, as part of the Tennessee SIP.

(i) Incorporation by reference.

(A) Knox County Ozone Attainment Redesignation State Implementation Plan Revision Support Document, which became State-effective on August 12, 1992; and

(B) Emissions Inventory Projections (1990–2004) for Knox County, which became State-effective on August 12, 1992.

(ii) Other material.

(A) Letter dated August 26, 1992, from the Tennessee Department of Environment and Conservation.

(112)–(113) [Reserved]

(114) On July 13, 1990, and February 26, 1993, Nashville-Davidson county submitted revisions to the Nashville-Davidson county portion of the Tennessee SIP through the Tennessee Department of Air Pollution Control which were intended to bring their regulations into conformity with EPA's New Source Review (NSR) requirements and EPA's Prevention of Significant Deterioration (PSD) increments for nitrogen dioxide ($NO_2$). The USEPA is granting limited approval to the revisions to the Nashville-Davidson county NSR regulations because the revised regulations strengthen the SIP.

(i) Incorporation by reference.

(A) Amendments to sections 3–1(e) and 3–3(e)(2)(iii) of the Nashville-Davidson county portion of the Tennessee regulations were adopted by the Nashville Metropolitan Board of Health on April 12, 1990.

(B) Amendments to sections 3–1(d), 3–1(t), 3–1(x)(7),3–1(ee)(3), 3–1(gg), 3–1(hh), 3–2(b)(2)(ii), and 3–2(b)(3) were adopted by the Nashville Metropolitan Board of Health on December 8, 1992.

(ii) Other material—none.

(115) Revisions to the rules in the State's portion of the Tennessee State Implementation Plan (SIP) regarding control of volatile organic compounds (VOCs) were submitted on June 25, 1992, and March 22, 1993, by the Tennessee Department of Environment and Conservation. Revisions to the rules in the Memphis-Shelby County portion of the Tennessee SIP regarding control of VOCs were submitted on November 5, 1992, and April 22, 1993, by the State on behalf of Memphis-Shelby County. In these submittals, Memphis-Shelby County adopted State regulations by reference.

(i) Incorporation by reference.

(A) Revisions to the following State of Tennessee regulations were effective on June 7, 1992.

(*1*) Rule 1200–3–2–.01 General Definitions: Subparagraphs (1)(b), (c), (z), (aa), (gg), (vv), (zz), (ccc), (lll), (mmm), (nnn), (eeee), (ffff), (gggg), and (iiii).

(*2*) Rule 1200–3–18–.01 Purposes and General Provisions: Paragraphs (1), (3), (4) introductory paragraph and (4)(a), (5), and (6).

(*3*) Rule 1200–3–18–.02 Definitions: Subparagraphs (1)(a), (b), (c), (f), (m), (ii), and (jj).

(*4*) Rule 1200–3–18–.04 Alternate Emission Standard.

(*5*) Rule 1200–3–18–.05 Automobile and Light Duty Truck Manufacturing.

(*6*) Rule 1200–3–18–.06 Paper Coating: Subparagraph (1)(b) and paragraphs (2), (3), and (4).

(*7*) Rule 1200–3–18–.07 Petroleum Liquid Storage: Introductory paragraph of paragraph (4).

(*8*) Rule 1200–3–18–.08 Bulk Gasoline Plants: Paragraphs (2) and (3).

(*9*) Rule 1200–3–18–.09 Bulk Gasoline Plants: Paragraph (2), subparagraph (3)(d), and paragraph (6).

(*10*) Rule 1200–3–18–.10 Gasoline Service Stations Stage I: Paragraphs (2), (3) (except subparagraph (3)(a)), (4), and (6).

(*11*) Rule 1200–3–18–.11 Petroleum Refinery Sources: Paragraph (2).

(*12*) Rule 1200–3–18–.12 Can Coating: Paragraphs (3) and (4).

(*13*) Rule 1200–3–18–.13 Coil Coating: Paragraphs (1), (2), and (4).

(*14*) Rule 1200–3–18–.14 Fabric and Vinyl Coating: Subparagraph (1)(b) and paragraphs (2), (3), and (4).

(*15*) Rule 1200–3–18–.15 Metal Furniture Coating: Paragraphs (3) and (4).

(*16*) Rule 1200–3–18–.16 Surface Coating of Large Appliances: Paragraphs (3), (4), and (5).

(*17*) Rule 1200–3–18–.17 Magnet Wire Coating: Paragraphs (2) and (3).

(*18*) Rule 1200–3–18–.18 Solvent Metal Cleaning: Paragraphs (2) and (3).

(*19*) Rule 1200–3–18–.20 Flat Wood Paneling Coating: Introductory paragraph of paragraph (2), paragraphs (4), (5), and (6).

(*20*) Rule 1200–3–18–.21 Surface Coating of Miscellaneous Metal Parts and Products: Subparagraphs (1)(g) and (h), paragraph (2), subparagraph (5)(1), and paragraphs (6), (7), and (8).

(*21*) Rule 1200–3–18–.22 Leaks from Gasoline Tank Trucks and Vapor Collection Systems: Introductory paragraph of paragraph (2), subparagraph (2)(a), paragraphs (3), (4), (5), and (6).

(*22*) Rule 1200–3–18–.23 Petroleum Refinery Equipment Leaks: Introductory paragraph of paragraph (2), subparagraph (2)(a), and paragraph (4).

(*23*) Rule 1200–3–18–.25 Petroleum Liquid Storage in External Floating Roof Tanks: Introductory paragraph of paragraph (2), and paragraph (5).

(*24*) Rule 1200–3–18–.26 Manufacture of Pneumatic Rubber Tires: Introductory paragraph of paragraph (2), paragraphs (4), (5), and (6).

(*25*) Rule 1200–3–18–.27 Manufacture of Synthesized Pharmaceutical Products: Introductory paragraph of paragraph (2), paragraphs (3), (4), and (5).

(*26*) Rule 1200–3–18–.28 Perchloroethylene Dry Cleaning: Introductory paragraph of paragraph (2), paragraphs (4) and (5), and subparagraph (6)(d).

(*27*) Rule 1200–3–18–.29 Graphic Arts-Rotogravure and Flexography: Introductory paragraph of paragraph (2), subparagraph (2)(b), paragraphs (5) and (6).

(*28*) Rule 1200–3–18–.30 Surface Coating of Aerospace Components.

(*29*) Rule 1200–3–18–.40 Regulations Required in Nonattainment Areas.

(*30*) Rule 1200–3–18–.41 Compliance Schedules.

(*31*) Rule 1200–3–18–.42 Individual Compliance Schedules: Paragraphs (1), (2), (3), and (4).

(*32*) Rule 1200–3–18–.43 General Provisions for Test Methods and Procedures.

(*33*) Rule 1200–3–18–.44 Determination of Volatile Content of Surface Coatings.

(*34*) Rule 1200–3–18–.45 Test Method for Determination of Volatile Organic Compound Emissions Control Systems Efficiency.

(*35*) Rule 1200–3–18–.46 Test Method for Determination of Solvent Metal Cleaning Organic Compound Emissions.

(*36*) Rule 1200–3–18–.47 Test Procedure for Determination of VOC Emissions from Bulk Gasoline Terminals.

(B) Revisions to the following State of Tennessee regulations were effective on March 18, 1993.

(*1*) Rule 1200–3–21–.01 General Alternate Emission Standard: Paragraphs (1), (2), (3), (4), and (9).

(*2*) Rule 1200–3–21–.02 Applicability.

(ii) Additional material—none.

(116) The Tennessee Department of Environment and Conservation submitted a SIP revision that amended Rule 1200–3–18 which was submitted to EPA on May 18, 1993. These amendments add Stage II provisions to this rule.

(i) Incorporation by reference.

(A) Rule 1200–3–18–.24 which became State-effective June 21, 1993.

(B) Revisions to the Davidson County portion of the Tennessee SIP. Rule 7, Section 7–1 (11), Rule 7, Section 7–13, Rule 7, Section 7–25(b) which became state effective on November 4, 1992.

(ii) Other material. None.

(117) The Tennessee Department of Environment and Conservation has submitted revisions to the Tennessee State Implementation Plan. These revisions address the requirements of section 507 of Title V of the CAA and establish the Small Business Stationary Source Technical and Environmental Assistance Program (PROGRAM).

(i) Incorporation by reference.

(A) Revision to the Tennessee State Implementation Plan to Incorporate Small Business Assistance Program as Required by the Clean Air Act Amendments of 1990, approved by the Tennessee Air Pollution Control Board on February 10, 1993.

(ii) Additional information—None.

(118) [Reserved]

(119) The minor source operating permit program for Knox County, submitted by the Tennessee Division of Air Pollution Control on November 12, 1993 as part of the Tennessee SIP.

(i) Incorporation by reference.

(A) Revisions to Regulations 17.4.E, 18.1.B, 19.1.B, 25.3.I., and 47.3.C. of the Knox County portion of the Tennessee SIP, as adopted by the Knox County Air Pollution Control Board on October 13, 1993.

(ii) Other material. None.

(120) Revisions to the Tennessee Division of Air Pollution Control emergency episode plan, submitted on September 1, 1993. These revisions incorporate changes within chapter 1200–3–15-.02 of the Tennessee SIP into the existing regulations which are required in 40 CFR 52.1270.

(i) Incorporation by reference.

(A) Tennessee Air Pollution Control Regulations, Chapter 1200–3–15-.02, paragraphs (3), (4), and (5), effective June 26, 1993.

(121) The redesignation and maintenance plan for Memphis/Shelby County submitted by the Memphis/Shelby County Health Department on October 30, 1992, as part of the Tennessee SIP. On October 15, 1993, and May 6, 1994, Tennessee Department of Environment and Conservation submitted a supplement to the above maintenance plan.

(i) Incorporation by reference.

(A) Memphis/Shelby County Carbon Monoxide Ten Year Maintenance Plan effective on October 13, 1993.

(B) Emissions Inventory Projections for Memphis/Shelby County effective on October 13, 1993.

(ii) Other material. None.

(122) The maintenance plan and emission inventory for the Memphis and Shelby County Area which includes Shelby County and the City of Memphis submitted by the Tennessee Department of Environment and Conservation on November 12, 1992, and March 31, 1994, as part of the Tennessee SIP.

(i) Incorporation by reference.

(A) Amendment to the Original Submittal of Nonregulatory Amendment to State Implementation Plan for Shelby County Redesignation from Nonattainment to Attainment Classification for Ozone submitted March 31, 1994, and prepared by the Memphis and Shelby County Health Department, Pollution Control Section for the Tennessee Department of Conservation. The effective date is March 9, 1994, for the following provisions:

Section I—Requirement One—Air Quality Data Shows Area Meets NAAQS
Section IV—Requirement Four—Maintenance Plan
Attachment F:
Shelby County Emission Projections Volatile Organic Compounds (Summer Season)
Shelby County Emission Projections 1990–2004 Nitrogen Oxides (Summer Season)

(ii) Other material. None.

(123) A revised chapter 1200–3–18 ''Volatile Organic Compounds'' was submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on May 18, 1993, to replace the

current chapter 1200–3–18 in the Tennessee SIP. This chapter had been revised to meet the requirements of the 1990 Clean Air Act Amendments commonly referred to as the ''VOC RACT Catch-Up'' requirements. Rule 1200–3–18–.28 ''Perchloroethylene Dry Cleaners'' which was federally approved in 59 FR 18310 on April 18, 1994, will remain effective.

(i) Incorporation by reference.

(A) Revisions to the State of Tennessee regulations which were effective on April 22, 1993.

(*1*) Chapter 1200–3–18 ''Volatile Organic Compounds,'' except for subchapter 1200–3–18–.24, subparagraph 1200–3–18–.03 (2)(b), subparagraph 1200–3–18–.20 (1)(b)(2)(vii), and subparagraphs 1200–3–18–.79 (1)(a)(3), (1)(c), and (1)(d).

(ii) Other material. None.

(124) On August 17, 1994, the Tennessee Department of Environment and Conservation submitted revisions to the new source review requirements in the Tennessee Division of Air Pollution Control Regulations. These revisions incorporate changes to Chapter 1200–3–9 by substituting for the present paragraph 1200–3–9-.01(5) of the Tennessee SIP with new requirements, which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference. Tennessee Division of Air Pollution Control Regulations, Chapter 1200–3–9-.01(5) Growth Policy, effective August 15, 1994.

(ii) Other material. None.

(125) [Reserved]

(126) Modifications to the existing basic I/M program in Davidson County to implement an anti-tampering check, and to require testing of vehicles from model year 1975 and newer, submitted on March 17, 1994. Addition of a basic I/M program in the remainder of the middle Tennessee ozone nonattainment area, submitted on July 8, 1994.

(i) Incorporation by reference.

(a) Metropolitan Health Department Pollution Control Division Regulation 8, approved by the Tennessee Air Pollution Control Board on March 9, 1994.

(b) Regulation 1200–3–29, effective on September 8, 1993.

(ii) Other material. None.

(127) Revisions to the State of Tennessee Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on April 18, 1995. These consist of revisions to the process emission standards for new and existing cotton gins. These revised regulations also provide an optional method of using selected controls to demonstrate compliance with the emission standards.

(i) Incorporation by reference.

(A) Tennessee Division of Air Pollution Control Regulations, Chapter 1200–3–7-.08(3) effective July 16, 1990.

(ii) Other material. None.

(128) Revisions to Chapter 16, ''Open Burning'', of the Knox County portion of the Tennessee State Implementation Plan were submitted by the Tennessee Department of Environment and Conservation on February 26, 1993. Revisions to Chapter 25, ''Permits'', of the Knox County portion of the Tennessee State Implementation Plan were submitted by the Tennessee Department of Environment and Conservation on June 23, 1998.

(i) Incorporation by reference.

(A) Section 16.3 Exceptions to Prohibition—With Permit, adopted on January 13, 1993.

(B) Section 25.6 Exemptions, paragraph E, adopted on June 10, 1998.

(ii) Other material. None.

(129) [Reserved]

(130) Revisions to minor source operating permit rules for Nashville-Davidson County submitted by the Tennessee Department of Environment and Conservation on November 16, 1994.

(i) Incorporation by reference.

(A) Metropolitan Code of Law (M.C.L.) Chapter 10.56, Section 040, Paragraph F, effective October 4, 1994.

(ii) Other material. None.

(131) On November 12, 1993, the State submitted revisions to the Nashville/Davidson County portion of the Tennessee State Implementation Plan (SIP) on behalf of Nashville/Davidson County. These were revisions to the permit requirements for major sources of air pollution, including revisions to the general definitions, the permit requirements, and the exemptions. As a supplement to this submittal, on July

15, 1994, the State also submitted a request that the recodification of the entire air pollution control rule for Nashville/Davidson County be approved as part of the SIP. These revisions and recodification incorporate changes to Nashville's Chapter 10.56, which was previously Chapter 4–1–1, which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference.

Code of Laws of the Metropolitan Government of Nashville and Davidson County, Tennessee, Chapter 10.56, Air Pollution Control, effective November 10, 1993, except for the following parts:

(A) Section 10.56.010, the definition of ''regulated pollutant'';

(B) Section 10.56.040, Paragraph (F);

(C) Section 10.56.050, Paragraphs (C), (D) and (E);

(D) Section 10.56.080.

(ii) Other material. None.

(132) Revisions to the Knox County Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on June 28, 1994. These consist of revisions to appeals, judicial review, and violations of the air pollution regulations in Knox County.

(i) Incorporation by reference.

Knox County Air Pollution Control Regulations, Sections 29.1.B, 29.3, 30.1.A, and 30.1.D adopted May 25, 1994.

(133) On September 27, 1994, the State submitted revisions to the Nashville/Davidson County portion of the Tennessee State Implementation Plan (SIP) on behalf of Nashville/Davidson County. These were revisions to the new source review requirements in the Nashville/Davidson County regulations. These revisions incorporate changes to Regulation Number Three, Sections 3–1, 3–2 and 3–3 of the Nashville/Davidson County portion of the Tennessee SIP which bring this into conformance with the new requirements which are required in 40 CFR part 52, subpart I.

(i) Incorporation by reference.

Metropolitan Health Department Division of Pollution Control Regulation Number 3 New Source Review, as amended on August 9, 1994.

(ii) Other material. None.

(134) Revisions to the State of Tennessee Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on June 21, 1991, and June 22, 1993. These consist of revisions to Chapter 1200–3–10 Required Sampling, Recording and Reporting, and Chapter 1200–3–14 Control of Sulfur Dioxide Emissions. Revisions to section 16–85 of the Memphis/Shelby County portion of the Tennessee SIP which adopt by reference changes made to Chapter 1200–3–10 of the Tennessee SIP.

(i) Incorporation by reference.

(A) Chapter 1200–3–14, effective March 21, 1993.

(B) Chapter 1200–3–10, effective March 13, 1993.

(C) Section 16–85 of the Memphis/Shelby County Health Department, Air Pollution Control Regulations effective October 23, 1993.

(ii) Other material. None.

(135) [Reserved]

(136) Revisions to the Chattanooga/Hamilton County Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on May 18, 1993.

(i) Incorporation by reference.

(A) The Chattanooga City Code, Part II, Chapter 4, is revised as shown in the following paragraphs. These revisions were adopted on March 9, 1993.

(*1*) Section 4–2: the definitions for Best available control technology (BACT); Owner or operator of a demolition or renovation activity; Primary Air Quality Standards; and Secondary Air Quality Standards.

(*2*) Section 4–41: Rule 21, ''Ambient Air Quality Standards.''

(*3*) Section 4–41: Rule 25.2, subparagraph 33.

(B) The Hamilton County Air Pollution Control Regulation is revised as shown in the following paragraphs. These revisions were adopted on April 7, 1993.

(*1*) Section 16: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(*2*) Section 9: Rule 25.2, subparagraph 33.

(*3*) Section 9: Rule 21, ''Ambient Air Quality Standards.''

(*4*) Section 25, ''Regulations cumulative.''

(C) The Soddy-Daisy Municipal Code, Title 8, *Health and Sanitation*, Chapter 1, *Air Pollution Control*, is revised as shown in the following paragraphs. These revisions were adopted on March 18, 1993.

(*1*) Section 8–102: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(*2*) Section 8–141: Rule 25.2, subparagraph 21.

(*3*) Section 8–141: Rule 21, ''Ambient Air Quality Standards.''

(D) The Ridgeside Air Pollution Control Ordinance is revised as shown in the following paragraphs. These revisions were adopted on April 20, 1993.

(*1*) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(*2*) Section 41: Rule 25.2, subparagraph 21.

(*3*) Section 41: Rule 21, ''Ambient Air Quality Standards.''

(E) The Signal Mountain Air Pollution Control Ordinance is revised as shown in the following paragraphs. These revisions were adopted on March 8, 1993.

(*1*) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(*2*) Section 41: Rule 25.2, subparagraph 21.

(*3*) Section 41: Rule 21, ''Ambient Air Quality Standards.''

(F) The Walden Air Pollution Control Ordinance is revised as shown in the following paragraphs. These revisions were adopted on adopted March 9, 1993.

(*1*) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(*2*) Section 41: Rule 25.2, subparagraph 33.

(*3*) Section 41: Rule 21, ''Ambient Air Quality Standards.''

(G) The Lookout Mountain Air Pollution Control Ordinance is revised as shown in the following paragraphs. These revisions were adopted March 9, 1993.

(*1*) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(*2*) Section 41: Rule 25.2, subparagraph 21.

(*3*) Section 41: Rule 21, ''Ambient Air Quality Standards.''

(H) The Red Bank Municipal Code, Chapter 3, Title 8, is revised as shown in the following paragraphs. These revisions were adopted March 16, 1993.

(*1*) Section 8–302: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(*2*) Section 8–341: Rule 25.2, subparagraph 21.

(*3*) Section 8–341: Rule 21, ''Ambient Air Quality Standards.''

(I) The Collegedale Municipal Code, Title 8, *Health and Sanitation*, Chapter 5, *Air Pollution Control*, is revised as shown in the following paragraphs. These revisions were adopted April 12, 1993.

(*1*) Section 8–502: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(*2*) Section 8–541: Rule 25.2, subparagraph 33.

(*3*) Section 8–541: Rule 21, ''Ambient Air Quality Standards.''

(J) The Lakesite Municipal Code, Title 4, *Building, Utility, Housing and Air Pollution Control Codes*, Chapter 6, *Air Pollution Control Ordinance* is revised as shown in the following paragraphs. These revisions were adopted March 30, 1993.

(*1*) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(*2*) Section 41: Rule 25.2, subparagraph 21.

(*3*) Section 41: Rule 21, ''Ambient Air Quality Standards.''

(K) The East Ridge City Code, Title 8, Health and Sanitation, Chapter 7, Air Pollution Control is revised as shown in the following paragraphs. These revisions were adopted March 11, 1993.

(*1*) Section 8–702: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(*2*) Section 8–741: Rule 25.2, subparagraph 21.

(*3*) Section 8–741: Rule 21, ''Ambient Air Quality Standards.''

(ii) Other material. None.

(137) Revisions to the State of Tennessee Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on September 1, 1993, and June 10, 1996. These consist of revisions to Chapter 1200–3–9–.01 CONSTRUCTION PERMITS.

(i) Incorporation by reference.

(A) Chapter 1200–3–9–.01 CONSTRUCTION PERMITS of the Tennessee Department of Environment and Conservation which became state effective August 18, 1996.

(ii) Other material. None.

(138) Revisions to chapter 1200–3–9 ''Construction and Operating Permits'' were submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on January 17, 1995. Revisions to chapter 1200–3–18 ''Volatile Organic Compounds'' were submitted by the TDAPC to EPA on February 21, 1995, February 8, 1996, February 23, 1996, April 22, 1996, and April 25, 1996.

(i) Incorporation by reference.

(A) Revisions to the State of Tennessee regulation 1200–3–9 ''Construction and Operating Permits'', subparagraphs 1200–3–9–.01 (6), (7), (8), effective on August 15, 1994.

(B) Revisions to the State of Tennessee regulation by the addition of a new rule 1200–3–18–.33 ''Manufacturing of Synthesized Pharmaceutical Products'', effective on November 21, 1993.

(C) Revisions to the State of Tennessee regulation 1200–3–18 ''Volatile Organic Compounds'' rules 1200–3–18–.01, 1200–3–18–.02, 1200–3–18–.03, 1200–3–18–.04, 1200–3–18–.20, 1200–3–18–.21, 1200–3–18–.36, 1200–3–18–.38, 1200–3–18–.39 effective on October 9, 1995.

(D) Revisions to the State of Tennessee regulations effective October 25, 1995.

(*1*) The addition of a the new rule 1200–3–18–.78 ''Other Facilities that Emit Volatile Organic Compounds (VOC's) of Fifty Tons Per Year''.

(*2*) Revisions to rule 1200–3–18–.79 ''Other Facilities that Emit Volatile Organic Compounds''.

(E) Revisions to the State of Tennessee regulation by the addition of a new rule 1200–3–18–.42 ''Wood Furniture Finishing and Cleaning'', effective August 15, 1995.

(F) Revisions to the State of Tennessee regulation by the addition of a new rule 1200–3–18–.43 ''Offset Lithographic Printing Operations'', effective October 14, 1995.

(ii) Other material. None.

(139) Addition of a new chapter 1200–3–27 ''Nitrogen Oxides'' submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on June 14, 1993, September 28, 1993, May 26, 1994, July 29, 1994, February 23, 1996.

(i) Incorporation by reference.

(A) Regulation 1200–3–27 ''Nitrogen Oxides'', 1200–3–27–.01; 1200–3–27–.02; 1200–3–27–.03 (1) introductory sentence, (1)(b), (3) introductory sentence, (3)(a), effective as of October 28, 1995.

(B) Nashville/Davidson County regulation number 14 ''Regulation for the Control of Nitrogen Oxides'', Section 14–1; Section 14–2 (b); Section 14–4; Section 14–5; adopted on August 10, 1993.

(ii) Other material. None.

(140) Permit-by-rule regulations for Knox County Department of Air Pollution Control submitted by the Knox County Department of Air Pollution Control through the Tennessee Department of Environment and Conservation on May 23, 1995 as part of Knox County's portion of the Tennessee SIP.

(i) Incorporation by reference.

(A) Regulation Section 25.10 of the Knox County portion of the Tennessee SIP as adopted by the Knox County Air Pollution Control Board on April 12, 1995.

(ii) Other material. None.

(141) On November 16, 1994, the State submitted revisions to the Nashville/Davidson portion of the Tennessee State Implementation Plan (SIP) on behalf of Nashville/Davidson County. These were revisions to the permit requirements for major sources of air pollution, including revisions to the general definitions, permit requirements, the Board's powers and duties, the variances and hearings procedures, the measurement and reporting of emissions, and the testing procedures. These revisions incorporate changes to Nashville's Chapter 10.56 which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference.

(A) Code of Laws of the Metropolitan Government of Nashville and Davidson County, Tennessee, Chapter 10.56, except Section 10.56.290, Air Pollution Control, approved on October 6, 1994, except Section 10.56.010, definition of ''Regulated Pollutant''; Section 10.56.050, paragraphs (C), (D), and (E); Section 10.56.080.

(ii) Other material. None.

(142) Addition of two source specific nitrogen oxide (NOx) permits for certain engines at Tenneco Energy's Portland facility located in Sumner County, Tennessee, submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on May 31, 1996.

(i) Incorporation by reference.

(A) Operating Permit number 045022F, approved on May 31, 1996, except conditions 2, 3, 6, and 7.

(B) Operating Permit number 045025F, approved on May 31, 1996, except conditions 2, 4, and 5.

(ii) Other material. None.

(143) Revisions to chapter 1200–3–18 ''Volatile Organic Compounds'' were submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on June 3, 1996, and June 4, 1996.

(i) Incorporation by reference.

(A) Rule 1200–3–18–.01, paragraphs (26) and (87), effective on August 10, 1996.

(B) Rule 1200–3–18–.06 ''Handling, Storage, Use, and Disposal of Volatile Organic Compounds (VOCs)'', effective on August 11, 1996.

(C) Rule 1200–3–18–.44 ''Surface Coating of Plastic Parts'', effective on August 10, 1996.

(D) Rule 1200–3–18–.45 ''Standards of Performance for Commercial Motor Vehicle and Mobile Equipment Refinishing Operations'', effective on January 17, 1996.

(E) Rule 1200–3–18–.48 ''Volatile Organic Liquid Storage Tanks'', effective on August 2, 1996.

(ii) Other material. None.

(144) The maintenance plan and redesignation request for the Nashville Area which includes Davidson, Rutherford, Sumner, Williamson, and Wilson Counties submitted by the Tennessee Department of Environment and Conservation on November 14, 1994, August 9, 1995, and January 19, 1996, as part of the Tennessee SIP.

(i) Incorporation by reference. The following sections of the document entitled Request for Redesignation of the Middle Tennessee Non-attainment Area from Moderate Non-attainment to Attainment of the National Ambient Air Quality Standard for Ozone and the Maintenance Plan: 2.0 Attainment Demonstration; 3.0 Maintenance Demonstration; 4.0 Contingency Plan; and Appendix 4 Summaries of Projected Emissions for VOC, $NO_X$, and CO adopted on January 10, 1996.

(ii) Other material. None.

(145) Revisions to Division Rule 1200—Stationary Sources—General Requirements, submitted by the Tennessee Department of Environmental Protection on May 3, 1995.

(i) Incorporation by reference.

(A) Division of Air Pollution Control Rule 1200–3–9–.02(11)(a), effective September 21, 1994.

(B) Memphis City Code Section 16–77, reference 1200–3–9–.02(11)(a), effective October 28, 1994.

(ii) Other materials. None.

(146) [Reserved]

(147) Addition of a new chapter 1200–3–23 ''Visibility Protection'' to the Tennessee Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on February 9, 1993, and December 19, 1994.

(i) Incorporation by reference.

(A) Chapter 1200–3–23 ''Visibility Protection,'' effective July 24, 1994.

(ii) Other material. None.

(148) Revisions to the Hamilton County portion of the Tennessee SIP that approve the regulations for Hamilton County, the City of Chattanooga, and the municipalities of East Ridge, Red Bank, Soddy-Daisy, Signal Mountain, Lakesite, Walden, Collegedale, Lookout Mountain, and Ridgeside—submitted by the Tennessee Department of Environmental Protection on December 15, 1995.

(i) Incorporation by reference.

(A) Amendments to Sections 2, 3, 4, 6, 8, 12, and 16–19 of the regulation known as the ''Hamilton County Air Pollution Control Regulation,'' the ''Signal Mountain Air Pollution Control Ordinance,'' the ''Lakesite Municipal Code,'' the ''Walden Air Pollution Control Ordinance,'' the ''Lookout Mountain Air Pollution Control Ordinance,'' and the ''Ridgeside Air Pollution Control Ordinance,'' submitted on December 15, 1995 and adopted by Hamilton County on September 6, 1995 and by the following municipalities: Signal Mountain, adopted on December 11, 1995; Lakesite, adopted on November 16, 1995; Walden, adopted on December 12, 1995; Lookout Mountain, adopted on November 14, 1995; and Ridgeside, adopted on April 16, 1996.

(B) Amendments to Sections 4–2, 4–3, 4–4, 4–6, 4–8, 4–12, 4–16, 4–17, 4–18, and 4–19 of the ''Chattanooga Air Pollution Control Ordinance,'' as submitted on December 15, 1995 and adopted on August 16, 1995.

(C) Amendments to Sections 8–702, 8–703, 8–704, 8–706, 8–708, 8–712, 8–716, 8–717, 8–718, and 8–719 of the ''East Ridge City Code,'' as submitted on December 15, 1995 and adopted on September 28, 1995.

(D) Amendments to Sections 8–302, 8–303, 8–304, 8–306, 8–308, 8–312, 8–316, 8–317, 8–318, and 8–319 of the ''Red Bank Municipal Code,'' as submitted on December 15, 1995 and adopted on November 7, 1995.

(E) Amendments to Sections 8–102, 8–103, 8–104, 8–106, 8–108, 8–112, 8–116, 8–117, 8–818, and 8–119 of the ''Soddy-Daisy Municipal Code,'' as submitted on December 15, 1995 and adopted on October 5, 1995.

(F) Amendments to Sections 8–502, 8–503, 8–504, 8–506, 8–508, 5–512, 8–516, 8–517, 8–518, and 8–519 of the ''Collegedale Municipal Code,'' as submitted on December 15, 1995 and adopted on October 2, 1995.

(ii) Other materials. None.

(149) On March 4, 1996, the State submitted revisions to the Knoxville/Knox County portion of the Tennessee SIP on behalf of Knoxville/Knox County. These were revisions to the enforcement authority requirements in the Knoxville/Knox County regulations. These revisions incorporate changes to Knoxville's Section 30.1 which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference.

(A) Knox County Air Pollution Control Regulations, Sections 30.1.D, 30.1.F, and 30.1.G, adopted on January 10, 1996.

(ii) Other material. None.

(150) Revisions to chapters 1200–3–9 ''Construction and Operating Permits'' and 1200–3–18 ''Volatile Organic Compounds'' were submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on June 3, 1996.

(i) Incorporation by reference.

(A) State of Tennessee regulation 1200–3–9 ''Construction and Operating Permits'', subpart 1200–3–9–.01(4)(b)(29)(i) effective on August 14, 1996.

(B) State of Tennessee regulation 1200–3–18 ''Volatile Organic Compounds'', subparts 1200–3–18–.24(1)(d), 1200–3–18–.24(3)(c)(2)(i) and 1200–3–18–.86(11)(c) effective August 10, 1996.

(ii) Other material. None.

(151) A Revision to Knox County Ozone Maintenance plan and emission projections submitted by the Tennessee Department of Environment and Conservation on January 18, 1995.

(i) Incorporation by reference.

(A) Knox County Ozone Maintenance plan and emission projections adopted on November 21, 1994.

(ii) Other material. None.

(152) On December 28, 1995, the State submitted revisions to the Nashville/Davidson portion of the Tennessee SIP on behalf of Nashville/Davidson County. These were revisions to the permit requirements for major sources of air pollution, including revisions to the

general definitions, the permit requirements, and the exemptions. Also included was a revision to the regulations for internal combustion engines. These revisions incorporate changes to Nashville's Chapter 10.56 which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference.

(A) Code of Laws of the Metropolitan Government of Nashville and Davidson County, Tennessee, Chapter 10.56 Air Pollution Control, approved on December 14, 1995.

(I) Section 10.56.010, definitions for ''Potential Emissions,'' ''Regulated Pollutant,'' and ''Volatile Organic Compound.''

(II) Section 10.56.040, Paragraph B.

(III) Section 10.56.050, Paragraphs A and F.

(IV) Section 110.56.240, Paragraph C.

(ii) Other material. None.

(153) Revisions to Nashville/Davidson County portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on December 17, 1993, April 2, 1996, September 18, 1996, and November 14, 1996, concerning new source review (NSR), control of volatile organic compounds (VOC), and emergency episodes with the exception of the revisions to 7–17(c)(4)(ii) and 7–17(c)(4)(iii) which were disapproved.

(i) Incorporation by reference.

(A) Nashville/Davidson County Air Pollution Control Regulation number 3 ''New Source Review'' sections 3–1(y), 3–1(hh), 3–1(jj), and 3–2(f), effective November 13, 1996.

(B) Nashville/Davidson County Air Pollution Control Regulation number 7 ''Regulation for the Control of Volatile Organic Compounds'' sections 7–1(mm), 7–2, 7–4, 7–5, 7–6, 7–7, 7–8, 7–9, 7–10, 7–16(a), 7–16(c) {except section 7–16(c)(11)}, 7–16(d), 7–17(a)(9), 7–17(c) {except 7–17(c)(4)(ii), and 7–17(c)(4)(iii)}, 7–20, 7–21, 7–22, 7–23, 7–24, 7–26, 7–27, and 7–28, effective November 13, 1996.

(C) Nashville/Davidson County Air Pollution Control Regulation number 11 ''Emergency Episode Regulation'' effective November 13, 1996.

(ii) Other material. None.

(154) Revisions to Chattanooga/Hamilton County portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on December 11, 1995, and June 26, 1996, regarding nitrogen oxides, prevention of significant deterioration (PSD), lead sources, stack heights, infectious waste incinerators, and volatile organic compound (VOC) reasonably available control technology (RACT) for miscellaneous metal parts coaters and synthesized pharmaceutical products, and $PM_{10}$.

(i) Incorporation by reference.

(A) Chapter 4, Section 4–13 except (b)(6), and Section 4–41, Rules 2.4, 2.6, 2.7; 16.5; 18; 20.4(2)d, 21, 25.2(33), 27; 3.5; 8, Table 1; 9.4, 13.1, and 26.8 of the ''Chattanooga Air Pollution Control Ordinance,'' adopted on August 15, 1995.

(B) Section 13, except (b)(6); Section 41, Rules 2.4, 2.6, 2.7; 16.5; 18; 20.4(2)d; 21; 24.2(33); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8(f)(4) of the regulation known as the ''Hamilton County Air Pollution Control Regulation,'' adopted by Hamilton County on September 6, 1995. The identical regulations were also adopted by the following municipalities as part of their air pollution control ordinances: Signal Mountain, adopted on December 11, 1995; Walden, adopted on December 12, 1995; Lookout Mountain, adopted on November 14, 1995; and Ridgeside, adopted on April 16, 1996.

(C) Chapter 7 for Section 8–713, except (b)(6); Section 8–741, Rules 2.4, 2.6, 2.7; 7.4; 16.5; 18; 19; 21; 22; 25.2(21); to Chapter 3 for Section 8–541, Rule 26; and to Chapter 7, Section 8–741, for Rules 27; 3.5, 8, Table 1, and 13.1; Section 8–708(f)(4) of the ''East Ridge City Code,'' adopted on September 28, 1995.

(D) Chapter 3: Section 8–313, except (b)(6); Section 8–341, Rules 2.4, 2.6, 2.7; 7.4; 16.5; 18; 19; 21; 22; 25.2(21); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8–308(f)(4) of the ''Red Bank Municipal Code,'' adopted on November 7, 1995.

(E) Chapter 1: Section 8–113, except (b)(6); Section 8–141, Rules 2.4, 2.6, 2.7; 7.4; 16.5; 18; 19; 21; 22; 25.2(21); 26; 27; 3.5; 8, Table 1, and 13.1; and Section 8–108(f)(4) of the ''Soddy-Daisy Municipal Code,'' adopted on October 5, 1995.

(F) Chapter 3: Section 8–513, except (b)(6); Section 8–541, Rules 2.4, 2.6, 2.7; 7.4; 16.5; 18; 19; 21; 22; 25.2(21); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8–108(f)(4) of the ''Collegedale Municipal Code,'' adopted on October 2, 1995.

(G) Chapter 3, Section 41, Rules 19; 21; 22; 25.2(21); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8(f)(4) of the ''Lakesite Municipal Code'' adopted November 16, 1995.

(H) Chapter 4: Section 4–2; Section 4–41, Rules 19; 21, Table 1; 22; 25.2; 25.21(6); and 25.27(3) of the ''Chattanooga Air Pollution Control Ordinance,'' adopted on May 30, 1989.

(I) Section 9, Rules 19; 21, Table 1; 22; 25.2; 25.21(6); and 25.27(3); and Section 16 of the regulation known as the ''Hamilton County Air Pollution Control Regulation,'' adopted on June 7, 1989.

(155) Revisions to Tennessee state implementation plan submitted to EPA by the State of Tennessee on April 30, 1996, regarding emission standards and monitoring requirements for additional control areas.

(i) Incorporation by reference. Tennessee Division of Air Pollution Control Regulations, Chapter 1200–3–19, adopted September 7, 1988.

(ii) Other material. None.

(156) Addition of six operating permits containing source specific VOC RACT requirements for certain VOC sources at Brunswick Marine Corporation, Outboard Marine Corporation, and Essex Group Incorporated submitted by the Tennessee Department of Environment and Conservation on December 20, 1995 and June 3, 1996.

(i) Incorporation by reference.

(A) Marine Group Brunswick Corporation operating permit number 743652P issued February 21, 1996, (conditions number 2, 3, and 18).

(B) Stratos Boat Incorporated, D.B.A. Javelin Boats operating permit number 039845P issued on July 27, 1995, (conditions number 2 and 3), and permit number 044881P issued on May 31, 1996, (conditions number 2, 9, and 10).

(C) Essex Group Incorporated operating permit numbers 045011P, (conditions 5, 10, 13, and 15), 045012P, (conditions 5, 10, 13, and 15) and 045013P, (conditions 5 and 16) issued on May 31, 1996.

(ii) Other material. None.

(157) The visible emission chapter revisions to the Tennessee SIP which were submitted on October 6, 1994.

(i) Incorporation by reference.

(A) Chapter 1200–3–5 Visible Emissions effective on June 7, 1992.

(ii) Other material. None.

(158) Addition of supplement C to the ''Guideline on Air Quality Models'', correction of conversion factor in the manufacture of high-density polyethylene, polypropylene and polystyrene resins, and clarification for the test method used for determining the VOC content of coatings and inks submitted by the Tennessee Department of Environment and Conservation on February 27, 1997, and May 8, 1997.

(i) Incorporation by reference.

(A) Tennessee regulation 1220–3–9–.01(1)(f) effective December 28, 1996.

(B) Tennessee regulations 1200–3–18–.39(5)(a)(2) and 1200–3–18–.81(2) (a) and (b) effective April 16, 1997.

(ii) Other material. None.

(159) The maintenance plan and redesignation request for the Polk County area submitted by the Tennessee Department of Environment and Conservation on April 17, 1995, as part of the Tennessee SIP.

(i) Incorporation by reference. The following sections of the Tennessee Department of Environment and Conservation Board Order Number 95–24: VI. Maintenance and contingency plan adopted on April 12, 1995.

(ii) Other material. None.

(160) The maintenance plan and redesignation request for the New Johnsonville Area which includes that portion of Benton and that portion of Humphreys Counties, Tennessee, surrounding TVA's Johnsonville plant submitted by the Tennessee Department of Environment and Conservation on December 17, 1993, as part of the Tennessee SIP.

(i) Incorporation by reference. The following sections of the Tennessee Department of Environment and Conservation Board Order Number 93–25: I. Maintenance Plan; and II. Contingency Plan adopted on December 15, 1993.

(ii) Other material. None.

(161) Revisions to the Knox County portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on December 24, 1996 and June 18, 1997, concerning process particulate emissions and volatile organic compounds (VOC) were approved.

(i) Incorporation by reference.

(A) Section 19.2 of the Knox County Air Pollution Control Regulation

''Process Particulate Emissions'' effective December 11, 1996.

(B) Section 46.2.A.34 of the Knox County Air Pollution Control Regulation ''Volatile Organic Compounds'' effective June 11, 1997.

(ii) Other material. None.

(162) Revisions to the Nashville/Davidson County portion of the Tennessee State Implementation Plan submitted to EPA by the State of Tennessee on July 23, 1997, concerning regulatory revisions for control of volatile organic compounds.

(i) Incorporation by reference. Regulation No.7, Section 7–16, effective July 9, 1997.

(ii) Other material. None.

(163) Revisions to the Tennessee Air Pollution Control Regulations submitted on May 8, 1997.

(i) Incorporation by reference.

Paragraph (1) of Rule 1200–3–18-.83 TEST METHODS AND COMPLIANCE PROCEDURES: EMISSION CAPTURE AND DESTRUCTION OR REMOVAL EFFICIENCY AND MONITORING REQUIREMENTS effective on April 15, 1997.

(ii) Other material. None.

(164) Revisions to the Nashville/Davidson County portion of the Tennessee State Implementation Plan submitted to EPA by the State of Tennessee on April 7, 1997.

(i) Incorporation by reference. Chapter 10.56, Sections 10.56.010, 10.56.080(B), 10.56.160, 10.56.280(D), effective March 12, 1997.

(ii) Other material. None.

(165) The revisions to the maintenance plan and emission inventory for the Memphis and Shelby County Area which includes Shelby County and the City of Memphis submitted by the Tennessee Department of Environment and Conservation on September 18, 1997, and June 30, 1998, as part of the Tennessee SIP.

(i) Incorporation by reference. Non-Regulatory SIP Submittal Including I. The 1993 Ozone, Nitrogen Oxides, and Carbon Monoxide Triennial Emission Inventory; II. Revisions to the 1990 Base Year Inventory; III. Amendments to the CO and $O_3$ Maintenance Plans to Specify Conformity Emission Budgets adopted on September 10, 1997.

(A) Mobile and point source emission budgets volatile organic compounds summer season tons per day (PJVCTD3.WK1)

(B) Mobile and point source emission budgets nitrogen oxides summer season tons per day (PJNXTD3.WK1)

(C) Mobile and point source emission budgets carbon monoxide winter season tons per day (PJCOTD3.WK1)

(D) Mobile and point source emission budgets volatile organic compounds summer season tons per day

(E) Mobile and point source emission budgets nitrogen oxides summer season tons per day

(F) Mobile and point source emission budgets carbon monoxide winter season tons per day.

(ii) Other material. None.

(166) [Reserved]

(167) The adoption of the credible evidence regulations, which were submitted on November 16, 1994, into the Nashville/Davidson County portion of the Tennessee SIP.

(i) Incorporation by reference. Section 10.56.290 Measurement and Reporting of Emissions effective on October 6, 1994.

(ii) Other material. None.

(168) Revisions to the Knox County portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on November 13, 1998, concerning VOC and use of LAER for major modifications to existing sources were approved.

(i) Incorporation by reference.

(A) Section 46.2.A.34 of the Knox County Air Pollution Control Regulation ''Volatile Organic Compounds/Definitions'' effective November 10, 1998.

(B) Section 46.3.A of the Knox County Air Pollution Control Regulation ''Volatile Organic Compounds/Standards for New Sources'' effective November 10, 1998.

(ii) Other material. None.

[37 FR 10894, May 31, 1972. Redesignated and amended at 64 FR 35012, June 30, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2239, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2240 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 Tennessee 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 Tennessee 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 authorizing 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 Tennessee 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 Tennessee 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 62354, Nov. 2, 2007]

### § 52.2241 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

The owner and operator of each $SO_2$ source located within the State of Tennessee 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 Tennessee 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.

[72 FR 62355, Nov. 2, 2007]

## Subpart SS—Texas

### § 52.2270 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Texas 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 31, 1998, were 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, 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) 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 31, 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), 1200 Pennsylvania Ave., 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.*

EPA APPROVED REGULATIONS IN THE TEXAS SIP

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Chapter 19—Electronic Reporting** | | | | |
| **Subchapter A—General Provisions** | | | | |
| Section 19.1 | Definitions | 2/7/2007 | July 23, 2010, 75 FR 43062. | |
| Section 19.3 | Applicability | 2/7/2007 | July 23, 2010, 75 FR 43062. | |
| **Subchapter B—Electronic Reporting Requirements** | | | | |
| Section 19.10 | Use of Electronic Document Receiving System. | 2/7/2007 | July 23, 2010, 75 FR 43062. | |
| Section 19.12 | Authorized Electronic Signature. | 2/7/2007 | July 23, 2010, 75 FR 43062. | |
| Section 19.14 | Enforcement | 2/7/2007 | July 23, 2010, 75 FR 43062. | |
| **Chapter 101—General Air Quality Rules** | | | | |
| **Subchapter A—General Rules** | | | | |
| Section 101.1 | Definitions | 01/23/06 | 11/10/10, 75 FR 68989. | |
| Section 101.2 | Multiple air Contaminant Sources or Properties. | 04/13/73 | 06/22/73, 38 FR 16568 | Ref 52.2299(c)(7). |
| Section 101.3 | Circumvention | 04/13/73 | 06/22/73, 38 FR 16568 | Ref 52.2299(c)(7). |
| Section 101.4 | Nuisance | 04/13/73 | 06/22/73, 38 FR 16568 | Ref 52.2299(c)(7). |
| Section 101.5 | Traffic Hazard | 04/13/73 | 06/22/73, 38 FR 16568 | Ref 52.2299(c)(7). |
| Section 101.8 | Sampling | 12/11/73 | 01/27/82, 47 FR 03767 | Ref 52.2299(c)(33). |
| Section 101.9 | Sampling Ports | 04/13/73 | 06/22/73, 38 FR 16568 | Ref 52.2299(c)(7). |
| Section 101.10 | Emissions Inventory Requirements. | 12/1/1999 | July 23, 2010, 75 FR 43062.. | |
| Section 101.13 | Use and Effect of Rules | 04/13/73 | 06/22/73, 38 FR 16568 | Ref 52.2299(c)(7). |
| Section 101.14 | Sampling Procedures and Terminology. | 04/13/73 | 06/22/73, 38 FR 16568 | Ref 52.2299(c)(7). |
| Section 101.18 | Remedies Cumulative | 04/13/73 | 06/22/73, 38 FR 16568 | Ref 52.2299(c)(7). |
| Section 101.19 | Severability | 04/13/73 | 06/22/73, 38 FR 16568 | Ref 52.2299(c)(7). |
| Section 101.20 | Compliance with Environmental Protection Agency Standards. | 05/09/75<br>07/26/85 | 06/01/77, 42 FR 27894<br>06/24/92, 57 FR 28093 | Rule 23 Ref, 52.2299(c)(10)<br>Section 101.20(3), Ref 52.2299(c)(73).<br>(1) and (2) NOT IN SIP. |
| Section 101.21 | The National Primary and Secondary Air Quality Standards. | 05/09/75 | 06/01/77, 42 FR 27894 | Ref 52.2299(c)(10). |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 101.30 | Conformity of General Federal Actions to State Implementation Plans. | 12/1/1999 | July 23, 2010, 75 FR 43062.. | |
| Section 101. Rule 16 | Invoking Jurisdiction | 04/13/73 | 6/22/73, 38 FR 16568 | Ref 52.2299(c)(7). Not in current Texas General Rules. |
| Section 101. Rule 19 | Initiation of Review | 04/13/73 | 06/22/73, 38 FR 16568 | Ref 52.2299(c)(7). Not in current Texas General Rules. |
| **Subchapter F—Emissions Events and Scheduled Maintenance, Startup, and Shutdown Activities** | | | | |
| **Division 1—Emissions Events** | | | | |
| Section 101.201 | Emissions Event Reporting and Recordkeeping Requirements. | 01/23/06 | 11/10/10, 75 FR 68989 | 101.201(h) is not in the SIP. |
| **Division 2—Maintenance, Startup, and Shutdown Activities** | | | | |
| Section 101.211 | Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements. | 01/23/06 | 11/10/10, 75 FR 68989 | 101.211(f) is not in the SIP. |
| **Division 3—Operational Requirements, Demonstrations, and Actions to Reduce Excessive Emissions** | | | | |
| Section 101.221 | Operational Requirements. | 01/23/06 | 11/10/10, 75 FR 68989. | |
| Section 101.222 | Demonstrations | 01/23/06 | 11/10/10, 75 FR 68989 | The SIP does not include 101.222(h), 101.222 (i), and 101.222 (j). See section 52.2273(e). |
| Section 101.223 | Actions to Reduce Excessive Emissions. | 01/23/06 | 11/10/10, 75 FR 68989. | |
| Section 101.224 | Temporary Exemptions During Drought Conditions. | 08/21/02 | 03/30/05, 70 FR 16129. | |
| **Division 4—Variances** | | | | |
| Section 101.231 | Petition for Variance | 08/21/02 | 03/30/05, 70 FR 16129. | |
| Section 101.232 | Effect of Acceptance of Variance or Permit. | 08/21/02 | 03/30/05, 70 FR 16129. | |
| Section 101.233 | Variance Transfers | 08/21/02 | 03/30/05, 70 FR 16129. | |
| **Subchapter H—Emissions Banking and Trading** | | | | |
| **Division 1—Emission Credit Banking and Trading** | | | | |
| Section 101.300 | Definitions | 11/10/04 | 9/6/06, 71 FR 52698. | |
| Section 101.301 | Purpose | 12/13/02 | 9/6/06, 71 FR 52698. | |
| Section 101.302 | General Provisions | 7/25/2007 | 5/18/10, 75 FR 27647. | |
| Section 101.303 | Emission Reduction Credit General and Certification. | 11/10/04 | 9/6/06, 71 FR 52698. | |
| Section 101.304 | Mobile Emission Reduction Credit Generation and Certfication. | 11/10/04 | 9/6/06, 71 FR 52698. | |
| Section 101.305 | Emission Reductions Achieved Outside the United States. | 10/4/2006 | 5/18/10, 75 FR 27647. | |
| Section 101.306 | Emission Credit Use | 7/25/2007 | 5/18/10, 75 FR 27647. | |
| Section 101.309 | Emission Credit Banking and Trading. | 12/13/02 | 9/6/06, 71 FR 52698. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 101.311 | Program Audits and Reports. | 11/10/04 | 9/6/06, 71 FR 52698. | |
| **Division 2—Emissions Banking and Trading of Allowances** | | | | |
| Section 101.330 | Definitions | 12/16/1999 | 1/3/2011, 76 FR 16. | |
| Section 101.331 | Applicability | 12/16/1999 | 1/3/2011, 76 FR 16. | |
| Section 101.332 | General Provisions | 12/16/1999 | 1/3/2011, 76 FR 16. | |
| Section 101.333 | Allocation of Allowances. | 08/09/2000 | 1/3/2011, 76 FR 16. | |
| Section 101.334 | Allowance Deductions | 12/16/1999 | 1/3/2011, 76 FR 16. | |
| Section 101.335 | Allowance Banking and Trading. | 12/16/1999 | 1/3/2011, 76 FR 16. | |
| Section 101.336 | Emission Monitoring, Compliance Demonstration, and Reporting. | 12/16/1999 | 1/3/2011, 76 FR 16. | |
| Section 101.338 | Emission Reductions Achieved Outside the United States. | 10/04/2006 | 1/3/2011, 76 FR 16. | |
| Section 101.339 | Program Audits and Reports. | 10/04/2006 | 1/3/2011, 76 FR 16. | |
| **Division 3—Mass Emissions Cap and Trade Program** | | | | |
| Section 101.350 | Definitions | 7/25/2007 | July 16, 2009, 74 FR 34503. | |
| Section 101.351 | Applicability | 7/25/2007 | July 16, 2009, 74 FR 34503. | |
| Section 101.352 | General Provisions | 12/13/02 | 9/6/06, 71 FR 52664. | |
| Section 101.353 | Allocation of Allowances. | 7/25/2007 | July 16, 2009, 74 FR 34503. | |
| Section 101.354 | Allowance Deductions | 7/25/2007 | July 16, 2009, 74 FR 34503. | |
| Section 101.356 | Allowance Banking and Trading. | 11/10/04 | 9/6/06, 71 FR 52664. | |
| Section 101.358 | Emission Monitoring and Compliance Demonstration. | 12/06/00 | 11/14/01, 66 FR 57252. | |
| Section 101.359 | Reporting | 11/10/04 | 9/6/06, 71 FR 52664. | |
| Section 101.360 | Level of Activity Certification. | 7/25/2007 | July 16, 2009, 74 FR 34503. | |
| Section 101.363 | Program Audits and Reports. | 09/26/01 | 11/14/01, 66 FR 57252. | |
| **Division 4—Discrete Emission Credit Banking and Trading** | | | | |
| Section 101.370 | Definitions | 11/10/04 | 09/06/06, 71 FR 52703. | |
| Section 101.371 | Purpose | 12/13/02 | 09/06/06, 71 FR 52703. | |
| Section 101.372 | General Provisions | 7/25/2007 | 5/18/2010, 75 FR 27644. | |
| Section 101.373 | Discrete Emission Reduction Credit Generation and Certification. | 10/4/2006 | 5/18/2010, 75 FR 27644. | |
| Section 101.374 | Mobile Discrete Emission Reduction Credit Generation and Certification. | 11/10/04 | 09/06/06, 71 FR 52703. | |
| Section 101.375 | Emission Reductions Achieved Outside the United States. | 10/4/2006 | 5/18/2010, 75 FR 27644. | |
| Section 101.376 | Discrete Emission Credit Use. | 7/25/2007 | 5/18/2010, 75 FR 27644. | |
| Section 101.378 | Discrete Emission Credit Banking and Trading. | 10/4/2006 | 5/18/2010, 75 FR 27644. | |
| Section 101.379 | Program Audits and Reports. | 12/13/02 | 09/06/06, 71 FR 52703. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Division 6—Highly-Reactive Volatile Organic Compound Emissions Cap and Trade Program** | | | | |
| Section 101.390 | Definitions | 12/01/04 | 9/6/06, 71 FR 52659. | |
| Section 101.391 | Applicability | 12/01/04 | 9/6/06, 71 FR 52659. | |
| Section 101.392 | Exemptions | 12/01/04 | 9/6/06, 71 FR 52659. | |
| Section 101.393 | General provisions | 12/01/04 | 9/6/06, 71 FR 52659. | |
| Section 101.394 | Allocation of allowances. | 12/01/04 | 9/6/06, 71 FR 52659. | |
| Section 101.396 | Allowance deductions | 12/01/04 | 9/6/06, 71 FR 52659. | |
| Section 101.399 | Allowance Banking and Trading. | 12/01/04 | 9/6/06, 71 FR 52659. | |
| Section 101.400 | Reporting | 12/01/04 | 9/6/06, 71 FR 52659. | |
| Section 101.401 | Level of activity certification. | 2/01/04 | 9/6/06, 71 FR 52659. | |
| Section 101.403 | Program audits and reports. | 12/01/04 | 9/6/06, 71 FR 52659. | |
| **Division 7—Clean Air Interstate Rule** | | | | |
| Section 101.503 | Clean Air Interstate Rule Oxides of Nitrogen Annual Trading Budget. | 07/12/06 | 07/30/07, 72 FR 41453. | |
| Section 101.504 | Timing Requirements for Clean Air Interstate Rule Oxides of Nitrogen Allowance Allocations. | 07/12/06 | 07/30/, 72 FR 41453 | Subsections 101.504(a)(2), 101.504(a)(3), 101.504(a)(4), 101.504(c), and 101.504(d) NOT IN SIP. |
| Section 101.506 | Clean Air Interstate Rule Oxides of Nitrogen Allowance Allocations. | 07/12/06 | 07/30/, 72 FR 41453 | Subsections 101.506(a)(2), 101.506(b)(2), 101.506(b)(3), and 101.506(g) NOT IN SIP. |
| Section 101.508 | Compliance Supplement Pool. | 07/12/06 | 07/30/07, 72 FR 41453. | |
| **Chapter 106—Permits by Rule** | | | | |
| **Subchapter A—General Requirements** | | | | |
| Section 106.1 | Purpose | 08/09/00 | 11/14/03, 68 FR 64548. | |
| Section 106.2 | Applicability | 08/09/00 | 11/14/03, 68 FR 64548. | |
| Section 106.4 | Requirements for Permitting by Rule. | 03/07/01 | 11/14/03, 68 FR 64548. | |
| Section 106.6 | Registration of Emissions. | 11/20/02 | 11/14/03, 68 FR 64548. | |
| Section 106.8 | Recordkeeping | 10/10/01 | 11/14/03, 68 FR 64548. | |
| Section 106.13 | References to Standard Exemptions and Exemptions from Permitting. | 08/09/00 | 11/14/03, 68 FR 64548. | |
| **Subchapter B—Registration Fees for New Permits by Rule** | | | | |
| Section 106.50 | Registration Fees for Permits by Rule. | 9/25/2002 | 3/20/2009, 74 FR 11851.. | |
| **Chapter 111 (Reg 1)—Control of Air Pollution from Visible Emissions and Particulate Matter** | | | | |
| **Subchapter A: Visible Emissions and Particulate Matter Division 1: Visible Emissions** | | | | |
| Section 111.111(a), (b) | Requirements for Specified Sources. | 6/18/1993 | 5/8/1996, 61 FR 20732. | |
| Section 111.111(c) | Requirements for Specified Sources. | 10/25/1991 | 1/18/1994, 59 FR 2532. | |
| Section 111.113 | Alternative Opacity Limitations. | 6/16/1989 | 5/8/1996, 61 FR 20732. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Division 2: Incineration** | | | | |
| Section 111.121 | Single-Chamber Incineration. | 6/16/1989 | 4/28/2009, 74 FR 19144. | |
| **Division 4: Materials Handling, Construction, Roads, Streets, Alleys, and Parking Lots** | | | | |
| Section 111.141 | Geographic Areas of Application and Date of Compliance. | 10/25/1991 | 1/18/1994, 59 FR 02532. | |
| Section 111.143 | Materials Handling | 6/16/1989 | 1/18/1994, 59 FR 02532. | |
| Section 111.145 | Construction and Demolition. | 10/25/1991 | 1/18/1994, 59 FR 02532. | |
| Section 111.147 | Roads, Streets, and Alleys. | 10/25/1991 | 1/18/1994, 59 FR 02532. | |
| Section 111.149 | Parking Lots | 6/16/1989 | 1/18/1994, 59 FR 02532. | |
| **Division 5: Emission Limits on Nonagricultural Processes** | | | | |
| Section 111.151 | Allowable Emissions Limits. | 6/16/1989 | 4/28/2009, 74 FR 19144. | |
| Section 111.153 | Emission Limits for Steam Generators. | 6/16/1989 | 4/28/2009, 74 FR 19144. | |
| Rule 105.2 | Ground Level Concentrations. | 1/26/1972 | 5/31/1972, 27 FR 10842. | |
| **Division 6: Emission Limits on Agricultural Processes** | | | | |
| Section 111.171 | Emission Limits Based on Process Weight Method. | 6/16/1989 | 4/28/2009, 74 FR 19144. | |
| Section 111.173 | Emissions Limits Based on Alternate Method. | 6/16/1989 | 4/28/2009, 74 FR 19144. | |
| Section 111.175 | Exemptions | 6/16/1989 | 4/28/2009, 74 FR 19144. | |
| **Division 7: Exemptions for Portable or Transient Operations** | | | | |
| Section 111.181 | Exemption Policy | 6/16/1989 | 4/28/2009, 74 FR 19144. | |
| Section 111.183 | Requirements for Exemptions. | 6/16/1989 | 4/28/2009, 74 FR 19144. | |
| **Subchapter B: Outdoor Burning** | | | | |
| Section 111.201 | General Prohibitions | 8/21/1996 | 4/28/2009, 74 FR 19144. | |
| Section 111.203 | Definitions | 8/21/1996 | 4/28/2009, 74 FR 19144. | |
| Section 111.205 | Exceptions for Fire Training. | 8/21/1996 | 4/28/2009, 74 FR 19144. | |
| Section 111.207 | Exceptions for Fires Used for Recreation, Ceremony, Cooking, and Warmth. | 8/21/1996 | 4/28/2009, 74 FR 19144. | |
| Section 111.209 | Exception for Disposal Fires. | 8/21/1996 | 4/28/2009, 74 FR 19144. | |
| Section 111.211 | Exception for Prescribed Burn. | 8/21/1996 | 4/28/2009, 74 FR 19144. | |
| Section 111.213 | Exception for Hydrocarbon Burning. | 8/21/1996 | 4/28/2009, 74 FR 19144. | |
| Section 111.215 | Executive Director Approval of Otherwise Prohibited Outdoor Burning. | 8/21/1996 | 4/28/2009, 74 FR 19144. | |
| Section 111.219 | General Requirements for Allowable Outdoor Burning. | 8/21/1996 | 4/28/2009, 74 FR 19144. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 111.221 | Responsibility for Consequences of Outdoor Burning. | 8/21/1996 | 4/28/2009, 74 FR 19144. | |
| **Chapter 112 (Reg 2)—Control of Air Pollution From Sulfur Compounds** | | | | |
| Section 112.1 | Definitions | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76). |
| Section 112.2 | Compliance, Reporting, and Recordkeeping. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76). |
| Section 112.3 | Net Ground Level Concentrations. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76). |
| Section 112.4 | Net Ground Level Concentrations—Exemption Conditions. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76). |
| Section 112.5 | Allowable Emission Rates—Sulfuric Acid Plant Burning Elemental Sulfur. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76). |
| Section 112.6 | Allowable Emission Rates—Sulfuric Acid Plant. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76). |
| Section 112.7 | Allowable Emission Rates—Sulfur Recovery Plant. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76). |
| Section 112.8 | Allowable Emissions Rates from Solid Fossil Fuel-Fired Steam Generators. | 09/18/92 | 02/18/97, 62 FR 07163 | Ref 52.2299(c)(101). |
| Section 112.9 | Allowable Emission Rates—Combustion of Liquid Fuel. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76). |
| Section 112.14 | Allowable Emission Rates—Nonferrous Smelter Processes. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76). |
| Section 112.15 | Temporary Fuel Shortage Plan Filing Requirements. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76). |
| Section 112.16 | Temporary Fuel Shortage Plan Operating Requirements. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76). |
| Section 112.17 | Temporary Fuel Shortage Plan Notification Procedures. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76) |
| Section 112.18 | Temporary Fuel Shortage Plan Reporting Requirements. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76) |
| Section 112.19 | Application for Area Control Plan. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76) |
| Section 112.20 | Exemption Procedure | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76) |
| Section 112.21 | Allowable Emission Rates Under Area Control Plan. | 09/18/92 | 08/30/93, 58 FR 45456 | Ref 52.2299(c)(76) |
| Section 112.41 to 112.47. | Control of Sulfuric Acid | 05/12/89 | | NOT in SIP but is a part of the EPA approved Texas 111(d) Plan |
| Section 112.51 to 112.59. | Control of Total Reduced Sulfur (TRS). | 05/12/89 | | NOT in SIP but is a part of the EPA approved Texas 111(d) Plan. |
| **Chapter 113 (Reg 3)—Control of Air Pollution From Toxic Materials** | | | | |
| **Subchapter B—Lead from Stationary Sources Nonferrous Smelters in El Paso County** | | | | |
| Section 113.31 | Maintenance and Operation of Control Equipment. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.32 | Areas Accessible to the General Public. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114) |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 113.33 | Control of Fugitive Dust | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.34 | Materials Handling and Transfer. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.35 | Smelting of Lead | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.36 | Smelting of Copper and Zinc. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.37 | Lead Emissions Limits for Stacks. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| **Lead Smelters in Dallas County** | | | | |
| Section 113.41 | Maintenance and Operation of Control Equipment. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.42 | Storage of Lead-Containing Materials. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.43 | Transport of Materials | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.44 | Fugitive Emissions from Lead Processes. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.45 | Battery or Lead Reclaiming Operations. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.46 | Lead Emission Limits for Reverberatory Furnaces and Blast Furnaces. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.47 | Control of Fugitive Dust | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.48 | Additional measures to Reduce lead Emissions. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| **Compliance and Control Plan Requirements** | | | | |
| Section 113.61 | Compliance with Other Rules in El Paso County. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.62 | Dates for Control Plan Submission and for Final Compliance in El Paso County. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.63 | Control Plan Procedure in El Paso County. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.64 | Reporting Procedure in El Paso County. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.65 | Compliance with Other Rules in Dallas County. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.66 | Dates for Control Plan Submission and for Final Compliance in Dallas County. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.67 | Control Plan Procedure in Dallas County. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| Section 113.68 | Reporting Procedure in Dallas County. | 08/21/97 | 10/23/98, 63 FR 56083 | Ref 52.2299(c)(114). |
| **Chapter 114 (Reg 4)—Control of Air Pollution from Motor Vehicles** | | | | |
| **Subchapter A—Definitions** | | | | |
| Section 114.1 | Definitions | 09/05/04 | 09/06/06, 71 FR 52670. | |
| Section 114.2 | Inspection and Maintenance Definitions. | 09/05/04 | 09/06/06, 71 FR 52670. | |
| Section 114.3 | Low Emission Vehicle Fleet Definitions. | 07/29/98 | 2/7/01, 66 FR 9205. | |
| Section 114.5 | Transportation Planning Definition. | 05/03/00 | 12/5/02, 67 FR 72382. | |
| Section 114.6 | Low Emission Fuel Definitions. | 06/13/07 | 10/24/08, 73 FR 63378 | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Subchapter C—Vehicle Inspection and Maintenance; Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program; and Early Action Compact Counties** | | | | |
| **Division 1: Vehicle Inspection and Maintenance** | | | | |
| Section 114.50 | Vehicle Emission Inspection Requirements. | 09/05/04 | 09/06/06, 71 FR 52670 | Subsection 114.50(b)(2) is NOT part of the approved SIP. |
| Section 114.51 | Equipment Evaluation Procedures for Vehicle Exhaust Gas Analyzers. | 12/06/00 | 11/14/01, 66 FR 57264. | |
| Section 114.52 | Early Participation Incentive Program. | 09/05/04 | 09/06/06, 71 FR 52670. | |
| Section 114.53 | Inspection and Maintenance Fees. | 09/05/04 | 09/06/06, 71 FR 52670. | |
| **Division 3: Early Action Compact Counties** | | | | |
| Section 114.80 | Applicability | 11/17/04 | 8/8/05, 70 FR 45542 | |
| Section 114.81 | Vehicle Emissions Inspection Requirements. | 11/17/04 | 8/8/05, 70 FR 45542 | |
| Section 114.82 | Control Requirements | 11/17/04 | 8/8/05, 70 FR 45542 | Subsection 114.82(b) is NOT part of the approved SIP. |
| Section 114.83 | Waivers and Extensions. | 11/17/04 | 8/8/05, 70 FR 45542 | |
| Section 114.84 | Prohibitions | 11/17/04 | 8/8/05, 70 FR 45542 | |
| Section 114.85 | Equipment Evaluation Procedures for Vehicle Exhaust Gas Analyzers. | 11/17/04 | 8/8/05, 70 FR 45542 | |
| Section 114.86 | Low Income Repair Assistance Program (LIRAP) for Participating Early Action Compact Counties. | 11/17/04 | 8/8/05, 70 FR 45542 | |
| Section 114.87 | Inspection and Maintenance Fees. | 11/17/04 | 8/8/05, 70 FR 45542 | |
| **Subchapter E—Low Emission Vehicle Fleet Requirements** | | | | |
| Section 114.150 | Requirements for Mass Transit Authorities. | 07/29/98 | 2/7/01, 66 FR 9205. | |
| Section 114.151 | Requirements for Local Governments and Private Federal entities. | 07/29/98 | 2/7/01, 66 FR 9205. | |
| Section 114.153 | Exceptions | 07/29/98 | 2/7/01, 66 FR 9205. | |
| Section 114.154 | Exceptions for Certain Mass Transit Authorities. | 07/29/98 | 2/7/01, 66 FR 9205. | |
| Section 114.155 | Reporting | 07/29/98 | 2/7/01, 66 FR 9205. | |
| Section 114.156 | Recordkeeping | 07/29/98 | 2/7/01, 66 FR 9205. | |
| Section 114.157 | Low Emission Vehicle Fleet Program Compliance Credits. | 07/29/98 | 2/7/01, 66 FR 9205. | |
| **Subchapter F—Vehicle Retirement and Mobile Emission Reduction Credits** | | | | |
| **Division 1: Mobile Emission Reduction Credits** | | | | |
| Section 114.201 | Mobile Emission Reduction Credit Program. | 07/29/98 | 2/7/01, 66 FR 9205. | |
| Section 114.202 | Texas Mobile Emission Reduction Credit Fund. | 07/29/98 | 2/7/01, 66 FR 9205. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Subchapter G—Transportation Planning** | | | | |
| Section 114.260 | Transportation Conformity. | 4/27/05 | 7/6/05, 70 FR 38776 | |
| **Subchapter H—Low Emission Fuels** | | | | |
| **Division 1: Gasoline Volatility** | | | | |
| Section 114.301 | Control Requirements for Reid Vapor Pressure. | 04/25/00 | 4/26/01, 66 FR 20931 | Part (c) is not approved. |
| Section 114.304 | Registration of Gasoline Producers and Importers. | 04/25/00 | 4/26/01, 66 FR 20931. | |
| Section 114.305 | Approved Test Methods | 04/25/00 | 4/26/01, 66 FR 20931. | |
| Section 114.306 | Recordkeeping, Reporting, and Certification Requirements. | 04/25/00 | 4/26/01, 66 FR 20931. | |
| Section 114.307 | Exemptions | 10/04/01 | 11/27/06, 71 FR 68480. | |
| Section 114.309 | Affected Counties | 10/04/01 | 11/27/06, 71 FR 68480. | |
| **Division 2: Low Emission Diesel** | | | | |
| Section 114.312 | Low Emission Diesel Standards. | 05/15/06 | 10/24/08, 73 FR 63378 | |
| Section 114.313 | Designated Alternate Limits. | 05/15/06 | 10/24/08, 73 FR 63378 | |
| Section 114.314 | Registration of Diesel Producers and Importers. | 03/09/05 | 10/6/05, 70 FR 58325. | |
| Section 114.315 | Approved Test Methods | 05/15/06 | 10/24/08, 73 FR 63378 | |
| Section 114.316 | Monitoring, Recordkeeping, and Reporting Requirements. | 05/15/06 | 10/24/08, 73 FR 63378 | |
| Section 114.317 | Exemption to Low Emission Diesel Requirements. | 05/15/06 | 10/24/08, 73 FR 63378 | |
| Section 114.318 | Alternative Emission Reduction Plan. | 06/11/07 | 10/24/08, 73 FR 63378 | |
| Section 114.319 | Affected Counties and Compliance Dates. | 06/13/07 | 10/24/08, 73 FR 63378 | |
| **Subchapter I—Non-Road Engines** | | | | |
| **Division 3—Non-Road Large Spark-Ignition Engines** | | | | |
| Section 114.420 | Definitions | 04/19/00 | 11/14/01, 66 FR 57222. | |
| Section 114.421 | Emission Specifications | 12/06/00 | 11/14/01, 66 FR 57222. | |
| Section 114.422 | Control Requirements | 04/19/00 | 11/14/01, 66 FR 57222. | |
| Section 114.427 | Exemptions | 04/19/00 | 11/14/01, 66 FR 57222. | |
| Section 114.429 | Affected Counties and Compliance Schedules. | 12/06/00 | 11/14/01, 66 FR 57222. | |
| **Subchapter J—Operational Controls for Motor Vehicles** | | | | |
| **Division 2: Locally Enforced Motor Vehicle Idling Limitations** | | | | |
| Section 114.510 | Definitions | 11/17/04 | 4/11/05, 70 FR 18308. | |
| Section 114.511 | Applicability | 11/17/04 | 4/11/05, 70 FR 18308. | |
| Section 114.512 | Control Requirements for Motor Vehicle Idling. | 1/30/2008 | 4/9/2010, 75 FR 18061 | Not in SIP: 114.512(b). |
| Section 114.517 | Exemptions | 1/30/2008 | 4/9/2010, 75 FR 18061 | Not in SIP: 114.517(12). |
| **Subchapter K—Mobile Source Incentive Programs** | | | | |
| **Division 3: Diesel Emission Reduction Incentive Program for On-road and Non-road Vehicles** | | | | |
| Section 114.620 | Definitions | 9/20/2006 | 4/9/2010, 75 FR 18061. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 114.621 | Applicability | 01/28/04 | 08/19/05, 70 FR 48647. | |
| Section 114.622 | Incentive Program Requirements. | 12/5/2007 | 4/9/2010, 75 FR 18061. | |
| Section 114.623 | Small Business Incentives. | 01/28/04 | 08/19/05, 70 FR 48647. | |
| Section 114.624 | Rebate Grant Process | 9/20/2006 | 4/9/2010, 75 FR 18061. | |
| Section 114.626 | Monitoring, Recordkeeping, and Reporting Requirements. | 08/22/01 | 08/19/05, 70 FR 48647. | |
| Section 114.629 | Affected Counties and Implementation Schedule. | 01/28/04 | 08/19/05, 70 FR 48647. | |
| **Division 4: Texas Clean School Bus Program** | | | | |
| Section 114.640 | Definitions | 9/20/2006 | 4/9/2010, 75 FR 18061. | |
| Section 114.642 | Applicability | 9/20/2006 | 4/9/2010, 75 FR 18061. | |
| Section 114.644 | Clean School Bus Program Requirements. | 9/20/2006 | 4/9/2010, 75 FR 18061. | |
| Section 114.646 | Monitoring, Recordkeeping, and Reporting Requirements. | 9/20/2006 | 4/9/2010, 75 FR 18061. | |
| Section 114.648 | Implementation Schedule. | 9/20/2006 | 4/9/2010, 75 FR 18061. | |
| **Texas Department of Transportation Regulation—31 TAC Chapter 17—Vehicle Titles and Registration** | | | | |
| Section 17.80 | Vehicle Emissions Verification System. | 11/09/93 | 08/22/94, 59 FR 43046 | Ref 52.2299 (c)(87)(i)(F). |
| **Chapter 115 (Reg 5)—Control of Air Pollution From Volatile Organic Compounds** | | | | |
| **Subchapter A—Definitions** | | | | |
| Section 115.10 | Definitions | 11/15/06 | 7/17/08, 73 FR 40972. | |
| **Subchapter B—General Volatile Organic Compound Sources** | | | | |
| **Division 1: Storage of Volatile Organic Compounds** | | | | |
| Section 115.110 | Definitions | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.112 | Control Requirements | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.113 | Alternate Control Requirements. | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.114 | Inspection Requirements. | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.115 | Approved Test Methods | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.116 | Monitoring and Recordkeeping Requirements. | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.117 | Exemptions | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.119 | Counties and Compliance Schedules. | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| **Division 2: Vent Gas Control** | | | | |
| Section 115.120 | Vent Gas Definitions | 12/13/02 | 02/27/08, 73 FR 10383. | |
| Section 115.121 | Emission Specifications | 12/13/02 | 02/27/08, 73 FR 10383. | |
| Section 115.122 | Control Requirements | 12/13/02 | 02/27/08, 73 FR 10383. | |
| Section 115.123 | Alternate Control Requirements. | 12/13/02 | 02/27/08, 73 FR 10383. | |
| Section 115.125 | Testing Requirements | 12/6/00 | 7/16/01, 66 FR 36913. | |
| Section 115.126 | Monitoring and Recordkeeping Requirements. | 12/13/02 | 02/27/08, 73 FR 10383. | |
| Section 115.127 | Exemptions | 12/13/02 | 02/27/08, 73 FR 10383. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 115.129 | Counties and Compliance Schedules. | 11/15/06 | 7/17/08, 73 FR 40972. | |
| **Division 3: Water Separation** | | | | |
| Section 115.131 | Emission Specifications | 05/04/94 | 05/22/97, 62 FR 27964. | |
| Section 115.132 | Control Requirements | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.133 | Alternate Control Requirements. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.135 | Testing Requirements | 05/04/94 | 05/22/97, 62 FR 27964. | |
| Section 115.136 | Monitoring and Recordkeeping Requirements. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.137 | Exemptions | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.139 | Counties and Compliance Schedules. | 11/15/06 | 7/17/08, 73 FR 40972. | |
| **Division 4: Industrial Wastewater** | | | | |
| Section 115.140 | Industrial Wastewater Definitions. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.142 | Control Requirements | 12/13/02 | 02/27/08, 73 FR 10383. | |
| Section 115.143 | Alternate Control Requirements. | 12/13/02 | 02/27/08, 73 FR 10383. | |
| Section 115.144 | Inspection and Monitoring Requirements. | 12/13/02 | 2/27/08, 73 FR 10383. | |
| Section 115.145 | Approved Test Methods | 4/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.146 | Recordkeeping Requirements. | 10/27/99 | 12/20/00, 65 FR 79745. | |
| Section 115.147 | Exemptions | 12/13/02 | 02/27/08, 73 FR 10383. | |
| Section 115.148 | Training Requirements | 10/27/99 | 12/20/00, 65 FR 79745. | |
| Section 115.149 | Counties and Compliance Schedules. | 11/15/06 | 7/17/08, 73 FR 40972. | |
| **Division 5: Municipal Solid Waste Landfills** | | | | |
| Section 115.152 | Control Requirements | 5/04/94 | 5/22/97, 62 FR 27964. | |
| Section 115.153 | Alternate Control Requirements. | 4/26/02 | 2/27/08, 73 FR 10383. | |
| Section 115.155 | Approved Test Methods | 05/04/94 | 05/22/97, 62 FR 27964. | |
| Section 115.156 | Monitoring and Recordkeeping Requirements. | 5/4/94 | 05/22/97, 62 FR 27964. | |
| Section 115.157 | Exemptions | 5/4/94 | 5/22/97, 62 FR 27964. | |
| Section 115.159 | Counties and Compliance Schedules. | 4/26/02 | 2/27/08, 73 FR 10383. | |
| **Division 6: Batch Processes** | | | | |
| Section 115.160 | Batch Process Definitions. | 12/13/02 | 02/27/08, 73 FR 10383. | |
| Section 115.161 | Applicability | 12/13/02 | 02/27/08, 73 FR 10383. | |
| Section 115.162 | Control Requirements | 12/06/00 | 07/16/01, 66 FR 36913. | |
| Section 115.163 | Alternate Control Requirements. | 10/27/99 | 12/20/00, 65 FR 79745. | |
| Section 115.164 | Determination of Emissions and Flow Rates. | 12/06/00 | 07/16/01, 66 FR 36913. | |
| Section 115.165 | Approved Test Methods and Testing Requirements. | 12/06/00 | 07/16/01, 66 FR 36913. | |
| Section 115.166 | Monitoring and Recordkeeping Requirements. | 12/13/02 | 02/27/08, 73 FR 10383. | |
| Section 115.167 | Exemptions | 9/28/2005 | 7/10/2009, 74 FR 33146. | |
| Section 115.169 | Counties and Compliance Schedules. | 9/28/2005 | 7/10/2009, 74 FR 33146. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Subchapter C—Volatile Organic Compound Transfer Operations** | | | | |
| **Division 1: Loading and Unloading of Volatile Organic Compounds** | | | | |
| Section 115.211 | Emission Specifications | 12/13/02 | 01/19/06, 71 FR 3009. | |
| Section 115.212 | Control Requirements | 12/06/00 | 07/16/01, 66 FR 36913. | |
| Section 115.213 | Alternate Control Requirements. | 06/30/99 | 12/20/00, 65 FR 79745. | |
| Section 115.214 | Inspection Requirements. | 04/26/02 | 01/19/06, 71 FR 3009. | |
| Section 115.215 | Approved Test Methods. | 12/13/02 | 01/19/06, 71 FR 3009. | |
| Section 115.216 | Monitoring and Recordkeeping Requirements. | 10/22/03 | 01/19/06, 71 FR 3009. | |
| Section 115.217 | Exemptions | 10/22/03 | 01/19/06, 71 FR 3009. | |
| Section 115.219 | Counties and Compliance. | 11/15/2006 | 10/20/2010, 75 FR 64675. | |
| Section 115.220* | Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicles Fuel Dispensing Facilities in Bexar County. | 03/30/79 | 11/10/82, 47 FR 50866 | Ref 52.2299(c)(48). The number 220* was created to avoid duplicate sections numbers in the SIP. There is no section 115.220 in the current SIP approved codification. |
| **Division 2: Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities** | | | | |
| Section 115.222 | Control Requirements | 03/23/05 | 01/19/06, 71 FR 3009. | |
| Section 115.223 | Alternate Control Requirements. | 03/23/05 | 01/19/06, 71 FR 3009. | |
| Section 115.224 | Inspection Requirements. | 06/30/99 | 12/20/00, 65 FR 79745. | |
| Section 115.225 | Testing Requirements | 6/30/99 | 12/20/00, 65 FR 79745. | |
| Section 115.226 | Recordkeeping Requirements. | 6/30/99 | 12/20/00, 65 FR 79745. | |
| Section 115.227 | Exemptions | 11/17/04 | 3/29/05, 70 FR 15769. | |
| Section 115.229 | Counties and Compliance Schedule D. | 4/13/05 | 1/19/06, 71 FR 3009. | |
| **Division 3: Control of Volatile Organic Leaks from Transport Vessels** | | | | |
| Section 115.234 | Inspection Requirements. | 6/30/99 | 12/20/00, 65 FR 79745. | |
| Section 115.235 | Approved Test Methods | 06/30/99 | 12/20/00, 65 FR 79745. | |
| Section 115.236 | Recordkeeping Requirements. | 6/30/99 | 12/20/00, 65 FR 79745. | |
| Section 115.237 | Exemptions | 06/30/99 | 12/20/00, 65 FR 79745. | |
| Section 115.239 | Counties and Compliance Schedules. | 11/15/06 | 7/17/08, 73 FR 40972. | |
| **Division 4: Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities** | | | | |
| Section 115.240 | Stage II Vapor Recovery Definitions and List of California Air Resources Board Certified Stage II Equipment. | 3/23/05 | 1/19/06, 71 FR 3009. | |
| Section 115.241 | Emission Specifications | 11/6/02 | 3/29/05, 70 FR 15769. | |
| Section 115.242 | Control Requirements | 3/23/05 | 1/19/06, 71 FR 3009. | |
| Section 115.243 | Alternate Control Requirements. | 3/23/05 | 1/19/06, 71 FR 3009. | |
| Section 115.244. | Inspection Requirements. | 11/6/02 | 3/29/05, 70 FR 15769. | |
| Section 115.245 | Testing Requirements | 3/23/05 | 1/19/06, 71 FR 3009. | |
| Section 115.246 | Recordkeeping Requirements. | 11/6/02 | 3/29/05, 70 FR 15769. | |
| Section 115.247 | Exemptions | 11/6/02 | 3/29/05, 70 FR 15769. | |
| Section 115.248 | Training Requirements | 3/23/05 | 1/19/06, 71 FR 3009. | |

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| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 115.249 | Counties and Compliance Schedules. | 3/23/05 | 1/19/06, 71 FR 3009. | |
| Section 115.252 to 115.259. | Control of Reid Vapor Pressure of Gasoline. | 5/4/94 | 05/22/97, 62 FR 27964 | Ref 52.2299(c)(104). |
| **Subchapter D—Petroleum Refining, Natural Gas Processing, and Petrochemical Processes** | | | | |
| **Division 1: Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries** | | | | |
| Section 115.311 | Emission Specifications | 4/26/02 | 2/27/08, 73 FR 10383. | |
| Section 115.312 | Control Requirements | 12/13/02 | 2/27/08, 73 FR 10383. | |
| Section 115.313 | Alternate Control Requirements. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.315 | Testing Requirements | 5/8/92 | 3/7/95, 60 FR 12438. | |
| Section 115.316 | Monitoring and Recordkeeping Requirements. | 4/26/02 | 2/27/08, 73 FR 10383. | |
| Section 115.317 | Exemptions | 5/8/92 | 3/7/95, 60 FR 12438. | |
| Section 115.319 | Counties and Compliance Schedules. | 11/15/06 | 7/17/08, 73 FR 40972. | |
| **Division 2: Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties** | | | | |
| Section 115.322 | Control Requirements | 4/26/02 | 2/27/08, 73 FR 10383. | |
| Section 115.323 | Alternate Control Requirements. | 8/8/01 | 2/27/08, 73 FR 10383. | |
| Section 115.324 | Inspection Requirements. | 5/8/02 | 3/7/95, 60 FR 12438. | |
| Section 115.325 | Testing Requirements | 4/26/02 | 2/27/08, 73 FR 10383. | |
| Section 115.326 | Recordkeeping Requirements. | 12/13/02 | 2/27/08, 73 FR 10383. | |
| Section 115.327 | Exemptions | 4/26/02 | 2/27/08, 73 FR 10383. | |
| Section 115.329 | Counties and Compliance Schedules. | 8/8/01 | 2/27/08, 73 FR 10383. | |
| **Division 3: Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas** | | | | |
| Section 115.352 | Control Requirements | 12/1/04 | 2/27/08, 73 FR 10383. | |
| Section 115.353 | Alternate Control Requirements. | 4/26/02 | 2/27/08, 73 FR 10383. | |
| Section 115.354 | Monitoring and Inspection Requirements. | 12/1/04 | 2/27/08, 73 FR 10383. | |
| Section 115.355 | Approved Test Methods | 12/1/04 | 2/27/08, 73 FR 10383. | |
| Section 115.356 | Recordkeeping Requirements. | 12/1/04 | 2/27/08, 73 FR 10383. | |
| Section 115.357 | Exemptions | 12/1/04 | 2/27/08, 73 FR 10383. | |
| Section 115.359 | Counties and Compliance Schedules. | 11/15/06 | 7/17/08, 73 FR 40972. | |
| **Subchapter E—Solvent-Using Processes** | | | | |
| **Division 1: Degreasing Processes** | | | | |
| Section 115.412 | Control Requirements | 11/17/04 | 3/29/05, 70 FR 15769. | |
| Section 115.413 | Alternate Control Requirements. | 11/17/04 | 3/29/05, 70 FR 15769. | |
| Section 115.415 | Testing Requirements | 11/17/04 | 3/29/05, 70 FR 15769. | |
| Section 115.416 | Recordkeeping Requirements. | 11/17/04 | 3/29/05, 70 FR 15769. | |
| Section 115.417 | Exemptions | 11/17/04 | 3/29/05, 70 FR 15769. | |
| Section 115.419 | Counties and Compliance Schedules. | 11/15/06 | 7/17/08, 73 FR 40972. | |
| **Division 2: Surface Coating Processes** | | | | |
| Section 115.420 | Surface Coating Definitions. | 12/13/02 | 01/19/06, 71 FR 3009. | |
| Section 115.421 | Emission Specifications | 12/13/02 | 01/19/06, 71 FR 3009. | |
| Section 115.422 | Control Requirements | 4/26/02 | 1/19/06, 71 FR 3009. | |
| Section 115.423 | Alternate Control Requirements. | 8/8/01 | 1/19/06, 71 FR 3009. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 115.424 | Inspection Requirements. | 6/29/00 | 10/30/01, 66 FR 54688 | |
| Section 115.425 | Testing Requirements | 6/29/00 | 10/30/01, 65 FR 54688 | |
| Section 115.426 | Monitoring and Recordkeeping Requirements. | 8/8/01 | 1/19/06, 71 FR 3009. | |
| Section 115.427 | Exemptions | 9/28/2005 | 7/10/2009, 74 FR 33146. | |
| Section 115.429 | Counties and Compliance Schedules. | 9/28/2005 | 7/10/2009, 74 FR 33146. | |
| **Division 3: Flexographic and Rotogravure Printing** | | | | |
| Section 115.430 | Flexographic and Rotogravure Printing Definitions. | 12/06/01 | 07/16/01, 66 FR 36913. | |
| Section 115.432 | Control Requirements | 08/08/01 | 01/19/06, 71 FR 3009. | |
| Section 115.433 | Alternate Control Requirements. | 08/08/01 | 01/19/06, 71 FR 3009. | |
| Section 115.435 | Testing Requirements | 08/08/01 | 01/19/06, 71 FR 3009. | |
| Section 115.436 | Monitoring and Recordkeeping Requirements. | 08/08/01 | 01/19/06, 71 FR 3009. | |
| Section 115.437 | Exemptions | 02/14/96 | 01/26/99, 64 FR 3841. | |
| Section 115.439 | Counties and Compliance Schedules. | 11/15/06 | 7/17/08, 73 FR 40972. | |
| **Division 4: Offset Lithographic Printing** | | | | |
| Section 115.440 | Offset Printing Definitions. | 04/26/02 | 01/19/06, 71 FR 3009. | |
| Section 115.442 | Control Requirements | 04/26/02 | 01/19/06, 71 FR 3009. | |
| Section 115.443 | Alternate Control Requirements. | 02/24/99 | 04/06/00, 65 FR 18003. | |
| Section 115.445 | Approved Test Methods | 04/26/02 | 01/19/06, 71 FR 3009. | |
| Section 115.446 | Monitoring and Recordkeeping Requirements. | 04/26/02 | 01/19/06, 71 FR 3009. | |
| Section 115.449 | Counties and Compliance Schedules. | 11/15/06 | 7/17/08, 73 FR 40972. | |
| **Subchapter F—Miscellaneous Industrial Sources** | | | | |
| **Division 1: Cutback Asphalt** | | | | |
| Section 115.510 | Cutback Asphalt Definitions. | 08/31/99 | 12/22/99, 64 FR 71670. | |
| Section 115.512 | Control Requirements | 11/17/04 | 3/29/05, 70 FR 15769. | |
| Section 115.513 | Alternative Control Requirements. | 08/31/99 | 12/22/99, 64 FR 71670. | |
| Section 115.515 | Testing Requirements | 08/31/99 | 12/22/99, 64 FR 71670. | |
| Section 115.516 | Recordkeeping Requirements. | 11/17/04 | 3/29/05, 70 FR 15769. | |
| Section 115.517 | Exemptions | 11/17/04 | 3/29/05, 70 FR 15769 | Ref 52.2299(c)(88). |
| Section 115.519 | Counties and Compliance Schedules. | 11/15/06 | 7/17/08, 73 FR 40972. | |
| **Division 2: Pharmaceutical Manufacturing Facilities** | | | | |
| Section 115.531 | Emission Specifications | 05/04/94 | 05/22/97, 62 FR 27964. | |
| Section 115.532 | Control Requirements | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.533 | Alternate Control Requirements. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.534 | Inspection Requirements. | 05/04/94 | 05/22/97, 62 FR 27964. | |
| Section 115.535 | Testing Requirements | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.536 | Monitoring and Recordkeeping Requirements. | 05/04/94 | 05/22/97, 62 FR 27964. | |
| Section 115.537 | Exemptions | 05/04/94 | 05/22/97, 62 FR 27964. | |

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| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 115.539 | Counties and Compliance Schedules. | 11/15/06 | 7/17/08, 73 FR 40972. | |
| **Division 3: Degassing or Cleaning of Stationary, Marine, and Transport Vessels** | | | | |
| Section 115.541 | Emission Specifications | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.542 | Control Requirements | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.543 | Alternate Control Requirements. | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.544 | Inspection Requirements. | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.545 | Approved Test Methods | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.546 | Monitoring and Recordkeeping Requirements. | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.547 | Exemptions | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| Section 115.549 | Counties and Compliance Schedules. | 5/23/2007 | 3/29/2010, 75 FR 15348. | |
| **Division 4: Petroleum Dry Cleaning Systems** | | | | |
| Section 115.552 | Control Requirements | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.553 | Alternate Control Requirements. | 05/04/94 | 05/22/97, 62 FR 27964. | |
| Section 115.555 | Testing Methods and Procedures. | 05/04/94 | 05/22/97, 62 FR 27964. | |
| Section 115.556 | Recordkeeping Requirements. | 05/04/94 | 05/22/97, 62 FR 27964. | |
| Section 115.557 | Exemptions | 05/04/94 | 05/22/97, 62 FR 27964. | |
| Section 115.559 | Counties and Compliance Schedules. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| **Subchapter G—Consumer-Related Sources** | | | | |
| **Division 1: Automotive Windshield Washer Fluid** | | | | |
| Section 115.600 | Consumer Products Definitions. | 01/28/04 | 02/10/05, 70 FR 7041. | |
| Section 115.610 | Applicability | 01/28/04 | 02/10/05, 70 FR 7041. | |
| Section 115.612 | Control Requirements | 01/28/04 | 02/10/05, 70 FR 7041. | |
| Section 115.613 | Alternate Control Requirements. | 01/28/04 | 02/10/05, 70 FR 7041. | |
| Section 115.615 | Testing Requirements | 01/28/04 | 02/10/05, 70 FR 7041. | |
| Section 115.616 | Recordkeeping and Reporting Requirements. | 01/28/04 | 02/10/05, 70 FR 7041. | |
| Section 115.617 | Exemptions | 01/28/04 | 02/10/05, 70 FR 7041. | |
| Section 115.619 | Counties and Compliance Schedules. | 01/28/04 | 02/10/05, 70 FR 7041. | |
| **Division 2: Portable Fuel Containers** | | | | |
| **Subchapter H—Highly-Reactive Volatile Organic Compounds Division 1: Vent Gas Control** | | | | |
| Section 115.720 | Applicability and Definitions. | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.722 | Site-wide Cap and Control Requirements. | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.725 | Monitoring and Testing Requirements. | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.726 | Recordkeeping and Reporting Requirements. | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.727 | Exemptions | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.729 | Counties and Compliance Schedules. | 12/01/04 | 9/06/06, 71 FR 52656. | |

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| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Division 2: Cooling Tower Heat Exchange Systems** | | | | |
| Section 115.760 | Applicability and Cooling Tower Heat Exchange System Definitions. | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.761 | Site-wide Cap | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.764 | Monitoring and Testing Requirements. | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.766 | Recordkeeping and Reporting Requirements. | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.767 | Exemptions | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.769 | Counties and Compliance Schedules. | 12/01/04 | 9/06/06, 71 FR 52656. | |
| **Division 3: Fugitive Emissions** | | | | |
| Section 115.780 | Applicability | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.781 | General Monitoring and Inspection Requirements. | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.782 | Procedures and Schedule for Leak Repair and Follow-up. | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.783 | Equipment Standards | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.786 | Recordkeeping Requirements. | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.787 | Exemptions | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.788 | Audit Provisions | 12/01/04 | 9/06/06, 71 FR 52656. | |
| Section 115.789 | Counties and Compliance Schedules. | 12/01/04 | 9/06/06, 71 FR 52656. | |
| **Subchapter J—Administrative Provisions** | | | | |
| **Division 1: Alternate Means of Control** | | | | |
| Section 115.901 | Insignificant Emissions | 07/13/94 | 05/22/97, 62 FR 27964. | |
| Section 115.910 | Availability of Alternate Means of Control. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.911 | Criteria for Approval of Alternate Means of Control Plans. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.912 | Calculations for Determining Alternate Means of Control Reductions. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.913 | Procedures for Alternate Means of Control Plan Submittal. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.914 | Procedures for an Alternate Means of Control Plan Approval. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.915 | Public Notice Format | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.916 | Review of Approved Alternate Means of Control Plans and Termination of Alternate Means of Control Plans. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| **Division 2: Early Reductions** | | | | |
| Section 115.920 | Applicability | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.923 | Documentation | 04/26/02 | 02/27/08, 73 FR 10383. | |
| **Division 3: Compliance and Control Plan Requirements** | | | | |
| Section 115.930 | Compliance Dates | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.932 | Congtrol Plan Procedure. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.934 | Control Plan Deviation | 04/26/02 | 02/27/08, 73 FR 10383. | |

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| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 115.936 | Reporting Procedure | 11/10/93 | 05/22/97, 62 FR 27964. | |
| Section 115.940 | Equivalency Determination. | 04/26/02 | 02/27/08, 73 FR 10383. | |
| Section 115.950 | Use of Emissions Credits for Compliance. | 12/06/00 | 09/06/06, 71 FR 52698. | |
| **Chapter 116 (Reg 6)—Control of Air Pollution by Permits for New Construction or Modification** | | | | |
| **Subchapter A—Definitions** | | | | |
| Section 116.10 | General Definitions | 8/21/2002 | 4/14/2010, 75 FR 19468. | The SIP does not include paragraphs (1), (2), (3), (7)(F), (11), and (16). |
| Section 116.11 | Compliance History Definitions. | 06/17/98 | 09/18/02, 67 FR 58709. | |
| Section 116.12 | Nonattainment Review Definitions. | 8/20/2003 | 3/20/2009, 74 FR 11851.. | |
| Section 116.14 | Standard Permit Definitions. | 06/17/98 | 11/14/03, 68 FR 64548. | |
| Section 116.18 | Electric Generating Facility Permits Definitions. | 5/22/2002 | 1/11/2011, 76 FR 1525. | |
| **Subchapter B—New Source Review Permits Division 1—Permit Application** | | | | |
| Section 116.110 | Applicability | 08/09/00 | 11/14/03, 68 FR 64548 | The SIP does not include sections 116.110(a)(3), (a)(5), and (c). |
| Section 116.111 | General Application | 08/21/02 | 8/28/07, 72 FR 41998 | The SIP does not include paragraphs (a)(2)(K) and (b). |
| Section 116.112 | Distance Limitations | 01/14/04 | 12/07/05, 70 FR 72722 | |
| Section 116.114 | Application Review Schedule. | 12/19/07 | 3/8/10, 75 FR 10416 | Subsections (a), (a)(1), (a)(2), (b), and (b)(1) in the SIP are as adopted 6/17/98 and approved by EPA 9/18/02, 67 FR 58697. Subsection (b)(2) and subsections (a)(3) and (a)(4) are as adopted 8/20/03 and 12/19/07, respectively, and approved by EPA on 3/8/10, 75 FR 10416. |
| Section 116.115 | General and Special Conditions. | 8/20/2003 | 4/2/2010, 75 FR 16671 | The SIP does not include subsection 116.115(c)(2)(B)(ii)(I). |
| Section 116.116 | Changes to Facilities | 08/09/00 | 11/14/03, 68 FR 64548 | The SIP does not include sections 116.116(b)(3), (b)(4), (e), and (f). |
| Section 116.120 | Voiding of Permits | 8/20/03 | 4/2/10, 75 FR 16671. | |
| **Division 2—Compliance History** | | | | |
| Section 116.120 | Applicability | 06/17/98 | 09/18/02, 67 FR 58709. | |
| Section 116.121 | Exemptions | 06/17/98 | 09/18/02, 67 FR 58709. | |
| Section 116.122 | Contents of Compliance History. | 06/17/98 | 09/18/02, 67 FR 58709. | |
| Section 116.123 | Effective Dates | 06/17/98 | 09/18/02, 67 FR 58709. | |
| Section 116.124 | Public Notice of Compliance History. | 06/17/98 | 09/18/02, 67 FR 58709. | |
| Section 116.125 | Preservation of Existing Rights and Procedures. | 06/17/98 | 09/18/02, 67 FR 58709. | |

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| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 116.126 | Voidance of Permit Applications. | 06/17/98 | 09/18/02, 67 FR 58709. | |
| **Division 3—Public Notice** | | | | |
| Section 116.130 | Applicability | 06/17/98 | 09/18/02, 67 FR 58709 | The SIP does not include Section 116.130(c). |
| Section 116.131 | Public Notification Requirements. | 06/17/98 | 09/18/02, 67 FR 58709. | |
| Section 116.132 | Public Notice Format | 06/17/98 | 03/10/06, 71 FR 12285. | |
| Section 116.133 | Sign Posting Requirements. | 06/17/98 | 03/10/06, 71 FR 12285. | |
| Section 116.134 | Notification of Affected Agencies. | 06/17/98 | 09/18/02, 67 FR 58709. | |
| Section 116.136 | Public Comment Procedures. | 08/16/93 | 09/18/02, 67 FR 58709. | |
| Section 116.137 | Notification of Final Action by the Commission. | 06/17/98 | 09/18/02, 67 FR 58709. | |
| **Division 4—Permit Fees** | | | | |
| Section 116.140 | Applicability | 06/17/98 | 09/18/02, 67 FR 58709. | |
| Section 116.141 | Determination of Fees | 9/25/2002 | 3/20/2009, 74 FR 11851.. | |
| Section 116.143 | Payment of Fees | 8/20/2003 | 3/20/2009, 74 FR 11851.. | |
| **Division 5—Nonattainment Review** | | | | |
| Section 116.150 | New Major Source or Major Modification in Ozone Nonattainment Area. | 8/20/2003 | 3/20/2009, 74 FR 11851.. | |
| Section 116.151 | New Major Source or Major Modification in Nonattainment Area Other than Ozone. | 03/18/98 | 07/17/00, 65 FR 43986. | |
| **Division 6—Prevention of Significant Deterioration Review** | | | | |
| Section 116.160 | Prevention of Significant Deterioration Requirements. | 6/2/2010 | 9/15/2010, 75 FR 55978. | |
| Section 116.161 | Source Located in an Attainment Area with Greater than De Minimis Impact. | 06/17/98 | 09/18/02, 67 FR 58709. | |
| Section 116.162 | Evaluation of Air Quality Impacts. | 10/10/01 | 7/22/04, 69 FR 43752. | |
| Section 116.163 | Prevention of Significant Deterioration Permit Fees. | 9/25/2002 | 3/20/2009, 74 FR 11851.. | |
| **Division 7—Emission Reductions: Offsets** | | | | |
| Section 116.170 | Applicability of Emission Reductions as Offsets. | 8/20/2003 | 3/20/2009, 74 FR 11851.. | |
| Section 116.172 | Emissions Offsets from Rocket Engine Firing and Cleaning. | 8/20/2003 | 3/20/2009, 74 FR 11851.. | |
| Section 116.176 | Use of Mass Cap Allowances for Offsets. | 3/07/01 | 9/6/06, 71 FR 52664.. | |
| **Subchapter D—Permit Renewals** | | | | |
| Section 116.310 | Notification of Permit Holder. | 8/16/93 | 3/10/06, 71 FR 12285.. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 116.311 | Permit Renewal Application. | 4/6/1994 | 3/10/2006, 71 FR 12285. | The SIP does not include subsection (c). The requirements of subsection (c) were added to Section 116.315 and approved by EPA on March 11, 2010, 75 FR 11464. |
| Section 116.312 | Public Notification and Comment Procedures. | 08/16/93 | 3/10/06, 71 FR 12285.. | |
| Section 116.313 | Renewal Application Fees. | 8/20/2003 | 3/20/2009, 74 FR 11851.. | |
| Section 116.314 | Review Schedule | 08/16/93 | 3/10/06, 71 FR 12285.. | |
| Section 116.315 | Permit Renewal Submittal. | 5/7/2008 | 3/11/10, 75 FR 11464. | |
| **Subchapter F—Standard Permits** | | | | |
| Section 116.601 | Types of Standard Permits. | 12/16/99 | 11/14/03, 68 FR 64548 | The SIP does not include section 116.601(a)(1). |
| Section 116.602 | Issuance of Standard Permits. | 12/16/99 | 11/14/03, 68 FR 64548. | |
| Section 116.603 | Public Participation in Issuance of Standard Permits. | 9/20/06 | 9/17/08, 73 FR 53716. | |
| Section 116.604 | Duration and Renewal of Registrations to Use Standard Permits. | 12/16/99 | 11/14/03, 68 FR 64548. | |
| Section 116.605 | Standard Permit Amendment and Revocation. | 12/16/99 | 11/14/03, 68 FR 64548. | |
| Section 116.606 | Delegation | 12/16/99 | 11/14/03, 68 FR 64548. | |
| Section 116.610 | Applicability | 03/07/01 | 9/6/06, 71 FR 52664 | The SIP does not include subsection 116.610(d). |
| Section 116.611 | Registration to Use a Standard Permit. | 11/20/02 | 11/14/03, 68 FR 64548. | |
| Section 116.614 | Standard Permit Fees | 9/25/2002 | 3/20/2009, 74 FR 11851.. | |
| Section 116.615 | General Conditions | 02/21/07 | 8/28/07, 72 FR 41998. | |
| **Subchapter I—Electric Generating Facility Permits** | | | | |
| Section 116.910 | Applicability | 5/22/2002 | 1/11/2011, 76 FR 1525. | |
| Section 116.911 | Electric Generating Facility Permit. | 5/22/2002 | 1/11/2011, 76 FR 1525 | 116.911(a)(2) is not in the SIP. |
| Section 116.912 | Electric Generating Facilities. | 12/16/1999 | 1/11/2011, 76 FR 1525. | |
| Section 116.913 | General and Special Conditions. | 5/22/2002 | 1/11/2011, 76 FR 1525. | |
| Section 116.914 | Emissions Monitoring and Reporting Requirements. | 12/16/1999 | 1/11/2011, 76 FR 1525. | |
| Section 116.916 | Permits for Grandfathered and Electing Generating Facilities in El Paso County. | 12/16/1999 | 1/11/2011, 76 FR 1525. | |
| Section 116.917 | Electric Generating Facility Permit Application for Certain Grandfathered Coal-Fired Electric Generating Facilities and Certain Facilities Located at Electric Generating Facility Sites. | 5/22/2002 | 1/11/2011, 76 FR 1525. | |

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| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 116.918 | Additional General Special Conditions for Grandfathered Coal-Fired Electric Generating Facilities and Certain Facilities Located at Electric Generating Facility Sites. | 5/22/2002 | 1/11/2011, 76 FR 1525. | |
| Section 116.920 | Applicability | 12/16/1999 | 1/11/2011, 76 FR 1525. | |
| Section 116.921 | Notice and Comment Hearings for Initial Issuance. | 5/22/2002 | 1/11/2011, 76 FR 1525. | |
| Section 116.922 | Notice of Final Action | 12/16/1999 | 1/11/2011, 76 FR 1525. | |
| Section 116.926 | Permit Fee | 5/22/2002 | 1/11/2011, 76 FR 1525. | |
| Section 116.928 | Delegation | 5/22/2002 | 1/11/2011, 76 FR 1525. | |
| Section 116.930 | Amendments and Alterations Issued Under this Subchapter. | 5/22/2002 | 1/11/2011, 76 FR 1525. | |
| Section 116.931 | Renewal | 12/16/1999 | 1/11/2011, 76 FR 1525. | |
| **Chapter 117—Control of Air Pollution From Nitrogen Compounds** | | | | |
| **Subchapter A—Definitions** | | | | |
| Section 117.10 | Definitions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Subchapter B—Combustion Control at Major Industrial, Commercial, and Institutional Sources in Ozone Nonattainment Areas** | | | | |
| **Division 1—Beaumont-Port Arthur Ozone Nonattainment Area Major Sources** | | | | |
| Section 117.100 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.103 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.105 | Emission Specifications for Reasonably Available Control Technology (RACT). | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.110 | Emission Specifications for Attainment Demonstration. | 5/30/2007 | 12/3/2008, 73 FR 73562. | 117.110(c) not in SIP. |
| Section 117.115 | Alternative Plant-Wide Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.123 | Source Cap | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.130 | Operating Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.135 | Initial Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.140 | Continuous Demonstration of Compliance. | 2/11/2009 | 7/31/2009, 74 FR 38102. | |
| Section 117.145 | Notification, Recordkeeping, and Reporting Requirements. | 2/11/2009 | 7/31/2009, 74 FR 38102. | |
| Section 117.150 | Initial Control Plan Procedures. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.152 | Final Control Plan Procedures for Reasonably Available Control Technology. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.154 | Final Control Plan Procedures for Attainment Demonstration Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |

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| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 117.156 | Revision of Final Control Plan. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Division 2—Dallas-Fort Worth Ozone Nonattainment Area Major Sources** | | | | |
| Section 117.200 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.203 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.205 | Emission Specifications for Reasonably Available Control Technology (RACT). | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.210 | Emission Specifications for Attainment Demonstration. | 5/30/2007 | 12/3/2008, 73 FR 73562. | 117.210(c) not in SIP. |
| Section 117.215 | Alternative Plant-Wide Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.230 | Operating Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.235 | Initial Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.240 | Continuous Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.245 | Notification, Recordkeeping, and Reporting Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.252 | Final Control Plan Procedures for Reasonably Available Control Technology. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.254 | Final Control Plan Procedures for Attainment Demonstration Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.256 | Revision of Final Control Plan. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Division 3—Houston-Galveston-Brazoria Ozone Nonattainment Area Major Sources** | | | | |
| Section 117.300 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.303 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.305 | Emission Specifications for Reasonably Available Control Technology (RACT). | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.310 | Emission Specifications for Attainment Demonstration. | 5/30/2007 | 12/3/2008, 73 FR 73562. | 117.310(c) not in SIP. |
| Section 117.315 | Alternative Plant-Wide Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.320 | System Cap | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.323 | Source Cap | 5/30/2007 | 1/14/2009, 74 FR 1927. | |
| Section 117.223 | Source Cap | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.330 | Operating Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.335 | Initial Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.340 | Continuous Demonstration of Compliance. | 2/11/2009 | 7/31/2009, 74 FR 38102. | |
| Section 117.345 | Notification, Recordkeeping, and Reporting Requirements. | 2/11/2009 | 7/31/2009, 74 FR 38102. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 117.350 | Initial Control Plan Procedures. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.352 | Final Control Plan Procedures for Reasonably Available Control Technology. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.354 | Final Control Plan Procedures for Attainment Demonstration Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.356 | Revision of Final Control Plan. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Division 4—Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Major Sources** | | | | |
| Section 117.400 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.403 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.410 | Emission Specifications for Eight-Hour Attainment Demonstration. | 5/30/2007 | 12/3/2008, 73 FR 73562. | 117.410(d) not in SIP. |
| Section 117.423 | Source Cap | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.430 | Operating Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.435 | Initial Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.440 | Continuous Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.445 | Notification, Recordkeeping, and Reporting Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.450 | Initial Control Plan Procedures. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.454 | Final Control Plan Procedures for Attainment Demonstration Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.456 | Revision of Final Control Plan. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Subchapter C—Combustion Control at Major Utility Electric Generation Sources in Ozone Nonattainment Areas** | | | | |
| **Division 1—Beaumont-Port Arthur Ozone Nonattainment Area Utility Electric Generation Sources** | | | | |
| Section 117.1000 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1003 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1005 | Emission Specifications for Reasonably Available Control Technology (RACT). | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1010 | Emission Specifications for Attainment Demonstration. | 5/30/2007 | 12/3/2008, 73 FR 73562. | 117.1010(b) not in SIP. |
| Section 117.1015 | Alternative System-Wide Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1020 | System Cap | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1035 | Initial Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1040 | Continuous Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1045 | Notification, Recordkeeping, and Reporting Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 117.1052 | Final Control Plan Procedures for Reasonably Available Control Technology. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1054 | Final Control Plan Procedures for Attainment Demonstration Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1056 | Revision of Final Control Plan. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Division 2—Dallas-Fort Worth Ozone Nonattainment Area Utility Electric Generation Sources** | | | | |
| Section 117.1100 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1103 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1105 | Emission Specifications for Reasonably Available Control Technology (RACT). | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1110 | Emission Specifications for Attainment Demonstration. | 5/30/2007 | 1/14/2009, 74 FR 1927 | 117.1110(b) not in SIP |
| Section 117.1115 | Alternative System-Wide Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1120 | System Cap | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1135 | Initial Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1140 | Continuous Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1145 | Notification, Recordkeeping, and Reporting Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1152 | Final Control Plan Procedures for Reasonably Available Control Technology. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1154 | Final Control Plan Procedures for Attainment Demonstration Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1156 | Revision of Final Control Plan. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Division 3—Houston-Galveston-Brazoria Ozone Nonattainment Area Utility Electric Generation Sources** | | | | |
| Section 117.1200 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1203 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1205 | Emission Specifications for Reasonably Available Control Technology (RACT). | 5/30/2007 | 1/14/2009, 74 FR 1927. | |
| Section 117.1210 | Emission Specifications for Attainment Demonstration. | 5/30/2007 | 1/14/2009, 74 FR 1927 | 117.1210(b) not in SIP. |
| Section 117.1215 | Alternative System-Wide Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1220 | System Cap | 5/30/2007 | 12/3/2008 , 73 FR 73562. | |
| Section 117.1235 | Initial Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1240 | Continuous Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 117.1245 | Notification, Recordkeeping, and Reporting Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1252 | Final Control Plan Procedures for Reasonably Available Control Technology. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1254 | Final Control Plan Procedures for Attainment Demonstration Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1256 | Revision of Final Control Plan. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Division 4—Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Utility Electric Generation Sources** | | | | |
| Section 117.1300 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1303 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1310 | Emission Specifications for Eight-Hour Attainment Demonstration. | 5/30/2007 | 12/3/2008, 73 FR 73562. | 117.1310(b) not in SIP. |
| Section 117.1335 | Initial Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1340 | Continuous Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1345 | Notification, Recordkeeping, and Reporting Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1350 | Initial Control Plan Procedures. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1354 | Final Control Plan Procedures for Attainment Demonstration Emission Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.1356 | Revision of Final Control Plan. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Subchapter D—Combustion Control at Minor Sources in Ozone Nonattainment Areas** | | | | |
| **Division 1—Houston-Galveston-Brazoria Ozone Nonattainment Area Minor Sources** | | | | |
| Section 117.2000 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.2003 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.2010 | Emission Specification | 5/30/2007 | 12/3/2008, 73 FR 73562. | 117.2010(i) not in SIP. |
| Section 117.2030 | Operating Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.2035 | Monitoring and Testing Requirements. | 2/11/2009 | 7/31/2009, 74 FR 38102. | |
| Section 117.2045 | Recordkeeping and Reporting Requirements. | 2/11/2009 | 7/31/2009, 74 FR 38102. | |
| **Division 2—Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Minor Sources** | | | | |
| Section 117.2100 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.2103 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.2110 | Emission Specifications for Eight-Hour Attainment Demonstrations. | 5/30/2007 | 12/3/2008, 73 FR 73562. | 117.2110(h) not in SIP. |
| Section 117.2130 | Operating Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 117.2135 | Monitoring, Notification, and Testing Requirements. | 5/30/2007 | 1/14/2009, 74 FR 1927. | |
| Section 117.2145 | Recordkeeping and Reporting Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Subchapter E—Multi-Region Combustion Control** | | | | |
| **Division 1—Utility Electric Generation in East and Central Texas** | | | | |
| Section 117.3000 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3003 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3005 | Gas-Fired Steam Generation. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3010 | Emission Specifications | 5/30/2007 | 12/3/2008, 73 FR 73562. | 117.3010(2) not in SIP. |
| Section 117.3020 | System Cap | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3035 | Initial Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3040 | Continuous Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3045 | Notification, Recordkeeping, and Reporting Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3054 | Final Control Plan Procedures. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3056 | Revision of Final Control Plan. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Division 2—Cement Kilns** | | | | |
| Section 117.3100 | Applicability | 5/30/2007 | 01/14/2009, 74 FR 1927. | |
| Section 117.3101 | Cement Kilns Definitions. | 5/30/2007 | 1/14/2009, 74 FR 1927. | |
| Section 117.3103 | Exemptions | 5/30/2007 | 1/14/2009 , 74 FR 1927. | |
| Section 117.3110 | Emission Specifications | 5/30/2007 | 1/14/2009, 74 FR 1927. | |
| Section 117.3120 | Source Cap | 5/30/2007 | 1/14/2009, 74 FR 1927. | |
| Section 117.3123 | Dallas-Fort Worth Eight-Hour Ozone Attainment Demonstration Control Requirements. | 5/30/2007 | 1/14/2009, 74 FR 1927 | 117.3123(f) not in SIP. |
| Section 117.3140 | Continuous Demonstration of Compliance. | 5/30/2007 | 1/14/2009, 74 FR 1927. | |
| Section 117.3142 | Emission Testing and Monitoring for Eight-Hour Attainment Demonstration. | 5/30/2007 | 1/14/2009, 74 FR 1927. | |
| Section 117.3145 | Notification, Recordkeeping, and Reporting Requirements. | 5/30/2007 | 1/14/2009, 74 FR 1927. | |
| **Division 3—Water Heaters, Small Boilers, and Process Heaters** | | | | |
| Section 117.3200 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3201 | Definitions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3203 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3205 | Emission Specifications | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3210 | Certification requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3215 | Notification and Labeling Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Division 4—East Texas Combustion** | | | | |
| Section 117.3300 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3303 | Exemptions | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3310 | Emission Specifications for Eight-Hour Attainment Demonstration. | 5/30/2007 | 12/3/2008, 73 FR 73562. | 117.3310(e) not in SIP. |
| Section 117.3330 | Operating Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3335 | Monitoring, Notification, and Testing Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.3345 | Recordkeeping and Reporting Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Subchapter F—Acid Manufacturing** | | | | |
| **Division 1—Adipic Acid Manufacturing** | | | | |
| Section 117.4000 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4005 | Emission Specifications | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4025 | Alternative Case Specific Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4035 | Initial Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4040 | Continuous Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4045 | Notification, Recordkeeping, and Reporting Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4050 | Control Plan Procedures. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Division 2—Nitric Acid Manufacturing—Ozone Nonattainment Areas** | | | | |
| Section 117.4100 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4105 | Emission Specifications | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4125 | Alternative Case Specific Specifications. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4135 | Initial Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4140 | Continuous Demonstration of Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4145 | Notification, Recordkeeping, and Reporting Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4150 | Control Plan Procedures. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Division 2—Nitric Acid Manufacturing—Ozone Nonattainment Areas'' under Subchapter F to read ''Division 3—Nitric Acid Manufacturing—General** | | | | |
| Section 117.4200 | Applicability | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4205 | Emission Specifications | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.4210 | Applicability of Federal New Source Performance Standards. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Subchapter G—General Monitoring and Testing Requirements** | | | | |
| **Division 1—Compliance Stack Testing and Report Requirements** | | | | |
| Section 117.8000 | Stack Testing Requirements. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 117.8010 | Compliance Stack Test Reports. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Division 2—Emission Monitoring** | | | | |
| Section 117.8100 | Emission Monitoring System Requirements for Industrial, Commercial, and Institutional Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.8110 | Emission Monitoring System Requirements for Utility Electric Generation Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.8120 | Carbon Monoxide (CO) Monitoring. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.8130 | Ammonia Monitoring | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.8140 | Emission Monitoring for Engines. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Subchapter H—Administrative Provisions** | | | | |
| **Division 1—Compliance Schedules** | | | | |
| Section 117.9000 | Compliance Schedule for Beaumont-Port Arthur Ozone Nonattainment Area Major Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.9010 | Compliance Schedule for Dallas-Fort Worth Ozone Nonattainment Area Major Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.9020 | Compliance Schedule for Houston-Galveston-Brazoria Ozone Nonattainment Area Major Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.9030 | Compliance Schedule for Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Major Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.9100 | Compliance Schedule for Beaumont-Port Arthur Ozone Nonattainment Area Utility Electric Generation Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.9110 | Compliance Schedule for Dallas-Fort Worth Ozone Nonattainment Area Utility Electric Generation Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.9120 | Compliance Schedule for Houston-Galveston-Brazoria Ozone Nonattainment Area Utility Electric Generation Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

| State citation | Title/Subject | State approval/Submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 117.9130 | Compliance Schedule for Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Utility Electric Generation Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.9200 | Compliance Schedule for Houston-Galveston-Brazoria Ozone Nonattainment Area Minor Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.9210 | Compliance Schedule for Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Minor Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.9300 | Compliance Schedule for Utility Electric Generation in East and Central Texas. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.9320 | Compliance Schedule for Cement Kilns. | 5/30/2007 | 1/14/2009, 74 FR 1927. | |
| Section 117.9340 | Compliance Schedule for East Texas Combustion. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| Section 117.9500 | Compliance Schedule for Nitric Acid and Adipic Acid Manufacturing Sources. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Division 2—Compliance Flexibility** | | | | |
| Section 117.9800 | Use of Emission Credits for Compliance. | 5/30/2007 | 12/3/2008, 73 FR 73562. | |
| **Chapter 118 (Reg 8)—Control Of Air Pollution Episodes** | | | | |
| Section 118.1 | Generalized Air Pollution Episodes. | 03/05/00 | 07/26/00 | |
| Section 118.2 | Provisions Governing Generalized Episode Control. | 03/05/00 | 07/26/00 | |
| Section 118.3 | Localized Air Pollution Episodes. | 03/05/00 | 07/26/00 | |
| Section 118.4 | Hearings. | 03/05/00 | 07/26/00 | |
| Section 118.5 | Emission Reduction Plan. | 03/05/00 | 07/26/00 | |
| Section 118.6 | Texas Air Pollution Episode Contingency Plan and Emergency Management Center. | 03/05/00 | 07/26/00. | |
| **Chapter 122—Federal Operating Permits Program** | | | | |
| **Subchapter B—Permit Requirements** | | | | |
| **Division 2—Applicability** | | | | |
| Section 122.122 | Potential to Emit | 11/20/02 | 11/14/03, 68 FR 64548. | |

(d) *EPA-Approved State Source-Specific Requirements.*

EPA-APPROVED TEXAS SOURCE-SPECIFIC REQUIREMENTS

| Name of Source | Permit or Order Number | State Effective Date | EPA Approval Date | Comments |
|---|---|---|---|---|
| Alcoa Inc., Rockdale, Milam County, Texas. | Agreed Order No. 2000–0032–SIP. | 04/19/2000 | 10/26/00, 65 FR 64155 | H/GA, D/FW, and B/PA, Texas 1-hour ozone standard attainment demonstrations. |
| Eastman Chemical Company, Texas Operations, Longview, Harrison County, Texas. | Agreed Order No. 2000–0033–SIP. | 04/19/2000 | 10/26/00, 65 FR 64156 | H/GA, D/FW, and B/PA, Texas 1-hour ozone standard attainment demonstrations. |
| Gould National Battery, Incorporated. | Order Nos. 92–09(k), 93–12, 99–0351–SIP. | 9/3/92, 6/2/93, 7/8/99, respectively. | 11/29/94, 11/29/94, October 13, 1999, respectively. | 92–09(k) and 93–12 were incorporated by reference in our approval of the lead SIP on 11/29/94, (59 FR 60905). |
| Continental Airlines at George Bush Intercontinental Airport, Houston, Texas. | Agreed Order No. 2000–0826–SIP. | 10/18/00 | 11/14/2001, 66 FR 57222. | HGA, Texas 1-hour ozone standard attainment demonstrations. |
| Southwest Airlines at William Hobby Airport, Houston, Texas. | Agreed Order No. 2000–0827–SIP. | 12/06/00 | 11/14/2001, 66 FR 57222. | HGA, Texas 1-hour ozone standard attainment demonstrations. |
| American Airlines, American Eagle Airlines at D/FW International airport, Texas. | Agreed Order No. 2000–1149–SIP. | 5/23/2001 | 4/22/2002, 67 FR 19516. | DFW, Texas 1–hour ozone standard attainment demonstrations. |
| Delta Airlines at D/FW International Airport, Texas. | Agreed Order No. 2001–0221–AIR. | 5/23/2001 | 4/22/2002, 67 FR 19516. | DFW, Texas 1–hour ozone standard attainment demonstrations. |
| Southwest Airlines at Love Field, Texas. | Agreed Order No. 2001–0222–AIR. | 5/23/2001 | 4/22/2002, 67 FR 19516. | DFW, Texas 1–hour ozone standard attainment demonstrations. |
| ExxonMobil Oil Corporation, Jefferson County, Texas. | Agreed Order No. 2004–0846–SIP. | 12/15/2004 | 4/12/2005, 70 FR 18995. | |
| Huntsman Petrochemical Corporation, Port Neches Plant, Jefferson County, Texas. | Agreed Order No. 2004–0882–SIP. | 12/15/2004 | 4/12/2005, 70 FR 18995. | |
| Huntsman Petrochemical Corporation, Port Arthur Plant, Jefferson County, Texas. | Agreed Order No. 2004–0845–SIP. | 12/15/2004 | 4/12/2005, 70 FR 18995. | |
| ISP Elastomers, Jefferson County, Texas. | Agreed Order No. 2004–0842–SIP. | 12/15/2004 | 4/12/2005, 70 FR 18995. | |
| Mobil Chemical Company, Division of ExxonMobil Oil Corporation, Jefferson County, Texas. | Agreed Order No. 2004–0841–SIP. | 12/15/2004 | 4/12/2005, 70 FR 18995. | |
| Motiva Enterprises LLC, Jefferson County, Texas. | Agreed Order No. 2004–0843–SIP. | 12/15/2004 | 4/12/2005, 70 FR 18995. | |
| Premcor Refining Group, Inc., Jefferson County, Texas. | Agreed Order No. 2004–0844–SIP. | 12/15/2004 | 4/12/2005, 70 FR 18995. | |
| Mobil Chemical Company, Division of ExxonMobil Oil Corporation, Jefferson County, Texas. | Agreed Order No. 2004–1654–SIP. | 12/15/2004 | 4/12/2005, 70 FR 18995. | |

EPA-APPROVED TEXAS SOURCE-SPECIFIC REQUIREMENTS—Continued

| Name of Source | Permit or Order Number | State Effective Date | EPA Approval Date | Comments |
|---|---|---|---|---|
| American Electric Power Knox Lee Plant (Gregg Co.), Pirkey Plant (Harrison Co.), Wilkes Plant (Cass Co.). | 2001–0878–RUL | 03/13/2002 | 8/19/2005, 70 FR 48642. | |
| Texas Utilities Martin Lake plant (Rusk Co.), Monticello plant (Titus Co.). | 2001–0879–RUL | 03/13/2002 | 8/19/2005, 70 FR 48642. | |
| Eastman Chemical Company Longview plant (Harrison Co.). | 2001–0880–RUL | 03/13/2002 | 8/19/2005, 70 FR 48642. | |
| Alcoa Inc, Rockdale, Milam County, Texas. | Permit Number 48437 | 4/27/05 | 8/15/2008, 73 FR 47835. | |

(e) *EPA approved nonregulatory provisions and quasi-regulatory measures.*

EPA APPROVED STATUTES IN THE TEXAS SIP

| Title/Subject | State approval/submittal date | EPA approval date | Comments |
|---|---|---|---|
| Texas Clean Air Act (Article 4477–5), Vernon's Texas Civil Statutes. | 01/28/72 | 05/31/72, 37 FR 10895 | As amended by S.B. 48 of 1969. |
| Article 698d Air Pollution, Penal Code of Texas, 1925. | 01/28/72 | 05/31/72, 37 FR 10895 | As amended by S.B. No. 5 of 1969. |
| House Bill 322 | 01/28/72 | 05/31/72, 37 FR 10895 | As passed by the 62nd Legislature of Texas, amending the Texas Clean Act regarding permits for construction or modification of facilities. |
| Texas Clean Air (Tex. Rev. Civ. Stat. Ann. Art. 4477–5) as amended June 13, 1979. | 07/23/81 | 12/15/81, 46 FR 61125 | Ref 52.2299(c)(29). |
| Air Pollution (Tex. Rev. Civ. Stat. Ann. Art. 4477–5b) as amended January 1, 1974. | 07/23/81 | 12/15/81, 46 FR 61125 | Ref 52.2299(c)(29). |
| Texas Administrative Procedure and Texas Register Act. | 07/23/81 | 12/15/81, 46 FR 61125 | Ref 52.2299(c)(29). |
| (Tex. Rev. Civ. Stat. Ann. Art. 6252–13a) effective January 1, 1976. | 07/23/81 | 12/15/81, 46 FR 61125 | Ref 52.2299(c)(29). |
| Texas Open Record Act (Tex. Rev. Civ. Stat. Ann. Art. 6252–17a) as amended May 27, 1975. | 07/23/81 | 12/15/81, 46 FR 61125 | Ref 52.2299(c)(29). |
| Standards of Conduct of State Officers and Employees (Tex. Rev. Civ. Stat. Ann. Art. 6252–9b) effective January 1, 1974. | 07/23/81 | 12/15/81, 46 FR 61125 | Ref 52.2299(c)(29). |
| Department of Public Safety and Texas Air Control Board Rules and Regulations, Texas Vehicle Inspection Act Article XV. | 11/9/84 | 06/26/85, 50 FR 26362 | Ref 52.2299(c)(61). |
| **Documentation to Authorize and Support the Implementation and Enforcement of the Texas Vehicle parameter Inspection and Maintenance Program, Appendix X, containing the following documents:** | | | |
| A. Senate Bill 1205 | 11/9/84 | 06/26/85, 50 FR 26362 | Ref 52.2299(c)(61). |
| B. Letters of Commitment from Texas Department of Public Safety City of Houston Police Department and Harris County Sheriff. | 11/9/84 | 06/26/85, 50 FR 26362 | Ref 52.2299(c)(61). |

EPA APPROVED STATUTES IN THE TEXAS SIP—Continued

| Title/Subject | State approval/submittal date | EPA approval date | Comments |
|---|---|---|---|
| C. Parameter Vehicle Emission Inspection and Maintenance Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, July 1, 1984. | 11/9/84 | 06/26/85, 50 FR 26362 | Ref 52.2299(c)(61). |
| Texas Motor Vehicle Laws, 1981–1982—Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, November 11, 1983, Sections A,B,C, pages C–1, C–16, C–17, C–18, C–26, C–27, and C–28, D, and E pages E–1, E–6, E–7, E–8, and E–9. | 11/9/84 | 06/26/85, 50 FR 26362 | Ref 52.2299(c)(61). |
| VIMTCM, Appendix AJ, Excerpted Senate Bill 725, section 35(d) and (g) effective September 1, 1985; and House Bill 1593 sections 21 and 22 effective June 18, 1987. | 09/30/85 and 12/21/87 | 02/09/89, 54 FR 06287 | Ref 52.2299(c)(66). |
| Texas Clean Air Act (TCAA), Texas Health and Safety Code Ann. (Vernon 1992), Section 382.0365, ''Small Business Stationary Source Assistance Program'', enacted by the Texas 1991 legislative session and effective September 1, 1991. | 11/13/92 | 08/19/94, 59 FR 42759 | Ref 52.2299(c)(85). |
| Legal opinion letter dated October 15, 1992 from Kirk P. Watson, Chairman, TACB, to Mr. B.J. Wynne, III, Regional Administrator, EPA Region 6, regarding the composition of the Small Business Compliance Advisory Panel of Texas. | 11/13/92 | 08/19/94, 59 FR 42759 | Ref 52.2299(c)(85). |
| **House Bill 1969, an act relating to motor vehicle registration, inspections, and providing penalties amending:** | | | |
| (1) Sections 382.037 and 382.038 of the Texas Health and Safety Code; | 11/12/93 and 03/09/94 | 08/22/94, 59 FR 43046 | Ref 52.2299(c)(87). |
| (2) Section 2 Chapter 88, General Laws, Acts of the 41st legislature, 2nd called session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes); | 11/12/93 and 03/09/94 | 08/22/94, 59 FR 43046 | Ref 52.2299(c)(87). |
| (3) Title 116, Article 6675b–4, 6675b–4A, and 6675b–4B; | 11/12/93 and 03/09/94 | 08/22/94, 59 FR 43046 | Ref 52.2299(c)(87). |
| (4) Section 141(d), and section 142(h), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Civil Statutes); | 11/12/93 and 03/09/94 | 08/22/94, 59 FR 43046 | Ref 52.2299(c)(87). |
| (5) Section 4.202, County Road and Bridge Act (Article 6702–1, Vernon's Texas Civil Statutes). Signed by the Governor on 01/08/93, effective 08/30/93. | 11/12/93 and 03/09/94 | 08/22/94, 59 FR 43046 | Ref 52.2299(c)(87). |
| Texas Health and Safety Code (Vernon 1990), the Texas Clean Air Act, sections 382.017, 382.037, 382.038, effective September 1, 1991. | 11/12/93 and 03/09/94 | 08/22/94, 59 FR 43046 | Ref 52.2299(c)(87). |

EPA APPROVED STATUTES IN THE TEXAS SIP—Continued

| Title/Subject | State approval/submittal date | EPA approval date | Comments |
|---|---|---|---|
| Order No. 93–23, as adopted November 10, 1993, and Order No. 94–02 as adopted February 16, 1994. | 11/12/93 and 03/09/94 | 08/22/94, 59 FR 43046 | Ref 52.2299(c)(87). |
| Texas Civil Statutes, Articles 6675a–1 to 6675b–2 and 6687–1. (Vernon 1993). | 11/12/93 and 03/09/94 | 08/22/94, 59 FR 43046 | Ref 52.2299(c)(87). |
| Texas Portable Fuel Container State Implementation Plan. | All Affected 1997 Eight-Hour Ozone Standard Nonattainment And Near Nonattainment Areas In The State Of Texas. | 3/4/2010 | 2/24/2011, 76 FR 10249 |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Public Hearings | Statewide | 02/08/72 | 05/31/72, 37 FR 10895 | Ref 52.2299(c)(1). |
| HydroCarbon Emission Data. | Statewide | 05/02/72 | 05/31/72, 37 FR 10895 | Ref 52.2299(c)(2). |
| Source Surveillance | Statewide | 05/03/72 | 05/31/72, 37 FR 10895 | Ref 52.2299(c)(2). |
| Minor Revisions | Statewide | 07/31/72 | 10/28/72, 37 FR 23092 | Ref 52.2299(c)(4). |
| Attainment Date Corrections. | Statewide | 11/10/72 | 02/08/73, 38 FR 03600 | Ref 52.2299(c)(6). |
| Classification Revisions for PM, SOx, and CO. | Statewide | 03/21/75 | 04/18/77, 42 FR 20131 | Ref 52.2299(c)(9). |
| Administrative Revisions. | Statewide | | 04/20/77, 42 FR 20463 | Ref 52.2299(c)(11). |
| Air Quality Surveillance Plan. | Statewide | 08/02/76 | 04/18/77, 42 FR 20131 | Ref 52.2299(c)(12). |
| Air Quality Surveillance Plan. | Statewide | 08/12/77 | 03/07/78, 43 FR 09276 | Ref 52.2299(c)(13). |
| Administrative Revisions to Section X. | Statewide | | 07/06/77, 42 FR 34518 | Ref 52.2299(c)(14). |
| Administrative Revisions to Section IX. | Statewide | 08/14/78 | 04/11/79, 44 FR 21644 | Ref 52.2299(c)(16). |
| Board Order No. 78–6 | Corpus Christi, TX | 07/24/78 | 09/24/79, 44 FR 55005 | Ref 52.2299(c)(17) (see 52.2275) |
| Draft inspection/maintenance legislation and study schedule. | Harris County | 04/13/79 | 12/18/79, 44 FR 74831 | Ref 52.2299(c)(18). |
| Adopted inspection/maintenance legislation and administrative revisions. | Harris County | 08/09/79 | 12/19/79, 44 FR 74831 | Ref 52.2299(c)(19). |
| Plan Revisions (Part D requirements). | Statewide | 04/13/79 | 03/25/80, 45 FR 19244 | Ref 52.2299(c)(20). |
| Administrative Revisions to Transportation Control. | Statewide | 08/09/79 | 03/25/80, 45 FR 19244 | Ref 52.2299(c)(21). |
| Transportation Control Measures for Harris County. | Harris County | 12/28/79 | 08/06/80, 45 FR 52148 | Ref 52.2299(c)(24). |
| Board Order No. 78–8 | General Portland, Inc., New Braunfels, Comal County, TX. | 09/13/78 | 08/28/81, 46 FR 43425 | Ref 52.2299(c)(26). (See 52.2276). |
| Administrative Revision to Section I. | Statewide | 07/23/81 | 11/13/81, 46 FR 55970 | Ref 52.2299(c)(28). |
| Administrative Revision to Section V. | Statewide | 07/23/81 | 12/15/81, 46 FR 61125 | Ref 52.2299(c)(29). |
| Plan Revisions for Intergovernmental Consultation and Composition. | Statewide | 04/13/79 | 03/29/82, 47 FR 13143 | Ref 52.2299(c)(32). |
| Texas Lead SIP and Board Order No. 82–11. | Statewide excluding Dallas and El Paso areas. | 06/12/80 | 10/04/83, 48 FR 45248 | Ref 52.2299(c)(41). |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Texas Air Pollution Emergency Episode Contingency Plan. | Statewide | 05/18/82 | 10/07/82, 47 FR 44261 | Ref 52.2299(c)(42). |
| Administrative Revision to Section XII. | Statewide | 07/06/82 | 10/25/82, 47 FR 47247 | Ref 52.2299(c)(47). |
| Administrative Revision to Section III. | N/A | 08/17/82 | 03/31/83, 48 FR 13428 | Ref 52.2299(c)(51). |
| Administrative Revision to Section IX. | Statewide | 06/22/83 | 11/07/83, 48 FR 51153 | Ref 52.2299(c)(52). |
| Lead Plan for Dallas County, TX. | Dallas County, TX | 04/6/84 | 08/15/84, 49 FR 32580 | Ref 52.2299(c)(54). |
| Revisions to Lead Plan for Dallas County, TX. | Dallas County, TX | 07/16/84 | 08/15/84, 49 FR 32580 | Ref 52.2299(c)(55). |
| Lead Plan for El Paso County. | El Paso County, TX | 06/20/84 | 08/13/84, 49 FR 32190 | Ref 52.2299(c)(56). |
| Alternative Emission Control Plan for Exxon Baytown Refinery. | Baytown, TX | 03/18/83 | 07/10/85, 50 FR 26992 | Ref 52.2299(c)(60) (Board Order No. 83–2). |
| Plan for Ozone Attainment in Harris County. | Harris County, TX | 12/09/82, 01/03/84, 03/18/85. | 06/26/85, 50 FR 26362 | Ref 52.2299(c)(61). |
| Alternative Emission Reduction Plan for Continental Can Company, Longview, TX. | Gregg County, (Longview), TX. | 07/25/85 | 05/05/89, 54 FR 19373 | Ref 52.2299(c)(64). |
| Revision to Lead Plan for El Paso County and Board Order No. 87–14. | El Paso County, TX | 10/26/87 | 05/06/88, 53 FR 16263 | Ref 52.2299(c)(65). |
| Ozone Attainment Plan for Dallas and Tarrant Counties. | Dallas and Tarrant Counties, TX. | 09/30/85 and 12/21/87 | 02/09/89, 54 FR 06287 | Ref 52.2299(c)(66). |
| Vehicle Inspection and Maintenance and Transportation Control Measures (VIMTCM), Appendix AG. | Dallas and Tarrant Counties, TX. | 08/28/85 | 02/09/89, 54 FR 06287 | Ref 52.2299(c)(66). |
| VIMTCM, Appendix AK, Portions 1 through 6. | Dallas and Tarrant Counties, TX. | 12/18/87 | 02/09/89, 54 FR 06287 | Ref 52.2299(c)(66). |
| VIMTCM, Appendix AM, Sections 1, 2, and 3. | Dallas and Tarrant Counties, TX. | 12/18/87 | 02/09/89, 54 FR 06287 | Ref 52.2299(c)(66). |
| VIMTCM, Appendix AN | Dallas and Tarrant Counties, TX. | 12/18/87 | 02/09/89, 54 FR 06287 | Ref 52.2299(c)(66). |
| Part II of the Visibility Protection Plan and Board Order No. 87–15. | Big Bend and Guadalupe Mountain National Parks. | 09/18/87 | 02/23/89, 54 FR 07770 | Ref 52.2299(c)(67). |
| Alternative Emission Reduction Plan (Bubble) for E.I. DuPont de Nemours & Company's Sabine River Works, Orange, TX. | Orange County, TX | 03/12/82 | 04/13/90 | Ref 52.2299(c)(70). |
| Revisions to Texas Air Pollution Episode Contingency Plan. | Statewide | 10/02/87 | 09/06/90, 55 FR 36634 | Ref 52.2299(c)(71). |
| Revisions to Ozone Attainment Plan for Dallas and Tarrant Counties. | Dallas and Tarrant Counties, TX. | 03/05/90 | 08/03/90, 55 FR 31587 | Ref 52.2299(c)(72). |
| Revisions for Prevention of Significant Deterioration and Board Orders No. 85–07, 87–09, and 88–08. | Statewide | 12/11/85, 10/26/87, 09/29/88. | 06/24/92, 57 FR 28098 | Ref 52.2299(c)(73). |
| Board Order No. 90–07 | Tarrant County | 06/22/90 | 10/12/90, 55 FR 41525 | Ref 52.2299(c)(74). |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Board Order No. 92–19 | Statewide | 09/18/92 | 08/30/93, 58 FR 45457 | Ref 52.2299(c)(76). |
| Revision for Prevention of Significant Deterioration and Board Order No. 90–13. | Statewide | 12/14/90 | 09/09/94, 59 FR 46557 | Ref 52.2299(c)(78). |
| Revision addressing PM–10 nonattainment area requirements for El Paso and Board Orders 89–03 and 91–15. | El Paso, TX | 11/05/91 | 01/18/94, 59 FR 02535 | Ref 52.2299(c)(79). |
| City of El Paso, TX, Ordinance, Title 9. | El Paso, TX | 12/11/90 | 01/18/94, 59 FR 02535 | Ref 52.2299(c)(79). |
| Board Order No. 92–16 | Ozone nonattainment areas. | 10/16/92 | 04/15/94, 59 FR 17943 | Ref 52.2299(c)(81). |
| Board Order No. 92–20 | Ozone nonattainment areas. | 08/20/92 | 08/26/94, 59 FR 44039 | Ref 52.2299(c)(82). |
| Revision for the El Paso CO nonattainment area and Board Order No. 92–15. | El Paso County, TX | 09/18/92 | 09/12/94, 59 FR 46766 | Ref 52.2299(c)(84). |
| Small Business Stationary Source Technical and Environmental Compliance Assistance Program. | Statewide | 11/13/92 | 08/19/94, 59 FR 42759 | Ref 52.2299(c)(85). |
| Board Order No. 92–22 | Statewide | 11/06/92 | 08/19/94, 59 FR 42759 | Ref 52.2299(c)(85). |
| Board Order No. 92–04 | N/A | 05/08/92 | 03/07/95, 60 FR 12438 | Ref 52.2299(c)(88). |
| Board Order No. 92–16 | N/A | 10/16/92 | 03/07/95, 60 FR 12438 | Ref 52.2299(c)(88). |
| Revision to Modify SLAMS and NAMS Monitoring Systems and Board Order No. 93–24. | Statewide | 11/10/93 | 10/04/94, 59 FR 50504 | Ref 52.2299(c)(90). |
| Employer Trip Reduction Program and Board Order No. 92–14. | Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties. | 11/13/92 | 03/07/95, 60 FR 12442 | Ref 52.2299(c)(91). |
| Revision limiting SO2 by agreed orders 94–09 through 94–22. | Certain Nonpermitted facilities in Harris County. | 08/03/94 | 03/06/95, 60 FR 12125 | Ref 52.2299(c)(93). |
| Revision addressing visible emissions with Board Orders 89–03, 90–12, 92–19, and 93–06. | Statewide | 08/21/89, 01/29/91, 10/15/92, and 08/04/93. | 05/08/96, 61 FR 20732 | Ref 52.2299(c)(94). |
| Alternative Emission Reduction (Bubble) for Shell Oil Company's Deer Park manufacturing complex. | Deer Park, TX | 07/26/93 | 06/19/95, 60 FR 31915 | Ref 52.2299(c)(95). |
| Transportation Conformity and Board Order No. 94–40. | Areas designated nonattainment and areas subject to a maintenance plan. | 10/12/94 | 11/08/95, 60 FR 56244 | Ref 52.2299(c)(96). |
| Revision to Permitting Regulations and Board Orders No. 85–07, 87–09, 87–17, 88–08, 89–06, 90–05, 91–10, 92–06, 92–18, and 93–17. | Statewide | 07/26/85, 07/17/87, 12/18/87, 07/15/88, 08/11/89, 05/18/90, 09/20/91, 05/08/92, 10/16/92, 08/16/93. | 09/27/95, 60 FR 49781 | Ref 52.2299(c)(97). |
| VOC RACT Negative Declarations. | Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, Houston/Galveston. | 1/10/96 | 10/30/96, 61 FR 55894 | Ref 52.2299(c)(103). |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| VOC RACT Negative Declaration for SOCMI Batch Processing Source Category. | El Paso | 1/10/96 | 6/7/07, 72 FR 31457.. | |
| Alternate Control Strategy for Bell Helicopter Textron, Inc.. | Ft Worth, TX, Plant 1 facility. | 04/18/96 | 05/30/97, 62 FR 29297 | Ref 52.2299(c)(100). |
| Revisions to the Plan concerning Sulfur Dioxide in Milam County. | Rockdale, TX | 10/15/92 and 09/20/95 | 09/30/97, 61 FR 49685 | Ref 52.2299(c)(101). |
| TNRCC Order No. 93–20, 94–06, 94–26, 94–0676–SIP. | The four ozone nonattainment areas in TX. | 11/10/93, 05/04/94, 07/13/94, 11/09/94. | 05/22/97, 62 FR 27964 | Ref 52.2299(c)(104). |
| 15% ROP Plan | Beaumont/Port Arthur ozone nonattainment area. | 08/09/96 | 02/10/98, 63 FR 6659 .. | Ref 52.2299(c)(107). |
| 15% ROP Plan | Dallas/Ft Worth, El Paso, and Houston/Galveston ozone nonattainment areas. | 08/09/96 | 11/10/98, 63 FR 62943 | Ref 52.2299(c)(113) See also 52.2309. |
| Lead Maintenance Plan for Gould National Battery, Incorporated. | Collin County | 08/31/99 | 10/13/99, 64 FR 55425 | Ref. 59 FR 60905 (11/29/94). |
| Post 96 Rate of Progress Plan. | Houston, Texas | 5/19/98 | 4/25/01 66 FR 20750 ... | Originally submitted 11/9/94 and revised 8/9/96. |
| Contingency Measures | Houston, Texas | 5/19/98 | 4/25/01 66 FR 20751 ... | Originally submitted 11/9/94 and revised 8/9/96. |
| Post 96 Rate of Progress Plan. | Houston, Texas | 5/19/98 | 4/25/01 66 FR 20750 ... | Originally submitted 11/9/94 and revised 8/9/96. |
| Contingency Measures | Houston, Texas | 5/19/98 | 4/25/01 66 FR 20751 ... | Originally submitted 11/9/94 and revised 8/9/96. |
| Attainment Demonstration for the 1-hour Ozone NAAQS. | Houston/Galveston, TX | [1] 12/09/00 | 11/14/01, 66 FR 57195. | |
| Speed Limit Reduction | Houston/Galveston, TX | 9/26/02 | 11/14/02, 67 FR 68944 | Section 6.3.12 |
| Voluntary Mobile Emissions Program. | Houston/Galveston, TX | 9/26/02 | 11/14/02, 67 FR 68944. | |
| Texas Senate Bill 5 | Houston/Galveston, TX | 9/26/00 | 11/14/01, 66 FR 57195. | |
| Transportation Control Measures Appendix I. | Houston/Galveston, TX | 12/09/00 | 11/14/01, 66 FR 57195. | |
| Commitment to Midcourse review. | Houston/Galveston, TX | 4/19/01 | 11/14/01, 66 FR 57195. | |
| Table 7.1–1 Enforceable Commitments. | Houston/Galveston, TX | 9/26/01 | 11/14/01, 66 FR 57195. | |
| 15% Rate of Progress Plan. | Houston/Galveston, TX | 12/09/00 | 11/14/01, 66 FR 57195. | |
| Revisions to the 1990 Base Year Inventory. | Houston/Galveston, TX | 12/09/00 | 11/14/01, 66 FR 57195. | |
| Reasonably Available Control Measure Analysis. | Houston/Galveston, TX | 9/26/01 | 11/14/01, 66 FR 57195. | |
| Memorandum of Agreement between TNRCC and Houston Airport System. | Houston/Galveston Area Ozone Nonattainment Area. | 10/18/2000 | 11/14/01, 66 FR 57222 | HGA, Texas 1-hour ozone standard attainment demonstrations. |
| Vehicle Miles Traveled Offset Plan. | Houston/Galveston Ozone nonattainment area. | 05/09/00 | 11/14/01, 66 FR 57251 | Originally submitted 11/12/93 and revised 11/06/94, 8/25/97, and 05/17/00. |
| Memorandum of Agreement between TNRCC and the City of Dallas, Texas. | Dallas/Fort Worth Ozone Nonattainment Area. | 5/23/01 | 4/22/02, 67 FR 19516 .. | DFW, Texas 1-hour ozone standard attainment demonstrations. |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Memorandum of Agreement between TNRCC and the City of Fort Worth, Texas. | Dallas/Fort Worth Ozone Nonattainment Area. | 5/23/01 | 4/22/02, 67 FR 19516 | DFW, Texas 1-hour ozone standard attainment demonstrations. |
| Memorandum of Agreement between TNRCC and the D/FW International Airport Board, Texas. | Dallas/Fort Worth Ozone Nonattainment Area. | 5/23/01 | 4/22/02, 67 FR 19516 | DFW, Texas 1-hour ozone standard attainment demonstrations. |
| Transportation Control Measures SIP Revision. | All Nonattainment and Maintenance Areas. | 05/09/00 | 12/5/00, 67 FR 72382 | Chapter 1. Introduction, Chapter 2, General, and Chapter 3.Criteria and Procedures. |
| Section 179B Demonstration of Attainment for Carbon Monoxide for El Paso. | El Paso CO nonattainment area | 09/27/95 | 07/02/03, 68 FR 39460 | Supplemented 02/11/98. |
| Carbon Monoxide On-Road Emissions Budget for Conformity. | El Paso CO nonattainment area | 09/27/95 | 07/02/03 | |
| Contingency Measure for El Paso Carbon Monoxide Area. | El Paso CO nonattainment area | 09/27/95 | 07/02/03, 68 FR 39460 | |
| Section 179B Attainment Demonstration Report. | El Paso ozone nonattainment area. | 10/03/94 | 6/10/04 | Approval includes a revision submitted 08/09/96. |
| Deferral of the post 1996 RFP. | El Paso ozone nonattainment area. | | 6/10/04. | |
| Enforceable commitment to conduct additional modeling for the area as new data become available. This modeling effort will be conducted under the auspices of the 1983 La Paz Agreement between the United States and Mexico. | El Paso ozone nonattainment area. | 10/03/94 | 6/10/04. | |
| VOC and $NO_X$ Motor Vehicle Emissions Budget for Conformity. | El Paso ozone nonattainment area. | 12/11/97 | 6/10/04. | |
| Second 10-year maintenance plan for Victoria County. | Victoria | 02/05/03 | 01/03/05, 70 FR 22. | |
| Post 1999 Rate of Progress Plan. | Houston/Galveston, TX | 11/16/04 | 2/14/05, 70 FR 7407. | |
| Revisions to the 1990 Base Year Inventory. | Houston/Galveston, TX | 11/16/04 | 2/14/05, 70 FR 7407. | |
| Approval of the Post-1996 Rate-of-Progress Plan and Motor Vehicle Emission Budgets. | Dallas-Fort Worth | 10/25/1999 | 3/28/05, 70 FR 15592 | |
| Adjustments to the 1990 base year emissions inventory. | Dallas-Fort Worth | 10/25/1999 | 3/28/05, 70 FR 15592. | |
| Approval of the 15% Rate of Progress Plan and the Motor Vehicle Emissions Budget. | Dallas-Fort Worth | 9/8/1996 | 4/12/2005, 70 FR 18993. | |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Memorandum of Agreement between Texas Council on Environmental Quality and the North Central Texas Council of Governments Providing Emissions Offsets to Dallas Fort Worth International Airport. | Dallas-Fort Worth | 1/14/04 | 04/22/05, 70 FR 20816. | |
| Clean Air Action Plan, 8-hour ozone standard attainment demonstration, and Transportation Emission Reduction Measures (TERMs) for the Austin EAC area. | Bastrop, Caldwell, Hays, Travis and Williamson Counties, TX. | 12/06/04 | 8/19/05, 70 FR 48640. | |
| Clean Air Action Plan and 8-hour ozone standard attainment demonstration for the Northeast Texas Early Action Compact area. | Gregg, Harrison, Rusk, Smith and Upshur Counties, TX. | 12/06/04 | 8/19/05, 70 FR 48642. | |
| Clean Air Plan, 8-hour ozone standard attainment demonstration and Transportation Emission Reduction Measures (TERMs) for the San Antonio EAC area. | Bexar, Comal, Guadalupe, and Wilson Counties, TX. | 12/06/04 | 8/22/05, 70 FR 48877. | |
| Voluntary Mobile Emission Program. | Dallas/Fort Worth, TX | 4/25/00 | 8/26/05, 70 FR 50208. | |
| Dallas—Fort Worth SIP, Appendix G; Transportation Control Measures in the Dallas/Fort Worth Ozone Nonattainment Area. | Dallas/Fort Worth Ozone Nonattainment Area. | 01/14/04 | 09/27/05, 70 FR 56374. | |
| Approval of the Speed Limits Local Initiative Measure in the DFW nine county area. Affected counties are Dallas, Tarrant, Collin, Denton, Parker, Johnson, Ellis, Kaufman, Rockwall. | Dallas-Fort Worth | 4/25/00 | 10/11/05, 70 FR 58978. | |
| Memorandum of Understanding Between the Texas Department of Transportation and the Texas Natural Resource Conservation Commission. | Statewide | 08/15/02 | 12/12/2005, 70 FR 73380. | |
| Post 1996 Rate of Progress Plan. | Beaumont/Port Arthur, TX. | 11/16/04 | 2/22/06, 71 FR 8965. | |
| Revisions to the 1990 Base Year Inventory. | Beaumont/Port Arthur, TX. | 11/16/04 | 2/22/06, 71 FR 8965. | |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Attainment Demonstration for Houston/Galveston/Brazoria (HGB) One-hour Ozone Nonattainment Area Adopting Strategy Based on $NO_X$ and Point Source Highly-Reactive VOC Emission Reductions. | Houston/Galveston, TX | 12/01/04 | 09/06/06, 71 FR 52670. | |
| Texas Clean Air Interstate Rule Nitrogen Oxides Annual Trading Program Abbreviated SIP Revision. | Statewide | 07/12/06 | 07/30/07, 72 FR 41453 | Only CAIR Phase I $NO_X$ Annual and CSP Allocations approved into SIP. |
| 2002 Emissions Inventory. | Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties, TX. | 4/27/05 | 8/15/2008, 73 FR 47835. | |
| Energy Efficiency Measures. | Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties, TX. | 4/27/05 | 8/15/2008, 73 FR 47835. | |
| El Paso County Carbon Monoxide Maintenance Plan. | El Paso, TX | 2/13/08 | 8/4/08, 73 FR 45162. | |
| Dallas-Fort Worth 1997 8-hour ozone Attainment Demonstration SIP and its 2009 attainment MVEBs, RACM demonstration, and Failure-to-Attain Contingency Measures Plan. | Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties, TX. | May 23, 2007, November 7, 2008. | January 14, 2009, 74 FR 1903. | Conditional Approval. |
| Transportation Control Measures. | Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties, TX. | May 23, 2007 | January 14, 2009, 74 FR 1903. | |
| VMEP | Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties, TX. | May 23, 2007 | January 14, 2009, 74 FR 1903. | |
| VOC RACT finding for the 1-hour ozone NAAQS and the 1997 8-hour ozone NAAQS. | Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties, TX. | May 23, 2007 | January 14, 2009, 74 FR 1903. | |
| El Paso County 1997 8-Hour Ozone Maintenance Plan. | El Paso, TX | 1/11/06 | 1/15/09, 74 FR 2387. | |
| Approval of the 1997 8-hour Ozone 15% Reasonable Further Progress Plan, and 2008 RFP Motor Vehicle Emission Budgets. | Dallas/Fort Worth, TX | 05/23/07 | 10/7/08, 73 FR 58475. | |
| Revised 2002 Base Year Emissions Inventory. | Dallas/Fort Worth, TX | 05/23/07 | 10/7/08, 73 FR 58475. | |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| Approval of the 1997 8-hour Ozone 15% Reasonable Further Progress Plan, and 2008 RFP Motor Vehicle Emission Budgets. | Houston-Galveston-Brazoria, TX. | 5/23/07 | 4/22/09, 74 FR 18298. | |
| 2002 Base Year Emissions Inventory. | Houston-Galveston-Brazoria, TX. | 5/23/07 | 4/22/09, 74 FR 18298 | |
| VOC and $NO_X$ RACT demonstration for the 1-hour ozone NAAQS. | Beaumont/Port Arthur Area: Hardin, Jefferson, and Orange Counties. | 9/28/2005 | 7/10/2009, 74 FR 33146. | |
| Redesignation Request for the 1997 8-hour Ozone NAAQS (Hardin, Jefferson, and Orange Counties). | Beaumont/Port Arthur, TX. | 12/10/2008 | 10/20/2010, 75 FR 64675. | |
| Determination of Attainment for the 1-hour Ozone NAAQS (Hardin, Jefferson, and Orange Counties). | Beaumont/Port Arthur, TX. | 12/10/2008 | 10/20/2010, 75 FR 64675. | |
| 2002 Base Year Emissions Inventory. (1997 8-hour Ozone NAAQS). | Beaumont/Port Arthur, TX. | 12/10/2008 | 10/20/2010, 75 FR 64675. | |
| Texas Clean-Fuel Vehicle Program Equivalency Demonstration (1-hour Ozone NAAQS). | Beaumont/Port Arthur, TX. | 12/10/2008 | 10/20/2010, 75 FR 64675. | |
| Substitute Control Measures for the SIP-Approved Failure-to-attain Contingency Measures (1-hour Ozone NAAQS). | Beaumont/Port Arthur, TX. | 12/10/2008 | 10/20/2010, 75 FR 64675. | |
| Post 1996 Rate of Progress Plan Contingency Measures (1-hour Ozone NAAQS). | Beaumont/Port Arthur, TX. | 11/16/2004 | 10/20/2010, 75 FR 64675. | |
| Maintenance Plan (1997 8-hour Ozone NAAQS, CAA Section 175A). | Beaumont/Port Arthur, TX. | 12/10/2008 | 10/20/2010, 75 FR 64675. | |
| 2021 Motor Vehicle Emissions Budget (1997 8-hour Ozone NAAQS). | Beaumont/Port Arthur, TX. | 12/10/2008 | 10/20/2010, 75 FR 64675. | |

[1] As revised 9/26/01.

[64 FR 36589, July 7, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2270, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## § 52.2271 Classification of regions.

(a) The Texas plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Abilene-Wichita Falls Intrastate | II | III | III | III | III |
| Amarillo-Lubbock Intrastate | II | III | III | III | III |
| Austin-Waco Intrastate | II | III | III | III | I |
| Brownsville-Laredo Intrastate | I | III | III | III | III |
| Corpus Christi-Victoria Intrastate | I | II | III | III | I |
| Midland-Odessa-San Angelo Intrastate | II | II | III | III | III |
| Metropolitan Houston-Galveston Intrastate | I | I | III | III | I |
| Metropolitan Dallas-Fort Worth Intrastate | II | III | III | III | I |
| Metropolitan San Antonio Intrastate | II | III | III | III | I |
| Southern Louisiana-Southeast Texas Interstate | II | I | III | III | I |
| El Paso-Las Cruces Alamogordo Interstate | I | IA | III | I | I |
| Shreveport-Texarkana-Tyler Interstate | II | III | III | III | III |

(b) The proposed priority classifications for particulate matter and carbon monoxide submitted by the Governor on March 21, 1975 are disapproved.

(c) The revision of section II, classification of regions, submitted by the Texas Air Control Board with the semiannual in 1975 is disapproved.

[37 FR 10895, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 42 FR 20131, Apr. 18, 1977; 42 FR 27894, June 1, 1977; 45 FR 19244, Mar. 25, 1980]

### § 52.2272 [Reserved]

### § 52.2273 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Texas' 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, except as noted below.

(b) EPA is disapproving the Texas SIP revision submittals as follows:

(1) The following definitions in 30 TAC 116.10—General Definitions:

(i) Definition of ''actual emissions'' in 30 TAC 116.10(1), submitted March 13, 1996 and repealed and re-adopted June 17, 1998 and submitted July 22, 1998;

(ii) Definition of ''allowable emissions'' in 30 TAC 116.10(2), submitted March 13, 1996; repealed and re-adopted June 17, 1998 and submitted July 22, 1998; and submitted September 11, 2000;

(iii) Portion of the definition of ''modification of existing facility'' in 30 TAC 116.10(11)(E), submitted March 13, 1996; repealed and re-adopted June 17, 1998 and submitted July 22, 1998; and submitted September 4, 2002; and

(iv) Definition of ''qualified facility'' in 30 TAC 116.10(16), submitted March 13, 1996; repealed and re-adopted June 17, 1998 and submitted July 22, 1998; and submitted September 4, 2002;

(2) 30 TAC 116.116(e)—Changes at Qualified Facilities—submitted March 13, 1996 and repealed and re-adopted June 17, 1998 and submitted July 22, 1998;

(3) 30 TAC 116.117—Documentation and Notification of Changes to Qualified Facilities—submitted March 13, 1996 and repealed and re-adopted June 17, 1998 and submitted July 22, 1998;

(4) 30 TAC 116.118—Pre-Change Qualification—submitted March 13, 1996 and repealed and re-adopted June 17, 1998 and submitted July 22, 1998.

(c) EPA is disapproving the Texas SIP revision submittals under 30 TAC Chapter 116—Control of Air Pollution by Permits for New Construction or Modification as follows:

(1) The following provisions under 30 TAC Chapter 116, Subchapter A—Definitions:

(i) Portion of the definition of ''modification of existing facility'' in 30 TAC 116.10(11)(F), submitted March 13, 1996; repealed and readopted June 17, 1998 and submitted July 22, 1998; adopted August 9, 2000 and submitted September 11, 2000; and revised August 21, 2002 and submitted September 4, 2002;

(ii) 30 TAC 116.13—Flexible Permit Definitions, adopted November 16, 1994 and submitted November 29, 1994; repealed and readopted June 17, 1998 and submitted July 22, 1998;

(2) The following provision in 30 TAC Chapter 116, Subchapter B—New Source Review Permits, Division 1—Permit Application: 30 TAC 116.110(a)(3)—Applicability, adopted November 16, 1994 and submitted November 29, 1994; repealed and readopted June 17, 1998 and submitted July 22, 1998;

(3) The following sections in 40 TAC Chapter 116, Subchapter G—Flexible Permits:

(i) 30 TAC 116.710—Applicability—adopted November 16, 1994 and submitted November 29, 1994; revised June 17, 1998 and submitted July 22, 1998; and adopted August 9, 2000 and September 11, 2000;

(ii) 30 TAC 116.711—Flexible Permit Application—adopted November 16, 1994 and submitted November 29, 1994; revised June 17, 1998 and submitted July 22, 1998; revised March 7, 2001 and submitted April 12, 2001; and revised August 21, 2002 and submitted September 4, 2002;

(iii) 30 TAC 116.714—Application Review Schedule—adopted November 16, 1994 and submitted November 29, 1994, and revised June 17, 1998 and submitted July 22, 1998;

(iv) 30 TAC 116.715—General and Special Conditions—adopted November 16, 1994 and submitted November 29, 1994; revised June 17, 1998 and submitted July 22, 1998; adopted August 9, 2000 and submitted September 11, 2000; revised March 7, 2001 and submitted April 12, 2001; revised August 21, 2002 and submitted September 4, 2002; and revised August 20, 2003 and submitted September 25, 2003;

(v) 30 TAC 116.716—Emission Caps and Individual Limitations—adopted November 16, 1994 and submitted November 29, 1994;

(vi) 30 TAC 116.717—Implementation Schedule for Additional Controls—adopted November 16, 1994 and submitted November 29, 1994;

(vii) 30 TAC 116.718—Significant Emission Increase—adopted November 16, 1994 and submitted November 29, 1994;

(viii) 30 TAC 116.720—Limitation on Physical and Operational Changes—adopted November 16, 1994 and submitted November 29, 1994;

(ix) 30 TAC 116.721—Amendments and Alterations—adopted November 16, 1994 and submitted November 29, 1994; revised June 17, 1998 and submitted July 22, 1998; and revision adopted August 9, 2000 and submitted September 11, 2000;

(x) 30 TAC 116.722—Distance Limitations—adopted November 16, 1994 and submitted November 29, 1994; and revision adopted August 9, 2000 and submitted September 11, 2000;

(xi) 30 TAC 116.730—Compliance History—adopted November 16, 1994 and submitted November 29, 1994; and revised June 17, 1998 and submitted July 22, 1998;

(xii) 30 TAC 116.740—Public Notice and Comment—adopted November 16, 1994 and submitted November 29, 1994; revised June 17, 1998 and submitted July 22, 1998; and revision adopted September 2, 1999 and submitted October 25, 1999;

(xiii) 30 TAC 116.750—Flexible Permit Fee—adopted November 16, 1994 and submitted November 29, 1994; revised June 17, 1998 and submitted July 22, 1998; adopted August 9, 2000 and submitted September 11, 2000; and revision adopted September 25, 2002 and submitted October 4, 2002;

(xiv) 30 TAC 116.760—Flexible Permit Renewal—adopted November 16, 1994 and submitted November 29, 1994.

(d) EPA is disapproving the Texas SIP revision submittals under 30 TAC Chapter 116—Control of Air Pollution by Permits for New Construction and Modification as follows:

(1) The following provisions in 30 TAC Chapter 116, Subchapter A—Definitions:

(i) 30 TAC 116.10—General Definitions—the definition of ''BACT'' in 30 TAC 116.10(3), adopted February 14, 1996, and submitted March 13, 1996; and repealed and readopted June 17, 1998, and submitted July 22, 1998;

(ii) The revisions to 30 TAC 116.12—Nonattainment Review Definition, adopted May 25, 2005, and submitted June 10, 2005;

(iii) The revisions to 30 TAC 116.12—Nonattainment and Prevention of Significant Deterioration Definitions, adopted January 11, 2006, and submitted February 1, 2006 (which renamed the section title);

(2) The following section in 30 TAC Chapter 116, Subchapter B—New Source Review Permits, Division 1—Permit Application: 30 TAC 116.121—Actual to Projected Actual Test for Emission Increase, adopted January 11, 2006, and submitted February 1, 2006;

(3) The following sections in 30 TAC Chapter 116, Subchapter B—New Source Review Permits, Division 5—Nonattainment Review:

(i) Revisions to 30 TAC 116.150—New Major Source or Modification in Ozone Nonattainment Area—revisions adopted May 25, 2005, and submitted June 10, 2005; and revisions adopted January 11, 2006, and submitted February 1, 2006;

(ii) Revisions to 30 TAC 116.151—New Major Source or Modification in Nonattainment Areas Other Than Ozone—revisions adopted January 11, 2006, and submitted February 1, 2006;

(4) The following sections in 30 TAC Chapter 116, Subchapter C—Plant-Wide Applicability Limits, Division 1—Plant-Wide Applicability Limits:

(i) 30 TAC 116.180—Applicability—adopted January 11, 2006, and submitted February 1, 2006;

(ii) 30 TAC 116.182—Plant-Wide Applicability Limit Permit Application—adopted January 11, 2006, and submitted February 1, 2006;

(iii) 30 TAC 116.184—Application Review Schedule—adopted January 11, 2006, and submitted February 1, 2006;

(iv) 30 TAC 116.186—General and Special Conditions—adopted January 11, 2006, and submitted February 1, 2006;

(v) 30 TAC 116.188—Plant-Wide Applicability Limit—adopted January 11, 2006, and submitted February 1, 2006;

(vi) 30 TAC 116.190—Federal Nonattainment and Prevention of Significant Deterioration Review—adopted January 11, 2006, and submitted February 1, 2006;

(vii) 30 TAC 116.192—Amendments and Alterations—adopted January 11, 2006, and submitted February 1, 2006;

(viii) 30 TAC 116.194—Public Notice and Comment—adopted January 11, 2006, and submitted February 1, 2006;

(ix) 30 TAC 116.196—Renewal of a Plant-Wide Applicability Limit Permit—adopted January 11, 2006, and submitted February 1, 2006;

(x) 30 TAC 116.198—Expiration and Voidance—adopted January 11, 2006, and submitted February 1, 2006;

(5) The following sections in 30 TAC Chapter 116, Subchapter F—Standard Permits:

(i) Revisions to 30 TAC 116.610—Applicability—paragraphs (a)(1) through (a)(5) and (b)—revisions adopted January 11, 2006, and submitted February 1, 2006;

(ii) 30 TAC 116.617—State Pollution Control Project Standard Permit—adopted January 11, 2006, and submitted February 1, 2006;

(e) EPA is disapproving the Texas SIP revision submittals under 30 TAC Chapter 101—General Air Quality Rules as follows:

(1) Subchapter F—Emissions Events and Scheduled Maintenance, Startup, and Shutdown Activities, Division 1—Section 101.222 (Demonstrations): Sections 101.222(h), 101.222(i), and 101.222(j), adopted December 14, 2005, and submitted January 23, 2006.

(f) EPA is disapproving the Texas SIP revision submittals under 30 TAC Chapter 116—Control of Air Pollution by Permits for New Construction or Modification as follows:

(1) Subchapter I—Electric Generating Facility Permits—Section 116.911(a)(2) (Electric Generating Facility Permit), adopted December 16, 1999, and submitted January 3, 2000.

[45 FR 19244, Mar. 25, 1980, as amended at 49 FR 32190, Aug. 13, 1984; 61 FR 16062, Apr. 11, 1996; 75 FR 19493, Apr. 14, 2010; 75 FR 41335, July 15, 2010; 75 FR 56452, Sept. 15, 2010; 75 FR 69002, Nov. 10, 2010; 76 FR 1532, Jan. 11, 2011]

### § 52.2274 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.

[39 FR 34537, Sept. 26, 1974, as amended at 51 FR 40676, Nov. 7, 1986]

### § 52.2275 Control strategy and regulations: Ozone.

(a) Section 510.3 of revised Regulation V, which was submitted by the Governor on July 20, 1977, is disapproved.

(b) Notwithstanding any provisions to the contrary in the Texas Implementation Plan, the control measures listed in paragraph (d) of this section shall be implemented in accordance with the schedule set forth below.

(c)(1) Removal from service of a 12,000 BPD vacuum distillation unit at the Corpus Christi refinery of the Champlin Petroleum Company, Corpus Christi, Texas, with a final compliance date no later than October 1, 1979. This shall result in an estimated hydrocarbon emission reduction of at least 139 tons per year.

(2) Dedication of gasoline storage tank 91–TK–3 located at the Corpus Christi refinery of the Champlin Petroleum Company, Corpus Christi, Texas to the exclusive storage of No. 2 Fuel Oil or any fluid with a vapor pressure equivalent to, or less than that of No. 2 Fuel Oil, with a final compliance date no later than October 1, 1979. This shall result in an estimated hydrocarbon emission reduction of at least 107.6 tons per year.

(d) [Reserved]

(e) Approval—The Texas Commission on Environmental Quality (TCEQ) submitted a revision to the Texas SIP on February 18, 2003, concerning the Victoria County 1-hour ozone maintenance plan. This SIP revision was adopted by TCEQ on February 5, 2003. This SIP revision satisfies the Clean Air Act requirement, as amended in 1990, for the second 10-year update to the Victoria County 1-hour ozone maintenance area.

(f) *Determination of attainment.* Effective November 17, 2008 EPA has determined that the Dallas/Fort Worth (DFW) 1-hour ozone nonattainment area has attained the 1-hour ozone standard. Under the provisions of EPA's Clean Data Policy, this determination suspends the requirements for this area to submit an attainment demonstration or 5% increment of progress plan, a reasonable further progress plan, contingency measures, and other State Implementation Plans related to attainment of the 1-hour ozone NAAQS for so long as the area continues to attain the 1-hour ozone NAAQS.

(g) Approval. The Texas Commission on Environmental Quality (TCEQ) submitted a 1997 8-hour ozone NAAQS maintenance plan for the area of El Paso County on January 20, 2006. The area is designated unclassifiable/attainment for the 1997 8-hour ozone standard. EPA determined this request for El Paso County was complete on June 13, 2006. 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 El Paso County on January 15, 2009.

(h) *Determination of attainment for the 1-hour ozone standard and redesignation for the 1997 8-hour ozone standard.* Effective November 19, 2010, EPA has determined that the Beaumont/Port Arthur ozone nonattainment area has attained the 1-hour ozone National Ambient Air Quality Standard (NAAQS) and has redesignated the area to attainment for the 1997 8-hour ozone standard. With this final redesignation to attainment for the 1997 8-hour ozone NAAQS and this final determination of attainment for the 1-hour ozone NAAQS, the 1-hour anti-backsliding obligations to submit planning SIPs to meet the attainment demonstration and reasonably available control measures (RACM) requirements, and the ROP and contingency measures requirements, cease to apply.

[42 FR 37380, July 21, 1977, as amended at 44 FR 5662, Jan. 29, 1979; 44 FR 55006, Sept. 24, 1979; 45 FR 19244, Mar. 25, 1980; 46 FR 47545, Sept. 29, 1981; 47 FR 20770, May 14, 1982; 47 FR 50868, Nov. 10, 1982; 60 FR 12459, Mar. 7, 1995; 60 FR 33924, June 29, 1995; 70 FR 25, Jan. 3, 2005; 73 FR 61358, Oct. 16, 2008; 74 FR 2391, Jan. 15, 2009; 75 FR 64679, Oct. 20, 2010]

### § 52.2276 Control strategy and regulations: Particulate matter.

(a) *Part D conditional approval.* The Texas plan for total suspended particulate (TSP) for the nonattainment area of Dallas 3 is conditionally approved until the State satisfactorily completes the following items:

(1) Draft SIP revision supplement submitted to EPA by March 3, 1980.

(2) Public hearing completed by May 5, 1980.

(3) Adopt revision and revised Regulation I as it pertains to control of nontraditional sources, if necessary, and submit to EPA by August 1, 1980.

(b) Notwithstanding any provisions to the contrary in the Texas Implementation Plan, the control measures listed in paragraph (c) of this section shall be implemented in accordance with the schedule set forth below.

(c) No later than January 1, 1980, Parker Brothers and Co., Inc., at its limestone quarry facilities near New Braunfels, Comal County, Texas shall install fabric filters on the primary crusher and on the secondary crusher and screens, meeting the requirements of Appendix A of the Texas Air Control Board Order 78–8 adopted August 11, 1978. After the date of installation of the fabric filters, Parker Brothers and Co., Inc., shall not emit particulate matter in excess of 0.03 grains per standard cubic foot from the exhaust stack of the fabric filter on its primary crusher and shall not emit particulate matter in excess of 0.03 grains per standard cubic foot from the exhaust stack of the fabric filter on its secondary crusher and screens.

[46 FR 43425, Aug. 28, 1981, and 46 FR 47545, Sept. 29, 1981]

### §§ 52.2277–52.2281 [Reserved]

### § 52.2282 Public hearings.

(a) The requirements of § 51.102 of this chapter are not met because principal portions of the revised plan were not made available to the public for inspection and comment prior to the hearing.

[38 FR 16568, June 22, 1973, as amended at 51 FR 40675, Nov. 7, 1986]

### § 52.2283 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 Texas 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 Texas 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 authorizing 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) [Reserved]

[72 FR 62355, Nov. 2, 2007]

### § 52.2284 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

The owner and operator of each $SO_2$ source located within the State of Texas 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 Texas 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.

[72 FR 62355, Nov. 2, 2007]

### § 52.2285 Control of evaporative losses from the filling of gasoline storage vessels in the Houston and San Antonio areas.

(a) Definitions:

(1) *Gasoline* means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater which is produced for use as a motor fuel and is commonly called gasoline.

(2) *Storage container* means any stationary vessel of more than 1,000 gallons (3,785 liters) nominal capacity.

Stationary vessels include portable vessels placed temporarily at a location; e.g., tanks on skids.

(3) *Owner* means the owner of the gasoline storage container(s).

(4) *Operator* means the person who is directly responsible for the operation of the gasoline storage container(s), whether the person be a lessee or an agent of the owner.

(5) *Delivery Vessel* means tank trucks and tank trailers used for the delivery of gasoline.

(6) *Source* means both storage containers and delivery vessels.

(b) This section is applicable to the following counties in Texas: Harris, Galveston, Brazoria, Fort Bend, Waller, Montgomery, Liberty, Chambers, Matagorda, Bexar, Comal, and Guadalupe.

(c) No person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary storage container with a nominal capacity greater than 1,000 gallons (3,785 liters) 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 total hydrocarbon compounds in said vapors.

(1) The vapor recovery 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) Other equipment that prevents release to the atmosphere of no less than 90 percent by weight of the total hydrocarbon compounds in the displaced vapor provided that approval of the proposed design, installation, and operation is obtained from the Regional Administrator prior to start of construction.

(2) The vapor recovery system shall be so constructed that it will be compatible with a vapor recovery system, which may be installed later, to recover vapors displaced by the filling of motor vehicle tanks.

(3) The vapor-laden delivery vessel shall meet the following requirements:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) If any gasoline storage compartment of a vapor-laden delivery vessel is refilled in one of the counties listed in paragraph (b) of this section, it shall be refilled only at a facility which is equipped with a vapor recovery system, or the equivalent, which prevents release to the atmosphere of at least 90 percent by weight of the total hydrocarbon compounds in the vapor displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of one thousand gallons or less in gasoline delivery vehicles presently in use on November 6, 1973 will not be required to be retrofitted with a vapor return system until January 1, 1977.

(iv) Facilities which have a daily throughput of 20,000 gallons of gasoline or less are required to have a vapor recovery system in operation no later than May 31, 1977. Delivery vessels and storage vessels served exclusively by facilities required to have a vapor recovery system in operation no later than May 31, 1977, also are required to meet the provisions of this section no later than May 31, 1977.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Storage containers used for the storage of gasoline *used on a farm for farming purposes*, as that expression is used in the Internal Revenue Code, 26 U.S.C. section 6420.

(2) Any container having a nominal capacity less than 2,000 gallons (7,571 liters) installed prior to November 6, 1973.

(3) Transfers made to storage containers equipped with floating roofs or their equivalent.

(4) Any facility for loading and unloading of volatile organic compounds (including gasoline bulk terminals) in Bexar, Brazoria, Galveston and Harris Counties, any gasoline bulk plants in Harris County, and any filling of gasoline storage vessels (Stage I) for motor vehicle fuel dispensing facilities in Bexar, Brazoria, Galveston, and Harris Counties which is subject to Texas Air

Control Board Regulation V subsections 115.111–115.113, 115.121–115.123, and 115.131–115.135, respectively.

(e) Except as provided in paragraph (f) of this section, the owner or operator of a source subject to paragraph (c) of this section shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1975.

(2) Initiation of onsite construction or installation of emission control equipment or process change must begin not later than July 1, 1975.

(3) On-site construction or installation of emission control equipment or process modification must be completed no later than June 30, 1976.

(4) Final compliance is to be achieved no later than August 31, 1976.

(5) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify in writing to the Regional Administrator whether or not the required increment of progress has been met. The certification shall be submitted within five days after the deadlines for each increment. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies, and the date(s) the increment(s) of progress was (were) met—if met. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(f) Paragraph (e) of this section shall not apply to the owner or operator of:

(1) A source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Regional Administrator by January 1, 1974. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies. The Regional 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 receives approval from the Administrator by June 1, 1974, of a proposed alternative schedule. No such schedule may provide for compliance after August 31, 1976. If approval is 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) After August 31, 1976 paragraph (c) of this section shall be applicable to every storage container (except those exempted in paragraph (d) of this section) located in the counties specified in paragraph (b) of this section. Every storage container installed after August 31, 1976 shall comply with the requirements of paragraph (c) of this section from the time of installation. In the affected counties, storage containers which were installed, or converted to gasoline storage after November 6, 1973, but before August 31, 1976 shall comply with paragraph (c) of this section in accordance with the schedule established in paragraph (e) of this section.

[42 FR 37380, July 21, 1977, as amended at 47 FR 50868, Nov. 10, 1982; 51 FR 40676, Nov. 7, 1986]

### § 52.2286 Control of evaporative losses from the filling of gasoline storage vessels in the Dallas-Fort Worth area.

(a) Definitions:

(1) *Gasoline* means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater which is produced for use as a motor fuel and is commonly called gasoline.

(2) *Storage container* means any stationary vessel of more than 1,000 gallons (3,785 liters) nominal capacity. Stationary vessels include portable vessels placed temporarily at a location; e.g., tanks on skids.

(3) *Owner* means the owner of the gasoline storage container(s).

(4) *Operator* means the person who is directly responsible for the operation of the gasoline storage container(s), whether the person be a lessee or an agent of the owner.

(5) *Delivery vessel* means tank truck and tank trailers used for the delivery of gasoline.

(6) *Source* means both storage containers and delivery vessels.

(b) This section is applicable to the following counties in Texas: Dallas, Tarrant, Denton, Wise, Collin, Parker, Rockwall, Kaufman, Hood, Johnson, and Ellis.

(c) No person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary storage container with a nominal capacity greater than 1,000 gallons (3,785 liters) 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 total hydrocarbon compounds in said vapors.

(1) The vapor recovery 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) Other equipment that prevents release to the atmosphere of no less than 90 percent by weight of the total hydrocarbon compounds in the displaced vapor provided that approval of the proposed design, installation, and operation is obtained from the Regional Administrator prior to start of construction.

(2) The vapor recovery system shall be so constructed that it will be compatible with a vapor recovery system, which may be installed later, to recover vapors displaced by the filling of motor vehicle tanks.

(3) The vapor-laden delivery vessel shall meet the following requirements:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) If any gasoline storage compartment of a vapor-laden delivery vessel is refilled in one of the counties listed in paragraph (b) of this section, it shall be refilled only at a facility which is equipped with a vapor recovery system, or the equivalent, which prevents release to the atmosphere of at least 90 percent by weight of the total hydrocarbon compounds in the vapor displaced from the delivery vessel during refilling.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Storage containers used for the storage of gasoline *used on a farm for farming purposes*, as that expression is used in the Internal Revenue Code, 26 U.S.C. section 6420.

(2) Any container having a nominal capacity less than 2,000 gallons (7,571 liters) installed prior to promulgation of this section.

(3) Transfers made to storage containers equipped with floating roofs or their equivalent.

(4) Any facility for loading and unloading of volatile organic compounds (including gasoline bulk terminals) in Dallas or Tarrant County, and any filling of gasoline storage vessels (Stage I) for motor vehicle fuel dispensing facilities in Dallas or Tarrant County which is subject to Texas Air Control Board Regulation V subsections 115.111–115.113 and 115.131–115.135, respectively.

(e) Except as provided in paragraph (f) of this section, the owner or operator of a source subject to paragraph (c) of this section shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification no later than September 30, 1977.

(2) Initiation of on-site construction or installation of emission control equipment or process modification must begin no later than January 31, 1978.

(3) On-site construction or installation of emission control equipment or process modification must be completed no later than August 31, 1978.

(4) Final compliance is to be achieved no later than September 30, 1978.

(5) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify in writing to the Regional Administrator whether or not the required increment of progress has been met. The certification shall be submitted not later than February 15, 1978, for award of contracts and initiation of construction, and not later than October 15, 1978, for completion of construction and final compliance. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies, and the date(s) the increment(s) of progress was (were) met—if met. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(f) Paragraph (e) of this section shall not apply to the owner or operator of:

(1) A source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Regional Administrator by August 1, 1977. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies. The Regional 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.

(3) To a source whose owner or operator receives approval from the Administrator by August 1, 1977, of a proposed alternative schedule. No such schedule may provide for compliance after September 30, 1978. If approval is 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 § 51.15 (b) and (c) of this chapter.

(h) After September 30, 1978, paragraph (c) of this section shall be applicable to every storage container (except those exempted in paragraph (d) of this section) located in the counties specified in paragraph (b). Every storage container installed after September 30, 1978 shall comply with the requirements of paragraph (c) of this section from the time of installation. In the affected counties, storage containers which were installed, or coverted to gasoline storage after promulgation of this section, but before September 30, 1978 shall comply with paragraph (c) of this section in accordance with the schedule established in paragraph (e).

[42 FR 37381, July 21, 1977, as amended at 47 FR 50868, Nov. 10, 1982]

### §§ 52.2287–52.2298 [Reserved]

### § 52.2299 Original identification of plan section.

(a) This section identifies the original ''Texas Air Pollution Control Implementation Plan'' and all revisions submitted by Texas that were federally approved prior to December 31, 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 statewide public hearings had been held on the plan was submitted by the Texas Air Control Board (TACB) on February 8, 1972. (Nonregulatory)

(2) A discussion of its policy concerning the confidentiality of certain hydrocarbon emission data was submitted by the TACB on May 2, 1972. (Nonregulatory)

(3) A discussion of the source surveillance and extension sections of the plan was submitted by the TACB on May 3, 1972. (Nonregulatory)

(4) A discussion of minor revisions to the plan was submitted by the Governor on July 31, 1972. (Nonregulatory)

(5) Revisions of section XI, paragraph C.3: Rule 9: Regulation V and control strategy for photochemical oxidants/hydrocarbons in Texas designated regions 7 and 10; regulation VII; and control strategy for nitrogen oxides in regions 5, 7, and 8 were submitted by the TACB on August 8, 1972.

(6) A request that inconsistencies in the plan concerning the attainment

dates of primary air standards be corrected was submitted by the Governor on November 10, 1972. (Nonregulatory)

(7) Revisions to regulation IV, regulation V, the general rules and control strategy for photochemical oxidants/hydrocarbons, and a request for a two year extension to meet Federal standards for photochemical oxidants was submitted by the Governor on April 13, 1973.

(8) Revisions to regulation IV (Control of Air Pollution from Motor Vehicles) were adopted on October 30, 1973, and were submitted by the Governor on December 11, 1973.

(9) A revision of priority classifications for particulate matter, sulfur oxides, and carbon monoxide was submitted by the Governor on March 21, 1975. (Nonregulatory)

(10) Revisions to rule 23, concerning compliance with new source performance standards, and rule 24, concerning compliance with national emission standards for hazardous air pollutants were submitted by the Governor on May 9, 1975.

(11) Administrative revisions were submitted by the TACB with the semiannual report in 1974 for sections I, II, III, IV, XI and XIII, and with the semiannual report in 1975 for sections I, II, XI, and XII. (Nonregulatory)

(12) A revision of section IX, Air Quality Surveillance, was submitted by the Governor on August 2, 1976. (Nonregulatory)

(13) Revisions to section IX, Air Quality Surveillance Plan, which include changes of several air quality monitoring sites, were submitted by the TACB on August 12, 1977. (Nonregulatory)

(14) Administrative revisions to section X, the Permit System, were submitted by the TACB in 1973, 1974, 1975, and 1977. (Nonregulatory)

(15) Revisions to regulation V for control of volatile carbon compound emissions, as amended on December 10, 1976, were submitted by the Governor on July 20, 1977.

(16) An administrative revision to section IX, Air Quality Surveillance System, was submitted by the Texas Air Control Board on August 14, 1978. (Nonregulatory)

(17) Board Order No. 78–6, creditable as emission offsets for the Corpus Christi Petrochemical Company project in Corpus Christi, was submitted by the Governor on July 24, 1978, as amendments to the Texas State Implementation Plan (see § 52.2275).

(18) Draft inspection/maintenance legislation and a schedule for conducting a pilot inspection/maintenance study were submitted by the Governor on April 13, 1979.

(19) Adopted inspection/maintenance legislation and administrative revisions concerning inspection/maintenance were submitted by the Governor on August 9, 1979.

(20) Revision to the plan for attainment of standards for particulate matter, carbon monoxide, and ozone (Part D requirements) were submitted by the Governor on April 13, 1979.

NOTE: The provisions of Rule 104 submitted by the Governor on 1/28/72 and approved by EPA on 5/31/72 remain in effect in other than nonattainment areas.

(21) Administrative revisions to the transportation control portion of the plan were submitted by the Governor on August 9, 1979 (non-regulatory).

(22) No action is being taken on Subchapters 131.07.52, .53, and .54 of Regulation V, submitted by the Governor April 13, 1979 for the ozone nonattainment counties of Harris, Galveston, Brazoria, Bexar, Dallas, and Tarrant.

(23) No action is being taken on the control strategy for the TSP nonattainment area of Houston 1, submitted by the Governor on April 13, 1979.

(24) A revision identifying and committing to implement currently planned Transportation Control Measures (TCMs) for Harris County was submitted by the Governor on December 28, 1979.

(25) Revisions to Regulation VI (i.e., Subchapter 116.3(a)(13–15)), and the definition of ''de minimus impact,'' were adopted by the Texas Air Control Board on July 11, 1980, and submitted by the Governor on July 25, 1980.

(26) Board Order No. 78–8 creditable as emission offsets for the General Portland, Inc., project in New Braunfels, Comal County, Texas, was submitted by the Governor on September 13, 1978, as an amendment to

the Texas State Implementation Plan (see § 52.2276).

(27) Revisions to Regulation V (i.e., Subchapters 115.171–176) and particulate matter (TSP) control strategies for the nonattainment areas of San Benito, Brownsville, Corpus Christi 1, Corpus Christi 2, Dallas 1, and El Paso 4 were adopted by the Texas Air Control Board on July 11, 1980, and submitted by the Governor on July 25, 1980.

(28) An administrative revision to section I, Introduction, was submitted by the TACB on July 23, 1981. (Nonregulatory)

(29) An administrative revision to section V, Legal Authority, was submitted by the TACB on July 23, 1981. (Nonregulatory).

(30) Revisions to the Texas SIP for the Union Carbide Corporation Bubble in Texas City, Texas were submitted by the Governor on December 15, 1981.

(31) Revisions to the ozone, total suspended particulate, and carbon monoxide control strategies, General Rules (i.e., definition for vapor mounted seal and section 101.22), Regulation IV (i.e., addition of section 114.2(b)), and Regulation V (i.e., deletion of sections 115.46 and 115.71, 115.101–106, sections 115.144, 115.153, title of sections 115.161–163 and 115.162, 115.171–176, 115.191–194, sections 115.252, 115.262, 115.401, 115.411, and title of sections 115.421–424) were adopted by the Texas Air Control Board on March 20, 1981, and submitted by the Governor on July 20, 1981.

(32) Revisions to the plan for intergovernmental consultation and composition of the Texas Air Control Board were submitted by the Governor on April 13, 1979.

(33) A revision to General Rule 9—Sampling, as adopted by the Texas Air Control Board on October 30, 1973, was submitted by the Governor on December 11, 1973.

(34) Revisions to the General Rules (i.e., the addition of definitions for liquid-mounted seal, miscellaneous metal parts and products, factory surface coating of flat wood paneling, vapor tight, and waxy high pour point crude oil) and Regulation V (i.e., sections 115.101–106, section 115.191 (9) and (10), sections 115.193, 115.194, 115.201–203, 115.221–223, 115.231–233, 115.251–255, 115.261–264, and 115.421–424) were adopted by the Texas Air Control Board on July 11, 1980 and submitted by the Governor on July 25, 1980.

(35) [Reserved]

(36) Revisions to Regulation VI (i.e., section 116.1, section 116.2, section 116.3(a), section 116.3(a)(2), the addition of sections 116.3(a)(3), 116.3(a)(4), and 116.3(a)(5), section 116.3(a)(6), section 116.3(b)(2), the addition of sections 116.3(b)(3), 116.3(b)(4), 116.4, and 116.5, section 116.6, section 116.7, and section 116.8) were adopted by the Texas Air Control Board on March 27, 1975 and submitted by the Governor on May 9, 1975.

(37) Revisions to Regulation VI (i.e., the deletion of 131.08.00.009) were adopted by the Texas Air Control Board on March 30, 1979 and submitted by the Governor on April 13, 1979.

(38) Revisions to Regulation VI (i.e., the deletion of 131.08.00.003(a)(3) and 131.08.00.003(a)(5), section 116.3(a)(4), section 116.3(a)(5), section 116.3(a)(9), section 116.3(a)(10), section 116.3(a)(12), and section 116.10) were adopted by the Texas Air Control Board on March 20, 1981 and submitted by the Governor on July 20, 1981.

(39) [Reserved]

(40) Revisions to Subchapter 115.135 (formerly 131.07.54.105) of Regulation V were adopted by the Texas Air Control Board on September 7, 1979 and submitted by the Governor to EPA on November 2, 1979 (i.e., removal of Jefferson, Orange, El Paso, Nueces, and Travis Counties).

(41) The Texas Lead SIP was submitted to EPA on June 12, 1980, by the Governor of Texas, as adopted by the Texas Air Control Board on March 21, 1980. Additional information was submitted in letters dated January 29, 1982, March 15, 1982, June 3, 1982, June 15, 1982, August 23, 1982, and October 14, 1982. Also additional information and Board Order 82–11 were submitted in a letter dated December 3, 1982. No action is taken regarding the Dallas and El Paso areas.

(42) An administrative revision for Section VIII (Texas Air Pollution Emergency Episode Contingency Plan)

and a revision to Regulation VIII (Control of Air Pollution Episodes) was submitted by the TACB on May 18, 1982 and December 29, 1981, respectively.

(43) A revision to Regulation V deleting Ector County from the provisions of subsections 115.111 and .113 was adopted on March 20, 1981 and submitted by the Governor on July 20, 1981.

(44) Revisions to Regulation I, sections 111.2(7), 111.3, 111.11, 111.12, 111.26, 111.61–111.65, and 111.71–111.76, for control of particulate matter and visible emissions as submitted by the Governor on January 22, 1974.

(45) Revisions to Regulation I, section 111.2 for control of particulate matter and visible emissions as submitted by the Governor on December 29, 1975.

(46) Revisions to Regulation I, Sections 111.2(8), 111.2(9), 111.22, 111.91 and 111.92 for control of particulate matter and visible emissions as submitted by the Governor on April 13, 1979.

(47) Revisions to section XII (Resources) as submitted by the Executive Director on July 6, 1982.

(48) Revisions to Subchapters 115.111–115.113 (formerly 131.07.52.101–131.07.52.104) regarding gasoline bulk terminals, 115.123–115.124 (formerly 131.07.53.101–131.07.53.103) regarding gasoline bulk plants, and 115.131–115.135 (formerly 131.07.54.101–131.07.54.105) regarding the filling of gasoline storage vessels at motor vehicle fuel dispensing facilities (Stage I vapor recovery at service stations) of Regulation V for the counties of Harris, Galveston, Brazoria, Bexar, Dallas, and Tarrant were adopted by the Texas Air Control Board on March 30, 1979 and submitted by the Governor to EPA on April 13, 1979.

(49) Revisions to Subchapters 115.111 and 115.113 (formerly 131.07.52.101 and 131.07.52.103) regarding gasoline bulk terminals, 115.121 and 115.123 (formerly 131.07.53.101 and 131.07.53.103) regarding gasoline bulk plants, and 115.131, 115.132, and 115.135 (formerly 131.07.54.101, 131.07.54.102, and 131.07.54.105) regarding the filling of gasoline storage vessels at motor vehicle fuel dispensing facilities (Stage I vapor recovery at service stations) of Regulation V were adopted by the Texas Air Control Board on July 11, 1980 and submitted by the Governor to EPA on July 25, 1980.

(50) Revisions to the General Rules (i.e., deletion of the definitions for chemical process plant, exhaust emission, gas processing plant, and nonmethane hydrocarbons, and revisions to the definitions for gasoline bulk plant, gasoline terminal, lowest achievable emission rate, standard conditions, submerged fill pipe, paper coating, and light-duty truck coating), Regulation I (i.e., the deletion of sections 111.61–111.65, revisions to title of sections 111.71–111.76 and section 111.71, addition of sections 111.81–111.83, deletion of section 111.91, and revisions to section 111.92), and Regulation V (i.e., section 115.1, sections 115.11–115.13, sections 115.31–115.32, sections 115.41–115.45, section 115.81, and section 115.91, all for Bexar County only: and, sections 115.101–115.106; title of sections 115.141–115.144 and section 115.141, section 115.142, and section 115.144; title of sections 115.151–115.153 and section 115.152, and section 115.153; sections 115.161–115.163 and title; title of sections 115.171–115.176 and section 115.173, section 115.175, and section 115.176; title of sections 115.191–115.194 and section 115.191, section 115.192, and section 115.193; title of sections 115.201–115.203 and section 115.203; title of sections 115.221–115.223 and sections 115.222–115.223; sections 115.231–115.233 and title; title of sections 115.251–115.255 and section 115.253, and section 115.255; section 115.401; title of sections 115.411–115.413 and sections 115.411 and 115.412; title only of sections 115.421–115.424) were adopted by the Texas Air Control Board on January 8, 1982, and submitted by the Governor on August 9, 1982, with an addendum from the State on January 13, 1983.

(51) A revision to Section III (Public Participation/Intergovernmental Coordination) was submitted by the Texas Air Control Board on August 17, 1982 and a letter of clarification was submitted on January 28, 1983. The revision also supercedes and deletes Section XIII which was approved on May 31, 1972.

(52) An administrative revision to Section IX, Air Quality Surveillance,

was submitted by the TACB on June 22, 1983. (Nonregulatory)

(53) A revision to Regulation VI (i.e., the addition of section 116.11) was adopted by the Texas Air Control Board on December 3, 1982, and submitted by the Governor on May 13, 1983.

(54) Revisions to the Texas State Implementation Plan for lead for Dallas County (concerning a lead control plan for the area around the secondary lead smelter in West Dallas), were submitted to EPA on April 6, 1984, by the Governor of Texas, as adopted by the Texas Air Control Board on February 17, 1984.

(55) Revisions to the Texas State Implementation Plan for lead for Dallas County (concerning a lead control plan for the area around the secondary lead smelter in South Dallas), and revisions to Regulation III, chapter 113, Subchapter B, Lead Smelters in Dallas County, were submitted to EPA on July 16, 1984, by the Governor of Texas, as adopted by Texas Air Control Board on May 18, 1984. No action is taken on Regulation III, Sections 113.113 and 113.114.

(56) Revisions to the Texas State Implementation Plan for lead for El Paso County, with revisions to Regulation III, Chapter 113, Subchapter B, Nonferrous Smelters in El Paso County, were submitted to EPA on June 20, 1984, by the Governor of Texas, as adopted by Texas Air Control Board on February 17, 1984. Also, letters providing additional information were submitted by Texas on June 11 and June 28, 1984. No action is taken on Regulation III, Sections 113.111 113.112. The date of compliance listed in § 113.122 of February 28, 1989 (for section 113.53) is disapproved. EPA is taking no action on the attainment date for El Paso County.

(57)–(58) [Reserved]

(59) Revisions to TACB Regulation VI and definitions in the General Rules as adopted on June 10, 1983 and submitted by the Governor on December 22, 1983, including a letter of clarification on their definitions submitted by the Texas Air Control Board on March 27, 1984.

(60) The Alternative Emission Control Plan for the Exxon Baytown Refinery in Baytown, Texas was adopted by the Texas Air Control Board on March 18, 1983, in Board Order No. 83–2.

(61) Revisions to the plan for attainment of the standard for Ozone in Harris County were submitted by the Governor on December 9, 1982, January 3, 1984, and March 18, 1985.

(i) Revisions adopted on December 3, 1982, include the following changes to Regulation V and the general rules. New sections or subsections 115.105(7), 115.111(2)(b), 115.111(2)(c), 115.111(2)(d), 115.163, 115.164, 115.193(c)(5), 115.193(c)(6), 115.271, 115.272, 115.273, 115.274, 115.275, and 115.421 are added. Revisions to 115.106(b), 115.106(c), 115.113, 115.141, 115.142, 115.161, 115.162, 115.191(9)(a)(i), 115.251(a)(1), 115.252(a)(4), 115.252(b), 115.252(c), 115.253(a), 115.254, 115.255(c), and 115.401(b) were made. Section 101.1 of the general rules was revised to include definitions of new terms. The revisions also included the following commitments: emissions tracking, pages 87–88; projections of reasonable further progress, pages 91 and 93; and emission reduction commitments for transportation control measures, Appendix V.

(ii) Revisions adopted on September 9, 1983, include revisions to Regulation IV. New sections or subsections 114.1(e), 114.1(f), 114.3, and 114.5 are added.

(iii) Revisions adopted on November 9, 1984 include the following:

(A) Recordkeeping and record submittal requirements, pages 12–13,

(B) Mechanics training program commitments, pages 17–18,

(C) Public Awareness Plan commitments, pages 19–20,

(D) Implementation Schedule, page 25(1–3),

(E) Reasonable Further Progress Chart, Table 13, and

(F) Department of Public Safety and Texas Air Control Board Rules and Regulations, Texas Vehicle Inspection Act Article XV, and Documentation to Authorize and Support the Implementation and Enforcement of the Texas Vehicle Parameter Inspection and Maintenance Program, Appendix X, containing the following documents:

—Senate Bill 1205

—Letters of commitment from Texas Department of Public Safety, City of Houston Police Department, and Harris County Sheriff
—Parameter Vehicle Emission Inspection and Maintenance Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, July 1, 1984
—Texas Motor Vehicle Laws, 1981–1982
—Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, November 11, 1983, Sections A, B, C pages C–1, C–16, C–17, C–18, C–26, C–27, and C–28, D, and E pages E–1, E–6, E–7, E–8, and E–9.

(62) Revision to the Texas State Implementation Plan for Good Engineering Practice—Stack Height regulations, Texas Air Control Board Regulation VI, §116.3(a)(14), as adopted by the Texas Air Control Board on July 17, 1987, were submitted by the Governor of Texas on October 26, 1987. This revision included definitions for *owner or operator*, *emission limitation and emission standards*, *stack*, *a stack in existence*, *dispersion technique*, *good engineering practice*, *nearby*, *excessive concentration*, and regulations related to *stack height provisions* and *stack height procedures* for new source review.

(i) Incorporation by reference.

(A) Texas Air Control Board Regulation VI, §116.3(a)(14), adopted by the Board on July 17, 1987.

(ii) Other material—one.

(63) Revisions to TACB Regulation VI and definitions in the General Rules were submitted by the Governor on December 13, 1985.

(i) Incorporation by reference. December 13, 1985 letter from the Governor to EPA, and Revisions adopted on September 20, 1985, include the following changes to Regulation VI and the General Rules. Revisions to §116.11 were made, and §101.1 of the General Rules was revised to include an amendment to the term *major facility/stationary source*.

(64) Board Order No. 85–2, an alternate emission reduction plan for the Continental Can Company, U.S.A. can coating plant in Longview, Texas was submitted by the Governor on July 25, 1985, as amendments to the Texas State Implementation Plan. The source is now subject to the legally enforceable requirements stated in Board Order No. 85–2 and in TACB Permit Number C–16765.

(i) Incorporation by reference.

(A) Texas Air Control Board Order No. 85–2 adopted on May 10, 1985, and TACB Permit Number C–16765 as revised November 21, 1986.

(65) In a October 26, 1987, letter, the Governor of Texas submitted a revision to the Texas State Implementation Plan for Lead in El Paso County. These revisions to the control strategy are adequate to demonstrate attainment by August 14, 1987, of the National Ambient Air Quality Standards for lead in El Paso County by modeling. Enclosed in this letter were Texas Air Control Board (TACB) Board Order No. 87–14 as passed and approved on August 14, 1987; the revisions to Regulation III, Subchapter B as appended to the Board Order; and a certification of Public Hearing.

(i) Incorporation by reference.

(A) TACB Board Order No. 87–14, as adopted on August 14, 1987.

(B) The March 23, 1988, letter and enclosures from TACB to EPA.

(66) Revisions to the plan for attainment of the standard for ozone in Dallas and Tarrant Counties were submitted by the Governor on September 30, 1985 and December 21, 1987.

(i) Incorporation by reference.

(A) Revisions to the Texas Air Control Board Regulation IV, Section 114.1 (c), (e), (f), 114.3, 114.5 (a), (b), (d), (e), (f), and (g) adopted July 26, 1985.

(B) Vehicle Inspection and Maintenance and Transportation Control Measures (VIMTCM), Appendix AG, Emission Reduction Commitments for Transportation Control Measures in Post-1982 SIP Areas adopted by the Texas Air Control Board on August 28, 1985.

(C) VIMTCM, Appendix AJ, Excerpted Senate Bill 725, section 35 (d) and (g) effective September 1, 1985; and House Bill 1593 sections 21 and 22 effective June 18, 1987.

(D) The following portions of VIMTCM, Appendix AK, Texas Vehicle Parameter Inspection and Maintenance Program adopted by the Texas Air Control Board on December 18, 1987.

*1* Record keeping and Record submittal Requirements, pages 15–17

*2* Quality Control, Audit and Surveillance Procedures, pages 17–18

*3* Procedures to Assure that Noncomplying Vehicles are Not Operated on the Public Roads, pages 18–20
*4* Mechanic Training Program, pages 21–23
*5* A Public Awareness Plan, pages 23–25
*6* Vehicle Maintenance Program (Anti-tampering), pages 25–27

(E) VIMTCM, Appendix AM, Department of Public Safety Rules and Regulations Concerning Vehicle Inspection and Maintenance Programs, Sections 1, 2, and 3 adopted by the Texas Air Control Board on December 18, 1987.

(F) VIMTCM, Appendix AN, Local Government Letters of Commitment to Enforce Vehicle Inspection and Maintenance Programs adopted by the Texas Air Control Board on December 18, 1987.

(67) Part II of the Visibility Protection Plan was submitted by the Governor on November 18, 1987. This submittal includes a visibility long-term strategy and general plan provisions as adopted by the Texas Air Control Board on September 18, 1987.

(i) Incorporation by reference.

(A) Revision entitled, ''State Implementation Plan Revisions for Visibility Protection in Class I Areas: Phase I, September 18, 1987'' (including Appendices A and B).

(B) Texas Air Control Board Order No. 87–15, adopted September 18, 1987.

(ii) Additional material.

(A) None.

(68) [Reserved]

(69) Revisions to the plan for attainment of the standard for ozone in Dallas and Tarrant Counties were submitted by the Governor on October 11, 1985, December 21, 1987, and December 13, 1988. EPA is approving these stationary source VOC regulations and commitments under part A, section 110 of the Clean Air Act. However, these regulations do not represent RACT under part D, section 172 of the Clean Air Act for numerous reasons, including cross-line averaging and director's equivalency determinations without first being submitted to and approved by EPA as a SIP revision.

(i) Incorporation by reference.

(A) Revisions to Texas Air Control Board Regulation V (31 TAC chapter 115), Control of Air Pollution from Volatile Organic Compounds: Rules 115.111 introductory paragraph; 115.111(2)(E); 115.111(2)(F); 115.113 introductory paragraph, 115.113 last entry in table; except El Paso County for Rules 115.131 introductory paragraph, 115.132(6), 115.132(7), 115.135 introductory paragraph, and 115.135 second to last entry in table; 115.162 introductory paragraph only; 115.163(b)(2); 115.163(b)(3); 115.164(b) first paragraph only; 115.164(b)(3); 115.164(b)(4); 115.171(a); except El Paso County for Rule 115.171(b); 115.175(f); 115.176(a); 115.176(c); 115.191(9)(A)(iii); 115.191(9)(A)(iv); 115.191(9)(A)(v); 115.193(c)(3); 115.223; except El Paso County for Rules 115.261 undesignated heading, 115.261 introductory paragraph, 115.262(a), and 115.264; as adopted by the Texas Air Control Board on July 26, 1985. Rules 115.171(c); 115.171(d); 115.176(d); 115.193(c) first paragraph only; 115.193(c)(1); 115.193(c)(2);115.193(c)(6); 115.193(d) first paragraph only; 115.193(e); 115.194; 115.201(b)(1); 115.202; 115.203(a); and 115.291 through 115.294 and the corresponding undesignated heading; as adopted by the Texas Air Control Board on December 18, 1987. Rules 115.111(4)(C); except El Paso County for Rule 115.111(5); 115.111(6); 115.111(7); 115.113 last entry in table; 115.131(2); except El Paso County for Rule 115.131(3); 115.131(4); 115.131(5); 115.132 introductory paragraph only; 115.132(2); 115.134(3); 115.135 last entry in table; 115.141(a); 115.141(b); 115.142(a) first paragraph; 115.142(b); 115.143(a); 115.143(b); 115.143(c); 115.144; 115.162(3)(B); 115.163(a); 115.163(c); 115.163(d); 115.164(b)(7); 115.171(e); 115.172(a) first paragraph only; 115.172(a)(1); 115.172(a)(3); 115.172(a)(4); 115.172(a)(5)(A); 115.172(a)(6); 115.172(a)(7); 115.172(b) first paragraph only; 115.172(b)(1); 115.173(a) first paragraph only; 115.173(a)(2); 115.173(a)(4)(A); 115.173(a)(4)(B); 115.173(a)(4)(E); 115.173(a)(6); 115.173(b) first paragraph only; 115.173(b)(2); 115.173(b)(4); 115.173(b)(5); 115.173(b)(10); 115.173(b)(11); 115.173(c); 115.174(a) first paragraph only; 115.174(a)(1)(A); 115.174(a)(1)(B); 115.174(a)(1)(C); 115.174(a)(7); 115.174(a)(8); 115.174(a)(9); 115.174(b) first paragraph only; 115.174(b)(2); 115.174(b)(4); 115.174(b)(5); 115.174(c); 115.175(e); 115.175(g); 115.176(e); 115.191(a) first paragraph only; 115.191(a)(8)(A); 115.191(a)(8)(B);

115.191(a)(8)(C); 115.191(a)(9)(C); 115.191(a)(11); 115.191(b); 115.191(c); 115.192(a); 115.192(b); 115.192(c); 115.193(f); 115.201(a); 115.201(b) first paragraph only; 115.201(b)(2) through 115.201(b)(6); 115.201(c); 115.203(b); 115.221(a) first paragraph only; 115.221(a)(4); and 115.221(b); as adopted by the Texas Air Control Board on October 14, 1988.

(B) Revisions to the Texas Air Control Board General Rules (31 TAC chapter 101), rule 101.1, Definitions for: automobile refinishing; consumer-solvent products; as adopted by the Texas Air Control Board on December 18, 1987. Rule 101.1, Definitions for: architectural coating; automotive primer or primer surfacers (used in automobile refinishing); automotive wipe-down solutions; coating application system; delivery vessel/tank-truck tank; exempt solvent; flexographic printing process; non-flat architectural coating; packaging rotogravure printing; publication rotogravure printing; rotogravure printing; surface coating processes; transfer efficiency; and vapor balance system; as adopted by the Texas Air Control Board on October 14, 1988.

(C) The following portions of the Post-1982 Ozone Control Strategies Dallas and Tarrant Counties Texas State Implementation Plan Revisions (TX82SIP), as adopted by the Texas Air Control Board on December 18, 1987.

(*1*)(d) Emissions Tracking, page 56 (last paragraph), 57, and 58.

(*2*)(e) Regulation Review, pages 58–60.

(*3*)(a) Emissions Reductions and Growth Unaffected by This Plan, page 63 (first two full paragraphs).

(*4*)(e) Transportation Control Measures, pages 67–68.

(*5*)(4) Projection of Reasonable Further Progress (RFP), pages 71–72.

(*6*)(5) Contengency Plan, page 72.

(*7*)(a) Emissions Reductions and Growth Unaffected by This Plan, page 75.

(*8*)(e) Transportation Control Measures, pages 79–80.

(*9*)(4) Projection of Reasonable Further Progress (RFP), pages 83–84.

(*10*)(5) Contingency Plan, page 84.

(D) TX82SIP, appendix AG, Emission Reduction Commitments for Transportation Control Measures in Post-1982 SIP Areas, as adopted by the Texas Air Control Board on December 18, 1987.

(E) Texas Air Control Board Order No. 85–06, as adopted July 26, 1985.

(F) Texas Air Control Board Order No. 87–18, as adopted December 18, 1987.

(G) Texas Air Control Board Order No. 88–10, as adopted October 14, 1988.

(ii) Additional Material.

(A) A letter dated September 25, 1989, from Allen Eli Bell, Executive Director, Texas Air Control Board to Robert E. Layton Jr., P.E., Regional Administrator, EPA Region 6.

(B) TX82SIP, (c) Additional Control Technique Guidelines (CTGs), pages 48–49.

(C) TX82SIP, appendix AL, Transportation Control Measure Evaluation and Documentation of Highway Vehicle Data adopted by the Texas Air Control Board on December 18, 1987.

(70) On March 12, 1982, the Governor of Texas submitted a request to revise the Texas SIP to include an Alternative Emission Reduction Plan for the E.I. Du Pont de Nemours & Company's Sabine River Works at Orange, Orange County, Texas. This Bubble uses credits obtained from the shutdown of sixteen methanol storage tanks and a methanol truck and railcar loading terminal in lieu of controls on one cyclohexane storage tank and two methanol storage tanks.

(i) Incorporation by reference.

(A) Texas Air Control Board Order No. 82–1, entitled ''E.I. Du Pont de Nemours and Company Incorporated'' passed and approved by the Board on January 8, 1982.

(ii) Additional material.

(A) Letter dated October 23, 1989, from the Director of the Texas Air Control Board (TACB) Technical Support and Regulation Development Program, giving assurances that the State has resources and plans necessary to strive toward attainment and maintenance of the National Ambient Air Quality Standard (NAAQS) for ozone taking into account the influence of this Bubble on air quality.

(B) Letter dated May 31, 1988, from the Director of the TACB Technical Services Division, giving quantification of emissions and developmental information relative to volatile organic compound emissions from the

storage and terminal facilities at the Du Pont plant.

(C) Letter dated June 21, 1988, from the Director of the TACB Technical Services Division, giving the throughput basis for emission calculations for the tanks and discussing status of the equipment in the trade.

(D) Record of Communication of a phone call from Bill Riddle, EPA Region 6 Emissions Trading Coordinator, to Clayton Smith and Wayne Burnop, Environmental Engineers for the TACB, dated November 7, 1989. TACB confirms that there has been no *shifting demand* for the bubble.

(E) Record of Communication of a phone call from Mr. Bertie Fernando, TACB Environmental Engineer, to Bill Riddle, EPA Region 6 Emissions Trading Coordinator, dated December 15, 1989. TACB gives the status of the equipment in the bubble as a follow up to the June 21, 1988, letter mentioned in paragraph (c) of this section.

(71) Revisions to section VIII of the Texas SIP entitled ''Texas Air Pollution Episode Contingency Plan'' as submitted by the Texas Air Control Board (TACB) in a letter dated October 2, 1987. Revisions to TACB Regulation VIII, 31 TAC Chapter 118, ''Emergency Episode Planning,'' as approved by TACB on July 16, 1987, and on April 14, 1989, and submitted by the Governor in letters dated October 26, 1987, and October 13, 1989, respectively.

(i) Incorporation by reference.

(A) Amended TACB Regulation VIII, 31 TAC chapter 118, Rules 118.1(a), 118.1(b)(2), 118.1(c), 118.2, 118.3, 118.4, 118.5(d), 118.5(e), 118.5(f) and 118.6 as approved on July 17, 1987, and the repeal of Rule 118.7 as approved by TACB on July 17, 1987.

(B) Amended TACB Regulation VIII, 31 TAC chapter 118, Rules 118.1(b), 118.1(b)(1), Table 1 of Rule 118.1, first paragraph of Rule 118.5, and 118.5(1), 118.5(2), 118.5(3), as approved by TACB on April 14, 1989.

(C) TACB Order 87–10, approved July 17, 1987.

(D) TACB Order 89–01, approved April 14, 1989.

(E) Texas SIP section VIII ''Texas Air Pollution Episode Contingency Plan'' pages VIII–3 through VIII–14, VIII–A–2 through VIII–A–4, and VIII–B–2 through VIII–B–3.

(ii) Additional material

(A) Revisions to section VIII as submitted on October 2, 1987, from Eli Bell, superceding and deleting section VIII as approved by EPA on October 7, 1982, at 47 FR 44260 (Texas Air Pollution Emergency Episode Contingency Plan).

(B) A letter dated February 10, 1989, from Steven Spaw, TACB, to William B. Hathaway, U.S. EPA.

(72) Revisions to the plan for attainment of the standard for ozone in Dallas and Tarrant counties were submitted by the Governor on March 5, 1990 limiting the volatility of gasoline.

(i) Incorporation by reference.

(A) Revisions to the Texas Air Control Board Regulation V (31 TAC chapter 115), Control of Air Pollution from Volatile Organic Compounds, Rule 115.242–249 as adopted by the Texas Air Control Board on December 8, 1989.

(B) Texas Air Control Board Order No. 89–13, as adopted December 8, 1988.

(73) Revisions for Prevention of Significant Deterioration (PSD) are: Regulation VI—Section 116.3(a)(13) as adopted by the Texas Air Control Board (TACB) on July 26, 1985 and as revised by the TACB on July 17, 1987 and July 15, 1988 and submitted by the Governor on December 11, 1985, October 26, 1987, and September 29, 1988, respectively; the PSD Supplement as adopted by the TACB on July 17, 1987 and submitted by the Governor on October 26, 1987; General Rules—Section 101.20(3) as adopted by the TACB on July 26, 1985 and submitted by the Governor on December 11, 1985; and the TACB commitment letters submitted by the Executive Director on September 5, 1989 and April 17, 1992. Approval of the PSD SIP is partially based on previously approved TACB regulations and State statutes.

(i) Incorporation by reference.

(A) Revisions to the TACB Regulation VI (31 TAC chapter 116)—Control of Air Pollution by Permits for New Construction or Modification: Rule 116.3(a)(13) as adopted by the TACB on July 26, 1985 and as revised by the TACB on July 17, 1987 and July 15, 1988.

(B) Revision to TACB General Rules (31 TAC Chapter 101)—Rule 101.20(3) as adopted by the TACB on July 26, 1985.

(C) TACB Board Order No. 85–07, as adopted on July 26, 1985.

(D) TACB Board Order No. 87–09, as adopted on July 17, 1987.

(E) TACB Board Order No. 88–08, as adopted on July 15, 1988.

(F) The following portions of the PSD Supplement, as adopted by the TACB on July 17, 1987: 1. (2) Initial Classification of areas in Texas, pages 1–2; 2. (3) Re-designation procedures, page 2; 3. (4) plan assessment, pages 2–3; 4. (6) Innovative Control Technology, page 3; and 5. (7) Notification, (a) through (d), page 4.

(ii) Additional material.

(A) The PSD Supplement as adopted by the TACB on July 17, 1987.

(B) A letter dated September 5, 1989, from the Executive Director of the TACB to the Regional Administrator of EPA Region 6.

(C) A letter dated April 17, 1992, from the Executive Director of the TACB to the Division Director of Air, Pesticides and Toxics Division, EPA Region 6.

(74) Revisions to Texas Air Control Board's volatile organic compound regulations were submitted by the Governor of Texas on July 16, 1990.

(i) Incorporation by reference

(A) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115) Control of Air Pollution from Volatile Organic Compounds, Subchapter E: Solvent-Using Processes, Surface Coating Processes, §115.421 introductory paragraph, §115.421(8)(A), §115.425 introductory paragraph, §115.425(3), §115.429 introductory paragraph, and §115.429(2)(E), as adopted by the Texas Air Control Board on June 22, 1990.

(B) Texas Air Control Board Order No. 90–07 as adopted by the Texas Air Control Board on June 22, 1990.

(ii) Additional material

(A) Texas Air Control Board July 10, 1990, certification signed by Steve Spaw, P.E., Executive Director, Texas Air Control Board.

(75) Revisions to the State Implementation Plan for particulate matter ($PM_{10}$ Group III) General Rules (31 TAC Chapter 101), §101.1 Definitions for ''De minimis impact'', ''Particulate matter'', ''Particulate matter emissions'', ''$PM_{10}$'', ''$PM_{10}$ emissions'', and ''Total suspended particulate'', as adopted on June 16, 1989, by the Texas Air Control Board (TACB), were submitted by the Governor on August 21, 1989.

(i) Incorporation by reference.

(A) General Rules (31 TAC Chapter 101), Section 101.1 Definitions for ''De minimis impact'', ''Particulate matter'', ''Particulate matter emissions'', ''$PM_{10}$'', ''$PM_{10}$ emissions'', and ''Total suspended particulate'', as adopted on June 16, 1989, by the TACB.

(ii) Additional material—None.

(76) A revision to the Texas State Implementation Plan (SIP) to include revisions to Texas Air Control Board (TACB) Regulation II, 31 TAC Chapter 112. Control of Air Pollution from Sulfur Compounds, submitted by the Governor by cover letter dated October 15, 1992.

(i) Incorporation by reference.

(A) Revisions to Texas Air Control Board (TACB), Regulation II, 31 TAC Chapter 112, Section 112.1, ''Definitions;'' Section 112.2, ''Compliance, Reporting, and Recordkeeping;'' Section 112.3, ''Net Ground Level Concentrations;'' Section 112.4, ''Net Ground Level Concentration—Exemption Conditions;'' Section 112.5, ''Allowable Emission Rates—Sulfuric Acid Plant Burning Elemental Sulfur;'' Section 112.6, ''Allowable Emission Rates—Sulfuric Acid Plant;'' Section 112.7, ''Allowable Emission Rates—Sulfur Recovery Plant;'' Section 112.8, ''Allowable Emission Rates From Solid Fossil Fuel-Fired Steam Generators,'' Subsections 112.8(a), except for the phrase ''Except as provided in subsection (b) of this section,'' 112.8(c), 112.8(d), 112.8(e); Section 112.9, ''Allowable Emission Rates—Combustion of Liquid Fuel;'' Section 112.14, ''Allowable Emission Rates—Nonferrous Smelter Processes;'' Section 112.15, ''Temporary Fuel Shortage Plan Filing Requirements;'' Section 112.16, ''Temporary Fuel Shortage Plan Operating Requirements;'' Section 112.17, ''Temporary Fuel Shortage Plan Notification Procedures;'' Section 112.18, ''Temporary Fuel Shortage Plan Reporting Requirements;'' Section 112.19, ''Application for Area Control Plan;'' Section 112.20, ''Exemption Procedure;'' and Section 112.21, ''Allowable Emission Rates Under Area Control Plan,'' as adopted by the TACB on September 18, 1992.

(B) Texas Air Control Board Order No. 92–19, as adopted by the Texas Air Control Board on September 18, 1992.

(ii) Additional material.

(A) Texas Air Control Board certification letter dated October 1, 1992, and signed by William R. Campbell, Executive Director, Texas Air Control Board.

(B) Texas Air Control Board clarification letter dated July 5, 1993, from William R. Campbell, Executive Director, Texas Air Control Board, to A. Stanley Meiburg, Director, Air, Pesticides, and Toxics Division, EPA Region 6.

(77) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115), Control of Air Pollution from Volatile Organic Compounds, were submitted by the Governor on March 5, 1990, July 16, 1990, May 10, 1991, and September 30, 1991.

(i) Incorporation by reference.

(A) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115), Control of Air Pollution from Volatile Organic Compounds, as adopted by the Texas Air Control Board on December 8, 1989.

(B) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115), Control of Air Pollution from Volatile Organic Compounds, as adopted by the Texas Air Control Board on June 22, 1990: 115.425(1)(D) and 115.425(1)(E).

(C) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115), Control of Air Pollution from Volatile Organic Compounds, as adopted by the Texas Air Control Board on May 10, 1991: 115.010—Definitions for coating, coating line, leak, pounds of volatile organic compounds (VOC) per gallon of coating (minus water and exempt solvents), pounds of volatile organic compounds (VOC) per gallon of solids, printing line, volatile organic compound (VOC), 115.112(c), 115.114 introductory paragraph, 115.114(3), 115.116(1), 115.116(3)(B) through 115.116(3)(D), 115.119(a)(1), 115.119(a)(2), 115.122(a)(3), 115.126(1)(B) through 115.126(1)(E), 115.129(a)(1), 115.129(a)(2), 115.132(a)(4), 115.136, 115.139(a)(1), 115.139(a)(2), 115.212(a)(4), 115.212(a)(5), 115.212(a)(6), 115.215(5), 115.216(2)(B) through 115.216(2)(D), 115.219(a)(1) through 115.219(a)(3), 115.222(7) through 115.222(9), 115.229(1), 115.229(2), 115.239, 115.315(2), 115.316(1)(A) through 115.316(1)(D), the repeal of 115.317, 115.319(1), 115.319(2), 115.322(4), 115.324(1)(A), 115.324(1)(B), 115.324(2)(A) through 115.324(2)(E), 115.325(2), 115.327(1) through 115.327(5), 115.329 introductory paragraph, 115.329(1), 115.329(2) 115.332 introductory paragraph, 115.332(4), 115.334(1)(D), 115.334(1)(E), 115.334(2), 115.335 introductory paragraph, 115.335(2), 115.336 introductory paragraph, 115.337(1) through 115.337(5), 115.339, 115.342(4), 115.344(1)(D), 115.344(1)(E), 115.344(2), 115.345(2), 115.347(1) through 115.347(6), 115.349, 115.417(3) through 115.417(6), 115.419(1) through 115.419(3), 115.421 introductory paragraph, 115.421(1) through 115.421(8)(B) introductory paragraph, 115.421(8)(C) through 115.421(9)(A)(v), 115.421(9)(C), 115.422 introductory paragraph, 115.422(1), 115.422(1)(A) through 115.422(1)(C), 115.422(2), 115.423(2) through 115.423(4), 115.424 introductory paragraph, 115.424(1) through 115.424(3), 115.425(2), 115.425(3)(B)(i), 115.425(3)(B)(iii), 115.426 introductory paragraph, 115.426(2), 115.426(2)(A)(ii) through 115.426(2)(A)(iv), 115.426(3), 115.427(6), 115.427(6)(A), 115.427(6)(B), 115.427(7), 115.429(1), 115.429(2)(A), 115.429(2)(B), 115.432 introductory paragraph, 115.432(1), 115.432(1)(A) through 115.432(1)(C)(iii), 115.432(2), 115.432(3), 115.435(5) through 115.435(7), 115.436(3)(B) through 115.436(3)(D), 115.437(1), 115.437(2), 115.439(1), 115.439(2), 115.512(3), 115.519, 115.532(5), 115.536(2)(A)(ii) through 115.536(2)(A)(iv), 115.537(5), 115.537(6), 115.539(1), 115.539(2).

(D) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115), Control of Air Pollution from Volatile Organic Compounds, as adopted by the Texas Air Control Board on September 20, 1991: 115.010—Definitions for capture efficiency, capture system, carbon adsorber, carbon adsorption system, control device and control system, 115.126(1), 115.129(a)(3), 115.136, 115.139(a)(2), 115.224(2), 115.229(2), 115.422(2), 115.423(3), 115.425(4) through 115.425(4)(C)(iii), 115.426(3), 115.426(4), 115.429(2)(C), 115.435 introductory paragraph, 115.435(7) through 115.435(7)(C)(iii), 115.435(8), 115.436(6), 115.439(2).

(78) Revision to the Texas State Implementation Plan for Prevention of Significant Deterioration adopted by the Texas Air Control Board (TACB) on December 14, 1990, and submitted by the Governor on February 18, 1991.

(i) Incorporation by reference.

(A) Revision to TACB Regulation VI (31 TAC Chapter 116)—Control of Air Pollution by Permits for New Construction or Modification: Section 116.3(a)(13) as adopted by the TACB on December 14, 1990, and effective January 7, 1991.

(B) TACB Board Order No. 90–13, as adopted on December 14, 1990.

(79) A revision to the Texas SIP addressing moderate PM–10 nonattainment area requirements for El Paso was submitted by the Governor of Texas by letter dated November 5, 1991. The SIP revision included, as per section 179B of the Clean Air Act, a modeling demonstration providing for timely attainment of thePM–10 National Ambient Air Quality Standards for El Paso but for emissions emanating from Mexico.

(i) Incorporation by reference.

(A) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.101, ''General Prohibition;'' Section 111.103, ''Exceptions to Prohibition of Outdoor Burning;'' Section 111.105, ''General Requirements for Allowable Outdoor Burning;'' Section 111.107, ''Responsibility for Consequences of Outdoor Burning;'' Section 111.143, ''Materials Handling;'' Section 111.145, ''Construction and Demolition,'' Subsections 111.145(1), 111.145(2); Section 111.147, ''Roads, Streets, and Alleys,'' Subsections 111.147(1)(B), 111.147(1)(C), 111.147(1)(D); and Section 111.149, ''Parking Lots,'' as adopted by the TACB on June 16, 1989.

(B) TACB Order No. 89–03, as adopted by the TACB on June 16, 1989.

(C) Revisions to TACB, Regulation I, Section 111.111, ''Requirements for Specified Sources,'' Subsection 111.111(c); Section 111.141, ''Geographic Areas of Application and Date of Compliance;'' Section 111.145, ''Construction and Demolition,'' Subsections 111.145(first paragraph), 111.145(3); and Section 111.147, ''Roads, Streets, and Alleys,'' Subsections 111.147(first paragraph), 111.147(1)(first paragraph), 111.147(1)(A), 111.147(1)(E), 111.147(1)(F), and 111.147(2), as adopted by the TACB on October 25, 1991.

(D) TACB Order No. 91–15, as adopted by the TACB on October 25, 1991.

(E) City of El Paso, Texas, ordinance, Title 9 (Health and Safety), Chapter 9.38 (Woodburning), Section 9.38.010, ''Definitions;'' Section 9.38.020, ''No-Burn Periods;'' Section 9.38.030, ''Notice Required;'' Section 9.38.040, ''Exemptions;'' Section 9.38.050, ''Rebuttable Presumption;'' and Section 9.38.060, ''Violation Penalty,'' as adopted by the City Council of the City of El Paso on December 11, 1990.

(ii) Additional material.

(A) November 5, 1991, narrative plan addressing the El Paso moderate PM–10 nonattainment area, including emission inventory, modeling analyses, and control measures.

(B) A Memorandum of Understanding between the TACB and the City of El Paso defining the actions required and the responsibilities of each party pursuant to the revisions to the Texas PM–10 SIP for El Paso, passed and approved on November 5, 1991.

(C) TACB certification letter dated July 27, 1989, and signed by Allen Eli Bell, Executive Director, TACB.

(D) TACB certification letter dated October 28, 1991, and signed by Steve Spaw, Executive Director, TACB.

(E) El Paso PM–10 SIP narrative from pages 91–92 that reads as follows: ''* * * provided that adequate information becomes available, a contingency plan will be developed in conjunction with future El Paso PM–10 SIP revisions. It is anticipated that EPA, TACB, the City of El Paso, and SEDUE will continue a cooperative effort to study the PM–10 air quality in the El Paso/Juarez air basin. Based on the availability of enhanced emissions and monitoring data, as well as more sophisticated modeling techniques (e.g., Urban Airshed Model), future studies will attempt to better define the relative contributions of El Paso and Juarez to the PM–10 problem in the basin. At that time, a contingency plan can more appropriately be developed in a cooperative effort with Mexico.''

(80) A revision to the Texas State Implementation Plan to adopt an alternate control strategy for the surface

coating processes at Lockheed Corporation of Fort Worth.

(i) Incorporation by reference.

(A) Texas Air Control Board Order Number 93–13 issued and effective June 18, 1993, for Lockheed Corporation, Fort Worth approving an Alternate Reasonably Available Control Technology (ARACT). A letter from the Governor of Texas dated August 19, 1993, submitting to the EPA the ARACT demonstration.

(ii) Additional material-the document prepared by GD titled ''The Proposed Alternate Reasonably Available Control Technology Determination for U.S. Air Force Plant Number Four and Ancillary Facilities of General Dynamics'' dated September 16, 1991.

(81) A revision to the Texas SIP to include revisions to Texas Regulation V, 31 TAC §§115.241–115.249–Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities adopted by the State on October 16, 1992, effective November 16, 1992, and submitted by the Governor by cover letter dated November 13, 1992.

(i) Incorporation by reference.

(A) Revisions to Texas Regulation V, 31 TAC §§115.241–115.249–Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities, effective November 16, 1992.

(B) Texas Air Control Board Order No. 92–16, as adopted October 16, 1992.

(ii) Additional materials.

(A) September 30, 1992, narrative plan addressing: general requirements, definitions, determination of regulated universe, certification of approved vapor recovery systems, training, public information, recordkeeping, requirements for equipment installation and testing, annual in-use above ground inspections, program penalties, resources, and benefits.

(82) A revision to the Texas SIP to include a new Texas Natural Resource Conservation Commission, Part III, Chapter 101, *General Rules*, section 101.10, *Emission Inventory Requirements*. In a concurrent action, the TNRCC repealed the existing section 101.10 concerning filing of emissions data. The new rule and the repealing of the old rule was submitted to the EPA on October 15, 1992, by the Governor, as a proposed revision to the SIP.

(i) Incorporation by reference.

(A) TNRCC, Part III, Chapter 101, *General Rules*, section 101.10, *Emission Inventory Requirements*, as adopted by the TNRCC on August 20, 1992.

(B) TNRCC Order No. 92–20, as adopted by the TNRCC on August 20, 1992.

(ii) Additional material.

(A) TNRCC certification letter dated October 8, 1992, and signed by William R. Campbell, Executive Director, TNRCC.

(83) A revision to the Texas SIP to include an alternate particulate control plan for certain unpaved industrial roadways at the ASARCO copper smelter in El Paso, submitted by the Governor by cover letter dated March 30, 1994.

(i) Incorporation by reference.

(A) Texas Natural Resource Conservation Commission Order No. 94–01, as adopted by the Texas Natural Resource Conservation Commission on March 9, 1994.

(B) TNRCC Attachment 3 containing the Texas Air Control Board permit number 20345 for the ASARCO primary copper smelter in El Paso, Texas, issued May 11, 1992.

(C) TNRCC Attachment 4 containing the June 8, 1993, letter from Mr. Troy W. Dalton, Texas Air Control Board (TACB), to Mr. Thomas Diggs, U.S. EPA Region 6, addressing the ASARCO Inc. (El Paso) waiver request from TACB Regulation I, Section 111.147(1)(A), including the enclosure entitled ''Waiver Provisions to Texas Air Control Board Regulation 111.147(1)(A) for ASARCO, Incorporated, El Paso Account No. EE–0007–G.''

(ii) Additional material.

(A) March 9, 1994, SIP narrative addressing the alternate particulate control plan (in lieu of paving) for certain unpaved industrial roadways at the ASARCO copper smelter in El Paso.

(84) A revision to the Texas SIP for the El Paso moderate carbon monoxide nonattainment area which has a design value less than 12.7 parts per million was submitted by the Governor of Texas to meet the November 15, 1992, CAA deadline. The elements in this incorporation include the general SIP revision and the oxygenated fuels regulations submitted to the EPA on October 23, 1992, and the completed emissions

inventory submitted to the EPA on November 17, 1992.

(i) Incorporation by reference.

(A) Addition of a new Section 114.13, ''Oxygenated Fuels'' to the Texas Air Control Board (TACB), Regulation IV.

(B) TACB Board Order Number 92–15, as adopted by the TACB on September 18, 1992.

(C) SIP narrative plan entitled ''Revisions to the State Implementation Plan (SIP) for Carbon Monoxide (CO), 1992 CO SIP for Moderate Area—El Paso,'' adopted by the Texas Air Control Board September 18, 1992, addressing: 3. 1992 CO SIP Revisions for Moderate Area El Paso (new.) e. Attainment Demonstration, pages 9–10; f. Oxygenated Fuels 3) Administrative Requirements, page 13, b) Clerical Reviews, page 15, c) Field Inspections, page 15; and e) enforcement (i)–(iv), pages 17–19.

(ii) Additional material.

(A) SIP narrative plan entitled ''Revisions to the State Implementation Plan (SIP) for Carbon Monoxide (CO), 1992 CO SIP for Moderate Area—El Paso,'' adopted by the Texas Air Control Board September 18, 1992.

(B) Governor of Texas submittal of November 13, 1992, regarding the El Paso CO emissions inventory.

(C) The TACB certification letter dated October 1, 1992, and signed by William R. Campbell, Executive Director, TACB.

(85) 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 13, 1992. This plan submittal, as adopted by the Texas Air Control Board (TACB) on November 6, 1992, was developed in accordance with section 507 of the Clean Air Act (CAA).

(i) Incorporation by reference.

(A) Texas Clean Air Act (TCAA), TEXAS HEALTH AND SAFETY CODE ANN. (Vernon 1992), §382.0365, ''Small Business Stationary Source Assistance Program'', enacted by the Texas 1991 legislative session and effective September 1, 1991. Included in TCAA, §382.0365, are provisions establishing a small business assistance program (SBAP), an Ombudsman, and a Compliance Advisory Panel (CAP); establishing membership of the CAP; and addressing the responsibilities and duties of the SBAP, Ombudsman, and the CAP.

(B) TACB Order No. 92–22, as adopted by the TACB on November 6, 1992.

(C) Appendix C, ''Schedule of Implementation'', appended to the narrative SIP Revision entitled, ''Revisions to the State Implementation Plan for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, Texas Air Control Board; November 1992''.

(ii) Additional material.

(A) Narrative SIP Revision entitled, ''Revisions to the State Implementation Plan for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, Texas Air Control Board; November 1992''.

(B) TACB certification letter dated November 10, 1992, and signed by William R. Campbell, Executive Director, TACB.

(C) Legal opinion letter dated October 15, 1992 from Kirk P. Watson, Chairman, TACB, to Mr. B.J. Wynne, III, Regional Administrator, EPA Region 6, regarding the composition of the Small Business Compliance Advisory Panel for Texas.

(86) [Reserved]

(87) A revision to the Texas SIP to include revisions to Texas Regulation IV, 31 TAC §114.3—Vehicle Emissions Inspection and Maintenance Program, adopted by the State on November 10, 1993, and February 16, 1994, regulations effective December 8, 1993, and revisions to Texas Department of Transportation, Chapter 17. Vehicle Titles and Registration—Vehicle Emissions Verification System, 43 TAC §17.80, adopted by the State on October 28, 1993, effective November 22, 1993, and submitted by the Governor by cover letters dated November 12, 1993 and March 9, 1994.

(i) Incorporation by reference.

(A) House Bill 1969 an act relating to motor vehicle registration, inspections and providing penalties amending:

(*1*) Sections 382.037 and 382.038 of the Texas Health and Safety Code;

(*2*) Section 2 Chapter 88, General Laws, Acts of the 41st Legislature, 2nd

Called Session, 1929 (Article 6675a–2, Vernon's Texas Civil Statutes);

(*3*) Title 116, Articles 6675b–4, 6675b–4A, and 6675b–4B;

(*4*) Section 141(d), and section 142(h), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Civil Statutes);

(*5*) Section 4.202, County Road and Bridge Act (Article 6702–1, Vernon's Texas Civil Statutes) signed by the Governor on June 8, 1993, and effective August 30, 1993.

(B) Texas Health and Safety Code (Vernon 1990), the Texas Clean Air Act, sections 382.017, 382.037, 382.038, and 382.039 effective September 1, 1991.

(C) Revisions to Texas Regulation IV, 31 TAC §114.3—Vehicle Emissions Inspection and Maintenance Program, effective December 8, 1993.

(D) Order No. 93–23, as adopted November 10, 1993, and Order No. 94–02 as adopted February 16, 1994.

(E) Texas Civil Statutes, Articles 6675a–1 to 6675b–2 and 6687–1. (Vernon 1993).

(F) Revisions to Texas Department of Transportation, Chapter 17. Vehicle Titles and Registration—Vehicle Emissions Verification System, 43 TAC §17.80, effective November 22, 1993.

(ii) Additional materials.

(A) SIP narrative plan entitled ''Revisions to the State Implementation Plan (SIP) for the Control of Ozone Air Pollution—Inspection/Maintenance SIP for Dallas/Fort Worth, El Paso, Beaumont/Port Arthur, and Houston/Galveston Ozone Nonattainment Areas,'' submitted to the EPA on November 12, 1993, and on March 9, 1994 addressing by section: 8(a)(1) Applicability, 8(a)(2) Adequate Tools and Resources, 8(a)(3) I/M Performance Standards, 8(a)(4) Network Type and Program Evaluation, 8(a)(5) Test Frequency and Convenience, 8(a)(6) Vehicle coverage, 8(a)(7) Test Procedures and Standards and Test Equipment, 8(a)(8) Quality Control, 8(a)(9) Quality Assurance, 8(a)(10) Waivers and Compliance Via Diagnostic Inspection, 8(a)(11) Motorist Compliance Enforcement, 8(a)(12) Motorist Compliance Enforcement Program Oversight, 8(a)(13) Enforcement Against Contractors, Stations and Inspectors, 8(a)(14) Compliance with Recall Notices, 8(a)(15) Data Collection, 8(a)(16) Data Analysis and Reporting, 8(a)(17) Inspector Training and Licensing or Certification, 8(a)(18) Public Information, 8(a)(19) Consumer Protection Provisions, 8(a)(20) Improving Repair Effectiveness, 8(a)(21) On-Road Testing, 8(a)(22) State Implementation Plan Submission and Appendices.

(B) Letter dated May 4, 1994, from John Hall, Chairman of the Texas Natural Resource Conservation Commission to the EPA, clarifying the State's intent regarding its Executive Director's exemption policy and repair effectiveness program.

(88) Revisions to the Texas State Implementation Plan, submitted to EPA on June 8 and November 13, 1992, respectively. These revisions adopt expansion of applicability for Reasonably Available Control Technology (RACT) rules for volatile organic compounds (VOCs) to ensure that all major VOC sources are covered by RACT, to revise the major source definition, and to revise certain monitoring, recordkeeping, and reporting requirements for Victoria County, Texas.

(i) Incorporation by reference.

(A) Texas Air Control Board Order No. 92–04, as adopted on May 8, 1992.

(B) Revisions to the General Rules, as adopted by the Board on May 8, 1992, section 101.1—New definitions for capture efficiency, capture system, carbon adsorber, carbon adsorption system, coating, coating line, control device, control system, pounds of volatile organic compounds (VOC) per gallon of coating (minus water and exempt solvents), pounds of volatile organic compounds (VOC) per gallon of solids, printing line; revised definitions for component, exempt solvent, leak, vapor recovery system, volatile organic compound (VOC).

(C) Revisions to Regulation V, as adopted by the Board on May 8, 1992, sections 115.010 (Definitions)—Beaumont/Port Arthur area, Dallas/Fort Worth area, El Paso area, Houston/Galveston area; revised definition for delivery vessel/tank truck tank; 115.112(a), 115.112(a)(3), 115.112(b)(1), 115.112(b)(2), 115.112(b)(2)(A) through 115.112(b)(2)(D), 115.112(b)(2)(E), 115.112(b)(2)(F), 115.112(c), 115.112(c)(3)(A), 115.112(c)(3)(B), 115.113(a) through 115.113(c), 115.114(a),

115.114(b), 115.114(b)(1), 115.114(b)(2), 115.115(a), 115.115(b), 115.115(b)(1) through 115.115(b)(8), 115.116(a), 115.116(a)(4), 115.116(b), 115.116(b)(1) through 115.116(b)(4), 115.117(a), 115.117(b), 115.117(b)(1) through 115.117(b)(6), 115.117(b)(6)(A) through 115.117(b)(6)(C), 115.117(b)(7), 115.117(b)(7)(A) through 115.117(b)(7)(C), 115.117(c), 115.117(c)(1) through 115.117(c)(4), 115.119 introductory paragraph, 115.121(a), 115.121(a)(1), 115.121(a)(1)(C), 115.121(a)(2), 115.121(a)(3), 115.121(b), 115.121(b)(1) through 115.121(b)(3), 115.121(c), 115.121(c)(1), 115.121(c)(2) through 115.121(c)(4), 115.122(a), 115.122(b), 115.122(c), 115.122(c)(1) through 115.122(c)(4), 115.123(a) through 115.123(c), 115.125(a), 115.125(a)(2), 115.125(b), 115.125(b)(1) through 115.125(b)(7), 115.126 introductory paragraph, 115.127(a), 115.127(a)(2), 115.127(a)(3), 115.127(a)(3)(B), 115.127(a)(3)(C), 115.127(a)(4), 115.127(a)(4)(C), 115.127(b), 115.127(b)(1), 115.127(b)(2), 115.127(b)(2)(A) through 115.127(b)(2)(B), 115.127(c), 115.127(c)(1), 115.127(c)(2), 115.127(c)(2)(A) through 115.127(c)(2)(C), 115.129 introductory paragraph, 115.129(1) through 115.129(3), 115.131(a), 115.131(a)(2) through 115.131(a)(4), 115.131(b) through 115.131(c), 115.132(a), 115.132(b), 115.132(b)(1) through 115.132(b)(3), 115.132(c), 115.132(c)(3), 115.133(a) through 115.133(c), 115.135(a), 115.135(b), 115.135(b)(1) through 115.135(b)(6), 115.136(a), 115.136(a)(1), 115.136(a)(2), 115.136(a)(2)(A) through 115.136(a)(2)(D), 115.136(a)(3), 115.136(a)(4), 115.136(b), 115.137(a), 115.137(a)(1) through 115.137(a)(4), 115.137(b), 115.137(b)(1) through 115.137(b)(4), 115.137(c), 115.137(c)(1) through 115.137(c)(3), 115.139 introductory paragraph, 115.139(1), 115.139(2), 115.211 introductory paragraph, 115.211(1)(A), 115.211(1)(B), 115.211(2), 115.212(a), 115.212(a)(4), 115.212(a)(5), 115.212(b), 115.212(b)(1), 115.212(b)(2), 115.212(b)(2)(A), 115.212(b)(2)(B), 115.212(b)(3), 115.212(b)(3)(A) through 115.212(b)(3)(C), 115.212(c), 115.212(c)(1), 115.213(a) through 115.213(c), 115.214(a), 115.214(a)(3), 115.214(a)(4), 115.214(b), 115.214(b)(1), 115.214(b)(2), 115.215(a), 115.215(b), 115.215(b)(1) through 115.215(b)(8), 115.216 introductory paragraph, 115.216(4), 115.217(a), 115.217(a)(2) through 115.217(a)(4), 115.217(b), 115.217(b)(1) through 115.217(b)(3), 115.217(c), 115.217(c)(3), 115.219 introductory paragraph, 115.219(1) through 115.219(6), 115.221 introductory paragraph, 115.222 introductory paragraph, 115.222(6), 115.223 introductory paragraph, 115.224 introductory paragraph, 115.224(2), 115.225 introductory paragraph, 115.226 introductory paragraph, 115.227 introductory paragraph, 115.229 introductory paragraph, 115.234 introductory paragraph, 115.235 introductory paragraph, 115.236 introductory paragraph, 115.239 introductory paragraph, 115.311(a), 115.311(a)(1), 115.311(a)(2), 115.311(b), 115.311(b)(1), 115.311(b)(2), 115.312(a), 115.312(a)(2), 115.312(b), 115.312(b)(1), 115.312(b)(1)(A), 115.312(b)(1)(B), 115.312(b)(2), 115.313(a) through 115.313(b), 115.315(a), 115.315(b), 115.315(b)(1) through 115.315(b)(7), 115.316 introductory paragraph, 115.316(1), 115.316(2), 115.316(3), 115.317 introductory paragraph, 115.319 introductory paragraph, 115.319(1), 115.319(2), 115.322(a), 115.322(b), 115.322(b)(1) through 115.322(b)(5), 115.323(a), 115.323(a)(2), 115.323(b), 115.323(b)(1), 115.323(b)(2), 115.324(a), 115.324(a)(4), 115.324(b), 115.324(b)(1), 115.324(b)(1)(A) through 115.324(b)(1)(D), 115.324(b)(2), 115.324(b)(2)(A) through 115.324(b)(2)(C), 115.324(b)(3) through 115.324(b)(8), 115.324(b)(8)(A), 115.324(b)(8)(A)(i), 115.324(b)(8)(A)(ii), 115.324(b)(8)(B), 115.325(a), 115.325(b), 115.325(b)(1) through 115.325(b)(3), 115.326(a), 115.326(a)(2), 115.326(b), 115.326(b)(1), 115.326(b)(2), 115.326(b)(2)(A) through 115.326(b)(2)(I), 115.326(b)(3), 115.326(b)(4), 115.327(a), 115.327(a)(2), 115.327(a)(4), 115.327(a)(5), 115.327(b), 115.327(b)(1), 115.327(b)(1)(A) through 115.327(b)(1)(C), 115.327(b)(2) through 115.327(b)(6), 115.329 introductory paragraph, 115.332 introductory paragraph, 115.333 introductory paragraph, 115.334 introductory paragraph, 115.334(3), 115.334(3)(A), 115.335 introductory paragraph, 115.336 introductory paragraph, 115.337 introductory paragraph, 115.337(2) through 115.337(4), 115.337(4)(E), 115.339 introductory paragraph, 115.342 introductory paragraph, 115.343 introductory paragraph, 115.344 introductory paragraph, 115.345 introductory paragraph, 115.346 introductory

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paragraph, 115.617(1), 115.619 introductory paragraph.

(D) Texas Air Control Board Order No. 92–16, as adopted on October 16, 1992.

(E) Revisions to the General Rules, as adopted by the Board on October 16, section 101.1: Introductory paragraph, new definition for extreme performance coating; revised definitions for gasoline bulk plant, paragraph vii of miscellaneous metal parts and products coating, mirror backing coating, volatile organic compound.

(F) Revisions to Regulation V, as adopted by the Board on October 16, 1992, sections 115.010—new definition for extreme performance coating; revised definitions for gasoline bulk plant, paragraph vii of miscellaneous metal parts and products coating, mirror backing coating, and volatile organic compound; 115.116 title (Monitoring and Recordkeeping Requirements), 115.116(a)(2), 115.116(a)(3), 115.116(a)(3)(A) through 115.116(a)(3)(C), 115.116(a)(5), 115.116(b)(2), 115.116(b)(3), 115.116(b)(3)(A) through 115.116(b)(3)(D), 115.116(b)(4), 115.116(b)(5), 115.119(a), 115.119(b), 115.126 title (Monitoring and Recordkeeping Requirements), 115.126(a), 115.126(a)(1)(A), 115.126(a)(1)(C), 115.126(a)(1)(E), 115.126(b), 115.126(b)(1), 115.126(b)(1)(A) through 115.126(b)(1)(E), 115.126(b)(2), 115.126(b)(2)(A) through 115.126(b)(2)(D), 115.126(b)(3), 115.126(b)(3)(A), 115.126(b)(3)(B), 115.127(a)(4)(A) through 115.127(a)(4)(C), 115.129(a), 115.129(a)(1), 115.129(b), 115.136 title (Monitoring and Recordkeeping Requirements), 115.136(a)(4), 115.136(b), 115.136(b)(1), 115.136(b)(2), 115.136(b)(2)(A) through 115.136(b)(2)(D), 115.136(b)(3), 115.136(b)(4), 115.139(a), 115.139(b), 115.211(a), 115.211(b), 115.215(a), 115.215(b), 115.216 title (Monitoring and Recordkeeping Requirements), 115.216(a), 115.216(a)(2)(A) through 115.216(a)(2)(C), 115.216(a)(5), 115.216(b), 115.216(b)(1), 115.216(b)(2), 115.216(b)(2)(A) through 115.216(b)(2)(D), 115.216(b)(3), 115.216(b)(3)(A), 115.216(b)(3)(B), 115.216(b)(4), 115.217(a)(6), 115.219(a)(1) through 115.219(a)(4), 115.219(b), 115.316 title (Monitoring and Recordkeeping Requirements), 115.316(a), 115.316(a)(1)(A), 115.316(a)(1)(C), 115.316(a)(4), 115.316(b), 115.316(b)(1), 115.316(b)(1)(A) through 115.316(b)(1)(D), 115.316(b)(2), 115.316(b)(2)(A) through 115.316(b)(2)(C), 115.316(b)(3), 115.316(b)(4), 115.319(a)(1), 115.319(a)(2), 115.319(b), 115.421(a), 115.421(a)(12), 115.421(a)(12)(A), 115.421(a)(12)(A)(i), 115.421(a)(12)(A)(ii), 115.421(a)(12)(B), 115.425(a)(4)(C)(ii), 115.426 title (Monitoring and Recordkeeping Requirements), 115.426(a)(2), 115.426(a)(2)(A)(i), 115.426(b)(2), 115.426(b)(2)(i), 115.427(a)(5)(C), 115.427(a)(6), 115.427(a)(6)(A) through 115.427(a)(6)(C), 115.427(a)(7), 115.429(d), 115.436 title (Monitoring and Recordkeeping Requirements), 115.436(a)(3), 115.436(a)(3)(C), 115.436(b), 115.436(b)(3), 115.436(b)(3)(B) through 115.436(b)(3)(D), 115.439(d), 115.536 title (Monitoring and Recordkeeping Requirements), 115.536(a)(1), 115.536(a)(2), 115.536(a)(2)(A), 115.536(a)(2)(A)(ii), 115.536(a)(5), 115.536(b)(1), 115.536(b)(2), 115.536(b)(2)(A), 115.536(b)(2)(A)(ii) through 115.536(b)(2)(A)(iv), 115.539(c).

(89) A revision to the Texas State Implementation Plan to adopt an attainment demonstration control strategy for lead which addresses that portion of Collin County owned by GNB.

(i) Incorporation by reference.

(A) Texas Air Control Board Order Number 92–09 issued and effective October 16, 1992, for settlement of the enforcement action against the GNB facility at Frisco, Texas.

(B) Texas Air Control Board Order Number 93–10 issued and effective June 18, 1993, for control of lead emissions from the GNB facility at Frisco, Texas.

(C) Texas Air Control Board Order Number 93–12 issued and effective June 18, 1993, establishing contingency measures relating to the GNB facility at Frisco, Texas.

(ii) Additional material.

(A) The lead attainment demonstration prepared by the State, dated July 1993.

(90) A revision to the Texas SIP regarding ozone monitoring. The State of Texas will modify its SLAMS and its NAMS monitoring systems to include a PAMS network design and establish monitoring sites. The State's SIP revision satisfies 40 CFR 58.20(f) PAMS requirements.

(i) Incorporation by reference.

(A) TNRCC Order Number 93–24 as adopted by the TNRCC November 10, 1993.

(B) SIP narrative plan entitled ''Revisions to the State Implementation Plan (SIP) for the Control of Ozone Air Pollution'' adopted by the TNRCC on November 10, 1993, addressing: 1993 Rate-of-Progress SIP for Dallas/Fort Worth, El Paso, Beaumont/Port Arthur and Houston/Galveston Ozone Nonattainment Areas, Section VI: Control Strategy, B. Ozone Control Strategy, 7. SIP Revisions for 1993 Rate-of-Progress (new.), a. Ozone Control Plan, 1) General, f) Photochemical Assessment Monitoring Stations, page 87, second paragraph, first sentence; third paragraph; fourth paragraph; and, the fifth paragraph which ends on page 88; page 88, first complete paragraph, including numbers (1), (2) and (3).

(ii) Additional material.

(A) The Texas SIP revision narrative regarding PAMS.

(B) TNRCC certification letter dated November 10, 1993, and signed by Gloria A. Vasquez, Chief Clerk, TNRCC.

(91)–(92) [Reserved]

(93) A revision to the Texas State Implementation Plan (SIP) to include agreed orders limiting sulfur dioxide ($SO_2$) allowable emissions at certain nonpermitted facilities in Harris County, and to include a modeling demonstration showing attainment of the $SO_2$ National Ambient Air Quality Standards, was submitted by the Governor by cover letter dated August 3, 1994.

(i) Incorporation by reference.

(A) Texas Natural Resource Conservation Commission (TNRCC) Order No. 94–09, as adopted by the TNRCC on June 29, 1994.

(B) TNRCC Order No. 94–10 for Anchor Glass Container, as adopted by the TNRCC on June 29, 1994.

(C) TNRCC Order No. 94–11 for Crown Central Petroleum Corporation, as adopted by the TNRCC on June 29, 1994.

(D) TNRCC Order No. 94–12 for Elf Atochem North America, Inc., as adopted by the TNRCC on June 29, 1994.

(E) TNRCC Order No. 94–13 for Exxon Company USA, as adopted by the TNRCC on June 29, 1994.

(F) TNRCC Order No. 94–14 for ISK Biosciences Corporation, as adopted by the TNRCC on June 29, 1994.

(G) TNRCC Order No. 94–15 for Lyondell Citgo Refining Company, LTD., as adopted by the TNRCC on June 29, 1994.

(H) TNRCC Order No. 94–16 for Lyondell Petrochemical Company, as adopted by the TNRCC on June 29, 1994.

(I) TNRCC Order No. 94–17 for Merichem Company, as adopted by the TNRCC on June 29, 1994.

(J) TNRCC Order No. 94–18 for Mobil Mining and Minerals Company, as adopted by the TNRCC on June 29, 1994.

(K) TNRCC Order No. 94–19 for Phibro Energy USA, Inc., as adopted by the TNRCC on June 29, 1994.

(L) TNRCC Order No. 94–20 for Shell Chemical and Shell Oil, as adopted by the TNRCC on June 29, 1994.

(M) TNRCC Order No. 94–21 for Shell Oil Company, as adopted by the TNRCC on June 29, 1994.

(N) TNRCC Order No. 94–22 for Simpson Pasadena Paper Company, as adopted by the TNRCC on June 29, 1994.

(ii) Additional material.

(A) May 27, 1994, letter from Mr. Norman D. Radford, Jr. to the TNRCC and the EPA Region 6 requesting approval of an equivalent method of monitoring sulfur in fuel and an equivalent method of determining compliance.

(B) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Crown Central Petroleum Corporation, approving an alternate monitoring and compliance demonstration method.

(C) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Exxon Company USA, approving an alternate monitoring and compliance demonstration method.

(D) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Lyondell Citgo Refining Co., LTD., approving an alternate monitoring and compliance demonstration method.

(E) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Phibro Energy, USA, Inc., approving an alternate monitoring and compliance demonstration method.

(F) June 28, 1994, letter from Anthony C. Grigsby, Executive Director,

TNRCC, to Shell Oil Company, approving an alternate monitoring and compliance demonstration method.

(G) June 8, 1994, letter from Mr. S. E. Pierce, Mobil Mining and Minerals Company, to the TNRCC requesting approval of an alternative quality assurance program.

(H) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Mobil Mining and Minerals Company, approving an alternative quality assurance program.

(I) August 3, 1994, narrative plan addressing the Harris County Agreed Orders for $SO_2$, including emission inventories and modeling analyses (i.e. the April 16, 1993, report entitled ''Evaluation of Potential 24-hour $SO_2$ Nonattainment Area in Harris County, Texas-Phase II'' and the June, 1994, addendum).

(J) TNRCC certification letter dated June 29, 1994, and signed by Gloria Vasquez, Chief Clerk, TNRCC.

(94) Revisions to the Texas SIP addressing visible emissions requirements were submitted by the Governor of Texas by letters dated August 21, 1989, January 29, 1991, October 15, 1992 and August 4, 1993.

(i) Incorporation by reference.

(A) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.111, ''Requirements for Specified Sources;'' Subsection 111.111(a) (first paragraph) under ''Visible Emissions;'' Subsections 111.111(a)(1) (first paragraph), 111.111(a)(1)(A), 111.111(a)(1)(B) and 111.111(a)(1)(E) under ''Stationary Vents;'' Subsection 111.111(b) (first paragraph) under ''Compliance Determination Exclusions;'' and Subsections 111.113 (first paragraph), 111.113(1), 111.113(2), and 111.113(3) under ''Alternate Opacity Limitations,'' as adopted by the TACB on June 16, 1989.

(B) TACB Board Order No. 89–03, as adopted by the TACB on June 16, 1989.

(C) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.111, ''Requirements for Specified Sources;'' Subsections 111.111(a)(4)(A) and 111.111(a)(4)(B)(i) under ''Railroad Locomotives or Ships;'' Subsections 111.111(a)(5)(A) and 111.111(a)(5)(B)(i) under ''Structures;'' and Subsections 111.111(a)(6)(A) and 111.111(a)(6)(B)(i) under ''Other Sources,'' as adopted by the TACB on October 12, 1990.

(D) TACB Board Order No. 90–12, as adopted by the TACB on October 12, 1990.

(E) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.111, ''Requirements for Specified Sources;'' Subsections 111.111(a)(1)(C), 111.111(a)(1)(D), 111.111(a)(1)(F) (first paragraph), 111.111(a)(1)(F)(i), 111.111(a)(1)(F)(ii), 111.111(a)(1)(F)(iii), 111.111(a)(1)(F)(iv), and 111.111(a)(1)(G) under ''Stationary Vents;'' Subsections 111.111(a)(2) (first paragraph), 111.111(a)(2)(A), 111.111(a)(2)(B), and 111.111(a)(2)(C) under ''Sources Requiring Continuous Emissions Monitoring;'' Subsection 111.111(a)(3) (first paragraph) under ''Exemptions from Continuous Emissions Monitoring Requirements;'' Subsection 111.111(a)(4), ''Gas Flares,'' title only; Subsection 111.111(a)(5) (first paragraph) under ''Motor Vehicles;'' Subsections 111.111(a)(6)(A), 111.111(a)(6)(B) (first paragraph), 111.111(a)(6)(B)(i) and 111.111(a)(6)(B)(ii) under ''Railroad Locomotives or Ships'' (Important note, the language for 111.111(a)(6)(A) and 111.111(a)(6)(B)(i) was formerly adopted as 111.111(a)(4)(A) and 111.111(a)(4)(B)(i) on October 12, 1990); Subsections 111.111(a)(7)(A), 111.111(a)(7)(B) (first paragraph), 111.111(a)(7)(B)(i) and 111.111(a)(7)(B)(ii) under ''Structures'' (Important note, the language for 111.111(a)(7)(A) and 111.111(a)(7)(B)(i) was formerly adopted as 111.111(a)(5)(A) and 111.111(a)(5)(B)(i) on October 12, 1990); and Subsections 111.111(a)(8)(A), 111.111(a)(8)(B) (first paragraph), 111.111(a)(8)(B)(i) and 111.111(a)(8)(B)(ii) under ''Other Sources'' (Important note, the language for 111.111(a)(8)(A) and 111.111(a)(8)(B)(i) was formerly adopted as 111.111(a)(6)(A) and 111.111(a)(6)(B)(i) on October 12, 1990), as adopted by the TACB on September 18, 1992.

(F) TACB Board Order No. 92–19, as adopted by the TACB on September 18, 1992.

(G) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.111, ''Requirements for Specified Sources;'' Subsections 111.111(a)(4)(A) (first paragraph), 111.111(a)(4)(A)(i), 111.111(a)(4)(A)(ii), and 111.111(a)(4)(B)

under ''Gas Flares,'' as adopted by the TACB on June 18, 1993.

(H) TACB Board Order No. 93–06, as adopted by the TACB on June 18, 1993.

(ii) Additional material.

(A) TACB certification letter dated July 27, 1989, and signed by Allen Eli Bell, Executive Director, TACB.

(B) TACB certification letter dated January 9, 1991, and signed by Steve Spaw, Executive Director, TACB.

(C) TACB certification letter dated October 1, 1992, and signed by William Campbell, Executive Director, TACB.

(D) TACB certification letter dated July 13, 1993, and signed by William Campbell, Executive Director, TACB.

(95) Alternative emission reduction (bubble) plan for the Shell Oil Company's Deer Park manufacturing complex submitted to the EPA by the Governor of Texas in a letter dated July 26, 1993.

(i) Incorporation by reference.

(A) TACB Order 93–11, as adopted by the TACB on June 18, 1993.

(B) SIP narrative entitled, ''Site-Specific State Implementation Plan,'' section IV.H.1.b., attachment (4), entitled, ''Alternate Emission Reduction (''Bubble'') Plan Provisions for Uncontrolled Vacuum-Producing Vents, Shell Oil Company, Deer Park Manufacturing Complex, HG–0659–W,'' adopted by the TACB on June 18, 1993.

(ii) Additional material.

(A) SIP narrative entitled, ''Site-Specific State Implementation Plan,'' section IV.H.1.b., adopted by the TACB on June 18, 1993.

(B) TACB certification letter dated July 5, 1993, and signed by William R. Campbell, Executive Director, TACB.

(96) A revision to the Texas State Implementation Plan for Transportation Conformity: Regulation 30 TAC Chapter 114 ''Control of Air Pollution from Motor Vehicles'', Section 114.27 ''Transportation Conformity'' as adopted by the Texas Natural Resource Conservation Commission (TNRCC) on October 19, 1994, was submitted by the Governor on November 6, 1994. No action is taken on a portion of 30 TAC 114.27(c) that contains provisions of 40 CFR 51.448.

(i) Incorporation by reference.

(A) The TNRRC 30 TAC Chapter 114 ''Control of Air Pollution from Motor Vehicles'', 114.27 ''Transportation Conformity'' as adopted by the TNRCC on October 19, 1994. No action is taken on a portion of 30 TAC 114.27(c) that contains provisions of 40 CFR 51.448.

(B) TNRCC order No. 94–40 as passed and approved on October 12, 1994.

(ii) Additional material. None.

(97) Revisions to the Texas SIP addressing revisions to the Texas Air Control Board (TACB) General Rules, 31 Texas Administrative Code (TAC) Chapter 101, ''General Rules'', section 101.1, ''Definitions'', and revisions to TACB Regulation VI, 31 TAC Chapter 116, ''Control of Air Pollution by Permits for New Construction or Modification,'' were submitted by the Governor of Texas by letters dated December 11, 1985, October 26, 1987, February 18, 1988, September 29, 1988, December 1, 1989, September 18, 1990, November 5, 1991, May 13, 1992, November 13, 1992, and August 31, 1993.

(i) Incorporation by reference.

(A) Revisions to TACB Regulation VI, 31 TAC Chapter 116, sections 116.2 and 116.10(a)(4), as adopted by the TACB on July 26, 1985.

(B) TACB Board Order No. 85–07, as adopted by the TACB on July 26, 1985.

(C) Amended TACB Regulation VI, 31 TAC Chapter 116, section 116.10(a)(3) as adopted by the TACB on July 17, 1987.

(D) TACB Board Order No. 87–09, as adopted by the TACB on July 17, 1987.

(E) Amended TACB Regulation VI, 31 TAC Chapter 116, sections 116.10(a)(1), 116.10(c)(1), 116.10(c)(1)(A), 116.10(c)(1)(B), 116.10(c)(1)(C) and 116.10(f), as adopted by the TACB on December 18, 1987.

(F) TACB Board Order No. 87–17, as adopted by the TACB on December 18, 1987.

(G) Amended TACB Regulation VI, 31 TAC Chapter 116, redesignation of section 116.1 to 116.1(a), revision to section 116.1(b), and redesignation of 116.10(a)(6) to 116.10(a)(7), as adopted by the TACB on July 15, 1988.

(H) TACB Board Order No. 88–08, as adopted by the TACB on July 15, 1988.

(I) Amended TACB Regulation VI, 31 TAC Chapter 116, sections 116.1(a), 116.3(f), 116.5, 116.10(a)(7), 116.10(b)(1), 116.10(d), 116.10(e), 116.11(b)(3), 116.11(e), and 116.11(f), as adopted by the TACB on August 11, 1989.

(J) TACB Board Order No. 89–06, as adopted by the TACB on August 11, 1989.

(K) Amended TACB Regulation VI, 31 TAC Chapter 116, sections 116.1(c), 116.3(a)(1), 116.3(a)(1)(A), and 116.3(a)(1)(B), as adopted by the TACB on May 18, 1990.

(L) TACB Board Order No. 90–05, as adopted by the TACB on May 18, 1990.

(M) Amended TACB Regulation VI, 31 TAC Chapter 116, section 116.1(a)(15), as adopted by the TACB on September 20, 1991.

(N) TACB Board Order No. 91–10, as adopted by the TACB on September 20, 1991.

(O) Revisions to TACB General Rules, 31 TAC Chapter 101 to add definitions of ''actual emissions''; ''allowable emissions''; ''begin actual construction''; ''building, structure, facility, or installation''; ''commence''; ''construction''; ''de minimis threshold''; ''emissions unit''; ''federally enforceable''; ''necessary preconstruction approvals or permits''; ''net emissions increase''; ''nonattainment area''; ''reconstruction''; ''secondary emissions''; and ''synthetic organic chemical manufacturing process'' and to modify definitions of ''fugitive emission''; ''major facility/stationary source''; and ''major modification'' (except for Table I), as adopted by the TACB on May 8, 1992.

(P) Amended TACB Regulation VI, 31 TAC Chapter 116, sections 116.3(a)(1), (3), (4), (5), (7), (8), (9), (10), (11), (12), and (13); 116.3(c)(1); and 116.11(b)(4), as adopted by the TACB on May 8, 1992.

(Q) TACB Board Order No. 92–06, as adopted by the TACB on May 8, 1992.

(R) Amended TACB Regulation VI, 31 TAC Chapter 116, sections 116.3(a); 116.3(a)(7) and (10); 116.3(c); and 116.14 as, adopted by the TACB on October 16, 1992.

(S) TACB Board Order No. 92–18, adopted by the TACB on October 16, 1992.

(T) Amended TACB Regulation VI, 31 TAC Chapter 116, Table I, as adopted in section 116.012 by the TACB on August 16, 1993, is approved and incorporated into section 101.1 in lieu of Table I adopted May 8, 1992.

(U) TACB Board Order No. 93–17, as adopted by the TACB on August 16, 1993

(ii) Additional materials—None.

(98)–(99) [Reserved]

(100) A revision to the Texas State Implementation Plan (SIP) to adopt an alternate control strategy for the surface coating processes at the Bell Helicopter Textron, Incorporated (Bell) Plant 1 Facility.

(i) Incorporation by reference.

(a) Texas Natural Resource Conservation Commission Agreed Order for Docket No. 95–1642–SIP, issued and effective April 2, 1996, for Bell's Plant 1 facility.

(b) A letter from the Governor of Texas dated April 18, 1996, submitting to the EPA the Agreed Order and the site-specific SIP revision for Bell.

(ii) Additional material.

(a) The site-specific revision to the Texas State Implementation Plan for Bell, dated January 16, 1996.

(b) The alternate reasonably available control technology demonstration prepared by Bell, dated December 1995.

(101) Revisions to Texas Natural Resource Conservation Commission Regulation II and the Texas State Implementation Plan concerning the Control of Air Pollution from Sulfur Compounds, submitted by the Governor by cover letters dated October 15, 1992 and September 20, 1995. These revisions relax the $SO_2$ limit from 3.0 lb/MMBtu to 4.0 lb/MMBtu, and include Agreed Order No. 95–0583–SIP, which stipulates specific $SO_2$ emission limit compliance methodologies for the Aluminum Company of America, located in Rockdale, Texas.

(i) Incorporation by reference.

(A) Texas Natural Resource Conservation Commission Agreed Order No. 95–0583–SIP, approved and effective on August 23, 1995.

(B) Revisions to 30 TAC Chapter 112, Section 112.8 'Allowable Emission Rates from Solid Fossil Fuel-Fired Steam Generators,' Subsections 112.8(a) and 112.8(b) as adopted by the Texas Air Control Board on September 18, 1992, and effective on October 23, 1992.

(ii) Additional material.

(A) The State submittal entitled, ''Revisions to the State Implementation Plan Concerning Sulfur Dioxide in Milam County,'' dated July 26, 1995, including Appendices G–2–1 through G–2–6.

(B) The document entitled *Dispersion Modeling Analysis of ALCOA Rockdale Operations, Rockdale, Texas,* dated April 28, 1995 (document No. 1345–05).

(102) The Governor of Texas submitted on August 31, 1993, and July 12, 1995, revisions to the Texas State Implementation Plan for Prevention of Significant Deterioration adopted by TACB on August 16, 1993, and by Texas Natural Resource Conservation Commission (TNRCC) on March 1, 1995. The revisions adopted on August 16, 1993, were a comprehensive recodification of and revisions to the existing requirements. The revision adopted on March 1, 1995, amended the recodified Section 116.160(a) to incorporate the PM–10 PSD increments.

(i) Incorporation by reference.

(A) TACB Board Order Number 93–17, as adopted by TACB on August 16, 1993.

(B) Recodified and revised Regulation VI—Control of Air Pollution by Permits for New Construction or Modification, as adopted by TACB on August 16, 1993, Repeal of 31 TAC Sections 116.3(a)(9), 116.3(a)(11), 116.3(a)(12), 116.3(14), and 116.11(b) (1)–(4); New Sections 116.160 introductory paragraph, 116.160 (a)–(d), 116.161, 116.162 introductory paragraph, 116.162 (1)–(4), 116.163 (a)–(e) and 116.141 (a),(c)–(e).

(C) Revisions to Regulation VI—Control of Air Pollution by Permits for New Construction or Modification: as adopted by Texas Natural Resource Conservation Commission (TNRCC) on August 16, 1993. New Section 116.010, definition of *de minimis* impact.

(D) Revision to General Rules, as adopted by Texas Natural Resource Conservation Commission (TNRCC) on August 16, 1993, Repeal Section 101.1 definition of *de minimis* impact.

(E) Texas Natural Resource Conservation Commission (TNRCC) Commission Order Docket Number 95–0276–RUL, as adopted by Texas Natural Resource Conservation Commission (TNRCC) on March 1, 1995.

(F) Revision to Regulation VI—Control of Air Pollution by Permits for New Construction or Modification, revised 30 TAC Section 116.160(a), as adopted by Texas Natural Resource Conservation Commission (TNRCC) on March 1, 1995.

(103) Revisions to the Texas SIP addressing VOC RACT Negative Declarations. A revision to the Texas SIP was submitted on January 10, 1996, which included negative declarations for various categories. Section 172(c)(1) of the Clean Air Act Amendments of 1990 requires nonattainment areas to adopt, at a minimum, the reasonably available control technology (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 source category exist in a nonattainment area, a State may submit a negative declaration for that category. Texas submitted negative declarations for the areas and source categories listed in this paragraph (c)(103). For the Beaumont/Port Arthur region, negative declarations were submitted for the following eight categories: clean-up solvents, aerospace coatings, shipbuilding and repair, wood furniture, plastic part coatings-business machines, plastic part coatings-others, autobody refinishing, and offset lithography. For Dallas/Fort Worth, negative declarations were submitted for six categories: industrial wastewater, clean-up solvents, shipbuilding and repair, autobody refinishing, plastic part coatings-business machines, and offset lithography. For the Houston/Galveston area, negative declarations were submitted for seven categories: clean-up solvents, aerospace coatings, wood furniture, plastic part coatings-business machines, plastic part coatings-others, autobody refinishing, and offset lithography. For El Paso, negative declarations were submitted for nine categories: industrial wastewater, clean-up solvents, aerospace coatings, shipbuilding and repair, wood furniture, plastic part coatings-business machines, plastic part coatings-others, autobody refinishing, and offset lithography. This submittal satisfies section 182(b)(2) of the Clean Air Act Amendments of 1990 for these particular CTG/ACT source

categories for the Texas ozone nonattainment areas stated in this paragraph (c)(103).

(i) Incorporation by reference. The letter dated January 10, 1996, from the Governor of Texas to the Regional Administrator, submitting the Post-1996 Rate of Progress Plan as a revision to the SIP, which included VOC RACT negative declarations.

(ii) Additional material. Pages 53, 55 through 59, 61, 63, and 64 of the Post-1996 Rate of Progress Plan, adopted by the Texas Natural Resource Conservation Commission on December 13, 1995.

(104) Revisions to the Texas State Implementation Plan, submitted to the EPA in letters dated November 13, 1993, May 9, 1994, August 3, 1994, and November 14, 1994. These control measures can be found in the 15 Percent Plans for the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso and Houston/Galveston ozone nonattainment areas. These control measures are being approved for the purpose of strengthening of the SIP.

(i) Incorporation by reference.

(A) Revisions to the General Rules as adopted by the Texas Natural Resource Conservation Commission on November 10, 1993; Section 101.1—New Definitions for Alcohol Substitutes (used in offset lithographic printing), Automotive basecoat/clearcoat system (used in automobile refinishing), Automotive precoat (used in automobile refinishing), Automotive pretreatment (used in automobile refinishing), Automotive sealers (used in automobile refinishing), Automotive specialty coatings (used in automobile refinishing), Automotive three-stage system (used in automobile refinishing), Batch (used in offset lithographic printing), Cleaning solution (used in offset lithographic printing), Fountain Solution (used in offset lithographic printing), Hand-held lawn and garden and utility equipment, Heatset (used in Offset lithographic Printing), HVLP spray guns, Industrial Solid Waste introductory paragraph and (A)–(C), Lithography (used in offset lithographic printing), Marine terminal, Marine vessel, Municipal solid waste facility, Municipal solid waste landfill, Municipal solid waste landfill emissions, Non-heatset (used in offset lithographic printing), Offset lithography, Sludge, Solid waste introductory paragraph and (A)–(C), Synthetic Organic Chemical Manufacturing Industry batch distillation operation, Synthetic Organic Chemical Manufacturing Industry batch process, Synthetic Organic Chemical Manufacturing Industry distillation operation, Synthetic Organic Chemical Manufacturing Industry distillation unit, Synthetic Organic Chemical Manufacturing Industry reactor process, Transport vessel, Utility engines, Vapor recovery system, VOC introductory paragraph and (A)–(D).

(B) Revisions to Regulation V, as adopted by the Commission on November 10, 1993; Section 115.010. new definitions for Alcohol substitutes (used in offset lithographic printing), Automotive basecoat/clearcoat system (used in automobile refinishing), Automotive precoat (used in automobile refinishing), Automotive pretreatment (used in automobile refinishing), Automotive sealers (used in automobile refinishing), Automotive specialty coatings (used in automobile refinishing), Automotive three-stage system (used in automobile refinishing), Batch (used in offset lithographic printing), Cleaning solution (used in offset lithographic printing), Fountain Solution (used in offset lithographic printing), Hand-held lawn and garden and utility equipment, Heatset (used in Offset lithographic Printing), High-volume low-pressure spray guns, Industrial solid waste introductory paragraph and (A)–(C), Leakless Valve, Lithography (used in offset lithographic printing) Marine terminal, Marine vessel, Municipal solid waste facility, Municipal solid waste landfill, Municipal solid waste landfill emissions, Non-heatset (used in offset lithographic printing), Offset lithography, Owner or operator of a motor vehicle dispensing facility (as used in §§ 115.241–115.249 of this title, relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Fuel Dispensing Facilities), Sludge, Solid waste introductory paragraph and (A)–(C), Synthetic Organic Chemical Manufacturing Industry batch distillation operation, Synthetic Organic Chemical Manufacturing Industry batch process, Synthetic Organic Chemical Manufacturing Industry distillation operation,

Synthetic Organic Chemical Manufacturing Industry distillation unit, Synthetic Organic Chemical Manufacturing Industry reactor process, Transport vessel, Utility Engines, Vapor recovery system, Volatile Organic Compound introductory and (A)–(D). Revised sections 115.121(a)(1), 115.121(a)(2), 115.121(a)(3), 115.121(a)(4), 115.122(a)(2), 115.122(a)(3), 115.122(a)(3)(A), 115.122(a)(3)(B), 115.123(a), 115.123(a)(1), 115.123(a)(2), 115.126(a)(1), 115.126(a)(1)(C), 115.126(b)(1)(C), 115.127(a)(1), 115.127(a)(2), 115.127(a)(3), 115.127(a)(4), 115.127(a)(5), 115.127(a)(5)(A), 115.127(a)(5)(B), 115.127(a)(5)(C), 115.129(a)(1), 115.129(a)(2), 115.129(a)(3), 115.129(a)(4), 115.152(a)(2), 115.152(a)(2)(A)–115.152(a)(2)(C), 115.152(a)(3), 115.152(b), 115.152(b)(1), 115.152(b)(2), 115.152(b)(3), 115.155 introductory paragraph, 115.155(1), 115.155(4), 115.155(5), 115.155(6), 115.155(7), 115.155(9), 115.156(1), 115.156(3), 115.156(3)(B), 115.156(3)(C), 115.156(3)(D),115.156(3)(D)(i)–115.156(3)(D)(iii), 115.156(3)(E), 115.156(3)(E)(i), 115.156(3)(E)(ii), 115.211(a)(1), 115.211(b), 115.212(a)(1), 115.212(a)(2), 115.212(a)(3), 115.212(a)(4), 115.212(a)(5)(A), 115.212(a)(5)(A)(i), 115.212(a)(5)(A)(ii), 115.212(a)(5)(B), 115.212(a)(6), 115.212(a)(7), previously approved 115.212(a)(4)(A) now redesignated 115.212(a)(8)(A), 115.212(a)(8)(B), 115.212(a)(8)(C), 115.212(a)(9)(A)–115.212(a)(9)(D), 115.212(a)(10)(A), 115.212(a)(10)(B), 115.212(b), 115.212(b)(1), 115.212(b)(2), 115.212(b)(3),115.212(b)(3)(A), 115.212(b)(3)(A)(i), 115.212(b)(3), 115.217(a)(11)(B) (note that 115.217(a)(11)(A) and 115.217(a)(11)(B) were moved to 115.217(a)(9)(A) and 115.217(a)(9)(B) in the May 9, 1994 adoption without revisions, 115.217(b)(1), 115.217(b)(2)(A)–115.217(b)(2)(C), 115.217(b)(3), 115.217(b)(4), 115.217(b)(4)(A)–115.217(b)(4)(C), 115.217(b)(5), 115.217(b)(5)(A), 115.217(b)(5)(B), 115.217(c)(1), 115.217(c)(2)(A)–115.217(c)(2)(C), 115.217(c)(3), 115.217(c)(4), 115.217(c)(4)(A)–115.217(c)(4)(C), 115.217(c)(5), 115.217(c)(5)(A), 115.217(c)(5)(B), 115.219(b), 115.222(1), 115.222(5), 115.222(6), 115.222(7), 115.222(8), 115.222(9), 115.222(10), 115.222(11), 115.226 introductory paragraph, 115.226(1), 115.226(2), 115.226(2)(A), 115.226(2)(B), 115.227(1), 115.227(2), 115.227(3), 115.227(3)(A), 115.227(3)(B), 115.229(a), 115.229(b), 115.229(c), 115.229(c)(1), 115.229(c)(2), 115.234 introductory paragraph, 115.234(1), 115.234(2), 115.235(1), 115.235(4), 115.236 introductory paragraph, 115.236(1), 115.237(1), 115.237(2), 115.237(3), 115.239(a), 115.239(b), 115.242(1), 115.242(1)(A), 115.242(1)(B), 115.242(2), 115.242(2)(A)–115.242(2)(F), 115.242(3), 115.242(3)(A), 115.242(3)(B), 115.242(3)(C), 115.242(3)(C)(i)–115.242(3)(C)(iii), 115.242(3)(D)–115.242(3)(K), 115.242(4), 115.242(5), 115.242(6), 115.242(7), 115.242(8), 115.242(9), 115.242(9)(A)–115.242(9)(C), 115.242(10), 115.242(10)(A), 115.242(10)(B), 115.242(11), 115.242(12), 115.242(12)(A)–115.242(12)(C), 115.243 introductory paragraph, 115.243(1), 115.243(2), 115.244 introductory paragraph, 115.244(1), 115.244(2), 115.244(3), 115.244(4), 115.245 introductory paragraph, 115.245(1), 115.245(1)(A), 115.245(1)(A)(i)–115.245(1)(A)(iv), 115.245(1)(B), 115.245(1)(C), 115.245(1)(D), 115.245(2), 115.245(3),115.245(3)(A)–115.245(3)(C), 115.245(4), 115.245(5), 115.245(5)(A), 115.245(5)(B), 115.245(6), 115.246(1), 115.246(2), 115.246(3), 115.246(4), 115.246(5), 115.246(6), 115.246(7), 115.246(7)(A), 115.246(7)(B), 115.247(2), 115.248(1), 115.248(1)(A), 115.248(1)(B), 115.248(3), 115.248(3)(A)–115.248(3)(E), 115.248(4), 115.248(4)(A), 115.248(4)(B), 115.248(4)(B)(i), 115.248(4)(B)(ii), 115.249(1), 115.249(2),115.249(3), 115.249(4), 115.324(a)(8)(A)(iii), 115.334(3)(A)(iii). New sections 115.352, 115.353, 115.354, 115.355, 115.356, 115.357, and 115.359. Revised sections 115.421(a)(8)(B), 115.421(a)(8)(B)(i), 115.421(a)(8)(C), 115.421(a)(8)(C)(i)–115.421(a)(8)(C)(ix), 115.421(a)(8)(D), 115.421(a)(11), 115.422 introductory paragraph, 115.422(1), 115.422(2), 115.426(a)(1)(B), 115.426(a)(2)(A)(iii), 115.426(b)(1)(B), 115.426(b)(2)(A)(iii), 115.427(a)(1)(B), 115.427(a)(2), 115.427(a)(3), 115.427(a)(4), 115.427(a)(4)(A)–115.427(a)(4)(E), 115.427(a)(5), 115.427(a)(6), deletion of 115.427(a)(7), 115.429(a), 115.429(b), 115.429(c). New Subchapter E: Offset Lithography, sections 115.442, 115.443, 115.445, 115.446, 115.449, and new Subchapter F: Miscellaneous Industrial Sources, Degassing or Cleaning of Stationary and Transport Vessels, sections 115.541, 115.542, 115.543, 115.544, 115.545,

115.546, 115.547, 115.549. Revised sections 115.910(b), 115.930, 115.932, 115.940. New Subchapter J: Administrative Provisions, Standard Permits, section 115.950.

(C) Texas Natural Resources Conservation Commission Order No. 93–20 as adopted November 10, 1993.

(D) Revisions to the General Rules as adopted by the Commission on May 4, 1994; 101.1 new definitions for Alcohol (used in offset lithographic printing), Bakery oven, Clear coat (used in wood parts and products coating), Clear sealers (used in wood parts and products coating), Final repair coat (used in wood parts and products coating), Opaque ground coats and enamels (used in wood parts and products coating), Semitransparent spray stains and toners (used in wood parts and products coating), Semitransparent wiping and glazing stains (used in wood parts and products coating), Shellacs (used in wood parts and products coating), Surface coating processes (M) Wood parts and Products Coating, Topcoat (used in wood parts and products coatings), Varnishes (used in wood parts and products coatings, Wash coat (used in wood parts and products coating).

(E) Revisions to Regulation V as adopted by the Commission on May 4, 1994; 115.10 new Definitions for Alcohol (used in offset lithographic printing), Bakery oven, Clear coat (used in wood parts and products coating), Clear sealers (used in wood parts and products coating), Continuous monitoring, Final repair coat (used in wood parts and products coating), Leak-free marine vessel, Marine loading facility, Marine terminal, Opaque ground coats and enamels (used in wood par 115.541(b)(2), 115.541(b)(3), 115.541(b)(4), 115.541(b)(5), 115.542(a), 115.543, 115.544 introductory paragraph, 115.545 introductory paragraph, 115.546 introductory paragraph, 115.547 introductory paragraph, 115.549(a), 115.549(b), 115.549(c), new sections 115.552, 115.553, 115.555, 115.556, 115.557, 115.559, repeal of sections 115.612, 115.613, 115.614, 115.615, 115.617, 115.619, new sections 115.600, 115.610, 115.612, 115.613, 115.614, 115.615, 115.616, 115.617, and 115.619.

(F) Texas Natural Resource Conservation Commission Order No. 94–06 as adopted May 4, 1994.

(G) Revision to Regulation V as adopted by the Commission on July 13, 1994; new sections 115.901, 115.910, 115.911, 115.912, 115.913, 115.914, 115.915, 115.916, 115.920, 115.923.

(H) Texas Natural Resource Conservation Commission Order No. 94–26 as adopted July 13, 1994.

(I) Texas Natural Resource Conservation Commission Order No. 94–0676-SIP as adopted November 9, 1994.

(ii) Additional material.

(A) Appendix A of the Revision to the Texas SIP adopted by the Commission on November 9, 1994 concerning alternate means of control.

(105) Revisions to the Texas State Implementation Plan, submitted to EPA in letters dated January 11, 1995; July 12, 1995; November 10, 1995; January 10, 1996; March 13, 1996; August 9, 1996 and May 21, 1997. Sections 115.122(a)(3), 126(a)(4), 126(a)(5), 127(a)(5) and 129(2)–129(5) pertaining to bakeries, 115.140–115.149 pertaining to Industrial Wastewater, 115.421(a)(13) pertaining to wood coating, and 115.152–115.159 pertaining to municipal waste landfills retain their limited approval as revised in these SIP revisions because they strengthen the SIP. All other sections of these SIP revisions receive full approval.

(i) Incorporation by Reference.

(A) Revisions to the General Rules as adopted by the Texas Natural Resources Conservation Commission (Commission) on January 4, 1995, effective January 27, 1995, Section 101.10(a)(1).

(B) Revisions to Regulation V, as adopted by the Commission on January 4, 1995, effective on January 27, 1995, Sections 115.112(c), 115.112(c)(2)(A), 115.112(c)(3), 115.113(a), 115.113(b), 115.113(c), 115.115(a)(7), 115.115(b)(7), 115.116(a)(2), 115.116(a)(2)(A)–115.116(a)(2)(J), 115.117(c), 115.119 introductory paragraph, 115.121(b), 115.122(a)(4)(B), 115.123(a)(1), 115.127(a)(5)(C), 115.127(b)(2)(A), 115.127(b)(2)(B), 115.143 introductory paragraph, 115.147(6), 115.149(a), 115.149(b), 115.159(a), 115.219(c).

(C) Certification dated January 4, 1995 that copies of revisions to General Rules and Regulation V adopted by the Commission on January 4, 1995, and submitted to EPA on January 11, 1995,

are true and correct copies of documents on file in the permanent records of the Commission.

(D) Revisions to Regulation V, as adopted by the Commission on May 24, 1995, effective June 16, 1995, Sections 115.212(a)(1), 115.212(a)(2), 115.212(a)(5)(A)(i), 115.212(a)(5)(A)(ii), 115.212(a)(5)(C), 115.212(a)(5)(C)(i), 115.212(a)(5)(C)(ii), 115.212(a)(5)(D), 115.212(a)(10)(C), 115.212(a)(10)(C)(i), 115.212(a)(10)(C)(ii), 115.212(a)(12)(B), 115.212(b)(1), 115.212(b)(3)(A), 115.212(b)(3)(A)(i), 115.212(b)(3)(A)(ii), 115.212(b)(3)(C), 115.212(c)(1), 115.212(c)(2), 115.212(c)(3)(A), 115.212(c)(3)(A)(i), 115.212(c)(3)(A)(ii), 115.212(c)(3)(C), 115.213(a), 115.213(b), 115.213(c), 115.214(a)(3), 115.214(a)(4), 115.214(a)(4)(A)–115.214(a)(4)(E), 115.214(a)(5), 115.215(a)(7), 115.215(b)(7), 115.216(a)(3)(A), 115.215(a)(3)(B), 115.216(a)(4)(A), 115.216(a)(4)(B), 115.216(a)(5)(A), 115.216(a)(6)(C), 115.217(a)(3), 115.217(a)(4), 115.217(a)(6)(A)–115.217(a)(6)(D), 115.217(b)(2), 115.217(b)(4), 115.217(b)(4)(D), 115.217(b)(5)(C), 115.217(c)(2), 115.217(c)(4)(D), 115.217(c)(5)(C), 115.219 introductory paragraph, 115.219(1), 115.219(2), 115.219(3), 115.219(4), 115.219(5).

(E) Certification dated May 24, 1995, that the copy of revisions to Regulation V adopted by the Commission on May 24, 1995, and submitted to EPA on July 12, 1995, is a true and correct copy of the document on file in the permanent records of the Commission.

(F) Revisions to Regulation V, as adopted by the Commission on October 25, 1995, effective November 20, 1995, Sections 115.131(a), 115.131(c), 115.132(c), 115.133(a), 115.133(b), 115.133(c), 115.135(a), 115.135(a)(5), 115.135(b), 115.135(b)(5), 115.137(a)(1), 115.137(a)(2), 115.137(a)(3), 115.137(c), 115.137(c)(4), 115.139 introductory paragraph.

(G) Certification dated October 25, 1995, that the copy of revisions to Regulation V adopted by the Commission on October 25, 1995, and submitted to EPA on November 10, 1995, is a true and correct copy of the document on file in the permanent records of the Commission.

(H) Revisions to Regulation V, as adopted by the Commission on December 6, 1995, effective December 28, 1995, Section 115.612(a)(1) (Table III).

(I) Certification dated December 6, 1995, that the copy of revisions to Regulation V adopted by the Commission on December 6, 1995, and submitted to EPA on March 13, 1996, is a true and correct copy of the document on file in the permanent records of the Commission.

(J) Revisions to the General Rules as adopted by the Texas Natural Resource Conservation Commission on February 14, 1996, effective March 7, 1996, Section 101.1, definitions of Automotive basecoat/clearcoat system (used in vehicle refinishing (body shops)), Automotive precoat (used in vehicle refinishing (body shops)), Automotive pretreatment (used in vehicle refinishing (body shops)), Automotive primer or primer surfacers (used in vehicle refinishing (body shops)), Automotive sealers (used in vehicle refinishing (body shops)), Automotive specialty coatings (used in vehicle refinishing (body shops)), Automotive three-stage system (used in vehicle refinishing (body shops)), Automotive wipe-down solutions (used in vehicle refinishing (body shops)), Cold solvent cleaning, Conveyorized degreasing, Gasoline bulk plant, Gasoline terminal, High-bake coatings, Low-bake coatings, Mechanical shoe seal, Open-top vapor degreasing, Remote reservoir cold solvent cleaning, Vehicle refinishing (body shops), Volatile organic compound.

(K) Revisions to Regulation V, as adopted by the Commission on February 14, 1996, effective March 7, 1996, Section 115.1, definitions of Automotive basecoat/clearcoat system (used in vehicle refinishing (body shops)), Automotive precoat (used in vehicle refinishing (body shops)), Automotive pretreatment (used in vehicle refinishing (body shops)), Automotive primer or primer surfacers (used in vehicle refinishing (body shops)), Automotive sealers (used in vehicle refinishing (body shops)), Automotive specialty coatings (used in vehicle refinishing (body shops)), Automotive three-stage system (used in vehicle refinishing (body shops)), Automotive wipe-down solutions (used in vehicle refinishing (body shops)), Cold solvent cleaning,

Conveyorized degreasing, External floating roof, Gasoline bulk plant, Gasoline terminal, High-bake coatings, Internal floating cover, Low-bake coatings, Mechanical shoe seal, Open-top vapor degreasing, Remote reservoir cold solvent cleaning, Vehicle refinishing (body shops), Volatile organic compound, sections 115.112(a)(2), 115.112(a)(2)(A), 115.112(a)(2)(B), 115.112(a)(2)(D), 115.112(b)(2), 115.112(b)(2)(A), 115.112(b)(2)(B), 115.112(b)(2)(D), new 115.114, 115.116(a)(1), 115.116(b)(1), 115.117(a)(1), 115.117(a)(4), 115.117(a)(6), 115.116(a)(6)(A), 115.117(a)(7), 115.117(a)(7)(A), 115.117(b)(1), 115.117(b)(4), 115.117(b)(6)(A), 115.117(b)(7)(A), 115.117(c), 115.117(c)(1), 115.121(a)(1)–115.121(a)(4), 115.121(c), 115.122(a)(1)–115.122(a)(3), 115.122(a)(3)(C), 115.122(a)(3)(D), 115.122(c), 115.123(c), 115.126(a)(1), 115.126(a)(5), 115.126(a)(5)(A), 115.127(a)(1), 115.127(a)(2), 115.127(a)(2)(A)–115.127(a)(2)(E), 115.127(a)(3), 115.127(a)(3)(A)–115.127(a)(3)(C), 115.127(a)(4), 115.127(a)(4)(A)–115.127(a)(5)(E), 115.127(a)(5), 115.127(a)(6), 115.127(a)(7), 115.127(b)(2), 115.127(b)(3), 115.127(b)(4), 115.127(c), 115.127(c)(2)(B), 115.127(c)(3), 115.127(c)(4), 115.129(1)–115.129(5), 115.212(a)(11), 115.219 introductory paragraph, 115.219(5), 115.219(5)(A)–115.219(5)(C), 115.412(a), 115.413(a), 115.413(b), 115.416(a), 115.417(a)(3), 115.417(a)(4), 115.417(b)(5), 115.419 introductory paragraph, 115.421(a), 115.421(a)(1)–115.421(a)(8), 115.421(a)(8)(B), 115.421(a)(8)(B)(i)–115.421(a)(8)(B)(ix), 115.421(a)(8)(C), 115.421(a)(9)(A)(i)–115.421(a)(9)(A)(v), 115.421(a)(12)(A), 115.421(a)(12)(A)(i), 115.421(a)(12)(A)(ii), 115.421(b), 115.421(b)(1)–115.421(b)(8), 115.421(b)(8)(A), 115.421(b)(8)(A)(i)–115.421(b)(8)(A)(iv), 115.422(1), 115.422(2), 115.423(a)(1), 115.423(a)(2), 115.423(b), 115.423(b)(1), 115.423(b)(2), 115.423(b)(4), 115.425(a)(1)(C), 115.425(b)(1)(C), 115.426(a)(1)(B), 115.427(a)(1)(A)–115.427(a)(1)(D), 115.427(a)(3), 115.427(a)(5), 115.427(b)(2), 115.427(b)(2)(B)–115.427(b)(2)(D), 115.427(b)(3), 115.429(a), 115.429(b), 115.433(a), 115.433(b), 115.435(a)(5), 115.435(b)(5), 115.436(a), 115.436(b), 115.437(a)(1), 115.437(a)(2), 115.439(b), 115.439(c), 115.442(1)(F)(i), 115.422(1)(F)(ii), 115.443 introductory paragraph, 115.445(5), 115.446(7), 115.512(1), 115.512(2), 115.513 introductory paragraph, 115.517(1), 115.541(a)(2)(C), 115.541(2)(E), 115.541(b), 115.541(b)(5), 115.542(a)(1), 115.542(a)(2), 115.542(a)(5), 115.542(b), 115.542(b)(1), 115.542(b)(2), 115.542(b)(4), 115.543 introductory paragraph, 115.546(1)(A), 115.547 introductory paragraph, 115.547(2), 115.547(4), 115.547(5), 115.549(a)–115.549(c), 115.600 introductory paragraph and definitions of Consumer product, Pesticide, Sections 115.614(a), 115.614(c), 115.614(c)(1), 115.614(c)(1)(A)–115.614(c)(1)(F), 115.614(c)(2), 115.614(c)(2)(A)–115.614(c)(2)(F), 115.614(d), 115.614(e), 115.614(f), 115.617(h).

(L) Certification dated February 14, 1996, that copies of revisions to General Rules and Regulation V adopted by The Commission on February 14, 1996, and submitted to EPA on March 13, 1996, are true and correct copies of documents on file in the permanent records of the Commission.

(M) Revisions to Regulation V, as adopted by the Commission on July 24, 1996, effective August 16, 1996, Sections 115.214(a)(4), 115.214(a)(4)(E), 115.214(a)(5), 115.216(a), 115.216(a)(7), 115.216(a)(7)(A)–115.216(a)(7)(G), 115.616(a), 115.616(a)(1)–115.616(a)(3).

(N) Certifications dated July 24, 1996, that the copy of revisions to Regulation V adopted by the Commission on July 24, 1996, and submitted to EPA on August 9, 1996, is a true and correct copy of the document on file in the permanent records of the Commission.

(O) Revisions to the General Rules as adopted by the Commission on April 30, 1997, effective May 22, 1997, Section 101.1, introductory paragraph and definitions of Component, Leak, Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch distillation operation, Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch process, Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation operation, Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation unit, Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor process, Tank-truck tank, Vehicle refinishing (body

shops), Volatile organic compound (introduction paragraph).

(P) Revisions to Regulation V, as adopted by the Commission on April 30, 1997, effective May 22, 1997, Section 115.10, introductory paragraph and definitions of Fugitive emission, Leak, Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch distillation operation, Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch process, Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation operation, Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation unit, Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor process, Tank-truck tank, Vehicle refinishing (body shops), Volatile organic compound (introduction paragraph), and Sections 115.112(a)(2), 115.112(a)(2)(F), 115.112(b)(2), 115.112(b)(2)(F), 115.114(a), 115.114(a)(1), 115.114(a)(2), 115.114(a)(4), 115.114(b), 115.114(b)(1), 115.114(b)(2), 115.114(a)(4), 115.114(c), 115.114(c)(1), 115.114(c)(2), 115.115(a)(6), 115.115(b)(6), 115.116(a)(5), 115.116(b)(5), 115.119(a), 115.119(b), 115.121(a)(1), 115.121(a)(2), 115.121(a)(2)(A)–115.121(a)(2)(E), 115.121(a)(3), 115.121(b), 115.121(c), 115.121(c)(1), 115.121(c)(2), 115.121(c)(3), 115.121(c)(4), 115.122(a)(1), 115.122(a)(1)(A), 115.122(a)(1)(B), 115.122(a)(1)(C), 115.122(a)(2), 115.122(a)(2)(A), 115.122(a)(2)(B), 115.122(a)(3), 115.122(a)(4), 115.122(a)(4)(A), 155.122(a)(4)(B), 115.122(b), 115.122(b)(1), 115.122(b)(2), 115.122(b)(3), 115.122(c), 115.122(c)(1), 115.122(c)(1)(A)–115.122(c)(1)(C), 115.122(c)(2), 115.122(c)(2)(A), 115.122(c)(2)(B), 115.122(c)(3), 115.122(c)(3)(A), 115.122(c)(3)(B), 115.122(c)(4), 115.122(c)(4)(A), 115.122(c)(4)(B), 115.123(a)(1), 115.123(b), 115.123(c), 115.126(a), 115.126(a)(3), 115.126(a)(4)(A), 115.126(a)(4)(B), 115.126(a)(4)(C), 115.126(a)(5)(A)–115.126(a)(5)(C), 115.126(b), 115.126(b)(3), 115.127(a)(2), 115.127(a)(2)(C), 115.127(a)(2)(D), 115.127(a)(2)(E), 115.127(a)(3), 115.127(a)(4), 115.127(a)(4)(A)–115.127(a)(4)(E), 115.127(a)(5), 115.127(c), 115.127(c)(1), 115.127(c)(1)(A)–115.127(c)(1)(C), 115.127(c)(2), 115.129(1)–115.129(5), 115.132(a)(1), 115.132(a)(4)(A), 115.132(a)(4)(B), 115.132(b)(1), 115.132(c), 115.132(c)(1), 115.136(a)(4), 115.136(b)(4), 115.137(a)(3), 115.137(b)(5), 115.137(c), 115.137(c)(4), 115.146(5), 115.147(5)(A), 115.147(5)(B), 115.147(5)(C), 115.149(b), 115.153 introductory paragraph, 115.156(3)(E)(i), 115.159(a), 115.159(b), 115.159(c), 115.211(a)(1), 115.211(a)(3), 115.212(a)(1), 115.212(a)(2), 115.212(a)(3), 115.212(a)(3)(A), 115.212(a)(3)(A)(i), 115.212(a)(3)(A)(ii), 115.212(a)(3)(B), 115.212(a)(3)(C), 115.212(a)(3)(C)(i), 115.212(a)(3)(C)(ii), 115.212(a)(3)(D), 115.212(a)(4), 115.212(a)(5), 115.212(a)(6), 115.212(a)(6)(A), 115.212(a)(6)(B), 115.212(a)(6)(C), 115.212(a)(7), 115.212(a)(7)(A)–115.212(a)(7)(D), 115.212(a)(8), 115.212(a)(8)(A), 115.212(a)(8)(B), 115.212(a)(8)(B)(i), 115.212(a)(8)(B)(ii), 115.212(a)(8)(B)(iii), 115.212(a)(8)(C), 115.212(a)(8)(C)(i), 115.212(a)(8)(C)(ii), 115.212(a)(9), 115.212(a)(10), 115.212(a)(10)(A), 115.212(a)(10)(B), 115.214(a)(4), 115.214(a)(4)(E), 115.214(a)(5), 115.215(a)(8), 115.216(a), 115.216(a)(1), 115.216(a)(6), 115.216(b), 115.216(b)(1), 115.217(a)(1), 115.217(a)(2), 115.217(a)(3), 115.217(a)(4), 115.217(a)(4)(A), 115.217(a)(4)(B), 115.217(a)(5), 115.217(a)(6), 115.217(a)(6)(A)–115.217(a)(6)(D), 115.217(a)(7), 115.217(a)(7)(A)–115.217(a)(7)(E), 115.217(a)(8), 115.217(a)(8)(A)–115.217(a)(8)(C), 115.217(a)(9), 115.217(b)(2), 115.217(b)(4)(A)–115.217(b)(4)(D), 115.217(b)(5), 115.217(c)(2), 115.217(c)(4), 115.217(c)(4)(A)–115.217(c)(4)(D), 115.217(c)(5), 115.219(1), 115.219(4), 115.221 introductory paragraph, 115.222(7), 115.223 introductory paragraph, 115.226 introductory paragraph, 115.226(1), 115.253 introductory paragraph, 115.256 introductory paragraph, 115.311(a)(1), 115.311(a)(2), 115.311(b)(1)–115.311(b)(2), 115.312(a)(2), 115.312(a)(2)(A)–115.312(a)(2)(C), 115.312(b)(2) 115.312(b)(2)(A)–115.312(b)(2)(C), 115.313(a), 115.313(b), 115.319 introductory paragraph, 115.322 introductory paragraph, 115.322(1)–15.322(5), 115.323 introductory paragraph, 115.323(1), 115.323(2), new 115.324, 115.325 introductory paragraph, 115.325(1)–115.325(3), 115.326 introductory paragraph, 115.326(1), 115.326(2), 115.326(2)(A)–115.326(2)(I), 115.326(3), 115.324(4), 115.327 introductory paragraph, 115.327(1),

115.327(1)(A)–115.327(1)(C), 115.327(2)–115.327(6), 115.329 introductory paragraph, 115.352(1), 115.352(2), 115.352(9), 115.353 introductory paragraph, 115.354(1)(C), 115.354(4)–115.354(7), 115.354(7)(A), 115.354(7)(B), 115.354(8), 115.356(1)(I), 115.356(3), 115.357(2), 115.357(8), 115.421(a), 115.421(a)(13)(A), 115.422(3)(A), 115.422(3)(B), 155.424(a)(1), 115.424(a)(2), 115.424(b)(1), 115.426(a)(1)(D), 115.426(a)(2)(C), 115.426(b)(1)(D), 115.426(b)(2)(C), 115.427(a)(5), 115.427(a)(6), 115.442(1)(B)–115.422(1)(D), 155.446(8), 115.449(a), 115.449(b), 115.449(c), 115.532(a)(5), 115.532(a)(5)(A), 115.532(a)(5)(B), 115.533(a), 115.533(b), 115.536(a)(5), 115.536(b)(5), 115.537(a)(5), 115.539 introductory paragraph, 115.552(b)(1), 115.522(b)(2), 115.533 introductory paragraph, 115.559(a)–115.559(d), and repeal of Sections 115.332, 115.333, 115.334, 115.335, 115.336, 115.337, 115.339, 115.342, 115.343, 115.344, 115.345, 115.346, 115.347, 115.349.

(Q) Certification dated April 30, 1997, that copies of revisions to General Rules and Regulation V adopted by the Commission on April 30, 1997, and submitted to EPA on May 21, 1997, are true and correct copies of documents on file in the permanent records of the Commission.

(R) Texas Natural Resource Conservation Commission order adopting amendments to the SIP; Docket Number 95–1198–RUL, issued December 19, 1995.

(ii) Additional Material.

(A) TNRCC certification letter dated December 13, 1995, and signed by the Chief Clerk, TNRCC that the attached are true and correct copies of the SIP revision adopted by the Commission on December 13, 1995.

(B) The following portions of the SIP narrative entitled Post-1996 Rate of Progress Plan for the Beaumont/Port Arthur and Houston/Galveston Ozone Nonattainment Areas Dated December 13, 1995: The section pertaining to Storage Tanks (pp. 17–37), the section pertaining to SOCMI Reactor and Distillation (p. 40), the Section pertaining to Plastic Parts Coating (pp. 54–55).

(106) A revision to the Texas State Implementation Plan: Regulation 30 TAC Chapter 101 ''General Rules'', Section 101.30 ''Conformity of General and State Actions to State Implementation Plans'' as adopted by the Texas Natural Resource Conservation Commission (TNRCC) on November 16, 1994, and July 9, 1997, was submitted by the Governor on November 22, 1994, and August 21, 1997, respectively.

(i) Incorporation by reference.

(A) The Texas Natural Resource Conservation Commission (TNRCC) Regulation 30, TAC Chapter 101 ''General Rules'', Section 101.30 ''Conformity of General and State Actions to State Implementation Plans'' as adopted by TNRCC on November 16, 1994, and July 9, 1997.

(B) TNRCC orders Docket No. 94–0709–SIP and 97–0143–RUL as passed and approved on November 16, 1994, and July 9, 1997, respectively.

(107) A revision to the Texas State Implementation Plan addressing the 15% Rate-of-Progress Plan requirements for the Beaumont/Port Arthur ozone nonattainment area was submitted by a cover letter from Governor George Bush dated August 9, 1996. This revision will aid in ensuring that reasonable further progress is made towards attaining the National Ambient Air Quality Standard (NAAQS) for ozone in the Beaumont/Port Arthur area. This submittal also contained revisions to the 1990 base year emissions inventory, Motor Vehicle Emission Budget, and contingency plan for the Beaumont/Port Arthur area.

(i) Incorporation by reference. Texas Natural Resource Conservation Commission (TNRCC) order adopting amendments to the State Implementation Plan; Docket Number 96–0465–SIP, issued July 31, 1996.

(ii) Additional material.

(A) TNRCC certification letter dated July 24, 1996, and signed by Gloria Vasquez, Chief Clerk, TNRCC.

(B) The SIP narrative plan and tables entitled, ''Revisions to the State Implementation Plan for the Control of Ozone Air Pollution,'' as it applies to the Beaumont/Port Arthur area dated July 24, 1996.

(108) A revision to the Texas State Implementation Plan to adopt an alternate control strategy for the surface coating processes at Raytheon TI Systems, Inc., Lemmon Avenue Facility.

(i) Incorporation by reference.

(A) Commission Order Number 96–1180–SIP issued and effective December 4, 1996, for Texas Instruments, Inc., prior owner of the Lemmon Avenue facility, approving an alternate Reasonably Available Control Technology (ARACT) demonstration for its Lemmon Avenue facility. Raytheon TI Systems assumed operating responsibility for this facility on July 3, 1997.

(B) A letter from the Governor of Texas dated January 9, 1997, submitting the TI ARACT to the Regional Administrator.

(ii) Additional material. The document prepared by the Texas Natural Resource Conservation Commission titled ''A Site-Specific Revision to the SIP Concerning the Texas Instruments Lemmon Avenue Facility.''

(109) [Reserved]

(110) Revision to the Texas State Implementation Plan adopted by the Texas Natural Resource Conservation Commission (TNRCC) on October 15, 1997, and submitted by the Governor on November 12, 1997, repealing the Perchloroethylene Dry Cleaning Systems regulations from the Texas SIP.

(i) Incorporation by reference. TNRCC Order Docket No. 97–0534–RUL issued October 21, 1997, repealing Perchloroethylene Dry Cleaning Systems regulations (Sections 115.521 to 115.529) from 30 TAC Chapter 115.

(ii) Additional materials.

(A) Letter from the Governor of Texas dated November 12, 1997, submitting amendments to 30 TAC Chapter 115 for approval as a revision to the SIP.

(111) Recodified and revised Regulation IV, 30 TAC Chapter 114 ''Control of Air Pollution From Motor Vehicles'' regulations of Texas submitted by the Governor on November 20, 1997, to reformat original Chapter 114 sections into seven new subchapters (A through G) and to remove original section 114.1(e), concerning leaded gasoline dispensing labeling requirements.

(i) Incorporation by reference.

(A) Commission Order 97–0713-RUL, adopted by the commission on November 5, 1997.

(B) SIP narrative entitled ''Revisions to 30 TAC Chapter 114 and to the State Implementation Plan (Reformatting of the Chapter)'' adopted by the commission on November 5, 1997, addressing: adoption of new Sections 114.1–114.5, 114.20, 114.21, 114.50–114.53, 114.100, 114.150–114.157, 114.200–114.202, 114.250, 114.260, 114.270, and repeal of original sections 114.1, 114.3–114.7, 114.13, 114.23, 114.25, 114.27, 114.29–114.40.

(112) Revision to the Texas State Implementation Plan submitted by the Governor on January 10, 1996.

(i) Incorporation by reference.

(A) Texas Natural Resource Conservation Commission (TNRCC) General Rules (30 TAC Chapter 101), Section 101.2(b), adopted by TNRCC on December 13, 1995, effective January 8, 1996.

(B) TNRCC Docket No. 95–0849–RUL issued December 13, 1995, for adoption of amendments to 30 TAC Chapter 101, Section 101.2(b), regarding Multiple Air Contaminant Sources or Properties and revision to the SIP.

(ii) Additional materials. A letter from the Governor of Texas dated January 10, 1996, submitting revisions to 30 TAC Chapter 101, Section 101.2(b), for approval as a revision to the SIP.

(113) The Texas Natural Resource Conservation Commission submitted a revision to the State Implementation Plan (SIP) on August 9, 1996. This revision contained, among other things, 15% Rate-of-Progress plans for the Dallas/Fort Worth, El Paso and Houston/Galveston ozone nonattainment areas which will aid in ensuring the attainment of the National Ambient Air Quality Standards for ozone. This submittal also contained revisions to the 1990 base year emissions inventories, the associated Motor Vehicle Emission Budgets and contingency plans.

(i) Incorporation by reference. Texas Natural Resource Conservation Commission (TNRCC) order adopting amendments to the SIP; Docket Number 96–0465–SIP, issued July 31, 1996.

(ii) Additional material.

(A) TNRCC certification letter dated July 24, 1996, and signed by Gloria Vasquez, Chief Clerk, TNRCC.

(B) The SIP narrative plan and tables dated July 24, 1996 entitled, ''Revisions to the State Implementation Plan (SIP) for the Control of Ozone Air Pollution,'' as it applies to the Dallas/Fort Worth, El Paso and Houston areas' 15%

Rate-of-Progress plans, emissions inventories, motor vehicle emissions budgets and contingency plans.

(114) Recodified regulations of Texas Administrative Code, Title 30, Chapter 113, Subchapter B, controlling lead emissions from stationary sources, and submitted by the Governor in a letter dated August 21, 1997.

(i) Incorporation by reference.

(A) Texas Natural Resource Conservation Commission (TNRCC) order adopting amendments to the State Implementation Plan; Docket Number 97–0143–RUL, issued July 9, 1997.

(B) Texas Administrative Code, Title 30, Chapter 113, Subchapter B, entitled ''Lead from Stationary Sources,'' adopted by the TNRCC on July 9, 1997. Newly recodified sections 113.31, 113.32, 113.33, 113.34, 113.35, 113.36, 113.37, 113.41, 113.42, 113.43, 113.44, 113.45, 113.46, 113.47, 113.48, 113.52, 113.61, 113.62, 113.63, 113.64, 113.65, 113.66, 113.67, and 113.68.

(ii) Additional material. TNRCC certification letter dated June 25, 1997, and signed by Gloria Vasquez, Chief Clerk, TNRCC.

(115) [Reserved]

(116) A revision to the Texas State Implementation Plan (SIP) to include two modified Agreed Orders limiting sulfur dioxide ($SO_2$) allowable emissions at two facilities in Harris County, submitted by the Governor by cover letter dated May 29, 1997.

(i) Incorporation by reference.

(A) TNRCC Docket No. 96–1188–AIR Order Modifying Commission Order No. 94–15 for Lyondel-Citgo Refining Company, LTD., as adopted by the TNRCC on June 29, 1994, and modified on July 31, 1996;

(B) TNRCC Docket No. 96–1187–AIR, Order Modifying Commission Order No. 94–22 for Simpson Pasadena Paper Company, as adopted by the TNRCC on June 29, 1994, and modified on July 31, 1996.

(ii) Additional material. TNRCC submittal to the EPA dated May 29, 1997, entitled, ''Revisions to the SIP Concerning Sulfur Dioxide in Harris County.''

(117) Revisions to the Texas State Implementation Plan submitted to the EPA in a letter dated April 13, 1998. These revisions address Reasonably Available Control Technology for Wood Furniture coating operations and Ship Building and Repair. The revisions also address coating of oil and gas platforms at ship building and repair facilities.

(i) Incorporation by Reference.

(A) Revisions to Regulation V, as adopted by the Commission on March 18, 1998, effective April 7, 1998, sections 115.10. Definitions—Introductory Paragraph, 115.420 Surface Coating Definitions, 115.420(a) General Surface Coating Definitions, 114.420(a)(1)–115.420(a)(10), 115.420(b) Specific surface coating definitions—Introductory Paragraph, 115.420(b)(1), 115.420(b)(2), 115.420(b)(2)(A), 115.420(b)(2)(B), 115.420(b)(3)–115.420(b)(9), 115.420(b)(10), 115.420(b)(10)(A)–115.420(b)(10)(E), 115.420(b)(10)(F), 115.420(b)(10)(F)(i)–115.420(b)(10)(F)(vii), 115.420(b)(10)(G), 115.420(b)(11), 115.420(b)(12), 115.420(b)(12)(A)–115.420(b)(12)(FF), 115.420(b)(13), 115.420(b)(13)(A), 115.420(b)(13)(A)(i), 115.420(b)(13)(A)(ii), 115.420(b)(13)(B), 115.420(b)(13)(B)(i)–115.420(b)(13)(B)(ix), 115.420(b)(14), 115.420(b)(15), 115.420(15)(A), 115.420(15)(A)(i)–115.420(15)(A)(xi), 115.420(15)(B), 115.420(15)(B)(i)–115.420(15)(B)(xix), 115.421(a), 115.421(a)(8), 115.421(a)(8)(B), 115.421(a)(8)(B)(i)–115.421(a)(8)(B)(ix), 115.421(a)(13), 115.421(a)(13)(A), 115.421(a)(13)(A)(i)–115.421(a)(13)(A)(vii), 115.421(a)(13)(A)(viii), 115.421(a)(13)(A)(ix), 115.421(a)(14), 115.421(a)(14)(A), 115.421(a)(14)(A)(i), 115.421(a)(14)(A)(ii), 115.421(a)(14)(A)(iii), 115.421(a)(14)(A)(iii)(I)–115.421(a)(14)(A)(iii)(III), 115.421(a)(14)(A)(iv)–115.421(a)(14)(A)(vi), 115.421(a)(14)(B), 115.421(a)(15), 115.421(a)(15)(A),115.421(a)(15)(B), 115.421(a)(15)(B)(i), 115.421(a)(15)(B)(ii), 115.421(b), 115.422. Control Requirements—Introductory Paragraph, 115.422(2), 115.422(3), 115.422(3)(A), 115.422(3)(B), 115.422(3)(C), 115.422(3)(C)(i), 115.422(3)(C)(ii), 115.422(3)(C)(ii)(I), 115.422(3)(C)(ii)(II), 115.422(3)(C)(iii)–115.422(3)(C)(v), 115.422(3)(C)(vi), 115.422(3)(C)(vi)(I), 115.422(3)(vi)(II), 115.422(3)(D), 115.422(3)(E), 115.422(3)(E)(i), 115.422(3)(E)(ii), 115.422(4), 115.422(4)(A)–115.422(4)(C), 115.422(5), 115.422(5)(A), 115.422(5)(B), 115.423(a), 115.423(a)(1), 115.423(a)(2), 115.423(b), 115.423(b)(1),

115.423(b)(2), 115.426(a), 115.426(a)(1), 115.426(a)(1)(B), 115.426(a)(1)(B)(i), 115.426(a)(1)(B)(ii), 115.426(a)(2), 115.426(a)(2)(A), 115.426(a)(2)(A)(i), 115.426(b), 115.426(b)(1), 115.426(b)(1)(B), 115.426(b)(2), 115.426(b)(2)(A), 115.426(b)(2)(A)(i), 115.427(a), 115.427(a)(1), 115.427(a)(1)(B), 115.427(a)(1)(C), 115.427(a)(3), 115.427(a)(3)(A), 115.427(a)(3)(B), 115.427(a)(3)(D)–115.427(a)(3)(I), 115.427(b), 115.427(b)(4), 115.429(a), and 115.429(b).

(B) Certification Dated March 18, 1998 that these are true and correct copies of revisions to 30 TAC Chapter 115 and the SIP.

(118)–(119) [Reserved]

(120) Revisions submitted by the Governor on May 29, 1997, June 23, 1998, and December 22, 1998, that change the definition of ''primarily operated,'' commit to on-board diagnostic testing, remove the test-on-resale of vehicles subject to the inspection and maintenance program, and provide the legal authority for denial of re-registration of vehicles that have not complied with the I/M program requirements, and the establishment of a class C misdemeanor penalty for operating a grossly polluting vehicle in a nonattainment area.

(i) Incorporation by reference:

(A) Narrative of State Implementation Plan revision submitted May 29, 1997, by the Governor.

(B) Narrative of State Implementation Plan revision submitted June 23, 1998, by the Governor.

(C) Letter from the Governor dated December 22, 1998, submitting Senate Bill 1856.

(ii) Additional material:

(A) Senate Bill 1856.

(B) Memorandum of Agreement between the Texas Natural Resource Conservation Commission and the Texas Department of Public Safety adopted November 20, 1996, and signed February 5, 1997.

(121) Revisions submitted by the Governor on July 13, 2000, that remove approval of the Alternate Reasonably Available Control Technology (ARACT) for Lockheed Corporation, Bell Helicopter Textron, Incorporated; Bell Plant 1, and Raytheon TI Systems, Inc., (RTIS).

[37 FR 10895, May 31, 1972. Redesignated and amended at 64 FR 36589, July 7, 1999; 66 FR 54691, Oct. 30, 2001]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2299, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2300 [Reserved]

### § 52.2301 Federal compliance date for automobile and light-duty truck coating. Texas Air Control Board Regulation V (31 TAC chapter 115), control of air pollution from volatile organic compound, rule 115.191(1)(8)(A).

(a) The requirements of section 110 of the Clean Air Act are not met regarding the final compliance date, as found in TACB rule 115.191(a)(8)(A), for the requirements of TACB Rule 115.191(a)(8)(A).

(b) TACB adopted revisions to rule 115.191(a)(8)(A) on October 14, 1988, and submitted them to EPA on December 13, 1988. Prior to the submittal, automobile and light-duty truck coating operations were to have complied with final control limits of § A115.191(a)(8)(B) of the federally approved State Implementation Plan (SIP), by December 31, 1986. In the December 13, 1988, submittal, the final control limits had been moved to § 115.191(a)(8)(A) and had been given a new extended compliance date of December 31, 1987. EPA does not recognize the later compliance data and retains the original compliance date for the final emission limits of December 31, 1986. The owner or operator of an automobile and light-duty truck coating operation shall comply with the requirements of TACB rule 115.191(a)(8)(A) no later than December 31, 1986.

[56 FR 40257, Aug. 14, 1991]

### § 52.2302 [Reserved]

### § 52.2303 Significant deterioration of air quality.

(a) The plan submitted by Texas is approved as meeting the requirements of part C, Clean Air Act for preventing significant deterioration of air quality. The plan consists of the following:

(1) Prevention of significant deterioration plan requirements as follows:

(i) December 11, 1985 (as adopted by the Texas Air Control Board (TACB) on July 26, 1985).

(ii) October 26, 1987 (as revised by TACB on July 17, 1987).

(iii) September 29, 1988 (as revised by TACB on July 15, 1988).

(iv) February 18, 1991 (as revised by TACB on December 14, 1990).

(v) May 13, 1992 (as revised by TACB on May 8, 1992).

(vi) August 31, 1993 (as recodified, revised and adopted by TACB on August 16, 1993).

(vii) July 12, 1995 (as revised by the Texas Natural Resource Conservation Commission (TNRCC) on March 1, 1995) containing revisions to chapter 116—Control of Air Pollution for New Construction or Modification, sections 116.10, 116.141 and 116.160–116.163.

(viii) July 22, 1998 (as revised by TNRCC on June 17, 1998) containing revisions to chapter 116—Control of Air Pollution for New Construction or Modification, sections 116.160 and 116.161.

(ix) September 16, 2002 (as revised by TNRCC on October 10, 2001) containing revisions to chapter 116—Control of Air Pollution for New Construction or Modification, sections 116.160 and 116.162.

(2) The Prevention of Significant Deterioration (PSD) Supplement document, submitted October 26, 1987 (as adopted by TACB on July 17, 1987).

(3) Revision to General Rules, Rule 101.20(3), submitted December 11, 1985 (as adopted by TACB on July 26, 1985).

(b) The plan approval is partially based on commitment letters provided by the Executive Director of the Texas Air Control Board, dated September 5, 1989 and April 17, 1992.

(c) The requirements of section 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 adopted and made a part of the applicable implementation plan and are applicable to sources located on land under the control of Indian governing bodies.

[57 FR 28098, June 24, 1992, as amended at 59 FR 46557, Sept. 9, 1994; 62 FR 44088, Aug. 19, 1997; 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003; 69 FR 43755, July 22, 2004]

### § 52.2304 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) Regulation for visibility monitoring. The provisions of § 52.26 are hereby incorporated and made a part of the applicable plan for the State of Texas.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987; 54 FR 7770, Feb. 23, 1989]

### § 52.2305 What are the requirements of the Federal Implementation Plan (FIP) 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, for Texas 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 Texas for:

(1) Beginning on May 1, 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) For purposes of this section, the ''pollutant GHGs'' refers to the pollutant GHGs, as described in § 52.21(b)(49)(i).

(c) In addition, the United States Environmental Protection Agency shall take such action as is appropriate to assure the application of PSD requirements to sources in Texas for any other pollutants that become subject to regulation under the Federal Clean

Air Act for the first time after January 2, 2011.

[76 FR 25209, May 3, 2011]

### § 52.2306 Particulate Matter ($PM_{10}$) Group II SIP commitments.

On July 18, 1988, the Governor of Texas submitted a revision to the State Implementation Plan (SIP) that contained commitments 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. The Texas Air Control Board adopted these revisions on May 13, 1988. The State of Texas has committed to comply with the $PM_{10}$ Group II SIP requirements, as articulated in the FEDERAL REGISTER notice of July 1, 1987 (52 FR 24670), for the defined areas of Dallas, Harris, Lubbock, and Nueces counties as provided in the Texas $PM_{10}$ Group II SIPs. In addition to the SIP, a letter from the Governor of Texas, dated July 18, 1988, stated that:

> * * * In the July 1, 1987 issue of the FEDERAL REGISTER, the U.S. Environmental Protection Agency announced the requirement that each state submit a committal SIP for $PM_{10}$ Group II areas instead of full control strategies. States were also required to submit demonstrations of attainment and maintenance of the $PM_{10}$ National Ambient Air Quality Standards. The TACB is committed to carrying out the activities contained in the enclosed proposed SIP to satisfy those requirements * * *.

[54 FR 25586, June 16, 1989]

### § 52.2307 Small business assistance program.

The Governor of Texas submitted on November 13, 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 the EPA on the program's effectiveness.

[59 FR 42765, Aug. 19, 1994]

### § 52.2308 Area-wide nitrogen oxides ($NO_X$) exemptions.

(a) The Texas Natural Resource Conservation Commission (TNRCC) submitted to the EPA on June 17, 1994, a petition requesting that the Dallas ozone nonattainment area be exempted from the $NO_X$ control requirements of section 182(f) of the Clean Air Act (CAA) as amended in 1990. The Dallas nonattainment area consists of Dallas, Tarrant, Denton, and Collin counties. The exemption request was based on a photochemical grid modeling which shows that the Dallas nonattainment area would attain the National Ambient Air Quality Standards (NAAQS) for ozone by the CAA mandated deadline without the implementation of the additional $NO_X$ controls required under section 182(f). On November 21, 1994, the EPA conditionally approved this exemption request, conditioned upon the EPA approving the modeling portion of the Dallas attainment demonstration SIP.

(b) The TNRCC submitted to the EPA on June 17, 1994, a petition requesting that the El Paso ozone nonattainment area be exempted from the $NO_X$ control requirements of section 182(f) of the Clean Air Act (CAA) as amended in 1990. The El Paso nonattainment area consists of El Paso county, and shares a common airshed with Juarez, Mexico. The exemption request was based on a photochemical grid modeling which shows that the El Paso nonattainment area would attain the NAAQS for ozone by the CAA mandated deadline without the implementation of the additional $NO_X$ controls required under section 182(f), but for emissions emanating from Mexico. On November 21, 1994, the EPA conditionally approved this exemption request, conditioned upon the EPA approving the modeling portion of the El Paso attainment demonstration SIP.

(c) The Texas Natural Resource Conservation Commission submitted to the EPA on May 4, 1994, a petition requesting that the Victoria County incomplete data ozone nonattainment area be exempted from the requirement to meet the $NO_X$ 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 35 months prior to the petition, with the understanding that approval of the State's request would be contingent upon the collection of one additional month of data. The required additional month of verified data was submitted later and, together with the data submitted with the State's petition, demonstrated attainment of the NAAQS for 36 consecutive months. The EPA approved this exemption request on March 2, 1995.

(d) The TNRCC submitted to the EPA on August 17, 1994, with supplemental information submitted on August 31, 1994, and September 9, 1994, a petition requesting that the Houston and Beaumont ozone nonattainment areas be temporarily exempted from the $NO_X$ control requirements of section 182(f) of the CAA. The Houston nonattainment area consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties. The Beaumont nonattainment area consists of Hardin, Jefferson, and Orange counties. The exemption request was based on photochemical grid modeling which shows that reductions in $NO_X$ would not contribute to attaining the ozone NAAQS. On April 12, 1995, the EPA approved the State's request for a temporary exemption. Approval of the temporary exemption waives the federal requirements for $NO_X$ Reasonably Available Control Technology (RACT), New Source Review (NSR), conformity, and vehicle inspection and maintenance (I/M) for the period of the temporary exemption. The temporary exemption automatically expires on December 31, 1996, without further notice from the EPA. Based on the rationale provided in the notice of proposed rulemaking on this action, upon the expiration of the temporary exemption, the requirements pertaining to $NO_X$ RACT, NSR, conformity, and I/M will again become applicable, except that the $NO_X$ RACT implementation date applicable to the Houston and Beaumont nonattainment areas under section 182(f) shall be as expeditious as practicable but no later than May 31, 1997, unless the State has received a permanent $NO_X$ exemption from the EPA prior to that time.

(e) The TNRCC submitted to EPA on March 6, 1996, a petition requesting that the Houston/Galveston and Beaumont/Port Arthur ozone nonattainment areas be granted an extension to a previously-granted temporary exemption from the $NO_X$ control requirements of sections 182(f) and 182(b) of the Clean Air Act. The temporary exemption was granted on April 19, 1995. The current petition is based on the need for more time to complete UAM to confirm the need for, and the extent of, $NO_X$ controls required. On May 23, 1997, EPA approved the State's request for an extension to the temporary exemption. The temporary extension automatically expires on December 31, 1997, without further notice from EPA. Upon expiration of the extension, the requirements pertaining to $NO_X$ RACT, NSR, I/M, general and transportation conformity will become applicable, except that the $NO_X$ RACT compliance date shall be implemented as expeditiously as practicable, but no later than May 31, 1999, unless the State has received a contingent $NO_X$ exemption from the EPA prior to that time.

(f) The extension of the temporary exemption from $NO_X$ control requirements of sections 182(f) and 182(b) of the Clean Air Act for the Houston/Galveston and Beaumont/Port Arthur ozone nonattainment areas granted on May 23, 1997, expired December 31, 1997. Upon expiration of the extension, the requirements pertaining to $NO_X$ RACT, NSR, I/M, general and transportation conformity will become applicable and the State is expected to implement the requirements as expeditiously as possible.

(g) The Texas Natural Resource Conservation Commission submitted a letter to EPA requesting rescission of the previously-granted conditional exemption from the $NO_X$ control requirements of section 182(f) of the Act for the Dallas/Fort Worth ozone nonattainment area. The letter was sent on November 13, 1998. The conditional exemption was granted on November 21, 1994, conditioned upon EPA approving the modeling portion of the DFW attainment demonstration SIP. The conditional exemption was also approved on a contingent basis. The modeling-based exemption would last only as long as

the area's modeling continued to demonstrate attainment without the additional $NO_X$ reductions required by section 182(f). The State's request is based on new photochemical modeling which shows the need for $NO_X$ controls to help the area attain the ozone National Ambient Air Quality Standards. Furthermore, EPA would not and could not approve the earlier attainment demonstration SIP modeling upon which the condition was based.

(1) On June 21, 1999, the conditional $NO_X$ exemption for the DFW area granted on November 21, 1994 is rescinded. Upon rescission, the Federal requirements pertaining to $NO_X$ Reasonably Available Control Technology (RACT), New Source Review, vehicle Inspection/Maintenance, general and transportation conformity now apply.

(2) The $NO_X$ RACT final compliance date must be implemented as expeditiously as practicable, but no later than March 31, 2001.

[59 FR 60714, Nov. 28, 1994, as amended at 60 FR 5867, Jan. 31, 1995; 60 FR 19522, Apr. 19, 1995; 62 FR 28349, May 23, 1997; 63 FR 7072, Feb. 12, 1998; 64 FR 19286, Apr. 20, 1999]

### § 52.2309 Emissions inventories.

(a) The Governor of the State of Texas submitted the 1990 base year emission inventories for the Houston/Galveston (HGA), Beaumont/Port Arthur (BPA), El Paso (ELP), and Dallas/Fort Worth (DFW) ozone nonattainment areas on November 17, 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 HGA nonattainment area is classified as Severe-17 and includes Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties; the BPA nonattainment area is classified as Serious and includes Hardin, Jefferson, and Orange Counties; the ELP nonattainment area is classified as Serious and includes El Paso County; and the DFW nonattainment area is classified as Moderate and includes Collin, Dallas, Denton, and Tarrant Counties.

(d) The Texas Natural Resource Conservation Commission submitted State Implementation Plan revisions to the 1990 base year emission inventory for the Beaumont/Port Arthur area with a cover letter from the Governor of Texas dated August 9, 1996.

(e) The Texas Natural Resource Conservation Commission submitted a revision to the State Implementation Plan (SIP) on August 9, 1996. This revision was submitted for the purpose of satisfying the 15% Rate-of-Progress requirements of the Clean Air Act, which will aid in ensuring the attainment of the National Ambient Air Quality Standards for ozone. This submittal also contained revisions to the 1990 base year emissions inventories for the Dallas/Fort Worth, El Paso and Houston/Galveston areas.

(f) The Texas Natural Resource Conservation Commission submitted a revision to the State Implementation Plan (SIP) on May 19, 2000. This revision was submitted for the purpose of satisfying the 9 percent Rate-of-Progress requirements of the Clean Air Act, which will aid in ensuring the attainment of the National Ambient Air Quality Standards for ozone. This submission also contained revisions to the 1990 base year emissions inventory for the Houston/Galveston areas.

[59 FR 55589, Nov. 8, 1994, as amended at 63 FR 6663, Feb. 10, 1998; 63 FR 62947, Nov. 10, 1998; 66 FR 20751, Apr. 25, 2001]

### § 52.2311 Motor vehicle antitampering.

The State of Texas submitted revisions to the State Implementation Plan for 30 TAC Chapter 114, sections 114.1 ''Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles'' and 114.5 ''Exclusions and Exceptions'' on February 24, 1989, and September 6, 1990, and July 13, 1993. The EPA disapproved these revisions that relate to Statewide antitampering provisions and exemptions to antitampering provisions for motor vehicles or motor vehicle engine emission control systems because the State's antitampering rules are not consistent

with the Act, section 203(a)(3) and EPA's tampering prohibitions as outlined in EPA's antitampering enforcement policy, Mobile Source Enforcement Memorandum No. 1A.

[63 FR 6653, Feb. 10, 1998]

## Subpart TT—Utah

### § 52.2320 Identification of plan.

(a) Title of plan: ''Utah Implementation Plan.''

(b) The plan was officially submitted on January 25, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Clarifications of the plan relating to particulate regulations, CO and $NO_2$ control strategies, new source review, emergency episodes, availability of emission data, and source surveillance submitted May 18, 1972, by State Division of Health.

(2) Revision of State new source review regulation, section 1.3.3 of the Utah Code of Air Conservation Regulations, submitted on September 13, 1972, by the Governor.

(3) Transportation control plan submitted April 13, 1973, by the Governor.

(4) Reenacted legislation providing for public availability of emission data submitted on June 13, 1974, by the State Division of Health.

(5) The Revised Utah Air Conservation Regulations on July 10, 1975, by the Governor.

(6) Provisions to meet the requirements of Part D and other sections of the Clean Air Act, as amended in 1977, were submitted on December 28, 1978, by the Governor.

(7) On November 5, 1979, the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring, 40 CFR part 58, subpart C, § 58.20.

(8) Provisions to meet the transportation control requirements of Part D and other sections of the Clean Air Act, as amended in 1977, were submitted on November 5, 1979, and August 11, 1980, by the Governor.

(9) Provisions to meet the requirements of Part D for particulates and to attain the national standard for lead were submitted on March 11, 1980, July 25, 1980, November 13, 1980, December 26, 1980, and April 8, 1981.

(10) Provisions to meet the requirements of Part C of the Clean Air Act, as amended in 1977, were submitted on August 17, 1981.

(11) Provisions to meet the requirements of section 127 and Part D for carbon monoxide and ozone were submitted on August 11, 1980.

(12) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for particulates and volatile organic compounds, were submitted on April 8, 1981.

(13) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for particulates were submitted on March 1, 1982.

(14) A revision to the definition of volatile organic compound was submitted on April 29, 1982.

(15) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for carbon monoxide in Provo and Ogden, Utah were submitted on September 20, 1982.

(16) Additional information regarding stack monitoring at the main stack at the Kennecott Copper Smelter in Salt Lake City was submitted on December 27, 1982, and February 3, 1984.

(17) Provision to meet the requirements of Part D of the Clean Air Act as amended in 1977 providing for implementing automobile inspection and maintenance in Salt Lake and Davis Counties were submitted on December 9, 1983, December 19, 1983, February 6, 1984, and March 1, 1984. A revision providing for the commitment to adopt regulations for VOC sources covered by future CTG's (Group III) was submitted on February 6, 1984.

(18) A revision to the SIP was submitted by the Governor for attainment of the $SO_2$ standard on August 17, 1981. Additional submittals January 25, 1983, and September 5, 1984.

(19) A revision to the SIP was submitted by the Governor on April 26, 1985, for visibility monitoring and new source review.

(i) Incorporation by reference.

(A) Letter dated April 26, 1985, from Governor Norman Bangerter submitting the Utah Visibility SIP and Regulations.

(B) The Visibility SIP and the Utah Air Conservaton Regulations 1.1.7 and

3.11.1 were adopted on April 15, 1985 referred to in the Governor's letter as April 12, 1985.

(20) A revision to the SIP was submitted by the Governor on December 12, 1985, for attaintment of the CO standard in Utah County.

(i) Incorporation by reference.

(A) Letter and attachments dated December 12, 1985, from Governor Norman H. Bangerter submitting the SIP Revision for attainment of NAAQS for CO in Utah County. The attachments included Section 9, Part C; Section 9, Appendices A, C, H, and I; and Technical Support Document—Provo.

(ii) Additional material.

(A) Letter dated May 8, 1986, from Brent C. Bradford to Irwin Dickstein; Re: Response to questions on I/M with anti-tampering program.

(B) Letter and attachment dated May 15, 1986, from Brent Bradford to Irwin Dickstein transmitting Appendix D of the Technical Support Document.

(21) A revision to the SIP was submitted by the Governor on December 11, 1987, for visibility general plan requirements and long-term strategies.

(i) Incorporation by reference.

(A) Letter dated December 2, 1988, from the Utah Bureau of Air Quality to the U.S. Environmental Protection Agency, Region VIII.

(B) A revised section 16, Visibility Protection, of the Utah SIP was adopted on November 12, 1987, except for the first three paragraphs of § 16.1, the fifth and sixth paragraph of § 16.4, and the second and third paragraphs of § 16.5.

(22) In a letter dated May 2, 1986, the Governor submitted revisions to the Utah Air Conservation Regulations addressing GEP stack heights/dispersion techniques and a new Section 17 to the SIP addressing GEP stack height demonstration analysis.

(i) Incorporation by reference.

(A) Revisions to the Utah Air Conservation Regulations adopted April 18, 1986. The revisions consist of adding stack height definitions (UACR 1.1.128 through UACR 1.1.133) and updating stack height exemptions (UACR 3.8).

(B) Stack height demonstration analysis submitted by the State in a letter dated May 2, 1986.

(23) On May 2, 1991 the Governor of Utah submitted revisions to the plan. The revisions include amendments to the prevention of significant deterioration (PSD) portion of the plan to incorporate the nitrogen dioxide ($NO_2$) increments, and several ''housekeeping'' changes to definitions, new source review, and PSD regulations.

(i) Incorporation by reference.

(A) Revisions to the Utah Air Conservation Regulations, section R446–1–1, Foreword and Definitions, section R446–1–3, Control of Installations, and section R446–2–1, Utah State Implementation Plan Incorporation by Reference, effective January 1, 1991.

(B) Letter dated May 1, 1991, from Kenneth Hansen of the Utah Division of Administrative Rules to Dave McNeill of the Utah Bureau of Air Quality, confirming a codification change to paragraph R446–1–3.6.5, effective May 1, 1991. This letter contains a reprinted version of R446–1–3.6.5.

(ii) Additional material.

(A) February 26, 1991, letter from F. Burnell Cordner, Executive Secretary, Utah Air Conservation Committee, to Douglas M. Skie, EPA, transmitting administrative materials for the SIP revision.

(B) May 2, 1991, letter from Norman H. Bangerter, Governor, State of Utah, to James J. Scherer, EPA. Official SIP submittal, transmitting the SIP narrative modifying section 8, Prevention of Significant Deterioration, and other administrative materials.

(24) On May 4, 1990, and July 25, 1991, the Governor of Utah submitted revisions to the plan. The revisions include amendments to the ozone nonattainment area regulations for stationary sources of volatile organic compounds (VOCs), contained within Regulation R446–1–4.9 of the Utah Air Conservation Regulations, ''Emission Standards. Non-Attainment Area Requirements—Ozone,'' and the definitions applicable to the VOC regulations, contained within Regulation R446–1–1, ''Foreward and Definitions.'' The amendments were made to conform Regulations R446–1–1 and R446–1–4.9 to statutory requirements for application of reasonably available control technology (RACT) to stationary sources of VOC's, as required by section 182(a)(2)(A) of the 1990 Clean Air Act, and to improve

the clarity and enforceability of the regulations.

(i) Incorporation by reference.

(A) Revisions to the following Utah Air Conservation Regulations, Section R446–1–1, Foreward and Definitions, effective January 1, 1991: R446–1–1.10, 1.16, 1.40, 1.60, 1.109, 1.126, 1.140, 1.150, 1.151, 1.159, 1.160, 1.161, 1.162, 1.163, 1.164, 1.165, 1.166, 1.167, 1.168, 1.169, 1.170, 1.171, 1.172, 1.173, 1.174, 1.175, 1.176, 1.177, 1.178, 1.180, 1.182, 1.183, 1.184.

(B) Revisions to the following rules of R446–1–4.9, *Emission Standards. Non-Attainment Area Requirements—Ozone*, effective June 15, 1991: 4.9.A through 4.9.E were added (disposal of VOCs; requirements for EPA concurrence on alternative test methods, alternative methods of control, alternative compliance periods, alternative emission limits, or alternative monitoring schedules; recordkeeping and reporting requirements; RACT requirements for major non-CTG sources; ''once-in, always-in'' requirements; and allowance for exclusion of non-reactive VOC's); revisions to 4.9.1 (Petroleum Liquid Storage), 4.9.2 (Gasoline Transfer/Storage), 4.9.3 (Control of Hydrocarbon Emissions in Refineries), 4.9.4 (Degreasing and Solvent Cleaning Operations), 4.9.5 (Cutback Asphalt), 4.9.6 (Volatile Organic Compounds Used for Coating Paper, Fabric, Vinyl, Metal Furniture, Large Appliances, Magnet Wire, Flat Wood Paneling, Miscellaneous Metal Parts and Products, and Graphic Arts), 4.9.7 (Perchlorethylene Dry Cleaning Plants), 4.9.8 (Compliance Schedule); 4.9.9 (Compliance Schedule) was deleted.

(ii) Additional material.

(A) May 9, 1991, letter from F. Burnell Cordner, Executive Secretary, Utah Air Conservation Committee, to Douglas Skie, EPA. This letter provided final changes to R446–1–4.9, indicated that these changes would become effective on June 15, 1991, and indicated that the State would submit the Ozone SIP revision package to EPA after the changes become effective.

(B) July 25, 1991, letter from Norman H. Bangerter, Governor, State of Utah, to James Scherer, EPA. Official SIP submittal, transmitting revised Regulation R446–1–4.9, and other administrative materials. This letter provided a negative declaration for seven CTG source categories: large petroleum dry cleaners, manufacturers of high density polyethylene, polypropylene, polystyrene resins, manufacturers of synthesized pharmaceutical products, manufacturers of pneumatic rubber tires, natural gas/gas processing plants, and synthetic organic chemical manufacturing industries (SOCMI) with fugitive emissions and/or air oxidation processes.

(C) September 5, 1991, letter from F. Burnell Cordner, Executive Secretary, Utah Air Quality Board, to James Scherer, EPA. This letter provided a negative declaration for three CTG source categories: surface coating of cans, surface coating of metal coils, and surface coating of automobiles and light duty trucks.

(D) January 30, 1992, letter from F. Burnell Cordner, Executive Secretary, Utah Air Quality Board, to Doug 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.

(25) The Governor of Utah submitted a $PM_{10}$ State Implementation Plan (SIP) for Salt Lake and Utah Counties, Utah with a letter dated November 15, 1991. The submittals were made to satisfy those moderate $PM_{10}$ nonattainment area SIP requirements due for Salt Lake and Utah Counties as outlined in the Clean Air Act of 1990. The Governor's submittal also included revisions to the Utah Air Quality Rules and to other sections of the State-wide SIP. The Utah Air Conservation Regulations have been revised and renumbered over the past decade and are being replaced in its entirely with this Governor's submittal.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations, printed January 27, 1992.

(B) Utah State Implementation Plan, Section 1–7 and 10–15, effective March 31, 1992.

(C) Utah State Implementation Plan, Section 9, Part A and Section 9, Part A, Appendix A effective August 14, 1991.

(26) On November 9, 1992, Norman Bangerter, the Governor of Utah, submitted a SIP revision to the Utah Implementation Plan and Utah Air Conservation Regulations. This revision establishes and requires the implementation of oxygenated fuel programs in Provo-Orem and Salt Lake-Ogden Metropolitan Statistical Areas as required by section 211(m) of the Clean Air Act Amendments of 1990.

(i) Incorporation by reference.

(A) R307–8; Oxygenated Gasoline Program, of the Utah Air Conservation Regulations as adopted by the State, effective December 16, 1993.

(ii) Additional materials.

(A) Letter dated November 9, 1992, from Governor Norman Bangerter submitting the oxygenated gasoline program SIP revision.

(B) Letter dated May 19, 1994, from Governor Michael O. Leavitt submitting the oxygenated gasoline program SIP revision.

(27) The Governor of Utah submitted a Section 16, Stack Height Demonstration and Section 9, Part B, Sulfur Dioxide of the Utah State Implementation Plan (SIP) a letter dated December 23, 1991, and May 15, 1992, respectively. The Governor's submittal also included statewide $SO_2$ regulations.

(i) Incorporation by reference.

(A) Utah State Implementation Plan, Section 16, effective December 16, 1991.

(B) Utah State Implementation Plan, Section 9, Part B effective June 15, 1992.

(C) Utah Air Conservation Regulations, R307–1–4. Emission Standards: changes to 4.2 Sulfur Content of Fuels and 4.6.2, effective June 15, 1992.

(28) On November 12, 1993, the Governor of Utah submitted revisions to its permitting requirements to satisfy the nonattainment new source review provisions in the amended Clean Air Act for all of its nonattainment areas. On May 20, 1994, the Governor of Utah submitted a revision to Utah's definition of volatile organic compounds.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations, R307–1–1, the forward and the following definitions: ''air contaminant,'' ''air contaminant source,'' ''air pollution,'' ''allowable emissions,'' ''ambient air,'' ''best available control technology (BACT),'' ''board,'' ''department,'' ''dispersion technique,'' ''emission limitation,'' ''executive director,'' ''executive secretary,'' ''major modification,'' ''major source,'' ''PM–10 precursor,'' ''person,'' ''temporary,'' and ''volatile organic compound (VOC);'' effective November 15, 1993, printed June 24, 1994.

(B) Utah Air Conservation Regulations, R307–1–3.1.8, R307–1–3.1.10, and R307–1–3.3; effective August 16, 1993, printed May 26, 1994.

(ii) Additional material.

(A) Letter dated October 18, 1994 from Russell A. Roberts to Douglas M. Skie clarifying applicability of Utah's nonattainment new source review permitting requirements.

(29) Revisions to the Utah State Implementation Plan for the 1990 Carbon Monoxide Base Year emission inventories for Ogden City, Salt Lake City, and Utah County were submitted by the Governor in a letter dated July 11, 1994.

(i) Incorporation by reference.

(A) Carbon Monoxide 1990 Base Year Emission Inventories for Ogden City, Utah SIP, Section IX, Part C.3., Table IX.C.5; Salt Lake City, Utah SIP, Section IX, Part C.3., Table IX.C.4; and Utah County, Utah SIP, Section IX, Part C.6., Table IX.C.10 all of which became effective on August 31, 1994.

(30) On November 9, 1992, the Governor of Utah submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the Utah State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Utah Code, Title 19, Chapter 2, Air Conservation Act, Sections 19–2–109.1 and 19–2–109.2, to establish and fund a small business stationary source technical and environmental compliance assistance program, effective April 27, 1992.

(ii) Additional materials.

(A) November 9, 1992 letter from the Governor of Utah submitting a Small Business Assistance Program plan to EPA.

(B) The State of Utah plan for the establishment and implementation of a Small Business Assistance Program, promulgated September 30, 1992 by the

Utah Air Quality Board, effective December 1, 1992.

(31) On February 1, 1995, the Governor of Utah submitted revisions to the prevention of significant deterioration permitting regulations in R307–1–1 and R307–1–3 of the Utah Air Conservation Regulations to incorporate changes in the Federal PSD permitting regulations for PM–10 increments and to make other minor, administrative changes.

(i) Incorporation by reference.

(A) Revisions to the Utah Air Conservation Regulations, R307–1–1, the definitions of ''baseline area,'' ''baseline date,'' ''net emissions increase,'' and ''significant,'' effective 9/22/94, printed 10/24/94.

(B) Revisions to the Utah Air Conservation Regulations, R307–1–3, Sections 3.6.2.B, 3.6.2.D, 3.6.2.E, 3.6.3.A, 3.6.3.B, 3.6.3.D.(2) and (3), 3.6.4.A.(1), 3.6.4.C, 3.6.4.D, 3.6.5.A, 3.6.5.B.(1)(a), 3.6.5.C, 3.6.5.D, 3.6.5.E, 3.6.5.F, and 3.6.6, effective 10/1/94, printed 10/24/94.

(32)–(33) [Reserved]

(34) Revisions to the Utah State Implementation Plan for the Emission Statement Inventory regulation, UACR R307–1–3.5.4., revision of the ozone nonattainment area designation definition, UACR R307–1–3.3.3C, and other minor changes to definitions in UACR R307–1–1. were submitted by the Governor in a letter dated November 12, 1993.

(i) Incorporation by reference.

(A) Emission Statement Inventory regulation, UACR R307–1–3.5.4, ozone nonattainment area designation definition, UACR R307–1–3.3.3C, and the following definitions in UACR R307–1–1.; ''Control Apparatus'', ''Emissions Information'', ''Peak Ozone Season'', ''Process Level'', and ''Process Rate''. All were adopted on August 4, 1993, and became effective on November 15, 1993.

(B) A letter dated May 30, 1995, from Russell Roberts, Director, Utah Division of Air Quality to Douglas Skie, Chief, Air Programs Branch for Region 8.

(35) [Reserved]

(36) The Governor of Utah submitted a revision to Utah's State Implementation Plan (SIP) for Visibility Protection with a letter dated July 25, 1996. The revision was made to add a new subsection 15.10 to the SIP to include a policy statement regarding scenic views which was deleted from the Utah Air Conservation Regulations.

(i) Incorporation by reference.

(A) Utah State Implementation Plan, Subsection 15.10, Policy of the Air Conservation Committee Concerning the Protection of Scenic Views Associated with Mandatory Class I Areas from Significant Impairment for Visibility, adopted on March 26, 1993, and effective on March 29, 1993.

(ii) Additional material.

(A) A July 25, 1996 letter from Michael O. Leavitt, Utah Governor, to Jack McGraw, EPA Region VIII Acting Regional Administrator, in which it was communicated, among other things, that the Utah Air Quality Board deleted R307–5 from the Utah Air Conservation Regulations. The deletion was effective March 29, 1993.

(37) On November 20, 1996, the Governor of Utah submitted a revision to the Utah State Implementation Plan. The submittal included a new Utah regulation which incorporates by reference the Federal new source performance standards in 40 CFR part 60, as in effect on March 12, 1996.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations, R307–18–1, ''Standards of Performance for New Stationary Sources (NSPS),'' effective September 9, 1996, printed October 19, 1996.

(38) Revisions to the Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone; Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County; Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County; Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County; UACR R307–1–3.3.3.C., a portion of Control of Installations; UACR R307–1–3.5.3.B.(1), a portion of Emission Statement Inventory; all as submitted by the Governor on February 19, 1997. EPA approved the above provisions. In addition, EPA approved, for the limited purpose of strengthening the SIP, revisions to UACR R307–14, Requirements

for Ozone Nonattainment Areas and Davis and Salt Lake Counties, as submitted by the Governor on February 6, 1996.

(i) Incorporation by reference.

(A) UACR R307–2–13 adopted by the Utah Air Quality Board on January 8, 1997, effective March 4, 1997, including Section IX, Part D.2 of the Utah State Implementation Plan (SIP) that such rule incorporates by reference (Ozone Maintenance Provisions for Salt Lake and Davis Counties, adopted by the Utah Air Quality Board on January 8, 1997), and excluding any other provisions that such rule incorporates by reference.

(B) The following State Approval Orders (AO): Pacificorp Gadsby Power Plant AO DAQE–0063–94 dated February 3, 1994, Kennecott Utah Copper Utah Power Plant AO DAQE–433–94 dated May 27, 1994, Hill Air Force Base (HAFB) AO DAQE–163–96 dated February 9, 1996, HAFB AO DAQE–1134–95 dated December 7, 1995, HAFB AO DAQE–860–95 dated September 20, 1995, HAFB AO DAQE–775–95 dated August 30, 1995, HAFB AO DAQE–403–95 dated May 8, 1995, HAFB AO DAQE–067–95 dated January 31, 1995, HAFB AO DAQE–068–95 dated January 30, 1995, HAFB AO DAQE–915–94 dated October 18, 1994, HAFB AO DAQE–824–94 dated September 29, 1994, HAFB AO DAQE–0752–93 dated August 27, 1993, HAFB AO DAQE–0719–93 dated August 20, 1993, HAFB AO DAQE–0103–93 dated February 11, 1993, HAFB AO DAQE–1171–92 dated January 4, 1993, HAFB AO DAQE–416–92 dated April 28, 1992, HAFB AO DAQE–167–92 dated February 19, 1992, HAFB AO DAQE–894–91 dated November 25, 1991, HAFB AO BAQE–039–91 dated February 7, 1991, HAFB AO BAQE–669–88 dated December 20, 1988, HAFB AO BAQE–525–88 dated October 13, 1988, HAFB AO BAQE–353–88 dated July 21, 1988, HAFB AO BAQE–026–88 dated January 20, 1988, HAFB AO for Industrial Wastewater Treatment Facility dated February 20, 1986, HAFB AO for Hydrazine Exhaust Incinerator dated February 5, 1985, HAFB AO for Paint Booth, HVAC Modification, Standby Generators, and Fuel Storage dated July 18, 1983, HAFB AO for Remodeling Base Exchange BX Service Station dated July 12, 1979, HAFB AO for Construction dated June 27, 1978, and the Olympia Sales Company AO DAQE–300–95 dated April 13, 1995.

(C) UACR R307–2–18, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part A of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, General Requirements and Applicability.

(D) UACR R307–2–31, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part B of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, Davis County.

(E) UACR R307–2–32, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part C of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, Salt Lake County.

(F) UACR R307–2–34, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part E of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, Weber County.

(G) UACR R307–1–3.3.3.C., a portion of Control of Installations, as adopted by the Utah Air Quality Board on January 8, 1997, effective January 15, 1997.

(H) UACR R307–1–3.5.3.B.(1), a portion of Emission Statement Inventory regulation, as adopted by the Utah Air Quality Board on January 8, 1997, effective January 15, 1997.

(I) UACR R307–14–1, Requirements for Ozone Nonattainment Areas and Davis and Salt Lake Counties, adopted by the Utah Air Quality Board on August 9, 1995, effective on August 15, 1995.

(39) Revisions to the Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide as submitted by the Governor on December 6, 1996 (with minor mathematical corrections submitted by the Utah Division of Air Quality on August 12, 1998), excluding Section IX, Part C.7.f.(3) of the plan, ''Emissions Credit Allocation,'' as EPA

is not taking any action on that section of the plan. UACR R307–1–3.3 Requirements for Nonattainment and Maintenance Areas—New and Modified Sources; as submitted by the Governor on November 24, 1995.

(i) Incorporation by reference.

(A) UACR R307–2–12, adopted by the Utah Air Quality Board on August 7, 1996 and September 4, 1996, effective November 1, 1996, as modified through a notice of nonsubstantive rule change dated July 14, 1998, effective July 27, 1998, to correct minor mathematical errors in Section IX, Part C.7.f.(2) of the Utah State Implementation Plan (SIP). UACR R307–2–12 incorporates by reference a number of provisions of the Utah SIP, only some of which are relevant to this rulemaking action. EPA's incorporation by reference of UACR R307–2–12 only extends to the following Utah SIP provisions and excludes any other provisions that UACR R307–2–12 incorporates by reference:

Section IX, Part C.7 (except for Section IX, Part C.7.f.(3)), Carbon Monoxide Maintenance Provisions for Salt Lake City, adopted by Utah Air Quality Board on August 7, 1996, and September 4, 1996, effective November 1, 1996, as modified by the nonsubstantive rule change noted above.

(B) UACR R307–1–3.3, a portion of Requirements for Nonattainment and Maintenance Areas—New and Modified Sources, as adopted by the Utah Air Quality Board on October 4, 1995, December 6, 1995, effective January 31, 1996.

(ii) Additional material.

(A) February 19, 1998, letter from Ursula Trueman, Director, Utah Division of Air Quality, Department of Environmental Quality to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, entitled ''DAQS–0188–98; Technical Support Documents—Ogden City and Salt Lake City CO Maintenance Plans.'' This letter confirmed that all the emission projections, contained in the technical support documents for both the Salt Lake City and Ogden City redesignation requests, were properly adopted by the Utah Air Quality Board in accordance with the Utah Air Quality Rules.

(B) Materials from Jan Miller, Utah Division of Air Quality, Department of Environmental Quality, received by Tim Russ, Air and Radiation Program, EPA Region VIII, displaying the minor mathematical corrections to the on-road mobile source emission budgets in Section IX, Part C. 7.f.(2) of the Salt Lake City CO Maintenance Plan. These nonsubstantive changes were made in accordance with the Utah Air Quality Rules and were effective July 27, 1998.

(40) The Governor of Utah submitted revisions to the Utah State Implementation Plan to revise Utah's definition of a volatile organic compound (VOC) and to include nonsubstantive wording changes regarding VOC emissions from air strippers and soil venting operations. The revisions to the VOC definition, found in UACR R307–1–1, were submitted by the Governor on November 8, 1995, February 12, 1996, November 20, 1996, May 15, 1997, and June 10, 1998. The revisions submitted November 8, 1995, February 12, 1996, November 20, 1996, and May 15, 1997, deleted volatile methyl siloxanes, parachlorobenzotrifluoride (PCBTF), acetone, perchloroethylene (PERC), HFC 43–10mee, HCFC 225ca and HCFC 225cb from the definition of VOCs. The June 10, 1998 submittal incorporated the deletion of 16 more pollutants from the federal list that were determined to have a negligible contribution to tropospheric ozone formation; the compounds are: HFC–32, HFC–161, HFC–236fa, HFC–245ca, HFC–245ea, HFC–245eb, HFC–245fa, HFC–236ea, HFC–365mfc, HCFC–31, HCFC–123a, HCFC–151a, $C_4F_9OCH_3$, $(CF_3)_2CFCF_2OCH_3$, $C_4F_9OC_2H_5$, and $(CF_3)_2CFCF_2OC_2H_5$ (compound names only are listed here, refer to 62 FR 44901, August 25, 1997 for the chemical name and 62 FR 44903, August 25, 1997 for the complete list of exempted VOCs). A second February 12, 1996 Governor's submittal contained minor wording revisions which were made to UACR R307–6–1 regarding VOC emissions from air strippers and soil venting operations. The revision submitted November 20, 1996 also repealed UACR R307–14–8 which had addressed requirements for perchloroethylene dry cleaning plants located in ozone nonattainment and maintenance areas.

(i) Incorporation by reference.

(A) UACR R307–1–1, a portion of Forward and Definitions, definition of

VOC, as adopted by the Utah Air Quality Board on January 7, 1998, effective January 8, 1998.

(B) UACR R307–6, a portion of *De minimis* Emissions from Air Strippers and Soil Venting Projects, nonsubstantive wording changes, effective October 1, 1995.

(41) On July 11, 1994 the Governor of Utah submitted revisions to the Utah State Implementation Plan (SIP) to revise the definition for ''Sole Source of Heat'' under UACR R307–1–1, ''Foreword and Definitions,'' to allow the exemption of those households with small portable heating devices from mandatory no-burn periods. This revision also made changes to the residential woodburning regulations under UACR R307–1–4.13.3 ''No-Burn Periods,'' which specifies the actions which must be taken if contingency measures are implemented in the Salt Lake, Davis or Utah County nonattainment areas. These plans were requested to be withdrawn by the Governor in a November 9, 1998, letter to the Regional Administrator. EPA returned the portions of these plans with a letter to the Governor on January 29, 1999. A nonsubstantive change was made in this section as a result of the revision which moves section 4.13.3 D to section 4.13.3.E; this change was also approved by EPA. On February 6, 1996 the Governor of Utah submitted revisions to the Utah State Implementation Plan to revise Utah's open burning regulations, under UACR R307–1–2.4, to require that the local county fire marshal establish 30-day open burning windows during the spring and fall closed burning seasons in areas outside of Salt Lake, Davis, Weber, and Utah Counties as granted by the state forester. There were also minor changes made to the open burning regulations under UACR R307–1–2.4, ''General Burning'' and minor changes made to UACR R307–1–2.5 ''Confidentiality of Information.'' On July 9, 1998 the Governor of Utah submitted revisions to the Utah SIP to add a definition for ''$PM_{10}$ Nonattainment Area,'' under UACR R307–1–1, ''Foreword and Definitions.''

(i) Incorporation by reference.

(A) UACR R307–1–1, a portion of ''Foreword and Definitions,'' revision of definition for ''Sole Source of Heat,'' as adopted by Utah Air Quality Board on December 9, 1993, effective on January 31, 1994.

(B) UACR R307–1–4, a portion of ''Emissions Standards,'' as adopted by Utah Air Quality Board on December 9, 1993, effective on January 31, 1994.

(C) UACR R307–1–2, a portion of ''General Requirements,'' open burning changes and nonsubstantive wording changes, as adopted by Utah Air Quality Board on September 6, 1995, effective on October 31, 1995.

(D) UACR R307–1–1, a portion of ''Foreword and Definitions,'' addition of definition for ''$PM_{10}$ Nonattainment Area,'' as adopted by Utah Air Quality Board on January 7, 1998, effective on January 8, 1998.

(ii) Additional Material.

(A) July 20, 1998, fax from Jan Miller, Utah Department of Air Quality, to Cindy Rosenberg, EPA Region VIII, transmitting Utah Code 65A–8–9, regarding closed fire seasons.

(B) October 21, 1998, letter from Richard R. Long, Director, EPA Air and Radiation Program, to Ursula Trueman, Director, Utah Division of Air Quality, requesting that Utah withdraw the submitted Salt Lake and Davis County $PM_{10}$ Contingency Measure SIP revisions, the Utah County $PM_{10}$ Contingency Measure SIP revisions, and the Residential Woodburning in Salt Lake, Davis and Utah Counties $PM_{10}$ Contingency Measure SIP revision.

(C) November 9, 1998, letter from the Governor of Utah, to William Yellowtail, EPA Region VIII Administrator, requesting that the submitted Salt Lake and Davis County and Utah County $PM_{10}$ Contingency Measure SIP revisions and the Residential Woodburning in Salt Lake, Davis and Utah Counties $PM_{10}$ Contingency Measure SIP revision be withdrawn.

(D) December 16, 1998, letter from Larry Svoboda, EPA Region VIII, to Ursula Trueman, Utah Department of Air Quality, clarifying revisions that were made to UACR R307–1–4.

(E) January 5, 1999, letter from Ursula Trueman, Utah Department of Air Quality, to William Yellowtail, EPA Region VIII Administrator, concurring on EPA's clarification of revisions that were made to UACR R307–1–4.

(F) January 29, 1999, letter from William Yellowtail, EPA Region VIII Administrator, to the Governor of Utah returning the Salt Lake and Davis County and Utah County $PM_{10}$ Contingency Measure SIP revisions and the Residential Woodburning in Salt Lake, Davis and Utah Counties $PM_{10}$ Contingency Measure SIP revision.

(42) On February 12, 1996, the Governor of Utah submitted revisions submitted revisions to the SIP that incorporate the General Conformity requirements of 40 CFR part 93, subpart B into the SIP and State regulation.

(i) Incorporation by reference.

(A) UACR R307–2–30, Section XXII, General Conformity, as adopted on October 4, 1995, effective October 12, 1995.

(B) UACR R307–19, General Conformity, as adopted on October 4, 1995, effective October 12, 1995.

(43) On February 1, 1995 the Governor of Utah submitted revisions to the Utah SIP to revise the provisions for road salting and sanding in Section 9, part A of the SIP and in UACR R307–1–3, updating the incorporation by reference in R307–2–1, deleting obsolete measures for nonferrous smelters in R307–1–3, and making nonsubstantive changes to UACR R307–1–1 and R307–1–3.

(i) Incorporation by reference.

(A) UACR R307–1–3, a portion of ''Control of Installations,'' revisions to road salting and sanding requirements and deletion of non ferrous smelter orders, as adopted by Utah Air Quality Board on November 5, 1993, effective on January 3, 1994.

(B) UACR R307–2–1, ''Incorporation by Reference,'' revised date for incorporation by reference of the State Implementation Plan, as adopted by Utah Air Quality Board on January 31, 1994.

(C) UACR R307–1–1, ''Foreword and Definitions,'' nonsubstantive change made to definition of ''$PM_{10}$ precursor,'' effective on June 1, 1994.

(D) UACR R307–1–3, ''Control of Installations,'' nonsubstantive changes to road salting and sanding, effective on June 1, 1994.

(ii) Additional Material.

(A) February 22, 1999 letter from Ursula Trueman, Director, Utah Division of Air Quality, to Richard Long, Director, EPA Region VIII Air and Radiation Program, transmitting nonsubstantive change correction to R307–2–1, ''Incorporation by Reference,'' that was left out of the February 1, 1995 SIP submittal.

(B) March 16, 1999 letter from Larry Svoboda, Unit Leader, EPA Region VIII Air and Radiation Program, to Ursula Trueman, Director, Utah Division of Air Quality, explaining EPA's interpretation of nonsubstantive revision to definition of ''$PM_{10}$ precursor.''

(C) April 28, 1999 letter from Richard Sprott, Planning Branch Manager, Utah Division of Air Quality, to Larry Svoboda, Unit Leader, EPA Region VIII Air and Radiation Program, providing explanation for and background to the ''$PM_{10}$ precursor'' definition.

(D) August 26, 1999 fax from Jan Miller, Utah Division of Air Quality, to Cindy Rosenberg, EPA Region VIII Air and Radiation Program, transmitting documentation for effective date of the ''$PM_{10}$ precursor'' definition.

(44) On February 29, 2000, the Governor of Utah submitted revisions to Section XI of the SIP that incorporate a new transportation control measure for Utah County into the SIP and State regulation.

(i) Incorporation by reference.

(A) UACR R307–110–19, Section XI, Other Control Measures for Mobile Sources, as adopted on February 9, 2000, effective February 10, 2000.

(B) Revisions to Section XI of the Utah SIP, Other Control Measures for Mobile Sources, adopted February 9, 2000, effective February 10, 2000.

(45) Revisions to the Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide (''Carbon Monoxide Maintenance Provisions for Ogden City'') as submitted by the Governor on December 9, 1996, excluding section IX, part C.8.f.(3) of the plan, ''Emissions Credit Allocation,'' as EPA is not taking any action on that section of the plan. UACR R307–8; Oxygenated Gasoline Program as submitted by the Governor on July 8, 1998.

(i) Incorporation by reference.

(A) UACR R307–2–12, section IX, part C of the Utah State Implementation Plan (SIP), adopted by the Utah Air Quality Board on August 7, 1996, and September 4, 1996, effective November

1, 1996. EPA's incorporation by reference of UACR R307–2–12 only extends to the following Utah SIP provisions and excludes any other provisions that UACR R307–2–12 incorporates by reference:

Section IX, part C.8 (except for section IX, part C.8.f.(3)), ''Carbon Monoxide Maintenance Provisions for Ogden City,'' adopted by Utah Air Quality Board on August 7, 1996, and September 4, 1996, effective November 1, 1996.

(B) UACR R307–8, Oxygenated Gasoline Program, as adopted by the Utah Air Quality Board on April 21, 1998, effective April 22, 1998.

(ii) Additional materials.

(A) February 19, 1998, letter from Ursula Trueman, Director, Utah Division of Air Quality, Department of Environmental Quality to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, entitled ''DAQS–0188–98; Technical Support Documents—Ogden City and Salt Lake City CO Maintenance Plans.'' This letter confirmed that all the emission projections contained in the technical support documents for both the Salt Lake City and Ogden City redesignation requests were properly adopted by the Utah Air Quality Board in accordance with the Utah Air Quality Rules.

(B) July 17, 2000, letter from Richard Long, Director, Air and Radiation Program, EPA Region VIII, to Ursula Kramer, Director, Utah Division of Air Quality, Department of Environmental Quality, entitled ''Federal Register Action for the Ogden City Carbon Monoxide (CO) Redesignation—Resolution of Issues with the Conformity Budgets.''

(C) September 11, 2000, letter from Rick Sprott, Acting Director, Utah Division of Air Quality, Department of Environmental Quality, to Richard Long, Director, Air and Radiation Program, EPA Region VIII, entitled ''DAQP–131–00; Ogden City Carbon Monoxide (CO) Redesignation—Resolution of Issues with the Conformity Budgets.'' This letter provided clarification regarding the transportation conformity budgets in section IX.C.8 of the Ogden City maintenance plan SIP revision.

(46) On April 19, 2000, the Governor of Utah submitted revisions to the State's Air Conservation Regulations to update the definitions for ''significant'' and ''volatile organic compound'' to be in agreement with the federal definitions found at 40 CFR 51.166(23)(i) and 40 CFR 51.100(s)(1), July 1, 1998, respectively.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations section R307–101–2, definitions of ''significant'' and ''volatile organic compound'' (VOC), effective April 8, 1999.

(47) The Governor of Utah submitted a request to repeal sections R307–1–4.11 and R307–2–28, and revise R307–7of the Utah Air Conservation Regulations (UACR) on June 17, 1998. R307–1–4.11 is removed from the SIP. No action was taken on the repeal of R307–2–28 because it was never approved into the SIP.

(i) Incorporation by reference.

(A) UACR R307–7 effective November 15, 1996.

(48) On August 14, 2001, the Governor of Utah submitted a revision to Utah's SIP to update UACR R307–110–33, Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County. The changes involve a demonstration that Salt Lake County's test and repair I/M network is as effective as a test only I/M network.

(i) Incorporation by reference.

(A) UACR R307–110–33, which incorporates by reference Utah SIP, Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County and appendices 1.a, 1.b, and 1.c, adopted by the UAQB August 1, 2001 and State effective on August 2, 2001.

(49) On August 15, 2001, the Governor of Utah submitted a revision to Utah's SIP to update UACR R307–110–31, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability. This revision required the mandatory implementation of the inspection of vehicle On-Board Diagnostic (OBD) systems starting January 1, 2002 in all areas implementing an I/M program.

(i) Incorporation by reference.

(A) UACR R–307–110–31 which incorporates by reference Utah SIP, Section X, Vehicle Inspection and Maintenance

Program, Part A, General Requirements and Applicability adopted by the UAQB on August 1, 2001 and State effective on August 2, 2001.

(50) The Governor of Utah submitted Rule R307–110–34 and Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County as part of the Utah State Implementation Plan on December 7, 2001.

(i) Incorporation by reference.

(A) Rule R307–110–34 and Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County, including appendices 1 through 6, as adopted by the Utah Air Quality Board on August 1, 2001, effective October 2, 2001, published in the Utah State Bulletin issue of September 1, 2001.

(ii) Additional Material.

(A) Letter dated December 7, 2001 from Governor Michael O. Leavitt submitting Utah County's inspection and maintenance program state implementation plan revision.

(B) Evaluation of the Utah County Inspection/Maintenance Program, dated May 20, 1999.

(51) On May 13, 2002, the Governor of Utah submitted a revision to Utah's SIP involving a new rule R307-310 ''Salt Lake County: Trading of Emission Budgets for Transportation Conformity.'' R307–310 allows trading from the motor vehicle emissions budget for primary Particulate Matter of 10 microns or less in diameter ($PM_{10}$) in the Salt Lake County $PM_{10}$ SIP to the motor vehicle emissions budget for Nitrogen Oxides ($NO_X$) in the Salt Lake County $PM_{10}$ SIP. This trading mechanism allows Salt Lake County to increase their $NO_X$ budget in the Salt Lake County $PM_{10}$ SIP by decreasing their $PM_{10}$ budget by an equivalent amount. These adjusted budgets in the Salt Lake County $PM_{10}$ SIP would then be used for transportation conformity purposes.

(i) Incorporation by reference.

(A) Rule R307–310 ''Salt Lake County: Trading of Emission Budgets for Transportation Conformity'', as adopted on May 13, 2002, by the Utah Air Quality Board, and State effective on May 13, 2002.

(52) [Reserved]

(53) On September 27, 2001, the Governor of Utah submitted a revision to Utah's SIP involving R307–301 ''Utah and Weber Counties: Oxygenated Gasoline Program.'' Specifically, the State revised R307–301–3 ''Average Oxygen Content Standard'' to only require the implementation of a 2.7% oxygen by weight program and not a 3.1% program that the State had mandated in a 1998 revision.

(i) Incorporation by reference.

(A) Rule R307–301–3 ''Average Oxygen Content Standard'', as adopted on September 5, 2001, by the Utah Air Quality Board, and State effective on September 10, 2001. This rule supersedes and replaces R307–8–3.1.B.

(54) On July 3, 2002, the Governor of Utah submitted a SIP revision revising the SIP for the Utah County nonattainment area for particulates of 10 microns in size or smaller ($PM_{10}$). The Governor's submittal, among other things, revises the existing attainment demonstration in the approved $PM_{10}$ SIP based on a short-term emissions inventory, establishes 24-hour emission limits for the major stationary sources in the Utah County $PM_{10}$ nonattainment area and establishes motor vehicle emission budgets based on EPA's most recent mobile source emissions model, Mobile6.

(i) Incorporation by reference.

(A) Rule R307–110–10, which incorporates revisions to portions of the Utah State Implementation Plan, Section IX, ''Control Measures for Area and Point Sources,'' Part A, ''Fine Particulate Matter'' as adopted on July 3, 2002, by the Utah Air Quality Board, and State effective on September 5, 2002. (Section IX of the Utah SIP was formerly designated Section 9. The revisions to Section IX, Part A we are incorporating by reference with this action do not replace Section 9, Part A entirely, but revise portions of Section 9.A.3., 9.A.6, 9.A.7, 9.A.8, 9.A.9 of the previously approved Utah SIP and add a new Section IX.A.10.)

(B) Rule R307–110–17, which incorporates revisions to portions of the Utah State Implementation Plan, Section IX, ''Control Measures for Area and Point Sources,'' Part H, ''Emission Limits,'' as adopted on June 5, 2002, by the Utah Air Quality, and State effective on September 5, 2002. (Section IX, Part H of the Utah SIP was formerly

designated Section 9, Appendix A. The revisions to Section IX, Part H we are incorporating by reference with this action replace the following sections of Section 9, Appendix A of the previously approved Utah SIP: Section 1.1 (General Requirements (Utah County)) and all subsections thereof; Section 1.2 (Particulate Emission Limitations (company specific)) and all subsections thereof.)

(ii) Additional material.

(A) Letter dated August 9, 2002 from Richard Sprott, Director, Utah Division of Air Quality, to Richard Long, Director, Air and Radiation Program, EPA Region 8, transmitting the chronology of how the Utah County $PM_{10}$ SIP revision was adopted over two Utah Air Quality Board meetings (June 5, 2002 and July 3, 2002) and the justification for the nonsubstantive revisions made between the two adoption dates.

(B) Letter dated July 3, 2002 from Governor Michael O. Leavitt, State of Utah, to Robert E. Roberts, Regional Administrator, EPA Region 8, requesting EPA's approval of the Utah State Implementation Plan for $PM_{10}$ in Utah County.

(C) Commitment letter dated April 18, 2002 from Richard Sprott, Director, Utah Division of Air Quality, to Richard Long, Director, Air and Radiation Program, EPA Region 8, committing to work with us to address remaining issues with the $PM_{10}$ SIPs for both the Utah and Salt Lake County nonattainment areas and with the Utah SIP in general. Utah will address these ongoing issues in a SIP revision (which may be in the form of a maintenance plan) that will be submitted by March 1, 2004.

(D) Letter dated March 15, 2002 from, Richard Sprott, Director, Utah Division of Air Quality, to Richard Long, Director, Air and Radiation Program, EPA Region 8, accompanied by three volumes of Technical Support Documentation titled ''Supplement II–02 to the Technical Support Documentation for the State Implementation Plan for $PM_{10}$'' for the Utah County $PM_{10}$ SIP revision.

(E) Utah's General Definition rule R307–101–2 as in effect at the time Utah adopted Section IX, Part H of the SIP revision on June 5, 2002.

(F) All portions of the July 3, 2002 Utah $PM_{10}$ SIP revision submittal, other than any documents or provisions mentioned in paragraph (c)(54)(i) of this section.

(55) [Reserved]

(56) On June 27, 1994 and April 28, 2000, the Governor of Utah submitted revisions to the State Implementation Plan. On December 31, 2002, the State of Utah submitted Supplemental Administrative Documentation. The June 27, 1994 submittal revises the numbering and format of Utah's State Implementation Plan (SIP). The April 28, 2000 and December 31, 2002 submittals contain non-substantive changes to correct minor errors in the June 27, 1994 submittal. The provisions identified below are approved into the SIP and supersede and replace the corresponding prior codification of the provisions of the SIP.

(i) Incorporation by reference.

(A) Utah State Implementation Plan Section I; Section II; Section III (except III.C); Section IV; Section V; Section VI; Section VII (except VII.D); Section IX, Part IX.B (except the title, IX.B.3.a, IX.B.3.d, IX.B.3.e, and IX.B.4); Section IX, Parts C, E, F and G (except the titles); Section IX, Part D.1 (except for the title and IX.D.1.d (5)); Section XI ( Appendix 1 and Appendix 2 only); Section XII; Section XIII; Section XIV (except Table IX.9); Section XV; Section XVI; Section XVII (except XVII.A, XVII.D and XVII.E); Section XVIII (except XVIII.B); and Section XIX, effective 11/12/93.

(B) Utah State Implementation Plan Section IX, Part IX.B.3.d; Section IX, titles of Parts B, C, D.1, E, F and G; Section XIV, Table XIV.9; Section XVII, Parts XVII.A, XVII.D and XVII.E; and Section XVIII, Part XVIII.B, effective 2/25/2000.

(C) Utah State Implementation Plan Section III, Part III.C; Section VII, Part VII.D; Section VIII; Section IX, Parts IX.B.3.a, IX.B.3.e, IX.B.4, IX.C.7.b(3), IX.C.7.h(3), IX.C.8.b(3), IX.C.8.f(1)(a), IX.C.8.h(3)(a), IX.C.8.h(3)(c), IX.D.1.d(5), IX.D.2.b, IX.D.2.d(1)(a), IX.D.2.e(1), IX.D.2.f(1)(a), IX.D.2.h (except IX.D.2.h(2)), IX.D.2.i and IX.D.2.j; and Section XXII, effective January 1, 2003.

(ii) Additional Material.

(A) October 3, 2002 letter from Rick Sprott, Utah Department of Air Quality, to Richard Long, EPA Region VIII, to address typographical errors and missing pages in the January 27, 1994 submittal.

(B) [Reserved]

(57) On September 7, 1999 and February 11, 2003, the Governor of Utah submitted revisions to the SIP. The submittals revise Utah's Air Conservation Regulations (UACR), R307–170, Continuous Emission Monitoring Program, by repealing and re-enacting the rule to clarify requirements of the rule. The revisions are being approved into the SIP.

(i) Incorporation by reference.

(A) UACR R307–170, effective 4/1/1999, except sections R307–170–4, R307–170–5 and R307–170–9.

(B) UACR sections R307–170–4, R307–170–5 and R307–170–9, effective December 5, 2002.

(58) On November 9, 2001 and September 16, 2003 the State of Utah submitted revisions to its State Implementation Plan (SIP) to incorporate new and revise existing definitions in the new source review (NSR) rules. The revisions update the State's NSR rules so that they are consistent with the revisions EPA made to its NSR rules on July 21, 1992.

(i) Incorporation by reference.

(A) Revisions to the Utah Air Conservation Regulations, R307–101–2, the definitions ''Actual Emissions,'' ''Clean Coal Technology,'' ''Clean Coal Technology Demonstration Project,'' ''Electric Utility Steam Generating Unit,'' ''Emissions Unit,'' ''Pollution Control Project,'' and ''Representative Actual Annual Emissions,'' effective 7/12/01.

(B) Revisions to the Utah Air Conservation Regulations, R307–101–2, the definitions ''Major Modification,'' ''Reactivation of Very Clean Coal-Fired Electric Utility Steam Generating Unit,'' ''Repowering,'' and ''Temporary Clean Coal Technology Demonstration Project,'' effective 6/1/03.

(C) Revisions to the Utah Air Conservation Regulations, R307–405–1, the definition ''Major Modification'' effective 6/1/03.

(59) On February 5, 2001, October 26, 2000, September 20, 1999, September 7, 1999, two State Implementation Plan (SIP) revisions submitted February 6, 1996 and one on January 27, 1995, the State of Utah submitted SIP revisions that recodifies Utah's rules that had previously been approved into Utah's SIP; removed from Utah's SIP language that is obsolete or is generally not related to attainment of the National Ambient Air Quality Standards (NAAQS) and is therefore not appropriate to be in Utah's SIP; and arranged rules to allow for a more coherent SIP structure.

(i) Incorporation by Reference.

(A) Utah Administrative Code (UAC) rule sections: R307–101–1 and 2 with the exception of the definitions for ''actual emissions,'' ''major modification,'' ''part 70 source,'' ''significant,'' and ''volatile organic compound'' effective September 15, 1998; R307–102–1 through R307–102–6 effective September 15, 1998 and R307–102–1(2) effective August 3, 2000; R307–105–1 and R307–105–2 effective September 15, 1998, R307–107–1 through R307–107–6 effective September 15, 1998; R307–110–1 through R307–110–9, R307–110–11, R307–110–13 through R307–110–15, R307–110–18, R307–110–20 through R307–110–28, R307–110–30, and R307–110–32 effective September 15, 1998; R307–115–1 effective September 15, 1998; R307–130–1 through R307–130–4 effective September 15, 1998; R307–165–1 through R307–165–4 effective September 15, 1998; R307–201–1 through R307–201–3 effective September 15, 1998; R307–202–1 through R307–202–6 effective September 15, 1998; R307–203–1 through R307–203–3 effective September 15, 1998; R307–206–1 through R307–206–5 effective September 15, 1998; R307–302–1, R302–302–2 (except paragraph (4)) and R307–302–4 effective September 15, 1998; R307–305–1 through R307–305–7 effective September 15, 1998; R307–307–1 through R307–307–3 effective September 15, 1998; R307–325–1 through R307–325–4 effective September 15, 1998; R307–326–1 through R307–326–7 effective September 15, 1998; R307–327–1 through R307–327–3 effective September 15, 1998; R307–328–1 through R307–328–5 effective September 15, 1998; R307–335–1 through R307–335–4 effective September 15, 1998; R307–340–1 through R307–340–13 effective September 15,

1998; R307–341–1 through R307–341–3 effective September 15, 1998; R307–342–1 through R307–342–7 effective September 15, 1998; R307–401–9 and R307–401–10(1) effective September 15, 1998; R307–403–1 through R307–403–9 effective September 15, 1998; R307–405–1 through R307–405–8 effective September 15, 1998; R307–406–1 through R307–406–6 effective September 15, 1998; R307–413–7 effective September 15, 1998; and R307–414–1 through R307–414–3 effective September 15, 1998.

(ii) Additional Material.

(A) Outline for Utah's Rules Reorganization effective September 15, 1998.

(B) July 6, 2000 letter from Richard Long, EPA Region VIII to Ursula Kramer, Director, Utah Division of Environmental Quality requesting Utah to withdraw Utah SIP submittals dated April 30, 1998, October 9, 1998, and April 19, 2000.

(C) October 6, 2000 letter from Richard Long, EPA Region VIII to Rick Sprott, Acting Director, Utah Division of Air Quality (UDAQ) notifying UDAQ of an October 6, 1995 EPA memorandum (included with the October 6, 2000 letter) stating that Clean Air Act section 172(c)(9) pertaining to contingency measures requirements would not apply to PM10 nonattainment areas that had attained the standard with at least 3 years of clean air quality and as long as the area continued to attain the standard.

(D) October 16, 2000 letter from Michael Leavitt, Governor of Utah to William Yellowtail, Regional Administrator, EPA Region VIII requesting the withdraw of Utah's SIP submittals dated April 30, 1998, October 9, 1998, and April 19, 2000.

(E) April 2, 2002 letter from Richard Long, EPA Region VIII to Rick Sprott, Director, Utah Division of Air Quality informing UDAQ of our intent to not act on Utah's SIP submittal dated October 26, 2000 and our intent to remove existing asbestos rule language (R701–1–8) from Utah's federally approved SIP.

(F) April 7, 2005 letter from Rick Sprott, Director, Utah Division of Air Quality agreeing with EPA on the exclusion of Utah rules R307–1–6, R307–121, R307–122, R307–135, R307–214, R307–215, R307–220, R307–221, R307–320, R307–332, R307–415, R307–417, and R307–1–8 from Utah's federally approved SIP.

(60) Revisions to the Utah State Implementation Plan, Section IX, Part C.7, ''Carbon Monoxide Maintenance Provisions for Salt Lake City,'' as submitted by the Governor on October 19, 2004; revisions to UAC R307–110–12, ''Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide,'' as submitted by the Governor on October 19, 2004; revisions to the Utah State Implementation Plan, Section X, ''Vehicle Inspection and Maintenance Program, Part C, Salt Lake County,'' as submitted by the Governor on October 19, 2004; and revisions to UAC R307–110–33, ''Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County,'' as submitted by the Governor on October 19, 2004.

(i) Incorporation by reference.

(A) UAC R307–110–12, as adopted by the Utah Air Quality Board on October 6, 2004, effective December 2, 2004. This incorporation by reference of UAC R307–110–12 only extends to the following Utah SIP provisions and excludes any other provisions that UAC R307–110–12 incorporates by reference: Section IX, Part C.7, ''Carbon Monoxide Maintenance Provisions for Salt Lake City,'' adopted by Utah Air Quality Board on October 6, 2004, effective December 2, 2004.

(B) UAC R307–110–33, ''Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County,'' as adopted by the Utah Air Quality Board on October 6, 2004, effective October 7, 2004.

(61) Revisions to the Utah State Implementation Plan, Section IX, Part C.8, ''Carbon Monoxide Maintenance Provisions for Ogden,'' as submitted by the Governor on November 29, 2004; revisions to UAC R307–110–12, ''Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide,'' as submitted by the Governor on November 29, 2004; revisions to the Utah State Implementation Plan, Section X, ''Vehicle Inspection and Maintenance Program, Part E, Weber County,'' as submitted by the Governor on November 29, 2004; and revisions to UAC R307–110–35, ''Section X, Vehicle Inspection and Maintenance Program,

Part E, Weber County,'' as submitted by the Governor on November 29, 2004.

(i) Incorporation by reference.

(A) UAC R307–110–12, as adopted by the Utah Air Quality Board on November 3, 2004, effective January 4, 2005. This incorporation by reference of UAC R307–110–12 only extends to the following Utah SIP provisions and excludes any other provisions that UAC R307–110–12 incorporates by reference:

Section IX, Part C.8, ''Carbon Monoxide Maintenance Provisions for Ogden,'' adopted by the Utah Air Quality Board on November 3, 2004, effective January 4, 2005.

(B) UAC R307–110–35, ''Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County,'' as adopted by the Utah Air Quality Board on November 3, 2004, effective November 4, 2004.

(ii) Additional materials.

(A) A July 28, 2005 letter from Jan Miller, Utah Department of Environmental Quality, to Kerri Fiedler, EPA Region VIII, to address typographical errors in the November 29, 2004 submittal.

(B) An August 2, 2005 letter from Richard Sprott, Utah Department of Environmental Quality, to Gary House, Weber-Morgan Board of Health, addressing limits on Weber County authority to revise vehicle emission cutpoints.

(62) Revisions to the Utah State Implementation Plan, ''Section IX, Part C.6, Carbon Monoxide Provisions for Provo,'' as submitted by the Governor on April 1, 2004; revisions to UAC R307–110–12, ''Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide,'' as submitted by the Governor on April 1, 2004; revisions to the Utah State Implementation Plan, ''Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability,'' as submitted by the Governor on April 1, 2004; revisions to UAC R307–110–31, ''Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability,'' as submitted by the Governor on April 1, 2004; revisions to the Utah State Implementation Plan, ''Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County,'' as submitted by the Governor on April 1, 2004; revisions to UAC R307–110–34, ''Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County,'' as submitted by the Governor on April 1, 2004; the removal of UAC R307–301 from the Federally-approved SIP as requested by the Governor on April 1, 2004; and UAC R307–302–3, and UAC R307–302–4, ''No-Burn Periods for Carbon Monoxide'' and ''Violations,'' respectively, as submitted by the Governor on September 20, 1999.

(i) Incorporation by reference.

(A) UAC R307–110–12, as adopted by the Utah Air Quality Board on March 31, 2004, effective May 18, 2004. This incorporation by reference of UAC R307–110–12 only extends to the following Utah SIP provisions and excludes any other provisions that UAC R307–110–12 incorporates by reference: ''Section IX, Part C.6, Carbon Monoxide Provisions for Provo,'' adopted by the Utah Air Quality Board on March 31, 2004, effective May 18, 2004.

(B) UAC R307–110–31, ''Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability,'' as adopted by the Utah Air Quality Board on March 31, 2004, effective May 18, 2004.

(C) UAC R307–110–34, ''Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County,'' as adopted by the Utah Air Quality Board on March 31, 2004, effective May 18, 2004.

(D) UAC R307–302–3, ''No-Burn Periods for Carbon Monoxide,'' as adopted by the Utah Air Quality Board on August 13, 1998, effective September 15, 1998.

(E) UAC R307–302–4, ''Violations,'' as adopted by the Utah Air Quality Board on August 13, 1998, effective September 15, 1998.

(ii) Additional materials.

(A) An August 2, 2005 letter from Richard Sprott, Utah Department of Environmental Quality, to Jerry Grover, Utah County Commission, addressing limits on Utah County authority to revise vehicle emission cut-points.

(B) An August 19, 2005 letter from Richard Sprott, Utah Department of Environmental Quality, to Richard Long, EPA Region VIII, providing supplemental Technical Support Documentation to Volumes 11 and 12 of the

State's Technical Support Document for the Provo area's carbon monoxide attainment demonstration and maintenance plan that was submitted by Governor Walker on April 1, 2004.

(C) A September 8, 2005 letter from Jan Miller, Utah Department of Environmental Quality, to Kerri Fiedler, EPA Region VIII, to address typographical errors in ''Section X, Part D, Utah County Vehicle Emissions Inspection and Maintenance Program'' that was submitted by Governor Walker on April 1, 2004.

(63) Revisions to the definition of ''Volatile Organic Compounds,'' in UAC rule R307–101–2, as submitted by the Governor on November 11, 2005. Revisions to the definition of ''Clearing Index,'' in UAC rule R307–101–2, as submitted by the Governor on November 23, 2005.

(i) Incorporation by reference.

(A) Utah Administrative Code rule R307–101–2, as adopted by the Utah Air Quality Board on July 6, 2005, effective on July 7, 2005. This incorporation by reference extends only to the definition of Volatile Organic Compounds and excludes any other provisions that R307–101–02 incorporates by reference.

(B) Utah Administrative Code rule R307–101–2, as adopted by the Utah Air Quality Board on September 7, 2005, effective on September 8, 2005. This incorporation by reference extends only to the definition of the Clearing Index and excludes any other provisions that R307–101–2 incorporates by reference.

(64) Revisions to State Implementation Plan were submitted by the State of Utah on February 7, 2006. The revisions are to the Utah Administrative Code to revise the continuous emission monitoring requirements for performance audits of acid rain monitors and to correct several typographical and grammatical errors.

(i) Incorporation by reference.

(A) Utah Administrative Code sections: R307–170–7(1); 307–170–4; *R307–170–5(1)(b);* R307–170–5(7); R307–170–7(6); R307–170–7(6)(a) and (b); and in R307–170–9 sections (5)(a) and (d), (6)(b), (*7*)(*a*)(*i*), (7)(b), and (9)(a); effective January 5, 2006.

(65) On March 22, 2007 the Governor of Utah submitted the addition to the Utah Administrative Code (UAC) of Rule R307–110–36. This rule incorporates by reference Section XXIII, Interstate Transport, of the Utah State Implementation Plan (SIP). The Interstate Transport declaration satisfies the requirements of Section 110(a)(2)(D)(i) of the Clean Air Act (CAA). On September 17, 2007, the Governor of Utah also submitted an amendment to the UAC Rule R307–130–4, ''Options,'' that removes from the text a typographical error. It removes the word ''not'' which had been accidentally placed in this rule.

(i) Incorporation by reference.

(A) Addition to the UAC of rule R307–110–36 that incorporates by reference Section XXIII, ''Interstate Transport,'' of the Utah SIP. Rule R307–110–36 was adopted by the UAQB on February 7, 2007, effective February 9, 2007, and it was submitted by the Governor to EPA on March 22, 2007.

(B) Revision to UAC Rule R307–130–4, ''Options.'' This revision removes from the text the word ''not.'' The amended text was adopted by the UAQB on June 21, 2007, effective July 13, 2007, and it was submitted by the Utah Governor to EPA on September 17, 2007.

(ii) Additional material.

(A) Replacement page for UAC Rule R307–110–36 attached to the March 22, 2007 submittal letter by the Utah Governor to EPA. The new page correctly refers to Section XXIII of the Utah SIP instead of the incorrect reference to Section XXII included in the corresponding page submitted with the Administrative Documentation for Rule R307–110–36.

(66) Revisions to the Utah State Implementation Plan, ''Section XII, Transportation Conformity Consultation,'' as submitted by the Governor on June 26, 2007; and revisions to UAC R307–110–20, ''Section XII, Transportation Conformity Consultation,'' as submitted by the Governor on June 26, 2007.

(i) Incorporation by Reference.

(A) UAC R307–110–20, ''Section XII, Transportation Conformity Consultation,'' as adopted by the Utah Air Quality Board on May 2, 2007, effective on May 2, 2007.

(67) Revisions to the Utah State Implementation Plan, Sections R307–101–

2, ''Definitions,'' R307–115–1, ''Determining Conformity,'' R307–170–7, ''Performance Specification Audits,'' R307–310–2, ''Definitions,'' and R307–101–3, ''Version of CFR Incorporated by Reference,'' as submitted by the Governor on April 17, 2008.

(i) Incorporation by Reference.

(A) UAC R307–101–2, ''Definitions,'' as adopted by the Utah Air Quality Board on February 6, 2008, effective on February 8, 2008.

(B) UAC R307–115–1, ''Determining Conformity,'' as adopted by the Utah Air Quality Board on February 6, 2008, effective on February 8, 2008.

(C) UAC R307–170–7, ''Performance Specification Audits,'' as by the Utah Air Quality Board adopted on February 6, 2008, effective on February 8, 2008.

(D) UAC R307–310–2, ''Definitions,'' as adopted by the Utah Air Quality Board on February 6, 2008, effective on February 8, 2008.

(E) UAC R307–101–3, ''Version of CFR Incorporated by Reference,'' as adopted by the Utah Air Quality Board on February 6, 2008, effective on February 8, 2008.

(68) On September 7, 1999 and December 1, 2003 the State of Utah submitted revisions to its State Implementation Plan (SIP) to incorporate the requirements of the Consolidated Emission Reporting Rule (CERR). The revisions update the State's emission reporting rules so that they are consistent with the revisions EPA made to the CERR on June 10, 2002.

(i) Incorporation by reference.

(A). Title R307 of the Utah Administrative Code, Rule 307–221 EMISSION STANDARDS: EMISSION CONTROLS FOR EXISTING MUNICIPAL SOLID WASTE LANDFILLS, Rule 307–221–1, Purpose and Applicability. Effective January 7, 1999. Published in the Utah State Bulletin, Volume 98, Number 22, November 15, 1998.

(B). Title R307 of the Utah Administrative Code, Rule 307–150 EMISSION INVENTORIES, Rule 150–1, Purpose and General Requirements; Rule 150–2 Definitions; Rule 150–3 Applicability; Rule 307–150–5 Sources Identified in R307–150–3(2); Rule 307–150–6 Sources Identified in R307–150–3(3); Rule 307–150–7 Sources Identified in R307–150–3(4). Effective December 31, 2003. Published in the Utah State Bulletin, Volume 23, Number 23, December 1, 2003.

(ii) Additional Material.

(A) October 15, 2002 letter from Richard Long, EPA Region VIII to Rick Sprott, Director, Utah Division of Air Quality (UDAQ) notifying UDAQ of the June 10, 2002 publication of the Consolidated Emission Reporting Rule (40 CFR Part 51, Subpart A) and the need for the State to update its emission inventory reporting requirements.

[37 FR 10898, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2320, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## § 52.2321 Classification of regions.

The Utah 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) |
| Wasatch Front Intrastate | I | I | I | I | I |
| Four Corners Interstate | IA | IA | III | III | III |
| Utah Intrastate | III | III | III | III | III |

[37 FR 10898, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

### § 52.2322 Extensions.

(a) The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for one year (until December 31, 1995) the attainment date for the Salt Lake County $PM_{10}$ nonattainment area. The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for two years (until December 31, 1996) the attainment date for the Utah County $PM_{10}$ nonattainment area.

(b) [Reserved]

[66 FR 32760, June 18, 2001]

### § 52.2323 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Utah's plan as meeting the requirements of section 110 of the Clean Air Act as amended in 1977. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1, 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 will have the potential to emit 75,000 tpy $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 ($CO_2e$) 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 $CO_2e$.

(iii) the term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 40 CFR 52.21(a)(2)(iv)) and a significant net emissions increase (as defined in paragraphs 40 CFR 52.21(b)(3) and (b)(23)(i)) occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in 40 CFR 52.21(b)(23)(ii).

[75 FR 82562, Dec. 30, 2010]

### §§ 52.2324–52.2330 [Reserved]

### § 52.2331 Attainment dates for national standards.

The attainment date for the secondary NAAQS for sulfur dioxide for Salt Lake County and portions of Tooele County is December 31, 1994.

[61 FR 16062, Apr. 11, 1996]

### § 52.2332 Control Strategy: Ozone.

Determinations—EPA is determining that, as of July 18, 1995, the Salt Lake and Davis Counties ozone nonattainment area has attained the ozone standard based on air quality monitoring data from 1992, 1993, and 1994, and that 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 do not apply to the area for so long as the area does not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in the Salt Lake and Davis Counties ozone nonattainment area, these determinations shall no longer apply.

[60 FR 36729, July 18, 1995]

### § 52.2333 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met since section 26–24–16 of the Utah Code Annotated (1953), may preclude the release of emission data, as correlated with applicable emission limitations, under certain circumstances.

[37 FR 15090, July 27, 1972, as amended at 51 FR 40676, Nov. 7, 1986]

### §§ 52.2334–52.2345 [Reserved]

### § 52.2346 Significant deterioration of air quality.

(a) The Utah plan, as submitted, is approved as meeting the requirements of Part C, Title I, of the Clean Air Act, except that it does not apply to sources proposing to construct on Indian Reservations.

(b) *Regulation for prevention of significant deterioration of air quality*. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the Utah State implementation plan and are applicable to proposed major stationary sources or major modifications to be located on Indian Reservations.

(c) The State of Utah has clarified the generalized language contained in the Utah Air Conservation Regulations on the use of the ''Guidelines on Air Quality Models.'' In a letter to Douglas M. Skie, EPA, dated May 26, 1989, F. Burnell Cordner, Director of the Bureau of Air Quality, stated:

> * * * The language in section 3.7 of the Utah Air Conservation Regulations on the use of ''Guidelines on Air Quality Models'' means that all PSD permit reviews will comply with the use of the ''Guideline on Air Quality Models (Revised)'', EPA 450/2–78–027R, and any future supplements approved by EPA.

[47 FR 6428, Feb. 12, 1982, as amended at 54 FR 27881, July 3, 1989; 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003]

### § 52.2347 Stack height regulations.

The State of Utah 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 (D.C. Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 27, 1988, F. Burnell Cordner, Director, Bureau of Air Quality, stated:

> * * * We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if the EPA's response to the NRDC remand modifies the July 8, 1985 regulations, the EPA will notify the State of the rules that must be changed to comply with the EPA's modified requirements. The State of Utah agrees to process appropriate changes.

[54 FR 24341, June 7, 1989]

### § 52.2348 National Highway Systems Designation Act Motor Vehicle Inspection and Maintenance (I/M) Programs.

(a) On March 15, 1996 the Governor of Utah submitted a revised I/M program for Utah County which included a credit claim, a basis in fact for the credit claimed, a description of the County's program, draft County ordinances, and authorizing legislation for the program. Approval is granted on an interim basis for a period of 18 months, under the authority of section 348 of the National Highway Systems Designation Act of 1995. If Utah County fails to start its program by November 15, 1997 at the latest, this approval will convert to a disapproval after EPA sends a letter to the State. At the end of the eighteen month period, the approval will lapse. At that time, EPA must take final rulemaking action upon the State's SIP, under the authority of section 110 of the Clean Air Act. Final action on the State/County's

plan will be taken following EPA's review of the State/County's credit evaluation and final regulations (State and County) as submitted to EPA.

(b) On May 20, 1999, the State of Utah submitted an evaluation of the Utah County inspection and maintenance program. On December 7, 2001, the Governor of Utah submitted Rule R307–110–34 and Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County. These submittals satisfy the interim approval requirements specified under section 348 of the National Highway Systems Designation Act of 1995 (62 FR 31351, 63 FR 414). Under the authority of section 110 of the Clean Air Act, EPA is removing the interim status of Utah County's improved inspection and maintenance program and granting Utah County full final approval of their improved inspection and maintenance program.

[62 FR 31351, June 9, 1997, as amended at 67 FR 57748, Sept. 12, 2002]

### § 52.2350 Emission inventories.

(a) The Governor of the State of Utah submitted the 1990 base year emission inventory of ozone precursors, which are volatile organic compounds, nitrogen oxides, and carbon monoxide, for the Salt Lake and Davis Counties ozone nonattainment area on January 13, 1995, as a revision to the State Implementation Plan (SIP). This inventory addresses emissions from point, area, non-road, on-road mobile, and biogenic sources. This Governor's submittal was followed by the submittal of corrections to the inventory, on April 20, 1995, from Russell Roberts, Director, Division of Air Quality, Utah Department of Environmental Quality. The ozone maintenance plan for Salt Lake and Davis Counties that the Governor submitted on February 19, 1997, incorporates by reference the corrected 1990 base year ozone emission inventory as background material. The 1990 ozone base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for the Salt Lake and Davis Counties area.

(b) On November 12, 1997, the Governor of Utah submitted the 1993 Carbon Monoxide Periodic Emission Inventories for Ogden City and Utah County as revisions to the Utah State Implementation Plan. These inventories address carbon monoxide emissions from stationary point, area, non-road, and on-road mobile sources.

(c) On June 14, 1999, the Governor of Utah submitted the 1996 Carbon Monoxide Periodic Emission Inventory for Utah County as a revision to the Utah State Implementation Plan. The inventory addresses carbon monoxide emissions from stationary point, area, non-road mobile, and on-road mobile sources.

[62 FR 38217, July 17, 1997, as amended at 63 FR 18124, Apr. 14, 1998; 65 FR 63548, Oct. 24, 2000]

### § 52.2351 Area-wide nitrogen oxides ($NO_X$) exemption.

On May 2, 1997, Ursula Trueman, Director, Division of Air Quality, Utah Department of Environmental Quality, submitted, on behalf of the State of Utah and pursuant to section 182(f)(2)(A) of the Clean Air Act as amended in 1990, a section 182(f)(2) $NO_X$ Reasonably Available Control Technology (RACT) exemption request for major stationary sources of $NO_X$ in the Salt Lake and Davis Counties ozone nonattainment area other than the Pacificorp Gadsby and Kennecott Utah Copper Utah Power Plants. The exemption request was based on ambient air quality monitoring data which demonstrated that the ozone National Ambient Air Quality Standard (NAAQS) had been attained in the Salt Lake and Davis Counties ozone nonattainment area for the years 1990 through 1996. EPA approved this $NO_X$ RACT exemption request on July 2, 1997.

[62 FR 38217, July 17, 1997]

### § 52.2352 Change to approved plan.

(a) Utah Air Conservation Regulation R307–18–1, New Source Performance Standards, is removed from the approved plan. On June 10, 2002, we issued a letter delegating responsibility for all sources located, or to be located, in the State of Utah subject to the NSPS in 40 CFR part 60. See the table in 40 CFR 60.4 for the status of NSPS delegated to the state of Utah.

(b) Utah Administrative Code (UAC) rule R307–1–8, Asbestos Work Practices,

Contractor Certification, AHERA Accreditation and AHERA Implementation, is removed from Utah's approved State Implementation Plan (SIP). This rule language pertains to the regulation of asbestos and is generally not related to attainment of the National Ambient Air Quality Standards (NAAQS) and therefore it is not appropriate to be in Utah's SIP.

(c) Utah Administrative Code (UAC) rule R307–1–4.12, National Emission Standards for Hazardous Air Pollutants (NESHAPs), is removed from Utah's approved State Implementation Plan (SIP). Utah has delegation of authority for NESHAPs in 40 CFR part 61 (49 FR 36368), pursuant to 110(k)(6) of the Act.

(d) Utah Administrative Code (UAC) rule R307–1–6, Eligibility of Pollution Control Expenditures for Sales Tax Exemption, is removed from Utah's approved State Implementation Plan (SIP). This rule language pertains to State Sales Tax Exemptions for Pollution Control Expenditures and is not generally related to attainment of the National Ambient Air Quality Standards (NAAQS) and is therefore not appropriate to be in Utah's SIP.

(e) Utah Administrative Code (UAC) rule R307–102–3, Administrative Procedures and Hearings, and R307–414–3, Request for Review, are removed from Utah's approved State Implementation Plan (SIP). These provisions are not required by the CAA and are, therefore, not required to be in Utah's SIP. These provisions were last approved in 40 CFR 52.2320(c)(59)(i)(A).

(f) Utah Administrative Code (UAC) rule R307–1–4.06, Continuous Emission Monitoring Systems Program (CEMSP), is removed from Utah's approved State Implementation Plan (SIP). This rule has been superseded and replaced by rule R307–170, Continuous Emission Monitoring Program.

[67 FR 59000, Sept. 19, 2002, as amended at 71 FR 7682, Feb. 14, 2006; 72 FR 4645, Feb. 1, 2007; 72 FR 19385, Apr. 18, 2007]

### § 52.2353 Control strategy: Carbon monoxide.

Determination. EPA has determined that the Provo carbon monoxide ''moderate'' nonattainment area attained the carbon monoxide national ambient air quality standard by December 31, 1995. This determination is based on air quality monitoring data from 1994 and 1995.

[67 FR 59168, Sept. 20, 2002]

### § 52.2354 Interstate transport.

CAA Section 110(a)(2)(D)(i) requirements for the 1997 8-hour ozone and $PM_{2.5}$ standards. Section XXIII, Interstate Transport, of the Utah SIP submitted by the Utah Governor on March 22, 2007, satisfies the requirements of the Clean Air Act Section 110(a)(2)(D)(i) for the 8-hour ozone and $PM_{2.5}$ NAAQS promulgated by EPA in July 1997. Section XXIII, Interstate Transport, was adopted by the UAQB on February 9, 2007. The March 22, 2007 Governor's letter included as an attachment a set of replacement pages for the Interstate Transport text. The new pages reflect correctly that the Interstate Transport declaration is under Section XXIII of the Utah SIP and not under Section XXII as incorrectly indicated in the pages submitted with the Administrative Documentation for the adoption of this SIP section.

[73 FR 16547, Mar. 28, 2008]

## Subpart UU—Vermont

### § 52.2370 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for Vermont 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 an EPA approval date prior to February10, 2006, 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 February 10, 2006, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 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 February 10, 2006.

(3) Copies of the materials incorporated by reference may be inspected at the New England Regional Office of EPA at One Congress Street, Suite 1100, Boston, MA 02114–2023; the EPA, Air and Radiation Docket and Information Center, Air Docket (Mail Code 6102T), Room B–108, 1301 Constitution Avenue, NW., Washington, DC 20460 and the National Archives and Records Administration. 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 VERMONT REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Explanations |
|---|---|---|---|---|
| **Chapter 5—Air Pollution Control** | | | | |
| **Subchapter I. Definitions** | | | | |
| Section 5–101 | Definitions | 07/29/93 | 04/22/98, 63 FR 19825 | Definitions IBR'd into the Vermont SIP are numbered consecutively by EPA, and do not necessarily correspond to the State's assigned definition number in the Vermont State Regulation, which are re-numbered whenever definitions are added or deleted from the State Regulation. |
| **Subchapter II. Prohibitions** | | | | |
| Section 5–201 | Open burning prohibited | 07/22/98 | 04/22/98, 63 FR 19825 | |
| Section 5–202 | Permissible open burning | 01/25/78 | 12/21/78, 43 FR 59496 | |
| Section 5–203 | Procedures for local authorities to burn natural wood. | 01/25/78 | 12/21/78, 43 FR 59496 | |
| Section 5–211 | Prohibition of visible air contaminants. | 08/12/78 | 04/16/82, 47 FR 16331 | Except Section 5–211(3). |
| Section 5–221 | Prohibition of pollution potential materials in fuel. | 01/25/78 | 12/21/78, 43 FR 59496 | Except Section 5–221(1)(c)(i) and Section 5–221(1)(c)(ii). |
| Section 5–231 | Prohibition of particular matter. | 11/13/81 | 02/26/85, 50 FR 7767 | |
| Section 5–241 | Prohibition of nuisance and odor. | 01/25/78 | 12/21/78, 43 FR 59496 | |
| Section 5–251 | Control of nitrogen oxides emissions. | 01/04/95 | 04/09/97, 62 FR 17084 | Requires RACT for major stationary sources of $NO_X$. |
| Section 5–252 | Control of sulfur dioxide emissions. | 11/04/79 | 02/19/80, 45 FR 10775 | |
| Section 5–253.1 | Petroleum liquid storage in fixed roof Tanks. | 10/29/92 | 04/22/98, 63 FR 19825 | |
| Section 5–253.2 | Bulk gasoline terminals | 10/29/92 | 04/22/98, 63 FR 19825 | |
| Section 5–253.3 | Bulk gasoline plants | 10/29/92 | 04/22/98, 63 FR 19825 | |
| Section 5–253.4 | Gasoline tank trucks | 10/29/92 | 04/22/98, 63 FR 19825 | |
| Section 5–253.5 | Stage I vapor recovery controls at gasoline dispensing facilities. | 10/29/92 | 04/22/98, 63 FR 19825 | |
| Section 5–253.10 | Paper coating | 10/29/92 | 04/22/98, 63 FR 19825 | |
| Section 5–253.12 | Coating of flad wood paneling. | 10/29/92 | 04/22/98, 63 FR 19825 | |
| Section 5–253.13 | Coating of miscellaneous metal parts. | 07/29/93 | 04/22/98, 63 FR 19825 | |
| Section 5–253.14 | Solvent metal cleaning | 07/29/93 | 04/22/98, 63 FR 19825 | |

EPA-APPROVED VERMONT REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanations |
|---|---|---|---|---|
| Section 5–253.15 | Cutback and emulsified asphalt. | 08/02/94 | 04/22/98, 63 FR 19825 | |
| Section 5–253.20 | Other sources that emit volatile organic compounds. | 08/03/93 | 04/09/97, 62 FR 17084 | |
| Section 5–261 | Control of hazardous air contaminants. | 11/03/81 | 02/10/82, 47 FR 6014. | |
| **Subchapter III. Ambient Air Quality Standards** | | | | |
| Section 5–301 | Scope | 12/15/90 | 03/05/91, 56 FR 9175 | |
| Section 5–302 | Sulfur dioxide primary | 03/24/79 | 02/19/80, 45 FR 10775 | |
| Section 5–303 | Sulfur dioxide secondary | 03/24/79 | 02/19/80, 45 FR 10775 | |
| Section 5–306 | $PM_{10}$ primary and secondary standards. | 11/01/90 | 08/01/97, 62 FR 41280 | Removal of the TSP standard (Section 5–304 and 5–305) and establishment of $PM_{10}$ standard (Section 5–306). |
| Section 5–307 | Carbon monoxide primary and secondary. | 03/24/79 | 02/19/80, 45 FR 10775 | Formerly Section 5–306, renumbered to 5–307 when new Section 5–306 for $PM_{10}$ was created. |
| Section 5–308 | Ozone primary and secondary. | 03/24/79 | 02/19/80, 45 FR 10775 | Formerly Section 5–307, renumbered to 5–308 when new Section 5–306 for $PM_{10}$ was created. |
| Section 5–309 | Lead primary and secondary. | 11/13/81 | 02/10/82, 47 FR 6014 | Formerly Section 5–308, renumbered to 5–309 when new Section 5–306 for $PM_{10}$ was created. |
| Section 5–310 | Nitrogen dioxide primary and secondary. | 12/15/90 | 03/05/91, 56 FR 9175 | Formerly Section 5–309, renumbered to 5–310 when new Section 5–306 for $PM_{10}$ was created. |
| **Subchapter IV. Operations and Procedures** | | | | |
| Section 5–401 | Classification of air contaminant sources. | 03/24/79 | 02/19/80, 45 FR 10775 | |
| Section 5–402 | Written reports when requested. | 03/24/79 | 02/19/80, 45 FR 10775 | |
| Section 5–403 | Circumvention | 12/10/72 | 05/31/72, 37 FR 10842 | |
| Section 5–404 | Methods for sampling and FR testing of sources. | 03/24/78 | 02/19/80, 45 FR 10775 | |
| Section 5–405 | Required air monitoring | 03/24/79 | 02/19/80, 45 FR 10775 | |
| Section 5–406 | Required air modeling | 03/24/79 | 02/19/80, 45 FR 10775 | |
| **Subchapter V. Review of New Air Contaminant Sources** | | | | |
| Section 5–501 | Review of construction or modification of air contaminant sources. | 09/17/86 | 07/17/87, 52 FR 26973 | |
| Section 5–502 | Major stationary sources and major modifications. | 07/14/95 | 08/04/97, 62 FR 41867 | |
| **Subchapter VII. Motor Vehicle Emissions** | | | | |
| Section 5–701 | Removal of control devices. | 03/24/79 | 02/19/80, 45 FR 10775 | |
| Section 5–702 | Excessive smoke emissions from motor vehicles. | 03/24/79 | 02/19/80, 45 FR 10775 | |
| Section 5–801 | Effective date | 03/24/79 | 01/30/80, 45 FR 6781 | |

EPA-APPROVED VERMONT REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanations |
|---|---|---|---|---|
| **Tables** | | | | |
| Table 1 | Table 1—Process weight standards. | 01/25/78 | 12/21/78, 43 FR 59496 | |
| Table 2 | Table 2—PSD increments. | 12/15/90 | 03/05/91, 56 FR 9175 | |
| Table 3 | Table 3—Levels of significant impact for nonattainment areas. | 11/03/81 | 02/10/82, 47 FR 6014 | |
| **Subchapter VIII. Registration of Air Contaminant Sources** | | | | |
| Sections 5–801 | Definitions | 04/20/88 | 01/10/95, 60 FR 2524 | |
| Sections 5–802 | Requirement for registration. | 04/20/88 | 01/10/95, 60 FR 2524 | |
| Section 5–803 | Registration procedure | 04/20/88 | 01/10/95, 60 FR 2524 | |
| Section 5–804 | False or misleading information. | 04/20/88 | 01/10/95, 60 FR 2524 | |
| Section 5–805 | Commencement or recommencement of operation. | 04/20/88 | 01/10/95, 60 FR 2524 | |
| Section 5–806 | Transfer of Operation | 04/20/88 | 01/10/95, 60 FR 2524 | |

(d) *EPA-approved State Source specific requirements.*

EPA-APPROVED VERMONT SOURCE SPECIFIC REQUIREMENTS

| Name of source | Permit number | State effective date | EPA approval date | Explanations |
|---|---|---|---|---|
| Simpson Paper Company, Centennial Mill in Gilman, Vermont. | Envrionmental Protection Regulations, Chapter 5, Air Pollution Control, Subchapter II. Section 5–251(2). | 01/04/95 | 04/09/97, 45 FR 17084 | Administrative orders for Simpson Paper Company, in Gilman, Vermont, adopted and effective on January 4, 1995. |
| U.S. Samaica Corporation, in Rutland, VT. | Envrionmental Protection Regulations, Chapter 5, Air Pollution Control, Subchapter II. Section 5–253.20. | 01/04/95 | 04/09/97, 45 FR 17084 | Administrative orders for U.S. Samaica Corporation, in Rutland, Vermont, adopted and effective on January 4, 1995. |

(e) *Nonregulatory.*

VERMONT NON-REGULATORY

| Name of non-regulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/ effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Notice of public hearing | Statewide | Submitted 02/03/72. | 06/15/72, 37 FR 11914 | (c)(1) Vermont Agency of Environmental Conservation. |
| Miscellaneous non-regulatory revisions to the plan. | | Submitted 02/25/72. | 5/31/72, 37 FR 10842 | (c)(2) Vermont Agency of Environmental Conservation. |
| Miscellaneous non-regulatory revisions to the plan. | | Submitted 03/03/75. | 01/21/76, 41 FR 3085 | (c)(4) Vermont Agency of Environmental Conservation. Deletion of Winooski sampling site for particulates and sulfur dioxide. |
| Plans to meet various requirements of the Clean Air Act, including Part C. | | Submitted 03/21/79, and 11/21/79. | 01/30/80, 45 FR 6781 | (c)(9) See Plans to attain below. |

VERMONT NON-REGULATORY—Continued

| Name of non-regulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/ effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Attainment Plans to meet the requirements of Part D and the Clean Air Act, as amended in 1977. | ..... | Submitted 03/21/79, 11/21/79, 11/27/79, and 12/19/79. | 02/19/80, 45 FR 10775 | (c)(10) Plans to attain. State of Vermont air quality and the implementation plan (March 1979). The secondary TSP standard for Barre City and a portion of the Champlain Valley Air Management Area, the carbon monoxide standard in the Champlain Valley Air Management Area and the ozone standard in Chittenden, Addison, and Windsor Counties. 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 were also included. |
| A plan to provide for public, local and state involvement in federally funded air pollution control activities. | ..... | Submitted 03/28/80. | 09/09/80, 45 FR 59314 | (c)(11) A plan to provide for public, local and state involvement in federally funded air pollution control activities. |
| A plan to attain and maintain the National Ambient Air Quality Standard for lead. | ..... | Submitted 06/24/80, and 11/07/80. | 03/18/81, 45 FR 17192 | (c)(12) A plan to attain and maintain the National Ambient Air Quality Standard for lead. A letter further explaining the state procedures for review of new major sources of lead emissions. |
| A revision to the quality monitoring network. | ..... | Submitted 03/21/79. | 10/08/80, 45 FR 66789, corrected by 03/16/81, 46 FR 16897. | (c)(13) meets the requirements of 40 CFR part 58 |
| Narrative submittal ''Implementation Plan for the Protection of Visibility in the State of Vermont'' and ''Appendices''. | ..... | Submitted 04/15/86. | 07/17/87, 52 FR 26973 | (c)(19) Describing procedures, notifications, and technical evaluations to fulfill the visibility protection requirements of 40 CFR part 51, subpart P. |
| State Implementation Plan narrative. | ..... | Submitted 12/07/90, and 01/10/91. | 03/05/91, 56 FR 9175 ... | (c)(20) State of Vermont Air Quality Implementation Plan dated November 1990. |
| State Implementation Plan narrative. | ..... | Submitted 08/09/93. | 01/10/95, 60 FR 2524 ... | (c)(21) State of Vermont Air Quality Implementation Plan dated February, 1993. To meet the emission statement requirement of the CAAA of 1990. |
| Revisions to the State Implementation Plan. | ..... | Submitted 02/03/93, 08/09/93, and 08/10/94. | 04/22/98, 63 FR 19825 | (c)(25) State of the State Vermont: Air Quality Implementation Plan dated August 1993. |
| Revisions to the State Implementation Plan. | ..... | Submitted 08/03/98. | 07/10/00, 65 FR 42290 | (c)(26) letter from VT Air Pollution Control Division dated July 28, 1998 stating a negative declaration for the aerospace coating operations CTG category. |

[65 FR 54415, Sept. 8, 2000, as amended at 68 FR 34809, June 11, 2003; 71 FR 14390, Mar. 22, 2006]

## § 52.2371 Classification of regions.

The Vermont plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Champlain Valley Interstate | II | II | III | III | III |
| Vermont Intrastate | II | II | III | III | III |

[37 FR 10898, May 31, 1972, as amended at 45 FR 10782, Feb. 19, 1980]

**§ 52.2372 Approval status.**

(a) With the exceptions set forth in this subpart, the Administrator approves Vermont's plan as identified in § 52.2370 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)(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 will have the potential to emit 75,000 tpy $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 ($CO_2e$) 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 $CO_2e$.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in the definitions for ''actual emissions'' and ''allowable emissions'' under section 5–101 of Chapter 5, subchapter I of Vermont's Air Pollution Control Environmental Protection regulations) and a significant net emissions increase (as defined in the definitions for ''significant'' under section 5–101 of Chapter 5, subchapter I

of Vermont's Air Pollution Control Environmental Protection regulations) occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in the definition of ''major modification'' under section 5–101 of Chapter 5, subchapter I of Vermont's Air Pollution Control Environmental Protection regulations.

[75 FR 82562, Dec. 30, 2010]

### § 52.2373 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met. Vermont does not have the authority to make emissions data available to the public since 10 V.S.A. section 363 would require the data to be held confidential if a source certified that it related to production or sales figures, unique processes, or would tend to affect adversely the competitive position of the owner.

[37 FR 10899, May 31, 1972, as amended at 51 FR 40676, Nov. 7, 1986]

### § 52.2374 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met since the plan does not provide for public availability of emission data.

(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 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–June 30 and July 1–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.

[37 FR 10899, May 31, 1972, as amended at 40 FR 55333, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

### § 52.2375 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 Vermont's plan.

| Air quality control region and nonattainment area [1] | Pollutant | | | | | |
|---|---|---|---|---|---|---|
| | $SO_2$ | | PM10 | $NO_X$ | CO | $O_3$ |
| | Primary | Secondary | | | | |
| Champlain Valley Interstate—Chittenden County: | | | | | | |
| Champlain Valley Air Management Area: | | | | | | |
| Essex Town (including Essex Jct.) | a | a | a | a | b | b |
| Burlington City | a | a | a | a | b | b |
| South Burlington City | a | a | a | a | b | b |
| Winooski | a | a | a | a | b | b |
| Remainder of Air Management Area | a | a | a | a | b | b |
| Remainder of County | a | a | a | a | a | b |
| Vermont Valley Air Management Area | a | a | a | a | a | a |
| Addison County | a | a | a | a | a | b |
| Remainder of AQCR | a | a | a | a | a | a |
| Vermont Interstate: | | | | | | |
| Central Vermont Air Management Area: | | | | | | |
| Barre City | a | a | a | a | a | a |
| Remainder of Air Management Area | a | a | a | a | a | a |
| Windsor County | a | a | a | a | a | b |
| Remainder of AQCR | a | a | a | a | a | a |

[1] Sources subject to plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those regulations by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2375, revised as of July 1, 1978.

a. Air quality levels presently below secondary standards or area is unclassifiable.

b. 12/31/82.

[45 FR 10782, Feb. 19, 1980; 46 FR 33525, June 30, 1981, as amended at 62 FR 41869, Aug. 4, 1997]

### § 52.2377 Review of new sources and modifications.

Regulation 5–501(3) entitled ''Default Permits'' is disapproved.

[45 FR 10782, Feb. 19, 1980]

### § 52.2378 Certification of no facilities.

On June 6, 1986, the Vermont Agency of Environmental Conservation submitted a letter certifying that there are no facilities within the State's boundaries subject to the Continuous Emissions Monitoring requirements of 40 CFR part 51, Appendix P. This negative declaration was submitted to EPA in accordance with 40 CFR 51.19(e).

[51 FR 42221, Nov. 24, 1986]

### § 52.2379 [Reserved]

### § 52.2380 Significant deterioration of air quality.

The program to review the construction and operation of new and modified major stationary sources in attainment areas is approved as meeting the requirements of Part C, except regulation 5–501(3) entitled ''Default permits'', and a portion of the SIP revision narrative from the first full paragraph on pages 9–11 through the first four lines of pages 9–12 inclusive, both of which were submitted on March 21, 1979 and which are disapproved.

[45 FR 6784, Jan. 30, 1980]

### § 52.2381 EPA-approved Vermont State regulations.

The following table identifies the state regulations which have been submitted to and adopted by EPA as revisions to the Vermont 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 § 52.2370. To the extent that this table conflicts with §§ 52.2370, 52.2370 governs.

TABLE 52.2381—EPA-APPROVED REGULATIONS

[Vermont SIP regulations 1972 to present]

| State citation, title and subject | Date adopted by State | Date Approved by EPA | FEDERAL REGISTER citation | Section 52.2370 | Comments and unapproved sections |
|---|---|---|---|---|---|
| Chapter 5 Air Pollution Control | | | | | |
| Subchapter I Definitions | | | | | |
| Section 5–101 Definitions | 12/10/72 | 5/31/72 | 37 FR 10899 | (b) | |
| | 12/10/72 | 5/14/73 | 38 FR 12713 | (c)(3). | |
| | 11/19/73 | 3/22/76 | 41 FR 11819 | (c)(5). | |
| | 12/16/74 | 1/21/76 | 41 FR 3085 | (c)(4). | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 | (c)(8) | All of 5–101 (1–42) approved. |
| | 8/12/78 | 4/16/82 | 47 FR 16331 | (c)(16) | Related to wood-fired boilers. |
| | 3/24/79 | 1/30/80 | 45 FR 6781 | (c)(9) | Related to PSD. |
| | 11/4/79 | 2/19/80 | 45 FR 10775 | (c)(10) | All of 5–101 (1–62) approved. |
| | 11/3/81 | 2/10/82 | 47 FR 6014 | (c)(15). | |
| | 9/17/86 | 7/17/87 | 52 FR 26982 | (c)(19) | Related to visibility in Class I areas. 5–101(3), (14), (21), (59), and (76) approved. |
| | 7/9/93 | 4/9/97 | 62 FR 17087 | (c)(22) | Adds definition of reasonably available control technology (RACT). |
| | 10/29/92 7/29/93 | 4/22/98 | 63 FR 19828 | (c)(25) | Add definitions associated with VOC RACT rules. |
| Subchapter II Prohibitions | | | | | |
| Section 5–201 Open burning prohibited | 12/10/72 | 5/31/72 | 37 FR 10899 | (b). | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 | (c)(8). | |
| Section 5–202 Permissible open burning | 12/10/72 | 5/31/72 | 37 FR 10899 | (b) | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 | (c)(8). | |
| Section 5–203 Procedures for local authorities to burn natural wood. | 12/10/72 | 5/31/72 | 37 FR 10899 | (b) | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 | (c)(8). | |
| Section 5–211 Prohibition of visible air contaminants. | 12/10/72 | 5/31/72 | 37 FR 10899 | (b) | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 | (c)(8) | 5–211 (1)(2) approved. |
| | 8/12/78 | 4/16/82 | 47 FR 16331 | (c)(16) | 5–211 (3) not approved. |
| Section 5–221 Prohibition of potentially polluting materials in fuel. | 12/10/72 | 5/31/72 | 37 FR 10899 | (b) | |
| | 3/16/75 | 1/8/82 | 47 FR 948 | (c)(14) | Except 5–221(c) (i) and (ii). Includes Moran Sta. Bubble Approval. |
| | 7/12/76 | 2/4/77 | 42 FR 6811 | (c)(6). | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 | (c)(8). | |
| Section 5–231 Prohibition of particulate matter. | 12/10/72 | 5/31/72 | 37 FR 10899 | (b) | |
| | 12/10/72 | 5/14/73 | 38 FR 12713 | (c)(3). | |
| | 11/19/73 | 3/22/76 | 41 FR 11819 | (c)(5) | Regarding incinerators. |
| | 12/16/74 | 1/21/76 | 41 FR 3085 | (c)(4) | Regarding combustion contaminants. |
| | 7/12/76 | 2/4/77 | 42 FR 6811 | (c)(6) | Regarding incinerators asphalt plants. |
| | 3/14/77 | 8/2/78 | 43 FR 33918 | (c)(7) | Regarding wood processing plants. |
| | 1/25/78 | 12/21/78 | 43 FR 59496 | (c)(8) | |
| | 8/12/78 | 4/16/82 | 47 FR 16331 | (c)(16) | Except Cersosimo Lumber, Rutland Plywood, Moran Sta. |
| | 11/13/81 | 2/10/82 | 47 FR 6014 | (c)(15) | Repealed 5–231 (4). |
| | | 8/23/83 | 48 FR 38235 | (c)(17) | Approved for Cersosimo Lumber. |

TABLE 52.2381—EPA-APPROVED REGULATIONS—Continued

[Vermont SIP regulations 1972 to present]

| State citation, title and subject | Date adopted by State | Date Approved by EPA | FEDERAL REGISTER citation | Section 52.2370 | Comments and unapproved sections |
|---|---|---|---|---|---|
| | ..... | 2/26/85 | 50 FR 7767 ..... | (c)(18) ... | Approved for Rutland Plywood. |
| Section 5–241 Prohibition of nuisance and odor. | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b) ..... | |
| | 11/19/73 | 3/22/76 | 41 FR 11819 ..... | (c)(5). | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 ..... | (c)(8) ..... | |
| Section 5–251 Control of nitrogen oxides emissions. | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b) ..... | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 ..... | (c)(8). | |
| | 3/25/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10) ... | |
| | 11/4/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10) ... | |
| | 7/9/93 | 4/9/97 | 62 FR 17087 ..... | (c)(22) ... | Requires RACT for major stationary sources of $NO_X$. |
| | 1/4/95 | 4/9/97 | 62 FR 17087 ..... | (c)(22) ... | $NO_X$ RACT for Simpson Paper Company's Gilman facility. |
| Section 5–252 Control of sulfur dioxide emissions. | 7/12/76 | 2/4/77 | 42 FR 6811 ..... | (c)(6) ..... | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 ..... | (c)(8). | |
| | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10). | |
| | 11/4/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10). | |
| Section 5–253 Control of volatile organic compounds. | 7/9/93 | 4/9/97 | 62 FR 17087 ..... | (c)(22) ... | Requires RACT at non-CTG VOC sources. |
| | 1/4/95 | 4/9/97 | 62 FR 17087 ..... | (c)(22) ... | Non-CTG VOC RACT for U.S. Samaica Corporation's Rutland facility. |
| Section 5–253.1 Petroleum Liquid Storage in Fixed Roof Tanks.. | 10/29/92 | 4/22/98 | 63 FR 19829 ..... | (c)(25). | |
| Section 5–253.2 Bulk Gasoline Terminals | 10/29/92 | 4/22/98 | 63 FR 19829 ..... | (c)(25). | |
| Section 5–253.3 Bulk Gasoline Plants. ..... | 10/29/92 | 4/22/98 | 63 FR 19829 ..... | (c)(25). | |
| Section 5–253.4 Gasoline Tank Trucks. .... | 10/29/92 | 4/22/98 | 63 FR 19829 ..... | (c)(25). | |
| Section 5–253.5 Stage I vapor recovery controls at gasoline dispensing facilities.. | 10/29/92 | 4/22/98 | 63 FR 19829 ..... | (c)(25). | |
| Section 5–253.10 Paper Coating. ..... | 10/29/92 | 4/22/98 | 63 FR 19829 ..... | (c)(25). | |
| Section 5–253.12 Coating of Flatwood Paneling.. | 10/29/92 | 4/22/98 | 63 FR 19829 ..... | (c)(25). | |
| Section 5–253.13 Coating of Miscellaneous Metal Parts.. | 7/29/93 | 4/22/98 | 63 FR 19829 ..... | (c)(25). | |
| Section 5–253.14 Solvent Metal Cleaning. | 7/29/93 | 4/22/98 | 63 FR 19829 ..... | (c)(25). | |
| Section 5–253.15 Cutback and Emulsified Asphalt.. | 8/2/94 | 4/22/98 | 63 FR 19829 ..... | (c)(25). | |
| Section 5–261 Control of hazardous air contaminants. | 11/3/81 | 2/10/82 | 47 FR 6014 ..... | (c)(15). | |
| Subchapter III Ambient Air Quality Stds | | | | | |
| Section 5–301 Scope ..... | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b). | |
| | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10). | |
| | 12/15/90 | 3/5/91 | 56 FR 9177 ..... | (c)(20). | |
| Section 5–302 Sulfur dioxide primary ..... | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b). | |
| | 7/12/76 | 2/4/77 | 42 FR 6811 ..... | (c)(6). | |
| | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10). | |
| Section 5–303 Sulfur dioxide (secondary) .. | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b) ..... | |
| | 7/12/76 | 2/4/77 | 42 FR 6811 ..... | (c)(6). | |
| | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10). | |
| Section 5–304: PM10 Primary Standards ..... | 11/90 | 8/1/97 | 62 FR 41282 ..... | (c)(23) ... | Removal of the TSP standard and establishment of the PM10 standard. |
| Section 5–305: PM10 Secondary Standards ..... | 11/90 | 8/1/97 | 62 FR 41282 ..... | (c)(23) ... | Removal of the TSP standard and establishment of the PM10 standard. |
| Section 5–306 Carbon monoxide primary/secondary. | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b) ..... | |
| | 11/19/73 | 3/22/76 | 41 FR 11819 ..... | (c)(5). | |
| | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10) ... | |

TABLE 52.2381—EPA-APPROVED REGULATIONS—Continued

[Vermont SIP regulations 1972 to present]

| State citation, title and subject | Date adopted by State | Date Approved by EPA | FEDERAL REGISTER citation | Section 52.2370 | Comments and unapproved sections |
|---|---|---|---|---|---|
| Section 5–307 Ozone primary/secondary .. | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b) ..... | |
| | 12/16/74 | 1/21/76 | 41 FR 3085 ..... | (c)(4). | |
| | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10). | |
| Section 5–308 Lead (primary/secondary) ... | 11/3/81 | 2/10/82 | 47 FR 6014 ..... | (c)(15). | |
| Section 5–309 Nitrogen dioxide primary/secondary. | 12/15/90 | 3/5/91 | 56 FR 9177 ..... | (c)(20). | |
| Subchapter IV Operations/Procedures | | | | | |
| Section 5–401 Classification of air contaminant sources. | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10). | |
| Section 5–402 Written reports when requested. | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b) ..... | |
| | 12/10/72 | 5/14/73 | 38 FR 12713 ..... | (c)(3). | |
| | 11/19/73 | 3/22/76 | 41 FR 11819 ..... | (c)(5). | |
| | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10) ... | 5–402(1) only. |
| Section 5–403 Circumvention ..... | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b). | |
| Section 5–404 Methods for sampling and testing of sources. | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b) ..... | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 ..... | (c)(8). | |
| | 3/24/78 | 2/19/80 | 45 FR 10775 ..... | (c)(10) ... | |
| Section 5–405 Required air monitoring ..... | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b). | |
| | 3/24/79 | 1/30/80 | 45 FR 6781 ..... | (c)(9) ..... | For PSD Plan. |
| | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10) ... | For NSR Plan. |
| Section 5–406 Required air modeling ..... | 3/24/79 | 1/30/80 | 45 FR 6781 ..... | (c)(9) ..... | For PSD Plan. |
| | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10) ... | For NSR Plan. |
| Subchapter V Review of New Air Contaminant Sources | | | | | |
| Section 5–501 Review of construction or modification of air contaminant sources. | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b) | |
| | 12/10/72 | 5/14/73 | 38 FR 12713 ..... | (c)(3) ..... | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 ..... | (c)(8). | |
| | 3/24/79 | 1/30/80 | 45 FR 6781 ..... | (c)(9) ..... | Except 5–501(3). |
| | 11/04/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10) ... | Except 5–501(3). |
| | 11/03/81 | 2/10/82 | 47 FR 6014 ..... | (c)(15). | |
| | 9/17/86 | 7/17/87 | 52 FR 26982 ..... | (c)(19) ... | Related to visibility in Class I areas. 5–501(4) approved. |
| Section 5–502 Major stationary sources and major modifications. | 3/24/79 | 1/30/80 | 45 FR 6781 ..... | (c)(9) ..... | Except 5–502(5). |
| | 11/04/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10) ... | Except 5–502(5). |
| | 11/03/81 | 2/10/82 | 47 FR 6014 ..... | (c)(15). | |
| | 9/17/86 | 7/17/87 | 52 FR 26982 ..... | (c)(19) ... | Related to visibility in Class I areas. 5–502 (4)(d) and (4)(e) approved. |
| | 7/14/95 | 8/4/97 | 62 FR 41870 ..... | (c)(24). | |
| Subchapter VII Motor vehicle emissions | | | | | |
| Section 5–701 Removal of control devices | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b) ..... | |
| | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10). | |
| Section 5–702 Excessive smoke emissions from motor vehicles. | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b) ..... | |
| | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10). | |
| Section 5–801 Effective date ..... | 3/24/79 | 1/30/80 | 45 FR 6781 ..... | (c)(9). | |
| Table 1—Process weight standards ..... | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b). | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 ..... | (c)(8). | |
| Figure 1—Fuel-burning equipment ..... | 12/10/72 | 5/31/72 | 37 FR 10899 ..... | (b). | |
| | 7/12/76 | 2/4/77 | 42 FR 6811 ..... | (c)(6). | |
| | 1/25/78 | 12/21/78 | 43 FR 59496 ..... | (c)(8). | |
| Table 2—PSD increments ..... | 3/24/79 | 1/30/80 | 45 FR 6781 ..... | (c)(9). | |
| | 12/15/90 | 3/5/91 | 56 FR 9177 ..... | (c)(20) ... | Addition of $NO_2$ increments for Class I, II, and III areas. |
| Table 3—Levels of significant impact for nonattainment areas. | 3/24/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10) ... | |
| | 11/4/79 | 2/19/80 | 45 FR 10775 ..... | (c)(10). | |
| | 11/3/81 | 2/10/82 | 47 FR 6014 ..... | (c)(15). | |
| Definitions ..... | 4/20/88 | 1/10/95 | 60 FR 2527 ..... | (c)(21). | |
| Section 5–802, Requirement for Registration | 4/20/88 | 1/10/95 | 60 FR 2527 ..... | (c)(21). | |
| Section 5–803, Registration Procedure ..... | 4/20/88 | 1/10/95 | 60 FR 2527 ..... | (c)(21). | |
| Section 5–804, False or Misleading Information. | 4/20/88 | 1/10/95 | 60 FR 2527 ..... | (c)(21). | |
| Section 5–805, Commencement or Recommencement of Operation. | 4/20/88 | 1/10/95 | 60 FR 2527 ..... | (c)(21). | |
| Sections 5–806, Transfer of Operation ..... | 4/20/88 | 1/10/95 | 60 FR 2527 ..... | (c)(21) ... | |

[49 FR 46142, Nov. 23, 1984, as amended at 50 FR 7768, Feb. 26, 1985; 50 FR 23810, June 6, 1985; 52 FR 26982, July 17, 1987; 56 FR 9177, Mar. 5, 1991; 60 FR 2527, Jan. 10, 1995; 62 FR 17087, Apr. 9, 1997; 62 FR 41282, Aug. 1, 1997; 62 FR 41870, Aug. 4, 1997; 63 FR 19828, Apr. 22, 1998; 63 FR 23501, Apr. 29, 1998]

### § 52.2382 Rules and regulations.

(a) *Non-Part D—No Action.* EPA is neither approving or disapproving the following elements of the revisions:

(1) Permit fees.

(2) Intergovernmental consultation.

(3) Stack height requirements.

(4) Interstate pollution notification requirements.

(5) Conflict of interest requirements.

(b) *Regulation for visibility monitoring and new source review.* The provisions of §§ 52.26 and 52.27 are hereby incorporated and made a part of the applicable plan for the State of Vermont.

[45 FR 10782, Feb. 19, 1980, as amended at 45 FR 59315, Sept. 9, 1980; 46 FR 66789, Oct. 8, 1980; 46 FR 16897, Mar. 16, 1981; 50 FR 28553, July 12, 1985]

### § 52.2383 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 monitoring and new source review. The provisions of §§ 52.26 and 52.27 are hereby incorporated and made part of the applicable plan for the State of Vermont.

[51 FR 5505, Feb. 13, 1986]

### § 52.2384 Stack height review.

The State of Vermont 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 in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on March 21, 1986. The State has further declared in a letter from Harold T. Garabedian, dated March 21, 1986, that, ''[T]he State concludes that our present rule 5–502(4)(d) is adequate to insure that new emission sources will not be able to use credits from modeling ambient impacts at greater than 'good engineering practice' stack height or from using 'other dispersion techniques.' '' Thus, Vermont has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

[52 FR 49407, Dec. 31, 1987]

### § 52.2385 Requirements for state implementation plan revisions relating to new motor vehicles.

Vermont must comply with the requirements of § 51.120.

[60 FR 4738, Jan. 24, 1995]

### § 52.2386 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Vermont'' and all revisions submitted by Vermont that were federally approved prior to August 14, 2000.

(b) The plan was officially submitted on January 29, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Notice of public hearing submitted on February 3, 1972, by the Vermont Agency of Environmental Conservation.

(2) Miscellaneous non-regulatory revisions to the plan submitted on February 25, 1972, by the Vermont Agency of Environmental Conservation.

(3) Miscellaneous changes to regulations 5–412, 5–466, 5–467, 5–481, 5–486, 5–487, and 5–488 submitted on May 19, 1972, by the Vermont Agency of Environmental Conservation.

(4) Revision to the particulate emission limitation or Fuel Burning Equipment, revision to Rule 6, ''Rules of Practice,'' of the Air Quality Variance Board and miscellaneous non-regulatory revisions submitted on March 3, 1975, by the Vermont Agency of Environmental Conservation.

(5) Revision to Chapter 5, ''Incinerator Emissions'' submitted on November 30, 1973, by the Vermont Agency of Environmental Conservation.

(6) Revision to Vermont Regulations, Chapter 5, ''Air Pollution Control'', by letter submitted on July 19, 1976 by the

Vermont Agency of Environmental Conservation.

(7) Revision to Regulation 5–231, Prohibition of Particulate Matter, section 1, Industrial Process Emissions, with respect to wood processing operations, submitted by the Vermont Secretary of Environmental Conservation on April 11, 1977.

(8) Revisions to Chapter 5 of the Vermont Air Pollution Control Regulations, submitted by the Secretary of Environmental Conservation on February 21, 1978.

(9) Plans to meet various requirements of the Clean Air Act, including Part C, were submitted on March 21 and November 21, 1979. Included in these revisions is a program for the review of construction and operation of new and modified major stationary sources of pollution in attainment areas.

(10) Attainment plans to meet the requirements of Part D and the Clean Air Act, as amended in 1977, were submitted on March 21, November 21, November 27 and December 19, 1979. Included are plans to attain: The secondary TSP standard for Barre City and a portion of the Champlain Valley Air Management Area, the carbon monoxide standard in the Champlain Valley Air Management Area and the ozone standard in Chittenden, Addison, and Windsor Counties. 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 were also included.

(11) A plan to provide for public, local and state involvement in federally funded air pollution control activities was submitted on March 28, 1980.

(12) A plan to attain and maintain the National Ambient Air Quality Standard for lead was submitted on June 24, 1980 by the Secretary of the Vermont Agency of Environmental Conservation. A letter further explaining the state procedures for review ofnew major sources of lead emissions was submitted on November 7, 1980 by the Director, Air & Solid Waste Programs, Vermont Agency of Environmental Conservation.

(13) A revision to the air quality monitoring network which meets the requirements of 40 CFR part 58, submitted on March 21, 1979 by the Governor of Vermont.

(14) A revision to regulation 5–221(1), ''Sulfur Limitation in Fuel,'' submitted by the Secretary of the Vermont Agency of Environmental Conservation on November 13, 1979.

(15) Revisions to amend Regulations 5–101 ''Definitions'', 5–501 ''Review of Construction or Modification of New Air Contaminant Sources'', 5–502 ''Major Stationary Sources'', and Section 9 of the non-regulatory portion of the SIP; to delete Regulations 5–253(1 ''Storage of Volatile Organic Compounds'', 5–253(3), ''Bulk Gasoline Terminals'', and 5–231(4) ''Potentially Hazardous Particulate Matter''; to add Regulation 5–261 ''Control of Hazardous Air Contaminants''; and to amend Table 3 of the Regulations ''Levels of Significant Impact for Nonattainment Areas''; submitted by the Secretary of the Vermont Agency of Environmental Conservation on August 24, 1981.

(16) A revision to Regulation 5–231, ''Prohibition of Particulate Matter,'' by the addition of subparagraph (3)(b) submitted by the Secretary of the Vermont Agency of Environmental Conservation for all but three stationary wood-fired combustion sources (excluded from submittal: Moran Generating Station, Burlington Electric Department; Rutland Plywood Company; and Cersosimo Lumber Company) on February 12, 1982.

(17) A revision to approve Regulation 5–231(3)(b) for Cersosimo Lumber Company submitted on March 23, 1983 by the Secretary of the Vermont Agency of Environmental Conservation. (Note: The Cersosimo Lumber Company was excluded from the original approval of Regulation 5–231(3)(b) into the Vermont SIP identified at subparagraph (c)(16) above.)

(18) A revision to approve Vermont Regulation 5–231(3)(b) for Rutland Plywood Corporation, submitted on October 19, 1984 by the Secretary of the Vermont Agency of Environmental Conservation.

NOTE: Rutland Plywood Corporation was excluded from the original approval of Regulation 5–231(3)(b) in the Vermont SIP, identified at paragraph (c)(16) above.

(19) A plan to protect visibility in the Lye Brook Wilderness, a mandatory Class I Federal area, from impairment caused by plume blight and to monitor visibility, in fulfillment of the requirements of 40 CFR part 51, subpart P. Submitted on April 15, 1986, the plan approves, only as they apply to mandatory Class I Federal areas, revisions to Vermont Regulations 5–101 (3), (14), (21), (59), and (76); 5–501(4); and 5–502 (4)(d) and (4)(e).

(i) Incorporation by reference.

(A) Amendments to Environmental Protection Regulations Chapter 5, Air Pollution Control, Subchapter I. Definitions, 5–101 at subsections (3), (14), (21), (59), and (76), filed in its adopted form on September 2, 1986.

(B) Amendments to Environmental Protection Regulations Chapter 5, Air Pollution Control, Subchapter V. Review of New Air Contaminant Sources, 5–501 at subsection (4) requiring responsiveness to comments and any analyses submitted by any Federal Land Manager, filed in its adopted form on September 2, 1986.

(C) Amendments to Environmental Protection Regulations Chapter 5, Air Pollution Control, Subchapter V. Review of New Air Contaminant Sources, 5–502 at subsection (4)(d) requiring a demonstration of no adverse impact on visibility in any Class I Federal area; and at subsection (4)(e) which reletters the former subsection (4)(d), filed in its adopted form on September 2, 1986.

(ii) Additional material.

(A) Narrative submittal consisting of two volumes entitled, ''Implementation Plan for the Protection of Visibility in the State of Vermont'' and ''Appendices'' describing procedures, notifications, and technical evaluations to fulfill the visibility protection requirements of 40 CFR part 51, subpart P.

(20) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on December 7, 1990 and January 10, 1991.

(i) Incorporation by reference.

(A) Letter dated December 7, 1990 and letter with attachments dated January 10, 1991 from the Vermont Air Pollution Control Division submitting revisions to the Vermont State Implementation Plan.

(B) Section 5–301 ''Scope,'' section 5–309 ''Nitrogen Dioxide—Primary and Secondary Ambient Air Quality Standards,'' and Table 2 ''Prevention of Significant Deterioration (PSD) Increments,'' of Chapter 5 ''Air Pollution Control'' of Vermont's Environmental Protection Regulations effective in the State of Vermont on December ?, 1990.

(ii) Additional materials.

(A) A state implementation plan narrative dated November, 1990 and entitled ''State of Vermont Air Quality Implementation Plan.

(B) Nonregulatory portions of the state submittal.

(21) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on August 9, 1993.

(i) Incorporation by reference.

(A) Letter dated August 9, 1993 from the Vermont Air Pollution Control Division submitting revisions to the Vermont State Implementation Plan. Vermont resubmitted Vermont's rule entitled ''Registration of Air Contaminant Sources,'' Sections 5–801 through 5–806 and the SIP narrative entitled ''State of Vermont Air Quality Implementation Plan, February 1993'' to meet the emission statement requirements of the Clean Air Act Amendments of 1990.

(B) Letter dated February 4, 1993 from the Vermont Air Pollution Control Division submitting revisions to the Vermont State Implementation Plan which included Vermont's rule entitled ''Registration of Air Contaminant Sources,'' Sections 5–801 through 5–806 and the SIP narrative entitled ''State of Vermont Air Quality Implementation Plan, February 1993'' to meet the emission statement requirements of the Clean Air Act Amendments of 1990. Sections 5–801 through 5–806 were previously adopted by Vermont and became effective on April 20, 1988.

(C) Section 5–801 ''Definitions,'' section 5–802 ''Requirement for Registration,'' section 5–803 ''Registration Procedure,'' section 5–804 ''False or Misleading Information,'' section 5–805

''Commencement or Recommencement of Operation,'' and section 5–806 ''Transfer of Operation'' effective on April 20, 1988.

(ii) Additional materials.

(A) Vermont's SIP narrative entitled ''State of Vermont Air Quality Implementation Plan, February 1993'' which addresses emission statement requirements not covered by sections 5–801 through 5–806.

(B) Letter dated October 5, 1994 from the Vermont Air Pollution Control Division which clarifies Vermont procedures in developing the emission statement information.

(C) Nonregulatory portions of the submittal.

(22) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on August 9, 1993 and March 20, 1995.

(i) Incorporation by reference.

(A) Letters from the Vermont Air Pollution Control Division dated August 9, 1993 and March 20, 1995 submitting revisions to the Vermont State Implementation Plan.

(B) Regulations, including section 5–101, ''Definitions,'' subsection 5–251(2), ''Reasonably available control technology for large stationary sources,'' and, subsection 5–253.20, ''Other Sources That Emit Volatile Organic Compounds,'' adopted on July 9, 1993 and effective on August 13, 1993.

(C) Administrative orders for Simpson Paper Company, in Gilman, Vermont, and, U.S. Samaica Corporation, in Rutland, Vermont, both adopted and effective on January 4, 1995.

(23) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division in November, 1990, establishing a $PM_{10}$ standard.

(i) Incorporation by reference.

(A) Letter from the Vermont Air Pollution Control Division dated December 10, 1990 submitting a revision to the Vermont State Implementation Plan.

(B) Section 5 of the Vermont air quality State Implementation Plan, dated November, 1990.

(24) Revision to the State Implementation Plan submitted by the Vermont Department of Environmental Conservation on March 7, 1996.

(i) Incorporation by reference.

(A) Letter from the Vermont Department of Environmental Conservation dated March 7, 1996 submitting a revision to the Vermont State Implementation Plan.

(B) Amendments to Table 2 ''Prevention of Significant Deterioration Increments'' referenced in Section 5–502(4)(c) of the Vermont Agency of Natural Resources Environmental Regulations (effective July 29, 1995).

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(25) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on February 3, 1993, August 9, 1993, and August 10, 1994.

(i) Incorporation by reference.

(A) Letters from the Vermont Air Pollution Control Division dated February 4, 1993, August 9, 1993, and August 10, 1994 submitting revisions to the Vermont State Implementation Plan.

(B) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.1, entitled ''Petroleum Liquid Storage in Fixed Roof Tanks,'' effective in the State of Vermont on November 13, 1992.

(C) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.2, entitled ''Bulk Gasoline Terminals,'' effective in the State of Vermont on November 13, 1992.

(D) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.3, entitled ''Bulk Gasoline Plants,'' effective in the State of Vermont on November 13, 1992.

(E) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.4, entitled ''Gasoline Tank Trucks,'' effective in the State of Vermont on November 13, 1992.

(F) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.5, entitled ''Stage I Vapor Recovery Controls at Gasoline Dispensing Facilities,'' effective in the State of Vermont on November 13, 1992.

(G) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.10, entitled ''Paper Coating,'' effective in the State of Vermont on November 13, 1992.

(H) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.12, entitled ''Coating of Flat Wood Paneling,'' effective in the State of Vermont on November 13, 1992.

(I) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.13, entitled ''Coating of Miscellaneous Metal Parts,'' effective in the State of Vermont on August 13, 1993.

(J) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.14, entitled ''Solvent Metal Cleaning,'' effective in the State of Vermont on August 13, 1993.

(K) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.15, entitled ''Cutback and Emulsified Asphalt,'' effective in the State of Vermont on August 17, 1994.

(L) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–101, entitled ''Definitions,'' effective in the State of Vermont on November 13, 1992.

(M) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–101, entitled ''Definitions,'' effective in the State of Vermont on August 13, 1993.

(ii) Additional materials.

(A) Vermont Agency of Natural Resources document entitled ''State of Vermont: Air Quality Implementation Plan'' dated August 1993.

(B) Letter from the Vermont Agency of Natural Resources dated September 30, 1996 submitting a negative declaration for the shipbuilding and repair Control Techniques Guideline (CTG) category.

(C) Letter from the Vermont Agency of Natural Resources dated April 20, 1994 submitting a negative declaration for the synthetic organic chemical manufacturing industry (SOCMI) distillation and reactor processes CTG categories.

(D) Letters from the Vermont agency of Natural Resources dated April 6, 1992 and August 28, 1992 submitting negative declarations for several pre-1990 CTG categories.

(E) Nonregulatory portions of the submittal.

(26) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on July 28, 1998.

(i) Additional materials.

(A) Letter from the Vermont Air Pollution Control Division dated July 28, 1998 stating a negative declaration for the aerospace coating operations Control Techniques Guideline category.

[37 FR 10898, May 31, 1972. Redesignated and amended at 65 FR 54415, Sept. 8, 2000]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2386, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart VV—Virginia

### § 52.2420 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Virginia 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. Material 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 on or after June 1, 2009 will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region III certifies that the rules/regulations and source-specific requirements provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations and source-specific requirements which have been approved as

part of the State implementation plan as of June 1, 2009.

(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 VIRGINIA REGULATIONS AND STATUTES

| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| **9 VAC 5, Chapter 10 General Definitions [Part I]** | | | | |
| 5–10–10 | General | 8/1/02 | 3/15/04, 69 FR 12074. | Revised paragraphs A, B, C. |
| 5–10–20 | Terms Defined—Definitions of Administrator, Federally Enforceable, Implementation Plan, Potential to Emit, State Enforceable, Volatile Organic Compound. | 4/1/96 | 3/12/97, 62 FR 11334. | § 52.2465(c)(113)(i)(B)(1). |
| 5–10–20 | Terms Defined—Added Terms—Department, Virginia Register Act, Revised Terms—Administrative Process Act, Director (replaces Executive Director), Virginia Air Pollution Control Law. | 4/17/95 | 4/21/00, 65 FR 21315. | |
| 5–10–20 | Terms Defined [all other SIP-approved terms not listed above]. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–01–02. |
| 5–10–20 | Terms Defined | 1/1/98 | 1/7/03, 68 FR 663. | Terms Added—Public hearing; Regulations for the Control and Abatement of Air Pollution, Regulation of the Board, These regulations.<br>Terms Revised—Good Engineering Practice, Person, Volatile organic compound.<br>Terms Deleted (moved to 9 VAC 5–170–20)—Administrative Process Act, Air quality maintenance area, Confidential information, Consent agreement, Consent order, Emergency special order, Order, Special order, Variance. |
| 5–10–20 | Terms Defined | 8/1/02 | 3/15/04, 69 FR 12074. | Terms Added: EPA, Initial emissions test, Initial performance test (as corrected 11/05/03 and effective 01/01/04 in the Commonwealth), Maintenance area.<br>Terms Revised: Affected facility, Delayed compliance order, Excessive concentration, Federally enforceable, Malfunction, Public hearing, Reference method, Reid vapor pressure, Stationary source, True vapor pressure, Vapor pressure, Volatile organic compounds.<br>Terms Removed: Air Quality Maintenance Area. |

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–10–20 | Terms Defined | 4/2/09 | 2/25/10, 75 FR 8493. | Revised definitions of Ambient air quality standard, Criteria pollutant, Dispersion technique, Emission limitation, Emission standard, Excessive concentration, Federal Clean Air Act, Federally enforceable, Good engineering practice, Initial emission test, Initial performance test, Public hearing, Reference method, Regulations for the Control and Abatement of Air Pollution, Reid vapor pressure, Run, Standard of performance, State enforceable, These regulations, True vapor pressure, Vapor pressure, and Volatile organic compound. |
| 5–10–20 | Terms Defined | 2/18/10 | 2/14/11, 76 FR 8298. | Revised definition of ''Volatile organic compound.'' |
| 5–10–30 | Abbreviations | 7/1/97 | 4/21/00, 65 FR 21315. | Appendix A. |
| **9 VAC 5, Chapter 20 General Provisions** | | | | |
| **Part I Administrative** | | | | |
| 5–20–10A.–C | Applicability | 4/17/95 | 4/21/00, 65 FR 21315. | 120–02–01. |
| 5–20–70 | Circumvention | 4/17/95 | 4/21/00, 65 FR 21315. | 120–02–07. |
| 5–20–80 | Relationship of state regulations to Federal regulations. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–02–08. |
| 5–20–121 | Air Quality Program Policies and Procedures. | 7/1/97 | 4/21/00, 65 FR 21315. | Appendix S. |
| **Part II Air Quality Programs** | | | | |
| 5–20–160 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–02–31. |
| 5–20–170 | Control Programs | 4/17/95 | 4/21/00, 65 FR 21315. | 120–02–32. |
| 5–20–180 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–02–34. |
| 5–20–200 | Air Quality Control Regions (AQCR). | 7/1/97 | 4/21/00, 65 FR 21315. | Appendix B. |
| 5–20–202 | Metropolitan Statistical Areas | 7/1/97 | 4/21/00, 65 FR 21315. | Appendix G. |
| 5–20–203 | Air Quality Maintenance Areas | 12/12/07 | 10/29/08, 73 FR 64210. | Richmond and Hampton Roads 8-Hour Ozone Areas are added. |
| 5–20–204 | Nonattainment Areas | 12/12/07 | 10/29/08, 73 FR 64210. | Richmond and Hampton Roads 8-Hour Ozone Areas are deleted. |
| 5–20–205 | Prevention of Significant Deterioration. Areas | 1/1/98, 4/1/98, 1/1/99, 8/25/04 | 8/18/06, 71 FR 47744. | |
| 5–20–206 | Volatile Organic Compound and Nitrogen Oxides Emissions Control Areas. | 10/4/06 | 3/2/07, 72 FR 9441. | Addition of new Fredericksburg Area and expansion of Richmond and Hampton Roads Emission Control Areas. |
| 5–20–220 | Shutdown of a stationary source. | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–20–230 | Certification of Documents | 4/1/98 | 6/27/03, 68 FR 38191. | |
| **VR120, Part II General Provisions** | | | | |
| VR120–02–02 | Establishment of Regulations and Orders. | 2/1/85 | 2/25/93, 58 FR 11373. | EPA has informed VA that except for the Appeals rule, these provisions no longer need to be part of the SIP. VA has withdrawn 2/93 and 2/98 revisions to the Appeals rule from SIP review. Last substantive SIP change became State-effective on 8/6/79 [§ 52.2465(c)(55)]. |
| VR120–02–04 | Hearings and Proceedings | 2/1/85 | 2/25/93, 58 FR 11373. | |

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| VR120–02–05A | Variances—General | 2/1/85 | 2/25/93, 58 FR 11373. | |
| VR 2.05(b) | Variances—Fuel Emergency | 8/14/75 | 10/8/80, 45 FR 66792. | |
| VR120–02–09 | Appeals | 2/1/85 | 2/25/93, 58 FR 11373. | |
| VR120–02–12 | Procedural information and guidance. | 2/1/85 | 2/25/93, 58 FR 11373. | |
| Appendix E | Public Participation Guidelines. | 2/1/85 | 2/25/93, 58 FR 11373. | |
| Appendix F | Delegation of Authority | 2/1/85 | 2/25/93, 58 FR 11373. | |
| **9 VAC 5, Chapter 30 Ambient Air Quality Standards [Part III]** | | | | |
| 5–30–10 | General | 9/8/04 | 3/3/06, 71 FR 10842. | |
| 5–30–15 | Reference conditions | 6/24/09 | 4/25/11, 76 FR 22814. | Revised section. |
| 5–30–30 | Sulfur Oxides (Sulfur Dioxide) | 9/8/04 | 3/3/06, 71 FR 10842. | |
| 5–30–40 | Carbon Monoxide | 9/8/04 | 3/3/06, 71 FR 10842. | |
| 5–30–50 | Ozone (1-hour) | 9/8/04 | 3/3/06, 71 FR 10842. | |
| 5–30–55 | Ozone (8-hour, 0.08 ppm) | 6/24/09 | 1/18/11, 76 FR 2829. | Revised section. |
| 5–30–56 | Ozone (8-hour, 0.075 ppm) | 6/24/09 | 1/18/11, 76 FR 2829. | Added section. |
| 5–30–60 | Particulate Matter ($PM_{10}$) | 8/1/07 | 12/28/10, 75 FR 81477. | Removed $PM_{10}$ annual standard. |
| 5–30–65 | Particulate Matter ($PM_{2.5}$) | 8/1/07 | 12/28/10, 75 FR 81477. | Removed $PM_{10}$ standard. |
| 5–30–66 | Particulate Matter ($PM_{2.5}$) | 8/1/07 | 12/28/10, 75 FR 81477. | Added section. |
| 5–30–70 | Nitrogen Dioxide | 9/8/04 | 3/3/06, 71 FR 10842. | |
| 5–30–80 | Lead | 6/24/09 | 4/25/11, 76 FR 22814. | Amended paragraphs A. and B.; |
| **9 VAC 5, Chapter 40 Existing Stationary Sources [Part IV]<br>Part I Special Provisions** | | | | |
| 5–40–10 | Applicability | 8/1/02 | 3/15/04, 69 FR 12074. | |
| 5–40–20 | Compliance | 12/12/07 | 2/24/10, 75 FR 8249. | Revisions to paragraph A.3. |
| 5–40–21 | Compliance Schedules | 7/1/97 | 4/21/00, 65 FR 21315. | Appendix N. |
| 5–40–22 | Interpretation of Emissions Standards Based on Process Weight-Rate Tables. | 7/1/97 | 4/21/00, 65 FR 21315. | Appendix Q. |
| 5–40–30 | Emission Testing | 8/1/02 | 3/15/04, 69 FR 12074. | |
| 5–40–40 | Monitoring | 8/1/02 | 3/15/04, 69 FR 12074. | |
| 5–40–41 | Emission Monitoring Procedures for Existing Sources. | 7/1/97 | 4/21/00, 65 FR 21315. | Appendix J. |
| 5–40–50 | Notification, Records and Reporting. | 8/1/02 | 3/15/04, 69 FR 12074. | |
| **Part II Emission Standards<br>Article 1 Visible Emissions and Fugitive Dust/Emissions (Rule 4–1)** | | | | |
| 5–40–60 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0101. |
| 5–40–70 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0102. |
| 5–40–80 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0103. |

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–90 | Standard for Fugitive Dust/ Emissions. | 2/1/03 | 4/29/05, 70 FR 22263. | |
| 5–40–100 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0105. |
| 5–40–110 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0106. |
| 5–40–120 | Waivers | 2/1/03 | 4/29/05, 70 FR 22263. | |
| **Article 4 General Process Operations (Rule 4–4)** | | | | |
| 5–40–240 | Applicability and Designation of Affected Facility. | 1/2/02 | 2/28/08, 73 FR 10670. | |
| 5–40–250 | Definitions | 12/15/06 | 1/19/11, 76 FR 3023. | Removal of ''Reasonably available control technology'' from 5–40–250C. |
| 5–40–260 | Standard for Particulate Matter(AQCR 1–6). | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0403. |
| 5–40–270 | Standard for Particulate Matter (AQCR 7). | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0404. |
| 5–40–280 | Standard for Sulfur Dioxide | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0405. |
| 5–40–320 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0409. |
| 5–40–330 | Standard for Fugitive Dust/ Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0410. |
| 5–40–360 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0413. |
| 5–40–370 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0414. |
| 5–40–380 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0415. |
| 5–40–390 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0416. |
| 5–40–400 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0417. |
| 5–40–410 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0418. |
| 5–40–420 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0419. |
| **Article 5 Emission Standards for Synthesized Pharmaceutical Products Manufacturing Operations (Rule 4–5)** | | | | |
| 5–40–430 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0501. |
| 5–40–440 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0502. |
| 4–40–450 | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0503. |
| 5–40–460 | Control Technology Guidelines. | 2/1/02 | 3/3/06, 71 FR 10838. | |
| 5–40–470 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0505. |
| 5–40–480 | Standard for Fugitive Dust/ Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0506. |
| 5–40–510 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0509. |
| 5–40–520 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0510. |
| 5–40–530 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0511. |
| 5–40–540 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0512. |
| 5–40–550 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0513. |
| 5–40–560 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0514. |
| 5–40–570 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0515. |

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| **Article 6 Emission Standards for Rubber Tire Manufacturing Operations (Rule 4–6)** | | | | |
| 5–40–580 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0601. |
| 5–40–590 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0602. |
| 5–40–600 | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0603. |
| 5–40–610 | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0604. |
| 5–40–620 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0605. |
| 5–40–630 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0606. |
| 5–40–660 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0609. |
| 5–40–670 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0610. |
| 5–40–680 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0611. |
| 5–40–690 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0612. |
| 5–40–700 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0613. |
| 5–40–710 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0614. |
| 5–40–720 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0615. |
| **Article 7 Emission Standards for Incinerators (Rule 4–7)** | | | | |
| 5–40–730 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0701. |
| 5–40–740 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0702. |
| 5–40–750 | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0703. |
| 5–40–760 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0704. |
| 5–40–770 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0705. |
| 5–40–800 | Prohibition of Flue-Fed Incinerators. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0708. |
| 5–40–810 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0709. |
| 5–40–820 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0710. |
| 5–40–830 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0711. |
| 5–40–840 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0712. |
| 5–40–850 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0713. |
| 5–40–860 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0714. |
| 5–40–870 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0715. |
| **Article 8 Emission Standards for Fuel Burning Equipment (Rule 4–8)** | | | | |
| 5–40–880 | Applicability and Designation of Affected Facility. | 4/1/99 | 5/31/01, 66 FR 29495. | |
| 5–40–890 | Definitions | 4/1/99 | 5/31/01, 66 FR 29495. | |
| 5–40–900 | Standard for Particulate Matter. | 4/1/99 | 5/31/01, 66 FR 29495. | |
| 5–40–910 | Emission Allocation System | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0804. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–920 | Determination of Collection Equipment Efficiency Factor. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0805. |
| 5–40–930 | Standard for Sulfur Dioxide | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0806. |
| 5–40–940 | Standard for Visible Emissions. | 4/1/99 | 5/31/01, 66 FR 29495. | |
| 5–40–950 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0808. |
| 5–40–980 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0811. |
| 5–40–990 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0812. |
| 5–40–1000 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0813. |
| 5–40–1010 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0814. |
| 5–40–1020 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0815. |
| 5–40–1030 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0816. |
| 5–40–1040 | Permits | 4/1/99 | 5/31/01, 66 FR 29495. | |
| **Article 9 Emission Standards for Coke Ovens (Rule 4–9)** | | | | |
| 5–40–1050 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0901. |
| 5–40–1060 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0902. |
| 5–40–1070 | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0903. |
| 5–40–1080 | Standard for Sulfur Dioxide | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0904. |
| 5–40–1090 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0905. |
| 5–40–1100 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0906. |
| 5–40–1130 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0909. |
| 5–40–1140 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0910. |
| 5–40–1150 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0911. |
| 5–40–1160 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0912. |
| 5–40–1170 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0913. |
| 5–40–1180 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0914. |
| 5–40–1190 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–0915. |
| **Article 10 Emission Standards for Asphalt Concrete Plants (Rule 4–10)** | | | | |
| 5–40–1200 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1001. |
| 5–40–1210 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1002. |
| 5–40–1220 | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1003. |
| 5–40–1230 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1004. |
| 5–40–1240 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1005. |
| 5–40–1270 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1008. |
| 5–40–1280 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1009. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–1290 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1010. |
| 5–40–1300 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1011. |
| 5–40–1310 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1012. |
| 5–40–1320 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1013. |
| 5–40–1330 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1014. |
| **Article 11 Emission Standards for Petroleum Refinery Operations (Rule 4–11)** | | | | |
| 5–40–1340 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1101. |
| 5–40–1350 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1102. |
| 5–40–1360 | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1103. |
| 5–40–1370 | Standard for Sulfur Dioxide | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1104. |
| 5–40–1390 | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1106. |
| 5–40–1400 | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1107. |
| 5–40–1410 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1108. |
| 5–40–1420 | Standard for Fugitive Dust/ Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1109. |
| 5–40–1450 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1112. |
| 5–40–1460 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1113. |
| 5–40–1470 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1114. |
| 5–40–1480 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1115. |
| 5–40–1490 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1116. |
| 5–40–1500 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1117. |
| 5–40–1510 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1118. |
| **Article 12 Emission Standards for Chemical Fertilizer Manufacturing Operations (Rule 4–12)** | | | | |
| 5–40–1520 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1201. |
| 5–40–1530 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1202. |
| 5–40–1540 | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1203. |
| 5–40–1550 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1204. |
| 5–40–1560 | Standard for Fugitive Dust/ Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1205. |
| 5–40–1590 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1208. |
| 5–40–1600 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1209. |
| 5–40–1610 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1210. |
| 5–40–1620 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1211. |
| 5–40–1630 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1212. |
| 5–40–1640 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1213. |

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|---|---|---|---|---|
| 5–40–1650 ..... | Permits ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1214. |
| **Article 13 Emission Standards for Kraft Pulp and Paper Mills (Rule 4–13)** | | | | |
| 5–40–1660 ..... | Applicability and Designation of Affected Facility. | 4/1/99 | 10/19/07, 72 FR 59207. | |
| 5–40–1670 ..... | Definitions of Cross recovery furnace, Kraft pulp mill, Lime kiln, Recovery furnace, Smelt dissolving tank. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1302 Remaining definitions are federally enforceable as part of the Section 111(d) plan for kraft pulp mills (see, § 62.11610). |
| | Definitions ..... | 4/1/99 | 10/19/07, 72 FR 59207. | Added: Neutral sulfite semi chemical pulping operation, New design recovery furnace, Pulp and paper mill, Semi chemical pulping process; Straight kraft recovery furnace. Revised: Cross recovery furnace. |
| 5–40–1680 ..... | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1303. |
| 5–40–1700 ..... | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1305. |
| 5–40–1710 ..... | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1306. |
| 5–40–1720 ..... | Standard for Fugitive Dust/ Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1307. |
| 5–40–1750 ..... | Compliance ..... | 4/1/99 | 10/19/07, 72 FR 59207. | |
| 5–40–1760 ..... | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1311. |
| 5–40–1770A .... | Monitoring ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1312A. **Note**: Sections 5–40–1770B. and C. are Federally enforceable as part of the Section111(d) plan for kraft pulp mills (*see*, § 62.11610). |
| 5–40–1780A .... | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1313A. **Note**: Sections 5–40–1780B. through D. are Federally enforceable as part of the Section 111(d) plan for kraft pulp mills (*see*, § 62.11610). |
| 5–40–1790 ..... | Registration ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1314. |
| 5–40–1800 ..... | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1315. |
| 5–40–1810 ..... | Permits ..... | 4/1/99 | 10/19/07, 72 FR 59207. | |
| **Article 14 Emission Standards for Sand and Gravel Processing Operations and Stone Quarrying and Processing Operations (Rule 4–14)** | | | | |
| 5–40–1820 ..... | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1401. |
| 5–40–1830 ..... | Definitions ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1402. |
| 5–40–1840 ..... | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1403. |
| 5–40–1850 ..... | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1404. |
| 5–40–1860 ..... | Standard for Fugitive Dust/ Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1405. |
| 5–40–1890 ..... | Compliance ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1408. |
| 5–40–1900 ..... | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1409. |
| 5–40–1910 ..... | Monitoring ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1410. |
| 5–40–1920 ..... | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1411. |
| 5–40–1930 ..... | Registration ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1412. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–1940 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1413. |
| 5–40–1950 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1414. |
| **Article 15 Emission Standards for Coal Preparation Plants (Rule 4–15)** | | | | |
| 5–40–1960 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1501. |
| 5–40–1970 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1502. |
| 5–40–1980 | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1503. |
| 5–40–1990 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1504. |
| 5–40–2000 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1505. |
| 5–40–2030 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1508. |
| 5–40–2040 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1509. |
| 5–40–2050 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1510. |
| 5–40–2060 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1511. |
| 5–40–2070 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1512. |
| 5–40–2080 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1513. |
| 5–40–2090 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1514. |
| **Article 16 Emission Standards for Portland Cement Plants (Rule 4–16)** | | | | |
| 5–40–2100 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1601. |
| 5–40–2110 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1602. |
| 5–40–2120 | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1603. |
| 5–40–2130 | Standard for Sulfur Dioxide | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1604. |
| 5–40–2140 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1605. |
| 5–40–2150 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1606. |
| 5–40–2180 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1609. |
| 5–40–2190 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1610. |
| 5–40–2200 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1611. |
| 5–40–2210 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1612. |
| 5–40–2220 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1613. |
| 5–40–2230 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1614. |
| 5–40–2240 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1615. |
| **Article 17 Emission Standards for Woodworking Operations (Rule 4–17)** | | | | |
| 5–40–2250 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1701. |
| 5–40–2260 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1702. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–2270 ..... | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1703. |
| 5–40–2280 ..... | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1704. |
| 5–40–2290 ..... | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1705. |
| 5–40–2320 ..... | Compliance ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1708. |
| 5–40–2330 ..... | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1709. |
| 5–40–2340 ..... | Monitoring ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1710. |
| 5–40–2350 ..... | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1711. |
| 5–40–2360 ..... | Registration ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1712. |
| 5–40–2370 ..... | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1713. |
| 5–40–2380 ..... | Permits ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1714. |
| **Article 18 Emission Standards for Primary and Secondary Metal Operations (Rule 4–18)** | | | | |
| 5–40–2390 ..... | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1801. |
| 5–40–2400 ..... | Definitions ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1802. |
| 5–40–2410 ..... | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1803. |
| 5–40–2420 ..... | Standard for Sulfur Oxides .... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1804. |
| 5–40–2430 ..... | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1805. |
| 5–40–2440 ..... | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1806. |
| 5–40–2470 ..... | Compliance ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1809. |
| 5–40–2480 ..... | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1810. |
| 5–40–2490 ..... | Monitoring ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1811. |
| 5–40–2500 ..... | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1812. |
| 5–40–2510 ..... | Registration ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1813. |
| 5–40–2520 ..... | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1814. |
| 5–40–2530 ..... | Permits ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1815. |
| **Article 19 Emission Standards for Lightweight Aggregate Process Operations (Rule 4–19)** | | | | |
| 5–40–2540 ..... | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1901. |
| 5–40–2550 ..... | Definitions ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1902. |
| 5–40–2560 ..... | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1903. |
| 5–40–2570 ..... | Standard for Sulfur Oxides .... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1904. |
| 5–40–2580 ..... | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1905. |
| 5–40–2590 ..... | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1906. |
| 5–40–2620 ..... | Compliance ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1909. |
| 5–40–2630 ..... | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1910. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–2640 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1911. |
| 5–40–2650 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1912. |
| 5–40–2660 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1913. |
| 5–40–2670 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1914. |
| 5–40–2680 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–1915. |
| **Article 20 Emission Standards for Feed Manufacturing Operations (Rule 4–20)** | | | | |
| 5–40–2690 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2001. |
| 5–40–2700 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2002. |
| 5–40–2710 | Standard for Particulate Matter. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2003. |
| 5–40–2720 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2004. |
| 5–40–2730 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2005. |
| 5–40–2760 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2008. |
| 5–40–2770 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2009. |
| 5–40–2780 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2010. |
| 5–40–2790 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2011. |
| 5–40–2800 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2012. |
| 5–40–2810 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2013. |
| 5–40–2820 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2014. |
| **Article 21 Emission Standards for Sulfuric Acid Production Plants (Rule 4–21)** | | | | |
| 5–40–2830 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2101. |
| 5–40–2840 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2102. |
| 5–40–2850 | Standard for Sulfur Dioxide | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2103. |
| 5–40–2870 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2105. |
| 5–40–2880 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2106. |
| 5–40–2910 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2109. |
| 5–40–2920 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2110. |
| 5–40–2930 | Monitoring | 2/1/02 | 3/3/06, 71 FR 10838. | |
| 5–40–2940 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2112. |
| 5–40–2950 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2113. |
| 5–40–2960 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2114. |
| 5–40–2970 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2115. |

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|---|---|---|---|---|
| **Article 22 Emission Standards for Sulfur Recovery Operations (Rule 4–22)** | | | | |
| 5–40–2980 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2201. |
| 5–40–2990 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2202. |
| 5–40–3000 | Standard for Sulfur Dioxide | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2203. |
| 5–40–3010 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2204. |
| 5–40–3020 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2205. |
| 5–40–3050 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2208. |
| 5–40–3060 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2209. |
| 5–40–3070 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2210. |
| 5–40–3080 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2211. |
| 5–40–3090 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 20–04–2212. |
| 5–40–3100 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2213. |
| 5–40–3110 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2214. |
| **Article 23 Emission Standards for Nitric Acid Production Units (Rule 4–23)** | | | | |
| 5–40–3120 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2301. |
| 5–40–3130 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2302. |
| 5–40–3140 | Standard for Nitrogen Oxides | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2303. |
| 5–40–3150 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2304. |
| 5–40–3160 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2305. |
| 5–40–3190 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2308. |
| 5–40–3200 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2309. |
| 5–40–3210 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2310. |
| 5–40–3220 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2311. |
| 5–40–3230 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2312. |
| 5–40–3240 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2313. |
| 5–40–3250 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2314. |
| **Article 24 Emission Standards for Solvent Metal Cleaning Operations Using Non-Halogenated Solvents (Rule 4–24)** | | | | |
| 5–40–3260 | Applicability and Designation of Affected Facility. | 3/24/04 | 5/17/05, 70 FR 28215. | |
| 5–40–3270 | Definitions | 4/1/97 | 11/3/99, 64 FR 59635. | |
| 5–40–3280 | Standard for Volatile Organic Compounds. | 4/1/97 | 11/3/99, 64 FR 59635. | |
| 5–40–3290 | Control Technology Guidelines. | 4/1/97 | 11/3/99, 64 FR 59635. | |
| 5–40–3300 | Standard for Visible Emissions. | 4/1/97 | 11/3/99, 64 FR 59635. | |
| 5–40–3310 | Standard for Fugitive Dust/Emissions. | 4/1/97 | 11/3/99, 64 FR 59635. | |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–3340 | Compliance | 4/1/97 | 11/3/99, 64 FR 59635. | |
| 5–40–3350 | Test Methods and Procedures | 4/1/97 | 11/3/99, 64 FR 59635. | |
| 5–40–3360 | Monitoring | 4/1/97 | 11/3/99, 64 FR 59635. | |
| 5–40–3370 | Notification, Records and Reporting. | 4/1/97 | 11/3/99, 64 FR 59635. | |
| 5–40–3380 | Registration | 4/1/97 | 11/3/99, 64 FR 59635. | |
| 5–40–3390 | Facility and Control Equipment Maintenance or Malfunction. | 4/1/97 | 11/3/99, 64 FR 59635. | |
| 5–40–3400 | Permits | 4/1/97 | 11/3/99, 64 FR 59635. | |
| **Article 25** | **Emission Standards for Volatile Organic Compound Storage and Transfer Operations (Rule 4–25)** | | | |
| 5–40–3410 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2501. |
| 5–40–3420 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2502. |
| 5–40–3430 | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2503. |
| 5–40–3440 | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2504. |
| 5–40–3450 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2505. |
| 5–40–3460 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2506. |
| 5–40–3490 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2509. |
| 5–40–3500 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2510. |
| 5–40–3510 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2511. |
| 5–40–3520 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2512. |
| 5–40–3530 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2513. |
| 5–40–3540 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2514. |
| 5–40–3550 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2515. |
| **Article 26** | **Emission Standards for Large Coating Application Systems (Rule 4–26)** | | | |
| 5–40–3560 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2601. |
| 5–40–3570 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2602. |
| 5–40–3580 | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2603. |
| 5–40–3590 | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2604. |
| 5–40–3600 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2605. |
| 5–40–3610 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2606. |
| 5–40–3640 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2609. |
| 5–40–3650 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2610. |
| 5–40–3660 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2611. |
| 5–40–3670 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2612. |
| 5–40–3680 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2613. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–3690 ..... | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2614. |
| 5–40–3700 ..... | Permits ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2615. |
| **Article 27 Emission Standards for Magnet Wire Coating Application Systems (Rule 4–27)** | | | | |
| 5–40–3710 ..... | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2701. |
| 5–40–3720 ..... | Definitions ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2702. |
| 5–40–3730 ..... | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2703. |
| 5–40–3740 ..... | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2704. |
| 5–40–3750 ..... | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2705. |
| 5–40–3760 ..... | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2706. |
| 5–40–3790 ..... | Compliance ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2709. |
| 5–40–3800 ..... | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2710. |
| 5–40–3810 ..... | Monitoring ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2711. |
| 5–40–3820 ..... | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2712. |
| 5–40–3830 ..... | Registration ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2713. |
| 5–40–3840 ..... | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2714. |
| 5–40–3850 ..... | Permits ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2715. |
| **Article 28 Emission Standards for Automobile and Light Duty Truck Coating Application Systems (Rule 4–28)** | | | | |
| 5–40–3860 ..... | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2801. |
| 5–40–3870 ..... | Definitions ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2802. |
| 5–40–3880 ..... | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2803. |
| 5–40–3890 ..... | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2804. |
| 5–40–3900 ..... | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2805. |
| 5–40–3910 ..... | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2806. |
| 5–40–3940 ..... | Compliance ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2809. |
| 5–40–3950 ..... | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2810. |
| 5–40–3960 ..... | Monitoring ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2811. |
| 5–40–3970 ..... | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2812. |
| 5–40–3980 ..... | Registration ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2813. |
| 5–40–3990 ..... | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2814. |
| 5–40–4000 ..... | Permits ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2815. |
| **Article 29 Emission Standards for Can Coating Application Systems (Rule 4–29)** | | | | |
| 5–40–4010 ..... | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2901. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–4020 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2902. |
| 5–40–4030 | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2903. |
| 5–40–4040 | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2904. |
| 5–40–4050 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2905. |
| 5–40–4060 | Standard for Fugitive Dust/ Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2906. |
| 5–40–4090 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2909. |
| 5–40–4100 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2910. |
| 5–40–4110 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2911. |
| 5–40–4120 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2912. |
| 5–40–4130 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2913. |
| 5–40–4140 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2914. |
| 5–40–4150 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–2915. |
| **Article 30 Emission Standards for Metal Coil Coating Application Systems (Rule 4–30)** | | | | |
| 5–40–4160 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3001. |
| 5–40–4170 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3002. |
| 5–40–4180 | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3003. |
| 5–40–4190 | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3004. |
| 5–40–4200 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3005. |
| 5–40–4210 | Standard for Fugitive Dust/ Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3006. |
| 5–40–4240 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3009. |
| 5–40–4250 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3010. |
| 5–40–4260 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3011. |
| 5–40–4270 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3012. |
| 5–40–4280 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3013. |
| 5–40–4290 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3014. |
| 5–40–4300 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3015. |
| **Article 31 Emission Standards for Paper and Fabric Coating Application Systems (Rule 4–31)** | | | | |
| 5–40–4310 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3101. |
| 5–40–4320 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3102. |
| 5–40–4330 | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3103. |
| 5–40–4340 | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3104. |
| 5–40–4350 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3105. |
| 5–40–4360 | Standard for Fugitive Dust/ Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3106. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–4390 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3109. |
| 5–40–4400 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3110. |
| 5–40–4410 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3111. |
| 5–40–4420 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3112. |
| 5–40–4430 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3113. |
| 5–40–4440 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3114. |
| 5–40–4450 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3115. |
| **Article 32 Emission Standards for Vinyl Coating Application Systems (Rule 4–32)** | | | | |
| 5–40–4460 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3201. |
| 5–40–4470 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3202. |
| 5–40–4480 | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3203. |
| 5–40–4490 | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3204. |
| 5–40–4500 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3205. |
| 5–40–4510 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3206. |
| 5–40–4540 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3209. |
| 5–40–4550 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3210. |
| 5–40–4560 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3211. |
| 5–40–4570 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3212. |
| 5–40–4580 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3213. |
| 5–40–4590 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3214. |
| 5–40–4600 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3215. |
| **Article 33 Emission Standards for Metal Furniture Coating Application Systems (Rule 4–33)** | | | | |
| 5–40–4610 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3301. |
| 5–40–4620 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3302. |
| 5–40–4630 | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3303. |
| 5–40–4640 | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3304. |
| 5–40–4650 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3305. |
| 5–40–4660 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3306. |
| 5–40–4690 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3309. |
| 5–40–4700 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3310. |
| 5–40–4710 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3311. |
| 5–40–4720 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3312. |
| 5–40–4730 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3313. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–4740 ..... | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3314. |
| 5–40–4750 ..... | Permits ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3315. |
| **Article 34 Emission Standards for Miscellaneous Metal Parts and Products Coating Application Systems (Rule 4–34)** | | | | |
| 5–40–4760 ..... | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3401. |
| 5–40–4770 ..... | Definitions ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3402. |
| 5–40–4780 ..... | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3403. |
| 5–40–4790 ..... | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3404. |
| 5–40–4800 ..... | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3405. |
| 5–40–4810 ..... | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3406. |
| 5–40–4840 ..... | Compliance ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3409. |
| 5–40–4850 ..... | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3410. |
| 5–40–4860 ..... | Monitoring ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3411. |
| 5–40–4870 ..... | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3412. |
| 5–40–4880 ..... | Registration ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3413. |
| 5–40–4890 ..... | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3414. |
| 5–40–4900 ..... | Permits ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3415. |
| **Article 35 Emission Standards for Flatwood Paneling Coating Application Systems (Rule 4–35)** | | | | |
| 5–40–4910 ..... | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3501. |
| 5–40–4920 ..... | Definitions ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3502. |
| 5–40–4930 ..... | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3503. |
| 5–40–4940 ..... | Control Technology Guidelines. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3504. |
| 5–40–4950 ..... | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3505. |
| 5–40–4960 ..... | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3506. |
| 5–40–4990 ..... | Compliance ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3509. |
| 5–40–5000 ..... | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3510. |
| 5–40–5010 ..... | Monitoring ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3511. |
| 5–40–5020 ..... | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3512. |
| 5–40–5030 ..... | Registration ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3513. |
| 5–40–5040 ..... | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3514. |
| 5–40–5050 ..... | Permits ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3515. |
| **Article 36 Flexographic, Packaging Rotogravure, and Publication Rotogravure Printing Lines (Rule 4–36)** | | | | |
| 5–40–5060 ..... | Applicability and Designation of Affected Facility. | 4/1/96 10/4/06 | 3/2/07, 72 FR 9441. | |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–5070 | Definitions | 4/1/96 | 3/12/97, 62 FR 11334. | § 52.2465(c)(113)(i)(B)(4). |
| 5–40–5080 | Standard for Volatile Organic Compounds. | 4/1/96 | 3/12/97, 62 FR 11334. | |
| 5–40–5090 | Standard for Visible Emissions. | 4/1/96 | 3/12/97, 62 FR 11334. | |
| 5–40–5100 | Standard for Fugitive Dust/Emissions. | 4/1/96 | 3/12/97, 62 FR 11334. | |
| 5–40–5130 | Compliance | 4/1/96 | 3/12/97, 62 FR 11334. | |
| 5–40–5140 | Test Methods and Procedures | 4/1/96 | 3/12/97, 62 FR 11334. | |
| 5–40–5150 | Monitoring | 4/1/96 | 3/12/97, 62 FR 11334. | |
| 5–40–5160 | Notification, Records and Reporting. | 4/1/96 | 3/12/97, 62 FR 11334. | |
| 5–40–5170 | Registration | 4/1/96 | 3/12/97, 62 FR 11334. | |
| 5–40–5180 | Facility and Control Equipment Maintenance or Malfunction. | 4/1/96 | 3/12/97, 62 FR 11334. | |
| 5–40–5190 | Permits | 4/1/96 | 3/12/97, 62 FR 11334. | |
| **Article 37 Emission Standards for Petroleum Liquid Storage and Transfer Operations (Rule 4–37)** | | | | |
| 5–40–5200 | Applicability and Designation of Affected Facility. | 4/1/96<br>10/4/06 | 3/2/07, 72 FR 9441. | |
| 5–40–5210 | Definitions | 2/1/02 | 3/3/06, 71 FR 10838. | |
| 5–40–5220 | Standard for Volatile Organic Compounds. | 3/24/04 | 4/27/05, 70 FR 21625. | |
| 5–40–5230 | Control Technology Guidelines. | 2/1/02 | 3/3/06, 71 FR 10838. | |
| 5–40–5240 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3705. |
| 5–40–5250 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3706. |
| 5–40–5280 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3709. |
| 5–40–5290 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3710. |
| 5–40–5300 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3711. |
| 5–40–5310 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3712. |
| 5–40–5320 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3713. |
| 5–40–5330 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3714. |
| 5–40–5340 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3715. |
| **Article 39 Emission Standards for Asphalt Paving Operations (Rule 4–39)** | | | | |
| 5–40–5490 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3901. |
| 5–40–5500 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3902. |
| 5–40–5510 | Standard for Volatile Organic Compounds. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3903. |
| 5–40–5520 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3904. |
| 5–40–5530 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3905. |
| 5–40–5560 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3908. |
| 5–40–5570 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3909. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–5580 ..... | Monitoring ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3910. |
| 5–40–5590 ..... | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–3911. |
| **Article 41 Emission Standards for Mobile Sources (Rule 4–41)** | | | | |
| 5–40–5650 ..... | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–4101. |
| 5–40–5660 ..... | Definitions ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–4102. |
| 5–40–5670 ..... | Motor Vehicles ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–4103. |
| 5–40–5680 ..... | Other Mobile Sources ..... | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–4104. |
| 5–40–5690 ..... | Export/Import of Motor Vehicles. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–04–4105. |
| **Article 42 Emissions Standards for Portable Fuel ContainerSpillage (Rule 4–42)** | | | | |
| 5–40–5700 ..... | Applicability and designation of affected facility. | 10/4/06 | 12/5/07, 72 FR 68511. | Revision extends the applicability to include the Fredericksburg VOC Emissions Control Area. |
| 5–40–5710 ..... | Definitions ..... | 3/24/04 | 6/8/04, 69 FR 31893. | |
| 5–40–5720 ..... | Standard for volatile organic compounds. | 10/4/06 | 12/5/07, 72 FR 68511. | |
| 5–40–5730 ..... | Administrative requirements .. | 3/24/04 | 6/8/04, 69 FR 31893. | |
| 5–40–5740 ..... | Compliance ..... | 3/24/04 | 6/8/04, 69 FR 31893. | |
| 5–40–5750 ..... | Compliance schedules ..... | 10/4/06 | 12/5/07, 72 FR 68511. | |
| 5–40–5760 ..... | Test methods and procedures | 3/24/04 | 6/8/04, 69 FR 31893. | |
| 5–40–5770 ..... | Notification, records and reporting. | 3/24/04 | 6/8/04, 69 FR 31893. | |
| **Article 43 Municipal Solid Waste Landfills (Rule 4–43)** | | | | |
| 5–40–5800 ..... | Applicability and Designation of Affected Facility. | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5810 ..... | Definitions ..... | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5820 ..... | Standards for Air Emissions .. | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5822 ..... | Operational standards for collection and control systems. | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5824 ..... | Specifications for active collection systems. | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5850 ..... | Compliance ..... | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5855 ..... | Compliance schedule ..... | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5860 ..... | Test methods and procedures | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5870 ..... | Monitoring ..... | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5880 ..... | Reporting ..... | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5890 ..... | Recordkeeping ..... | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5900 ..... | Registration ..... | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5910 ..... | Facility and control equipment Maintenance or Malfunction. | 1/29/04 | 12/29/04, 69 FR 77900. | |
| 5–40–5920 ..... | Permits ..... | 1/29/04 | 12/29/04, 69 FR 77900. | |

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| **Article 47 Emission Standards for Solvent Metal Cleaning Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area (Rule 4–47)** | | | | |
| 5–40–6820 | Applicability | 3/24/04 | 6/9/04, 69 FR 32277. | |
| 5–40–6830 | Definitions | 3/24/04 | 6/9/04, 69 FR 32277. | |
| 5–40–6840 | Standards for volatile organic compounds. | 3/24/04 | 6/9/04, 69 FR 32277. | |
| 5–40–6850 | Standard for visible emissions | 3/24/04 | 6/9/04, 69 FR 32277. | |
| 5–40–6860 | Standard for fugitive dust/ emissions. | 3/24/04 | 6/9/04, 69 FR 32277. | |
| 5–40–6890 | Compliance | 3/24/04 | 6/9/04, 69 FR 32277. | |
| 5–40–6900 | Compliance schedules | 3/24/04 | 6/9/04, 69 FR 32277. | |
| 5–40–6910 | Test methods and procedures | 3/24/04 | 6/9/04, 69 FR 32277. | |
| 5–40–6920 | Monitoring | 3/24/04 | 6/9/04, 69 FR 32277. | |
| 5–40–6930 | Notification, records and reporting. | 3/24/04 | 6/9/04, 69 FR 32277. | |
| 5–40–6940 | Registration | 3/24/04 | 6/9/04, 69 FR 32277. | |
| 5–40–6950 | Facility and control equipment Maintenance or Malfunction. | 3/24/04 | 6/9/04, 69 FR 32277. | |
| 5–40–6960 | Permits | 3/24/04 | 6/9/04, 69 FR 32277. | |
| **Article 48 Emission Standards for Mobile Equipment Repairand Refinishing (Rule 4–48)** | | | | |
| 5–40–6970 | Applicability and designation of affected facility. | 10/4/06 | 12/5/07, 72 FR 68511. | Revision extends the applicability to include the Fredericksburg VOC Emissions Control Area. |
| 5–40–6980 | Definitions | 3/24/04 | 6/24/04, 69 FR 35253. | |
| 5–40–6990 | Standards for volatile organic compounds. | 3/24/04 | 6/24/04, 69 FR 35253. | |
| 5–40–7000 | Standard for visible emissions | 3/24/04 | 6/24/04, 69 FR 35253. | |
| 5–40–7010 | Standard for fugitive dust/ emissions. | 3/24/04 | 6/24/04, 69 FR 35253. | |
| 5–40–7040 | Compliance | 3/24/04 | 6/24/04, 69 FR 35253. | |
| 5–40–7050 | Compliance schedule | 10/4/06 | 12/5/07, 72 FR 68511. | |
| 5–40–7060 | Test methods and procedures | 3/24/04 | 6/24/04, 69 FR 35253. | |
| 5–40–7070 | Monitoring | 3/24/04 | 6/24/0, 69 FR 35253. | |
| 5–40–7080 | Notification, records and reporting. | 3/24/04 | 6/24/04, 69 FR 35253. | |
| 5–40–7090 | Registration | 3/24/04 | 6/24/04, 69 FR 35253. | |
| 5–40–7100 | Facility and control equipment Maintenance or Malfunction. | 3/24/04 | 6/24/04, 69 FR 35253. | |
| 5–40–7110 | Permits | 3/24/04 | 6/24/04, 69 FR 35253. | |
| **Article 49 Emission Standards for Architectural and Maintenance Coatings (Rule 4–49)** | | | | |
| 5–40–7120 | Applicability and designation of affected facility. | 10/4/06 | 12/5/07, 72 FR 68511. | Revision extends the applicability to include the Fredericksburg VOC Emissions Control Area. |
| 5–40–7130 | Definitions | 10/4/06 | 12/5/07, 72 FR 68511. | Revision adds definitions for the following: ASTM, Calcimine recoater, Concrete surface retarder, Conversion varnish, Impacted immersion coating, Nuclear coating, and Thermoplasatic rubber coating and mastic. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–7140 ..... | Standard for volatile organic compounds. | 10/4/06 | 12/5/07, 72 FR 68511. | Revision adds standards for the following categories: Calcimine recoaters, Conversion varnishes, Concrete surface retarder, Impacted immersion coatings, Nuclear coatings, and Thermoplastic rubber coating and mastic. |
| 5–40–7150 ..... | Container Labeling Requirements. | 3/24/04 | 5/12/05, 70 FR 24970. | |
| 5–40–7160 ..... | Standard for Visible Emissions. | 3/24/04 | 5/12/05, 70 FR 24970. | |
| 5–40–7170 ..... | Standard for Fugitive Dust/Emissions. | 3/24/04 | 5/12/05, 70 FR 24970. | |
| 5–40–7200 ..... | Compliance ..... | 3/24/04 | 5/12/05, 70 FR 24970. | |
| 5–40–7210 ..... | Compliance schedules ..... | 10/4/06 | 12/5/07, 72 FR 68511. | |
| 5–40–7220 ..... | Test Methods and Procedures | 3/24/04 | 5/12/05, 70 FR 24970. | |
| 5–40–7230 ..... | Notification, Records and Reporting. | 3/24/04 | 5/12/05, 70 FR 24970. | |
| **Article 50 Emission Standards for Consumer Products (Rule 4–50)** | | | | |
| 5–40–7240 ..... | Applicability ..... | 10/4/06 | 12/5/07, 72 FR 68511. | Revision extends the applicability to include the Fredericksburg VOC Emissions Control Area. |
| 5–40–7250 ..... | Exemptions ..... | 10/4/06 | 12/5/07, 72 FR 68511. | |
| 5–40–7260 ..... | Definitions ..... | 10/4/06 | 12/5/07, 72 FR 68511. | |
| 5–40–7270 ..... | Standard for volatile organic compounds. | 10/4/06 | 12/5/07, 72 FR 68511. | |
| 5–40–7280 ..... | Alternative control plan (ACP) for consumer products. | 3/9/05 | 1/30/07, 72 FR 4207. | |
| 5–40–7290 ..... | Innovative Products ..... | 3/9/05 | 1/30/07, 72 FR 4207. | |
| 5–40–7300 ..... | Administrative requirements .. | 3/9/05 | 1/30/07, 72 FR 4207. | |
| 5–40–7300 ..... | Administrative requirements .. | 10/4/06 | 12/5/07, 72 FR 68511. | |
| 5–40–7320 ..... | Compliance ..... | 3/9/05 | 1/30/07, 72 FR 4207. | |
| 5–40–7330 ..... | Compliance schedules ..... | 10/4/06 | 12/5/07, 72 FR 68511. | |
| 5–40–7340 ..... | Test methods and procedures | 3/9/05 | 1/30/07, 72 FR 4207. | |
| 5–40–7350 ..... | Monitoring ..... | 3/9/05 | 1/30/07, 72 FR 4207. | |
| 5–40–7360 ..... | Notification, records and reporting. | 10/4/06 | 12/5/07, 72 FR 68511. | |
| **Article 51 Stationary Sources Subject to Case-by-Case Control Technology Determinations (Rule 4–51)** | | | | |
| 5–40–7370 ..... | Applicability and designation of affected facility. | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7380 ..... | Definitions ..... | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7390 ..... | Standard for volatile organic compounds (1-hour ozone standard). | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7400 ..... | Standard for volatile organic compounds (8-hour ozone standard). | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7410 ..... | Standard for nitrogen oxides (1-hour ozone standard) Subsection F. | 12/15/06 6/24/09 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7420 ..... | Standard for nitrogen oxides (8-hour ozone standard). | 12/15/06 6/24/09 | 1/19/11, 76 FR 3023. | Added Regulation. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–40–7430 | Presumptive reasonably available control technology guidelines for stationary sources of nitrogen oxides. | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7440 | Standard for visible emissions | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7450 | Standard for fugitive dust/emissions. | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7480 | Compliance | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7490 | Test methods and procedures | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7500 | Monitoring | 12/15/06 | 1/19/11 , 76 FR 3023. | Added Regulation. |
| 5–40–7510 | Notification | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7520 | Registration | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7530 | Facility and control equipment maintenance or malfunction. | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation. |
| 5–40–7540 | Permits | 12/15/06 | 1/19/11, 76 FR 3023. | Added Regulation |
| **Article 53 Emission Standards for Lithographic Printing Processes (Rule 4–53) [Formerly Article 45]** | | | | |
| 5–40–7800 | Applicability and designation of affected facility. | 10/4/06 | 3/2/07, 72 FR 9441. | Revised to include and exempt certain emission control areas. |
| 5–40–7810 | Definitions of Alcohol, Cleaning solution, Fountain solution, Lithographic printing, Printing process. | 4/1/96, 10/4/06 | 3/2/07, 72 FR 9441. | |
| 5–40–7820 | Standard for Volatile Organic Compounds. | 4/1/96 10/4/06 | 3/2/07, 72 FR 9441. | |
| 5–40–7840 | Standard for Visible Emissions. | 4/1/96 10/4/06 | 3/2/07, 72 FR 9441. | |
| 5–40–7850 | Standard for Fugitive Dust Emissions. | 4/1/96 10/4/06 | 3/2/07, 72 FR 9441. | |
| 5–40–7880 | Compliance | 10/4/06 | 3/2/07, 72 FR 9441. | Revisions to compliance dates. |
| 5–40–7890 | Test Methods and Procedures | 4/1/96 10/4/06 | 3/2/07, 72 FR 9441. | |
| 5–40–7900 | Monitoring | 4/1/96 10/4/06 | 3/2/07, 72 FR 9441. | |
| 5–40–7910 | Notification, Records and Reporting. | 4/1/96 10/4/06 | 3/2/07, 72 FR 9441. | |
| 5–40–7920 | Registration | 4/1/96 10/4/06 | 3/2/07, 72 FR 9441. | |
| 5–40–7930 | Facility and Control Equipment Maintenance and Malfunction. | 4/1/96 10/4/06 | 3/2/07, 72 FR 9441. | |
| 5–40–7940 | Permits | 4/1/96 10/4/06 | 3/2/07, 72 FR 9441. | |
| **9 VAC 5, Chapter 50 New and Modified Stationary Sources [Part V]** | | | | |
| **Part I Special Provisions** | | | | |
| 5–50–10 | Applicability | 8/1/02 | 3/15/04, 69 FR 12074. | |
| 5–50–20 | Compliance | 12/12/07 | 02/24/10, 75 FR 8249. | Revisions to paragraph A.3. |
| 5–50–30 | Performance Testing | 8/1/02 | 3/15/04, 69 FR 12074. | |
| 5–50–40 | Monitoring | 8/1/02 | 3/15/04, 69 FR 12074. | |
| 5–50–50 | Notification, Records and Reporting. | 8/1/02 | 3/15/04, 69 FR 12074. | |

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|---|---|---|---|---|
| **Part II Emission Standards** | | | | |
| **Article 1 Standards of Performance for Visible Emissions and Fugitive Dust/Emissions (Rule 5–1)** | | | | |
| 5–50–60 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0101. |
| 5–50–70 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0102. |
| 5–50–80 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0103. |
| 5–50–90 | Standard for Fugitive Dust/Emissions. | 2/1/03 | 4/29/05, 70 FR 22263. | |
| 5–50–100 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0105. |
| 5–50–110 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0106. |
| 5–50–120 | Waivers | 2/1/03 | 4/29/05, 70 FR 22263. | |
| **Article 4 Standards of Performance for Stationary Sources (Rule 5–4)** | | | | |
| 5–50–240 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0401. |
| 5–50–250 | Definitions | 9/1/06 | 10/22/08, 73 FR 62897. | Revised definition of New Source Review Program, Limited Approval. |
| 5–50–260 | Standard for Stationary Sources. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0403. |
| 5–50–270 | Standard for Major Stationary Sources (Nonattainment Areas). | 9/1/06 | 10/22/08, 73 FR 62893. | Changes Qualifying pollutant to Regulated NSR pollutant, Limited Approval. |
| 5–50–280 | Standard for Major Stationary Sources (Prevention of Significant Deterioration Areas). | 9/1/06 | 10/22/08, 73 FR 62897. | Changes Pollutant subject to regulation under the Federal Clean Air Act to Regulated NSR pollutant, Limited Approval. |
| 5–50–290 | Standard for Visible Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0406. |
| 5–50–300 | Standard for Fugitive Dust/Emissions. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0407. |
| 5–50–330 | Compliance | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0410. |
| 5–50–340 | Test Methods and Procedures | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0411. |
| 5–50–350 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0412. |
| 5–50–360 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0413. |
| 5–50–370 | Registration | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0414. |
| 5–50–380 | Facility and Control Equipment Maintenance or Malfunction. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0415. |
| 5–50–390 | Permits | 4/17/95 | 4/21/00, 65 FR 21315. | 120–05–0416. |
| **9 VAC 5, Chapter 70 Air Pollution Episode Prevention [Part VII]** | | | | |
| 5–70–10 | Applicability | 4/17/95 | 4/21/00, 65 FR 21315. | 120–07–01. |
| 5–70–20 | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 120–07–02. |
| 5–70–30 | General | 4/17/95 | 4/21/00, 65 FR 21315. | 120–07–03. |
| 5–70–40 | Episode Determination | 4/1/99 | 10/19/0065 FR 62626. | References to TSP have been removed. |
| 5–70–50 | Standby Emission Reduction Plans. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–07–05. |
| 5–70–60 | Control Requirements | 4/17/95 | 4/21/00, 65 FR 21315. | 120–07–06. |
| 5–70–70 | Local Air Pollution Control Agency Participation. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–07–07. |

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| **9 VAC 5, Chapter 80 Permits for Stationary Sources [Part VIII]** | | | | |
| 5–80–10 | New and Modified Stationary Sources. | 4/17/95 | 4/21/00, 65 FR 21315. | 120–08–01. |
| 10A | Applicability | 4/17/95 | 4/21/00, 65 FR 21315. | 01A. |
| 10B | Definitions | 4/17/95 | 4/21/00, 65 FR 21315. | 01B. |
| 10C (Exc.C1.b) | General | 4/17/95 | 4/21/00, 65 FR 21315. | 01C. (Exc.C.1.b) |
| 10D | Applications | 4/17/95 | 4/21/00, 65 FR 21315. | 01D. |
| 10E. | Information required | 4/17/95 | 4/21/00, 65 FR 21315. | 01E. |
| 10F | Action on permit application | 4/17/95 | 4/21/00, 65 FR 21315. | 01F. |
| 10G | Public participation | 4/17/95 | 4/21/00, 65 FR 21315. | 01G.; Exceptions: 10.G.1 and 10G.4.b. |
| VR120–08–01C.4.b., c. | Public Participation—public hearing requirements for major modifications. | 7/31/81; recodified 2/1/85 | 5/4/82, 47 FR 19134; recodified 2/25/93, 58 FR 11373. | *See* § 52.2423(o). |
| 10H.2. and 10H.3. | Standards for granting permits. | 4/17/95 | 4/21/00, 65 FR 21315. | 01H.2. and 01H.3. |
| 10I.1. and 10I.3 | Application review and analysis. | 4/17/95 | 4/21/00, 65 FR 21315. | 01I.1. and 01I.3. |
| 10J | Compliance determination and verification by performance testing. | 4/17/95 | 4/21/00, 65 FR 21315. | 01J. |
| 10K | Permit invalidation, revocation and enforcement. | 4/17/95 | 4/21/00, 65 FR 21315. | 01K. |
| 10L | Existence of permit no defense. | 4/17/95 | 4/21/00, 65 FR 21315. | 01L. |
| 10M | Compliance with local zoning requirements. | 4/17/95 | 4/21/00, 65 FR 21315. | 01M. |
| 10N | Reactivation and permanent shutdown. | 4/17/95 | 4/21/00, 65 FR 21315. | 01N. |
| 10O | Transfer of permits | 4/17/95 | 4/21/00, 65 FR 21315. | 01O. |
| 10P | Circumvention | 4/17/95 | 4/21/00, 65 FR 21315. | 01P. |
| 5–80–11 | Stationary source permit exemption levels. | 7/1/97 | 4/21/00, 65 FR 21315. | Appendix R. |
| **Article 5 State Operating Permits** | | | | |
| 5–80–800 | Applicability | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–810 | Definitions | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–820 | General | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–830 | Applications | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–840 | Application information required. | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–850 | Standards and conditions for granting Permits. | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–860 | Action on permit application | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–870 | Application review and analysis. | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–880 | Compliance determination and verification by testing. | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–890 | Monitoring requirements | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–900 | Reporting requirements | 4/1/98 | 6/27/03, 68 FR 38191. | |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–80–910 | Existence of permits no defense. | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–920 | Circumvention | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–930 | Compliance with local zoning requirements. | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–940 | Transfer of Permits | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–950 | Termination of Permits | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–960 | Changes to Permits | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–970 | Administrative permit amendments. | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–980 | Minor permit amendments | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–990 | Significant permit amendments. | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–1000 | Reopening for cause | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–1010 | Enforcement | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–1020 | Public participation | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–1030 | General Permits | 4/1/98 | 6/27/03, 68 FR 38191. | |
| 5–80–1040 | Review and evaluation of article. | 4/1/98 | 6/27/03, 68 FR 38191. | |
| **Article 8 Permits—Major Stationary Sources and Major Modifications Located in Prevention of Significant Deterioration Areas** | | | | |
| 5–80–1605 | Applicability | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1700, Limited Approval. |
| 5–80–1615 | Definitions | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1710, Limited Approval. |
| 5–80–1625 | General | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1720, Limited Approval. |
| 5–80–1635 | Ambient Air Increments | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1730, Limited Approval. |
| 5–80–1645 | Ambient Air Ceilings | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1740, Limited Approval. |
| 5–80–1655 | Applications | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1750, Limited Approval. |
| 5–80–1665 | Compliance with local zoning requirements. | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1760, Limited Approval. |
| 5–80–1675 | Compliance determination and verification by performance testing. | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1770, Limited Approval. |
| 5–80–1685 | Stack Heights | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1780, Limited Approval. |
| 5–80–1695 | Exemptions | 9/1/06 | 10/22/08, 73 FR 62897. | New, Limited Approval. |
| 5–80–1705 | Control technology review | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1800, Limited Approval. |
| 5–80–1715 | Source impact analysis | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1810 Limited Approval. |
| 5–80–1725 | Air quality models | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1820, Limited Approval. |
| 5–80–1735 | Air quality analysis | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1830, Limited Approval. |
| 5–80–1745 | Source Information | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1840, Limited Approval. |
| 5–80–1755 | Additional impact analysis | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1850, Limited Approval. |
| 5–80–1765 | Sources affecting Federal class I areas—additional requirements. | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1860, Limited Approval. |
| 5–80–1775 | Public participation | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1870, Limited Approval. |

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|---|---|---|---|---|
| 5–80–1785 | Source obligation | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1880, Limited Approval. |
| 5–80–1795 | Environmental impact statements. | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1890, Limited Approval. |
| 5–80–1805 | Disputed permits | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1900, Limited Approval. |
| 5–80–1815 | Interstate pollution abatement | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1910, Limited Approval. |
| 5–80–1825 | Innovative control technology | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1920, Limited Approval. |
| 5–80–1865 | Actuals plantwide applicability (PAL). | 9/1/06 | 10/22/08, 73 FR 62897. | New, Limited Approval. |
| 5–80–1925 | Changes to permits | 9/1/06 | 10/22/08, 73 FR 62897. | New, Limited Approval. |
| 5–80–1935 | Administrative permit amendments. | 9/1/06 | 10/22/08, 73 FR 62897. | New, Limited Approval. |
| 5–80–1945 | Minor permit amendments | 9/1/06 | 10/22/08, 73 FR 62897. | New, Limited Approval. |
| 5–80–1955 | Significant amendment procedures. | 9/1/06 | 10/22/08, 73 FR 62897. | New, Limited Approval. |
| 5–80–1965 | Reopening for cause | 9/1/06 | 10/22/08, 73 FR 62897. | New, Limited Approval. |
| 5–80–1975 | Transfer of permits | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1940, Limited Approval. |
| 5–80–1985 | Permit invalidation, revocation, and enforcement. | 9/1/06 | 10/22/08, 73 FR 62897. | 5–80–1950, Limited Approval. |
| 5–80–1995 | Existence of permit no defense. | 9/1/06 | 10/22/08, 73 FR 62897. | New, Limited Approval. |
| **Article 9 Permits—Major Stationary Sources and Major Modifications Located in Nonattainment Areas or the Ozone Transport Region** | | | | |
| 5–80–2000 | Applicability | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2010 | Definitions | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2020 | General | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2030 | Applications | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2040 | Application information required. | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2050 | Standards and conditions for granting permits. | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2060 | Action on permit applications | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2070 | Public participation | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2080 | Compliance determination and verification by performance testing. | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2090 | Application review and analysis. | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2091 | Source Obligation | 9/1/06 | 10/22/08, 73 FR 62893. | New, Limited Approval. |
| 5–80–2110 | Interstate Pollution Abatement | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2120 | Offsets | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2130 | De minimis increases and stationary source modification alternatives for ozone nonattainment areas classified as serious or severe in 9 VAC 5–20–204. | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2140 | Exception | 5/1/02 9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2144 | Actuals plantwide applicability limits (PALs). | 9/1/06 | 10/22/08, 73 FR 62893. | New, Limited Approval. |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–80–2150 | Compliance with local zoning requirements. | 5/1/02<br>9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2170 | Transfer of permits | 5/1/02<br>9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2180 | Permit invalidation, revocation and enforcement. | 5/1/02<br>9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2190 | Existence of permit no defense. | 5/1/02<br>9/1/06 | 10/22/08, 73 FR 62893. | Limited Approval of 9/1/06 amendments. |
| 5–80–2200 | Changes to permits | 5/1/02<br>9/1/06 | 10/22/08, 73 FR 62893. | New, Limited Approval of 9/1/06 amendments. |
| 5–80–2210 | Administrative permit amendments. | 5/1/02<br>9/1/06 | 10/22/08, 73 FR 62893. | New, Limited Approval of 9/1/06 amendments. |
| 5–80–2220 | Minor permit amendments | 5/1/02<br>9/1/06 | 10/22/08, 73 FR 62893. | New, Limited Approval of 9/1/06 amendments. |
| 5–80–2230 | Significant amendment procedures. | 5/1/02<br>9/1/06 | 10/22/08, 73 FR 62893. | New, Limited Approval of 9/1/06 amendments. |
| 5–80–2240 | Reopening for cause | 5/1/02<br>9/1/06 | 10/22/08, 73 FR 62893. | New, Limited Approval of 9/1/06 amendments. |
| **9 VAC 5, Chapter 85 Permits for Stationary Sources of Pollutants Subject to Regulation** | | | | |
| **Part I Applicability** | | | | |
| 5–85–10 | Applicability | 1/2/11 | 5/13/11, 76 FR 27898. | |
| **Part III Prevention of Significant Deterioration Permit Actions** | | | | |
| 5–85–40 | Prevention of Significant Deterioration Area Permit Actions. | 1/2/11 | 5/13/11, 76 FR 27898. | |
| 5–85–50 | Definitions | 1/2/11 | 5/13/11, 76 FR 27898. | |
| **Part IV State Operating Permit Actions** | | | | |
| 5–85–60 | State Operating Permit Actions. | 1/2/11 | 5/13/11, 76 FR 27898. | |
| 5–85–70 | Definitions | 1/2/11 | 5/13/11, 76 FR 27898. | |
| **9 VAC 5, Chapter 91 Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area** | | | | |
| **Part I Definitions** | | | | |
| 5–91–10 | General | 1/24/97 | 9/1/99, 64 FR 47670. | |
| 5–91–20 | Terms defined | 1/24/97<br>6/29/05 | 9/1/99, 64 FR 47670.<br>4/22/08, 73 FR 21540. | Exception—''Northern Virginia program area'' does not include Fauquier County, Effective 1/1/98. |
| **Part II General Provisions** | | | | |
| 5–91–30 | Applicability and authority of the department. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–40 | Establishment of Regulations and Orders. | 1/24/97 | 9/1/99, 64 FR 47670. | |
| 5–91–50 | Documents incorporated by reference. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–60 | Hearings and Proceedings | 1/24/97 | 9/1/99, 64 FR 47670. | |
| 5–91–70 | Appeal of case decisions | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–80 | Variances | 1/24/97 | 9/1/99, 64 FR 47670. | |
| 5–91–90 | Right of entry | 1/24/97 | 9/1/99, 64 FR 47670. | |
| 5–91–100 | Conditions on approvals | 1/24/97 | 9/1/99, 64 FR 47670. | |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–91–110 | Procedural information and guidance. | 1/24/97 | 9/1/99, 64 FR 47670. | |
| 5–91–120 | Export and import of motor vehicles. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–130 | Relationship of state regulations to Federal regulations. | 1/24/97 | 9/1/99, 64 FR 47670. | |
| 5–91–140 | Delegation of authority | 1/24/97 | 9/1/99, 64 FR 47670. | |
| 5–91–150 | Availability of information | 1/24/97 | 9/1/99, 64 FR 47670. | |
| **Part III Emission Standards for Motor Vehicle Air Pollution** | | | | |
| 5–91–160 | Exhaust emission standards for two-speed idle testing in enhanced emissions inspection programs. | 6/29/05 | 4/22/08, 73 FR 21540. | |
| 5–91–170 | Exhaust emission standards for ASM testing in enhanced emissions inspection programs. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–180 | Exhaust emission standards for on-road testing through remote sensing. | 6/29/05 | 4/22/08, 73 FR 21540. | |
| 5–91–190 | Emissions control system standards. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–200 | Evaporative emissions standards. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–210 | Visible emissions standards | 10/1/02 | 4/22/08, 73 FR 21540. | |
| **Part IV Permitting and Operation of Emissions Inspection Stations** | | | | |
| 5–91–220 | General provisions | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–230 | Applications | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–240 | Standards and conditions for permits. | 1/27/97 | 9/1/99, 64 FR 47670. | |
| 5–91–250 | Action on permit application | 1/27/97 | 9/1/99, 64 FR 47670. | |
| 5–91–260 | Emissions inspection station permits, categories. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–270 | Permit renewals | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–280 | Permit revocation, surrender of materials. | 1/24/97 | 9/1/99, 64 FR 47670. | |
| 5–91–290 | Emissions inspection station operations. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–300 | Emissions inspection station records. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–310 | Sign and permit posting | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–320 | Equipment and facility requirements. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–330 | Analyzer system operation | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–340 | Motor vehicle inspection report; certificate of emissions inspection. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–350 | Data media | 1/24/97 | 9/1/99, 64 FR 47670. | |
| 5–91–360 | Inspector identification number and access code usage. | 10/1/02 | 4/22/08, 73 FR 21540. | Retitled and amended. |
| 5–91–370 | Fleet emissions inspection stations; mobile fleet inspection stations. | 10/1/02 | 4/22/08, 73 FR 21540. | |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| **Part V Emissions Inspector Testing and Licensing** | | | | |
| 5–91–380 | Emissions inspector licenses and renewals. | 10/21/02 | 4/22/08, 73 FR 21540. | |
| 5–91–390 | Qualification requirements for emissions inspector licenses. | 1/24/97 | 9/1/99, 64 FR 47670. | |
| 5–91–400 | Conduct of emissions inspectors. | 1/24/97 | 9/1/99, 64 FR 47670. | |
| **Part VI Inspection Procedures** | | | | |
| 5–91–410 | General | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–420 | Inspection procedure; rejection, pass, fail, waiver. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–430 | ASM test procedure | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–440 | Two-speed idle test procedure. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–450 | Evaporative system pressure test and gas cap pressure test procedure. | 10/1/02 | 4/22/08, 73 FR 21540. | Retitled and amended. |
| 5–91–480 | Emissions related repairs | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–490 | Engine and fuel changes | 10/1/02 | 4/22/08, 73 FR 21540. | |
| **Part VII Vehicle Emissions Repair Facility Certification** | | | | |
| 5–91–500 | Applicability and authority | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–90–510 | Certification qualifications | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–520 | Expiration, reinstatement, renewal, and requalification. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–530 | Emissions and repair facility operations. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–540 | Sign and certificate posting | 10/1/02 | 4/22/08, 73 FR 21540. | Retitled and amended. |
| **Part VIII Emissions Repair Technician Certification and Responsibilities** | | | | |
| 5–91–550 | Applicability and authority | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–560 | Certification qualifications for emissions repair technicians. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–570 | Expiration, reinstatement, renewal and requalification. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–580 | Certified emissions repair technician responsibilities. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| **Part IX Enforcement Procedures** | | | | |
| 5–91–590 | Enforcement of regulations, permits, licenses, certifications and orders. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–600 | General enforcement process | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–610 | Consent orders and penalties for violations. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–620 | Major violations | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–630 | Minor violations | 4/2/97 | 9/1/99, 64 FR 47670. | |
| **Part X Analyzer System Certification and Specifications for Enhanced Emissions Inspections Programs** | | | | |
| 5–91–640 | Applicability | 1/24/97 | 9/1/99, 64 FR 47670. | |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–91–650 | Design goals | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–660 | Warranty; service contract | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–670 | Owner-provided services | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–680 | Certification of analyzer systems. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–690 | Span gases; gases for calibration purposes. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–700 | Calibration of exhaust gas analyzers. | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–710 | Upgrade of analyzer system | 10/1/02 | 4/22/08, 73 FR 21540. | |
| **Part XI Manufacturer Recall** | | | | |
| 5–91–720 | Vehicle manufacturers recall | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–730 | Exemptions; temporary extensions. | 1/24/97 | 9/1/99, 64 FR 47670. | |
| **Part XII On-Road Testing** | | | | |
| 5–91–740 | General requirements | 6/29/05 | 4/22/08, 73 FR 21540. | |
| 5–91–750 | Operating procedures; violation of standards. | 6/29/05 | 4/22/08, 73 FR 21540. | |
| 5–91–760 | Schedule of civil charges | 6/29/05 | 4/22/08, 73 FR 21540. | |
| **Part XIV ASM Exhaust Emission Standards** | | | | |
| 5–91–790 | ASM start-up standards | 10/1/02 | 4/22/08, 73 FR 21540. | |
| 5–91–800 | ASM final standards | 10/1/02 | 4/22/08, 73 FR 21540. | |
| **9VAC5, Chapter 130 Regulations for Open Burning [Formerly 9VAC5 Chapter 40, Part II, Article 40]** | | | | |
| Part I General Provisions | | | | |
| 5–130–10 | Applicability | 3/18/09 | 3/14/11, 76 FR 13511. | Formerly 5–40–5600 Provisions of Article 40 are applicable only in the Northern Virginia and Richmond Emissions Control Areas as defined in 9 VAC 5–20–206. |
| 5–130–20 | Definitions | 3/18/09 | 3/14/11, 76 FR 13511. | Formerly 5–40–5610. |
| 5–130–30 | Open Burning Prohibitions | 3/18/09 | 3/14/11, 76 FR 13511. | Formerly 5–40–5620. |
| 5–130–40 | Permissible Open Burning | 3/18/09 | 3/14/11, 76 FR 13511. | Formerly 5–40–5630. |
| 5–130–50 | Forest Management and Agricultural Practices. | 3/18/09 | 3/14/11, 76 FR 13511. | Formerly 5–40–5631. |
| **9 VAC 5, Chapter 140 Regulations for Emissions Trading Programs** | | | | |
| **Part I $NO_X$ Budget Trading Program** | | | | |
| **Article 1 $NO_X$ Budget Trading Program General Provisions** | | | | |
| 5–140–10 | Purpose | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–20 | Definitions | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–30 | Measurements, abbreviations, and acronyms. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–31 | Federal Regulations Incorporated by reference. | 7/17/02 | 7/8/03, 68 FR 40520. | |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–140–40 | Applicability | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–50 | Retired unit exemption | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–60 | Standard requirements | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–70 | Computation of time | 7/17/02 | 7/8/03, 68 FR 40520. | |
| **Article 2 $NO_X$ Authorized Account Representative for $NO_X$ Budget Sources** | | | | |
| 5–140–100 | Authorization and responsibilities of the $NO_X$ authorized account representative. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–110 | Alternate $NO_X$ authorized account representative. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–120 | Changing the $NO_X$ authorized account representative and alternate $NO_X$ authorized account representative; changes in the owners and operators. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–130 | Account certificate of representation. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–140 | Objections concerning the $NO_X$ authorized account representative. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| **Article 3 Permits** | | | | |
| 5–140–200 | General $NO_X$ Budget permit requirements. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–210 | Submission of $NO_X$ Budget permit applications. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–220 | Information requirements for $NO_X$ Budget permit applications. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–230 | $NO_X$ Budget permit contents | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–240 | Effective date of initial $NO_X$ Budget permit. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–250 | $NO_X$ Budget permit revisions | 7/17/02 | 7/8/03, 68 FR 40520. | |
| **Article 4 Compliance Certification** | | | | |
| 5–140–300 | Compliance certification report. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–310 | Permitting authority's and administrator's actionon compliance certifications. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| **Article 5 $NO_X$ Allowance Allocations** | | | | |
| 5–140–400 | State trading program budget | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–410 | Timing requirements for $NO_X$ allowance allocations. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–420 | $NO_X$ allowance allocations | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–430 | Compliance Supplement Pool | 7/17/02 | 7/8/03, 68 FR 40520. | |
| **Article 6 $NO_X$ Allowance Tracking System** | | | | |
| 5–140–500 | $NO_X$ Allowance Tracking System accounts. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–510 | Establishment of accounts | 7/17/02 | 7/8/03, 68 FR 40520. | |

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| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–140–520 | $NO_X$ Allowance Tracking System responsibilities of $NO_X$ authorized account representative. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–530 | Recordation of $NO_X$ allowance allocations. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–540 | Compliance | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–550 | Banking | 3/24/04 | 8/25/04, 69 FR 52174. | |
| 5–140–560 | Account error | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–570 | Closing of general accounts | 7/17/02 | 7/8/03, 68 FR 40520. | |
| **Article 7 $NO_X$ Allowance Transfers** | | | | |
| 5–140–600 | Scope and submission of $NO_X$ allowance transfers. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–610 | EPA recordation | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–620 | Notification | 7/17/02 | 7/8/03, 68 FR 40520. | |
| **Article 8 Monitoring and Reporting** | | | | |
| 5–140–700 | General Requirements | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–710 | Initial certification and recertification procedures. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–720 | Out of control periods | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–730 | Notifications | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–740 | Recordkeeping and reporting | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–750 | Petitions. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–760 | Additional requirements to provide heat input data for allocation purposes. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| **Article 9 Individual Unit Opt-ins** | | | | |
| 5–140–800 | Applicability | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–810 | General | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–820 | $NO_X$ authorized account representative. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–830 | Applying for $NO_X$ Budget opt-in permit. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–840 | Opt-in process | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–850 | $NO_X$ Budget opt-in permit contents. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–860 | Withdrawal from $NO_X$ Budget Trading Program. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–870 | Change in regulatory status | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–880 | $NO_X$ allowance allocations to opt-in units. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| **Article 10 State Trading Program Budget and Compliance Pool** | | | | |
| 5–140–900 | State trading program budget | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–910 | Compliance supplement pool budget. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| 5–140–920 | Total electric generating unit allocations. | 7/17/02 | 7/8/03, 68 FR 40520. | |

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|---|---|---|---|---|
| 5–140–930 ..... | Total non-electric generating unit allocations. | 7/17/02 | 7/8/03, 68 FR 40520. | |
| **Part II NO$_X$ Annual Trading Program** | | | | |
| **Article 1 CAIR NO$_X$ Annual Trading Program General Provisions** | | | | |
| 5–140–1010 ..... | Purpose ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1020 ..... | Definitions ..... | 4/18/07 | 12/28/07, 72 FR 73602. | Except for definition of Nonattainment condition. |
| 5–140–1030 ..... | Measurements, abbreviations, and acronyms. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1040 ..... | Applicability ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1050 ..... | Retired Unit Exemption ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1060 ..... | Standard requirements ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1070 ..... | Computation of time ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1080 ..... | Appeal procedures ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 2 CAIR-designated Representative for CAIR NO$_X$ Sources** | | | | |
| 5–140–1100 ..... | Authorization and responsibilities of CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1110 ..... | Alternate CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1120 ..... | Changing CAIR-designated representative and alternate CAIR-designated representative; changes in owners and operators. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1130 ..... | Certificate of representation ... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1140 ..... | Objections concerning CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1150 ..... | Delegation by CAIR-designated representative and alternate CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 3 Permits** | | | | |
| 5–140–1200 ..... | General CAIR NO$_X$ Annual Trading Program permit requirements. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1210 ..... | Submission of CAIR permit applications. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1220 ..... | Information requirements for CAIR permit applications. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1230 ..... | CAIR permit contents and term. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1240 ..... | CAIR permit revisions ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 5 CAIR NO$_X$ Allowance Allocations** | | | | |
| 5–140–1400 ..... | CAIR NO$_X$ Annual trading budgets. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1410 ..... | Timing requirements for CAIR NO$_X$ allowance allocations. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1420 ..... | CAIR NO$_X$ allowance allocations. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1430 ..... | Compliance supplement pool | 4/18/07 | 12/28/07, 72 FR 73602. | |

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|---|---|---|---|---|
| **Article 6 CAIR $NO_X$ Allowance Tracking System** | | | | |
| 5–140–1510 ..... | Establishment of accounts ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1520 ..... | Responsibilities of CAIR-authorized account representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1530 ..... | Recordation of CAIR $NO_X$ allowance allocations. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1540 ..... | Compliance with CAIR $NO_X$ emissions limitation. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1550 ..... | Banking ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1560 ..... | Account error ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1570 ..... | Closing of general accounts .. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 7 CAIR $NO_X$ Allowance Transfers** | | | | |
| 5–140–1600 ..... | Submission of CAIR $NO_X$ allowance transfers. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1610 ..... | EPA recordation ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1620 ..... | Notification ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 8 Monitoring and Reporting** | | | | |
| 5–140–1700 ..... | General requirements ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1710 ..... | Initial certification and recertification procedures. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1720 ..... | Out of control periods ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1730 ..... | Notifications ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1740 ..... | Recordkeeping and reporting | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1750 ..... | Petitions ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 9 CAIR $NO_X$ Opt-in Units** | | | | |
| 5–140–1800 ..... | Applicability. ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1810 ..... | General ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1820 ..... | CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1830 ..... | Applying for CAIR opt-in permit. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1840 ..... | Opt-in process ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1850 ..... | CAIR opt-in permit content .... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1860 ..... | Withdrawal from CAIR $NO_X$ Annual Trading Program. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1870 ..... | Change in regulatory status ... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–1880 ..... | CAIR $NO_X$ allowance allocations to CAIR $NO_X$ opt-in units. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Part III $NO_X$ Ozone Season Trading Program** | | | | |
| **Article 1 CAIR $NO_X$ Ozone Season Trading Program General Provisions** | | | | |
| 5–140–2010 ..... | Purpose ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |

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|---|---|---|---|---|
| 5–140–2020 ..... | Definitions ..... | 4/18/07 | 12/28/07, 72 FR 73602. | Except for definition of Nonattainment condition. |
| 5–140–2030 ..... | Measurements, abbreviations, and acronyms. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2040 ..... | Applicability ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2050 ..... | Retired unit exemption ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2060 ..... | Standard requirements ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2070 ..... | Computation of time ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2080 ..... | Appeal procedures ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 2 CAIR-Designated Representative for CAIR $NO_X$ Ozone Season Sources** | | | | |
| 5–140–2100 ..... | Authorization and responsibilities of CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2110 ..... | Alternate CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2120 ..... | Changing CAIR-designated representative and alternate CAIR-designated representative; changes in owners and operators. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2130 ..... | Certificate of representation ... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2140 ..... | Objections concerning CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2150 ..... | Delegation by CAIR-designated representative and alternate CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 3 Permits** | | | | |
| 5–140–2200 ..... | General CAIR $NO_X$ Ozone Season Trading Program permit requirements. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2210 ..... | Submission of CAIR permit applications. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2220 ..... | Information requirements for CAIR permit applications. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2230 ..... | CAIR permit contents and term. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2240 ..... | CAIR permit revisions ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 5 CAIR $NO_X$ Ozone Season Allowance Allocations** | | | | |
| 5–140–2400 ..... | CAIR $NO_X$ Ozone Season trading budgets. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2405 ..... | State trading budgets for nonelectric generating units. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2410 ..... | Timing requirements for CAIR $NO_X$ Ozone Season allowance allocations. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2420 ..... | CAIR $NO_X$ Ozone Season allowance allocations. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2430 ..... | CAIR $NO_X$ Ozone Season allowance allocations for individual existing nonelectric generating units. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 6 CAIR $NO_X$ Ozone Season Allowance Tracking System** | | | | |
| 5–140–2510 ..... | Establishment of accounts ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |

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|---|---|---|---|---|
| 5–140–2520 ..... | Responsibilities of CAIR-authorized account representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2530 ..... | Recordation of CAIR $NO_X$ Ozone Season allowance allocations. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2540 ..... | Compliance with CAIR $NO_X$ emissions limitation. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2550 ..... | Banking ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2560 ..... | Account error ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2570 ..... | Closing of general accounts .. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 7 CAIR $NO_X$ Ozone Season Allowance Transfers** | | | | |
| 5–140–2600 ..... | Submission of CAIR $NO_X$ Ozone Season allowance transfers. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2610 ..... | EPA recordation ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2620 ..... | Notification ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 8 Monitoring and Reporting** | | | | |
| 5–140–2700 ..... | General requirements ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2710 ..... | Initial certification and recertification procedures. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2720 ..... | Out of control periods ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2730 ..... | Notifications ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2740 ..... | Recordkeeping and reporting | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2750 ..... | Petitions ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 9 CAIR $NO_X$ Ozone Season Opt-in Units** | | | | |
| 5–140–2800 ..... | Applicability ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2810 ..... | General ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2820 ..... | CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2830 ..... | Applying for CAIR opt-in permit. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2840 ..... | Opt-in process ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2850 ..... | CAIR opt-in permit contents .. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2860 ..... | Withdrawal from CAIR $NO_X$ Ozone Season Trading Program. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2870 ..... | Change in regulatory status ... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–2880 ..... | CAIR $NO_X$ Ozone Season allowance allocations to CAIR $NO_X$ Ozone Season opt-in units. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Part IV $SO_2$ Annual Trading Program** | | | | |
| **Article 1 CAIR $SO_2$ Trading Program General Provisions** | | | | |
| 5–140–3010 ..... | Purpose ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |

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|---|---|---|---|---|
| 5–140–3020 ..... | Definitions ..... | 4/18/07 | 12/28/07, 72 FR 73602. | Except for definition of Nonattainment condition. |
| 5–140–3030 ..... | Measurements, abbreviations, and acronyms. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3040 ..... | Applicability ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3050 ..... | Retired Unit Exemption ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3060 ..... | Standard requirements ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3070 ..... | Computation of time ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3080 ..... | Appeal procedures ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 2 CAIR-designated Representative for CAIR $SO_2$ Sources** | | | | |
| 5–140–3100 ..... | Authorization and responsibilities of CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3110 ..... | Alternate CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3120 ..... | Changing CAIR-designated representative and alternate CAIR-designated representative; changes in owners and operators. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3130 ..... | Certificate of representation ... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3140 ..... | Objections concerning CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3150 ..... | Delegation by CAIR-designated representative and alternate CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 3 Permits** | | | | |
| 5–140–3200 ..... | General CAIR $SO_2$ Trading Program permit requirements. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3210 ..... | Submission of CAIR permit applications. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3220 ..... | Information requirements for CAIR permit applications. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3230 ..... | CAIR permit contents and term. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3240 ..... | CAIR permit revisions ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 5 CAIR $SO_2$ Allowance Allocations** | | | | |
| 5–140–3400 ..... | *State trading budgets ..... | 12/12/07 | 3/12/10, 75 FR 11738. | 1. In section title, replace ''State'' with ''CAIR $SO_2$ Annual''<br>2. In paragraph 1, replace 2009 with 2010. |
| 5–140–3410 ..... | Timing requirements for CAIR $SO_2$ allowance allocations. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3420 ..... | CAIR $SO_2$ allowance allocations. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 6 CAIR $SO_2$ Allowance Tracking System** | | | | |
| 5–140–3510 ..... | Establishment of accounts ..... | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3520 ..... | Responsibilities of CAIR-authorized account representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3530 ..... | Recordation of CAIR $SO_2$ allowances. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3540 ..... | Compliance with CAIR $SO_2$ emissions limitation. | 4/18/07 | 12/28/07, 72 FR 73602. | |

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|---|---|---|---|---|
| 5–140–3550 | Banking | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3560 | Account error | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3570 | Closing of general accounts | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 7 CAIR $SO_2$ Allowance Transfers** | | | | |
| 5–140–3600 | Submission of CAIR $SO_2$ allowance transfers. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3610 | EPA recordation | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3620 | Notification | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 8 Monitoring and Reporting** | | | | |
| 5–140–3700 | General requirements | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3710 | Initial certification and recertification procedures. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3720 | Out of control periods | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3730 | Notifications | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3740 | Recordkeeping and reporting | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3750 | Petitions | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **Article 9 CAIR $SO_2$ Opt-in Units** | | | | |
| 5–140–3800 | Applicability | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3810 | General | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3820 | CAIR-designated representative. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3830 | Applying for CAIR opt-in permit. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3840 | Opt-in process | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3850 | CAIR opt-in permit contents | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3860 | Withdrawal from CAIR $SO_2$ Trading Program. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3870 | Change in regulatory status | 4/18/07 | 12/28/07, 72 FR 73602. | |
| 5–140–3880 | CAIR $SO_2$ allowance allocations to CAIR $SO_2$ opt-in units. | 4/18/07 | 12/28/07, 72 FR 73602. | |
| **9 Vac 5, Chapter 151 Transportation Conformity** | | | | |
| **Part I General Definitions** | | | | |
| 5–151–10 | Definitions | 12/31/08 | 11/20/09, 74 FR 60194. | |
| **Part II General Provisions** | | | | |
| 5–151–20 | Applicability | 12/31/08 | 11/20/09, 74 FR 60194. | |
| 5–151–30 | Authority of Board and DEQ | 12/31/08 | 11/20/09, 74 FR 60194. | |
| **Part III Criteria and Procedures for Making Conformity Determinations** | | | | |
| 5–151–40 | General | 12/31/08 | 11/20/09, 74 FR 60194. | |

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–151–50 | Designated provisions | 12/31/08 | 11/20/09, 74 FR 60194. | |
| 5–151–60 | Word or phrase substitutions | 12/31/08 | 11/20/09, 74 FR 60194. | |
| 5–151–70 | Consultation | 12/31/08 | 11/20/09, 74 FR 60194. | |
| **9 VAC 5, Chapter 160 Regulation for General Conformity** | | | | |
| **Part I General Definitions** | | | | |
| 5–160–10 | General | 1/1/98 | 1/7/03, 68 FR 663. | |
| 5–160–20 | Terms Defined | 1/1/97 | 10/21/97, 62 FR 54585. | |
| 5–160–20 | Terms Defined | 1/1/97, 1/1/98 | 1/7/03, 68 FR 663. | Terms revised—Emergency Terms deleted—Administrative Process Act, Confidential information, Consent agreement, Consent order, Emergency special order, Formal hearing, Order, Party, Public hearing, Special order, Variance, Virginia Register Act. |
| **Part II General Provisions** | | | | |
| 5–160–30 | Applicability | 1/1/97 | 10/21/97, 62 FR 54585. | |
| 5–160–40 | Authority of board and department. | 1/1/97 | 10/21/97, 62 FR 54585. | |
| 5–160–80 | Relationship of state regulations to Federal regulations. | 1/1/97 | 10/21/97, 62 FR 54585. | |
| **Part III Criteria and Procedures for Making Conformity Determinations** | | | | |
| 5–160–110 | General | 1/1/97 | 10/21/97, 62 FR 54585. | § 52.2465(c)(118). |
| 5–160–120 | Conformity analysis | 1/1/97 | 10/21/97, 62 FR 54585. | |
| 5–160–130 | Reporting requirements | 1/1/97 | 10/21/97, 62 FR 54585. | |
| 5–160–140 | Public participation | 1/1/97 | 10/21/97, 62 FR 54585. | |
| 5–160–150 | Frequency of conformity determinations. | 1/1/97 | 10/21/97, 62 FR 54585. | |
| 5–160–160 | Criteria for determining conformity. | 1/1/97 | 10/21/97, 62 FR 54585. | |
| 5–160–170 | Procedures for conformity determinations. | 1/1/97 | 10/21/97, 62 FR 54585. | |
| 5–160–180 | Mitigation of air quality impacts. | 1/1/97 | 10/21/97, 62 FR 54585. | |
| 5–160–190 | Savings provision | 1/1/97 | 10/21/97, 62 FR 54585. | |
| 5–160–200 | Review and confirmation of this chapter by board. | 1/1/97 | 10/21/97, 62 FR 54585. | |
| **9 VAC 5, Chapter 170 Regulation for General Administration** | | | | |
| **Part I Definitions** | | | | |
| 5–170–10 | Use of Terms | 1/1/98 | 1/7/03, 68 FR 663. | Split out from 9 VAC 5–10–10. |
| 5–170–20 | Terms Defined | 1/1/98 | 1/7/03, 68 FR 663. | Split out from 9 VAC 5–10–20 and 5–160–20. Terms Added-Public hearing, Regulation of the Board Terms Revised from 4/17/95 version-Consent agreement, Consent order, Emergency special order, Order, Owner, Person, Pollutant, Special Order, Source. |

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| **Part II General Provisions** | | | | |
| 5–170–30 | Applicability | 1/1/98 | 1/7/03, 68 FR 663. | Split out from 9 VAC 5–20–10. |
| 5–170–60 | Availability of Information | 1/1/98 | 1/7/03, 68 FR 663. | Replaces 9 VAC 5–20–150 and 5–160–100. |
| **Part V Enforcement** | | | | |
| 5–170–120A.–C. | Enforcement of Regulations, Permits and Orders. | 1/1/98 | 1/7/03, 68 FR 663. | Replaces 9 VAC 5–20–30A. D. and 5–160–60. |
| 5–170–130A. | Right of Entry | 1/1/98 | 1/7/03, 68 FR 663. | Replaces 9 VAC 5–20–100. |
| **Part VI Board Actions** | | | | |
| 5–170–150 | Local Ordinances | 1/1/98 | 1/7/03, 68 FR 663. | Replaces 9 VAC 5–20–60. |
| 5–170–160 | Conditions on Approvals | 1/1/98 | 1/7/03, 68 FR 663. | Replaces 9 VAC 5–20–110. |
| 5–170–170 | Considerations for Approval Actions. | 1/1/98 | 1/7/03, 68 FR 663. | Replaces 9 VAC 5–20–140. |
| **9 VAC 5, Chapter 200 National Low Emission Vehicle Program** | | | | |
| 5–200–10 | Definitions | 4/14/99 | 12/28/99, 64 FR 72564. | |
| 5–200–20 | Participation in national LEV | 4/14/99 | 12/28/99, 64 FR 72564. | |
| 5–200–30 | Transition from national LEV requirements to a Virginia Sec. 177 program. | 4/14/99 | 12/28/99, 64 FR 72564. | |
| **9 VAC 5, Chapter 230 Variance for International Paper Franklin Paper Mill** | | | | |
| 5–230–10 | Applicability and designation of affected facility. | 9/7/05 | 8/13/07, 45 FR 45165. | |
| 5–230–20 | Definitions | 9/7/05 | 8/13/07, 45 FR 45165. | |
| 5–230–30 | Authority to operate under this chapter and FESOP. | 9/7/05 | 8/13/07, 45 FR 45165. | |
| 5–230–40 (Except A.7., A.9., A.10., and B.2.). | Sitewide Emissions Caps | 9/7/05 | 8/13/07, 45 FR 45165. | |
| 5–230–50 | New Source Review program and registration requirements. | 9/7/05 | 8/13/07, 45 FR 45165. | |
| 5–230–60 (Except A 1.). | Other regulatory requirements | 9/7/05 | 8/13/07, 45 FR 45165. | |
| 5–230–70 | Federal Operating Permits | 9/7/05 | 8/13/07, 45 FR 45165. | |
| 5–230–80 | FESOP issuance and amendments. | 9/7/05 | 8/13/07, 45 FR 45165. | |
| 5–230–90 | Transfer of ownership | 9/7/05 | 8/13/07, 45 FR 45165. | |
| 5–230–110 | Termination of authority to operate under this chapter and FESOP. | 9/7/05 | 8/13/07, 45 FR 45165. | |
| 5–230–120 | Review and confirmation of this chapter by Board. | 9/7/05 | 8/13/07, 45 FR 45165. | |
| **9 VAC 5 Chapter 220 Opacity Variance for Rocket Testing Operations Atlantic Research Corporation's Orange County Facility** | | | | |
| 5–220–10 | Applicability and designation of affected facility. | 12/1/02 | 9/4/09, 74 FR 45766. | |
| 5–220–20 | Definitions | 12/1/02 | 09/4/09, 74 FR 45766. | |

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| 5–220–30 | Applicability of standard for visible emissions and standard for particulate matter. | 12/1/02 | 9/4/09 , 74 FR 45766. | |
| 5–220–40 | Compliance determination, monitoring, recordkeeping, and reporting. | 12/1/02 | 9/4/09, 74 FR 45766. | |
| 5–220–50 | Transfer of ownership | 12/1/02 | 9/4/09, 74 FR 45766. | |
| 5–220–60 | Applicability of future regulations. | 12/1/02 | 9/4/09, 74 FR 45766. | |
| **2 VAC 5, Chapter 480 Regulation Governing the Oxygenation of Gasoline** | | | | |
| 5–480–10 | Definitions | 11/1/93 | 1/7/03, 68 FR 663. | VR115–04–28, § 1. |
| 5–480–20 | Applicability | 11/1/96 | 2/17/00, 65 FR 8051. | |
| 5–480–30 | Minimum oxygenate content | 11/1/93 | 1/7/03, 68 FR 663. | VR115–04–28, § 3. |
| 5–480–40 | Nature of oxygenates | 11/1/93 | 1/7/03, 68 FR 663. | VR115–04–28, § 4. |
| 5–480–50 | Record keeping and transfer requirements. | 11/1/93 | 1/7/03, 68 FR 663. | VR115–04–28, § 5. |
| 5–480–60 | Gasoline pump labeling | 11/1/93 | 1/7/03, 68 FR 663. | VR115–04–28, § 6. |
| 5–480–70 | Sampling, testing and oxygen content calculations. | 11/1/93 | 1/7/03, 68 FR 663. | VR115–04–28, § 7. |
| 5–480–80 | Compliance and enforcement | 11/1/93 | 1/7/03, 68 FR 663. | VR115–04–28, § 8. |
| **Code of Virginia** | | | | |
| Section 10.1–1316.1A. Through D. | Severe ozone nonattainment areas; fees. | 7/1/04 | 12/29/04, 69 FR 77909. | Provision authorizes the Department of Environmental Quality (DEQ) to collect Federal penalty fees from major stationary sources if the nonattainment area does not attain the ozone standard by the statutory attainment date. |

(d) *EPA-Approved State Source Specific Requirements*

EPA-APPROVED SOURCE SPECIFIC REQUIREMENTS

| Source name | Permit/order or registration number | State effective date | EPA approval date | 40 CFR part 52 citation |
|---|---|---|---|---|
| Norfolk Naval Base-Exchange Service Station. | [NONE] | 8/6/79 | 8/17/81, 46 FR 41499. | 52.2465(c)(41). |
| Reynolds Metals Co.-Rolling Mill. | DSE–597–87 | 9/30/87 | 8/20/90, 55 FR 33904. | 52.2465(c)(92). |
| Aqualon (Hercules) Company. | 50363 | 9/26/90 | 11/1/91, 56 FR 56159. | 52.2465(c)(93). |
| Nabisco Brands, Inc | DTE–179–91 | 4/24/91 | 3/6/92, 57 FR 8080. | 52.2465(c)(95). |
| Reynolds Metals Co.-Bellwood. | DSE–413A–86 | 10/31/86 | 6/13/96, 61 FR 29963. | 52.2465(c)(110). |
| Reynolds Metals Co.-Richmond Foil Plant. | DSE–412A–86 | 10/31/86 | 6/13/96, 61 FR 29963. | 52.2465(c)(110). |
| Philip Morris, Inc.—Blended Leaf Facility. | 50080 | 2/27/86 | 10/14/97, 62 FR 53277. | 52.2465(c)(120). |
| Philip Morris, Inc.—Park 500 Facility. | 50722 | 3/26/97 | 10/14/97, 62 FR 53277. | 52.2465(c)(120). |
| Philip Morris, Inc.—Richmond Manufacturing Center. | 50076 | 7/13/96 | 10/14/97, 62 FR 53277. | 52.2465(c)(120). |
| Virginia Electric and Power Co.—Innsbrook Technical Center. | 50396 | 5/30/96 | 10/14/97, 62 FR 53277. | 52.2465(c)(120). |

EPA-APPROVED SOURCE SPECIFIC REQUIREMENTS—Continued

| Source name | Permit/order or registration number | State effective date | EPA approval date | 40 CFR part 52 citation |
|---|---|---|---|---|
| Hercules, Inc.-Aqualon Division. | V–0163–96 | 7/12/96 | 10/14/97, 62 FR 53277. | 52.2465(c)(120). |
| City of Hopewell-Regional Wastewater Treatment Facility. | 50735 | 5/30/96 | 10/14/97, 62 FR 53277. | 52.2465(c)(120). |
| Allied Signal, Inc.-Hopewell Plant. | 50232 | 3/26/97 | 10/14/97, 62 FR 53277. | 52.2465(c)(121). |
| Allied Signal, Inc.-Chesterfield Plant. | V–0114–96 | 5/20/96 | 10/14/97, 62 FR 53277. | 52.2465(c)(121). |
| Bear Island Paper Co. L.P | V–0135–96 | 7/12/96 | 10/14/97, 62 FR 53277. | 52.2465(c)(121). |
| Stone Container Corp.—Hopewell Mill. | 50370 | 5/30/96 | 10/14/97, 62 FR 53277. | 52.2465(c)(121). |
| E.I. Dupont de Nemours and Co.—Spruance Plant. | V–0117–96 | 5/30/96 | 10/14/97, 62 FR 53277. | 52.2465(c)(121). |
| ICI Americas Inc.—Films Division-Hopewell Site. | 50418 | 5/30/96 | 10/14/97, 62 FR 53277. | 52.2465(c)(121). |
| Tuscarora, Inc | 71814 | 6/5/96 | 1/22/99, 64 FR 3425. | 52.2465(c)(128). |
| Potomac Electric Power Company (PEPCO)–Potomac River Generating Station [Permit to Operate]. | Registration No. 70228; County-Plant No. 510–0003. | 9/18/00 | 12/14/00, 65 FR 78100. | 52.2420(d)(2). |
| Virginia Power (VP)—(Possum Point Generating Station [Permit to Operate]. | Registration No. 70225; County-Plant No. 153–0002. | 9/26/00 | 12/14/00, 65 FR 78100. | 52.2420(d)(2). |
| Cellofoam North America, Inc.—Falmouth Plant [Consent Agreement]. | Registration No. 40696; FSO–193–98. | 8/10/98 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| CNG Transmission Corporation—Leesburg Compressor Station [Permit to Operate]. | Registration No. 71978; County-Plant No. 107–0101. | 5/22/00 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| Columbia Gas Transmission Company—Loudoun County Compressor Station [Permit to Operate]. | Registration No. 72265; County-Plant No. 107–0125. | 5/23/00 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| District of Columbia's Department of Corrections—Lorton Correctional Facility [Permit to Operate]. | Registration No. 70028; County-Plant No. 0059–0024. | 12/10/99 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| Michigan Cogeneration Systems, Inc.—Fairfax County I–95 Landfill [Permit to Operate]. | Registration No. 71961; County-Plant No. 0059–0575. | 5/10/00 | 1/2/01, 66 FR 8. | 52.2420(d)(3) |
| Metropolitan Washington Airports Authority—Ronald Reagan Washington National Airport [Permit to Operate]. | Registration No. 70005; County-Plant No. 0013–0015. | 5/22/00 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| Noman M. Cole, Jr., Pollution Control Plant [Consent Agreement]. | Registration No. 70714 | 12/13/99 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| Ogden Martin Systems of Alexandria/Arlington, Inc. [Consent Agreement]. | Registration No. 71895; NVRO–041–98. | 7/31/98 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| Ogden Martin Systems of Fairfax, Inc. [Consent Agreement]. | Registration No. 71920 | 4/3/98 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| U.S. Department of Defense—Pentagon Reservation [Permit to Operate]. | Registration No. 70030; County-Plant No. 0013–0188. | 5/17/00 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |

EPA-APPROVED SOURCE SPECIFIC REQUIREMENTS—Continued

| Source name | Permit/order or registration number | State effective date | EPA approval date | 40 CFR part 52 citation |
|---|---|---|---|---|
| Potomac Electric Power Company (PEPCO)—Potomac River Generating Station [Consent Agreement]. | Registration No. 70228; NVRO–106–98. | 7/31/98 | 1/2/01, 66 FR 8. | 52.2420(d)(3) $NO_X$ RACT requirements. |
| Potomac Electric Power Company (PEPCO)—Potomac River Generating Station. | Registration No. 70228; County Plant No. 510–0003. | 5/8/00 | 1/2/01, 66 FR 8. | 52.2420(d)(3) VOC RACT requirements. |
| United States Marine Corps.—Quantico Base [Permit to Operate]. | Registration No. 70267; County-Plant No. 153–0010.. | 5/24/00 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| Transcontinental Gas Pipeline Corporation—Compressor Station No.185 [Consent Agreement]. | Registration No. 71958 ... | 9/5/96 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| U.S. Army Garrison at Fort Belvoir [Permit to Operate]. | Registration No. 70550; County-Plant No. 059–0018. | 5/16/00 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| Virginia Power (VP)—Possum Point Generating Station [Permit containing $NO_X$ RACT requirements]. | Registration No. 70225; County-Plant No. 153–0002. | 7/21/00 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| Virginia Electric and Power Company—Possum Point Generating Station [Consent Agreement containing VOC RACT requirements]. | Registration No. 70225 ... | 6/12/95 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| Washington Gas Light Company—Springfield Operations Center [Consent Agreement]. | Registration No. 70151; NVRO–031–98. | 4/3/98 | 1/2/01, 66 FR 8. | 52.2420(d)(3). |
| Georgia Pacific—Jarratt Softboard Plant. | Registration No. 50253 ... | 9/28/98 | 3/26/03, 68 FR 14542. | 40 CFR 52.2420(d)(4); *Note:* In Section E, Provision 1, the portion of the text which reads " * * * and during periods of start-up, shutdown, and malfunction." is not part of the SIP. |
| Prince William County Landfill. | Registration No. 72340 ... | 4/16/04 | 9/9/04, 69 FR 54581. | 52.2420(d)(5). |
| Washington Gas Company, Ravensworth Station. | Registration No. 72277 ... | 4/16/04<br>8/11/04 | 10/6/04, 69 FR 59812. | 52.2420(d)(6). |
| Central Intelligence Agency (CIA), George Bush Center for Intelligence. | Registration No. 71757 ... | 4/16/04 | 12/13/04, 69 FR 72115. | 52.2420(d)(6). |
| National Reconnaissance Office, Boeing Service Center. | Registration No. 71988 ... | 4/16/04 | 12/13/04, 69 FR 72115. | 52.2420(d)(6). |
| Roanoke Electric Steel Corp. | Registration No. 20131 ... | 12/22/04 | 4/27/05, 70 FR 21621. | 52.2420(d)(7). |
| Roanoke Cement Company. | Registration No. 20232 ... | 12/22/04 | 4/27/05, 70 FR 21621. | 52.2420(d)(7). |
| Global Stone Chemstone Corporation. | Registration No. 80504 ... | 02/9/05 | 4/27/05, 70 FR 21621. | 52.2420(d)(7). |
| Kraft Foods Global, Inc.—Richmond Bakery. | Registration No. 50703 ... | 9/19/07 | 4/15/08, 73 FR 20175. | 52.2420(d)(8). |
| Transcontinental Pipeline Station 165. | Registration No. 30864 ... | 1/24/07 | 10/30/08, 73 FR 64551. | 52.2420(d)(9). |
| Transcontinental Pipeline Station 170. | Registration No. 30863 ... | 1/24/07 | 10/30/08, 73 FR 64551. | 52.2420(d)(9). |
| Transcontinental Pipeline Station 175. | Registration No. 40789 ... | 1/30/07 | 10/30/08, 73 FR 64551. | 52.2420(d)(9). |
| Transcontinental Pipeline Station 180. | Registration No. 40782 ... | 2/13/07 | 10/30/08, 73 FR 64551. | 52.2420(d)(9). |

EPA-APPROVED SOURCE SPECIFIC REQUIREMENTS—Continued

| Source name | Permit/order or registration number | State effective date | EPA approval date | 40 CFR part 52 citation |
|---|---|---|---|---|
| Roanoke Cement Corporation. | Registration No. 20232 ... | 6/18/07 | 10/30/08, 73 FR 64551. | 52.2420(d)(9). |
| Reynolds Consumer Products Company. | Registration No. 50534 ... | 10/1/08 | 3/25/09, 74 FR 12572. | 52.2420(d)(12). The SIP effective date is 5/26/09. |

(e) *EPA-approved nonregulatory and quasi-regulatory material.*

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| Commitment Letter—Clean fuel fleet or alternative substitute program. | Northern Virginia Ozone nonattainment Area. | 1/25/93 | 9/23/93, 58 FR 50846. | 52.2423(j). |
| 9 VAC 5–60–100 (adopts 40 CFR 63.460 through 63.469 by reference). | Statewide ..... | 10/9/98 | 11/3/99, 64 FR 59648. | 52.2423(q). |
| Documents Incorporated by Reference. | Statewide ..... | 4/12/89 | 8/23/95, 60 FR 43714. | 52.2423(m). |
| Documents Incorporated by Reference. | Statewide ..... | 2/12/93 | 8/23/95, 60 FR 43714. | 52.2423(n). |
| Documents Incorporated by Reference (9 VAC 5–20–21, Section E). | Statewide ..... | 6/22/99 | 1/7/03, 68 FR 663. | 52.2423(r). |
| Documents Incorporated by Reference (9 VAC 5–20–21, paragraph E.12). | Statewide ..... | 2/23/04 | 6/8/04, 69 FR 31893. | 52.2423(s). |
| Documents Incorporated by Reference. | Northern Virginia VOC Emissions Control Area designated in 9 VAC 5–20–206. | 3/24/04 | 5/12/05, 70 FR 24970. | 9 VAC 5–20–21, Sections E.1.a.(7)., E.4.a.(12) through a.(17), E.10., E.11., E.13.a.(1), and E.13.a.(2). |
| Documents Incorporated by Reference (9 VAC 5–20–21, Sections D., E. (introductory sentence), E.2 (all paragraphs), E.3.b, E.4.a.(1) and (2), E.4.b., E.5. (all paragraphs), and E.7. (all paragraphs)). | Statewide ..... | 8/25/05 | 3/3/06, 71 FR 10838. | State effective date is 2/1/00. |
| Documents Incorporated by Reference (9 VAC 5–20–21, Section B. | Statewide ..... | 10/25/05 | 3/3/06, 71 FR 10838. | State effective date is 3/9/05; approval is for those provisions of the CFR which implement control programs for air pollutants related to the national ambient air quality standards (NAAQS) and regional haze. |
| Documents Incorporated by Reference (9 VAC 5–20–21, Sections E.1.a.(1)(q) and E.1.a.(1)(r)). | Statewide ..... | 9/27/10 | 4/25/11, 76 FR 22814. | Revised sections. |
| Documents Incorporated by Reference. | Northern Virginia VOC Emissions Control Area designated in 9 VAC 5–20–206. | 10/25/05 | 1/30/07, 72 FR 4207. | State effective date is 3/9/05. 9 VAC 5–20–21, Sections E.1.a.(16)., E.4.a.(18) through a.(20), E.6.a, E.11.a.(3), E.12.a.(5) through a.(8), E.14.a. and E.14.b. |
| Documents Incorporated by Reference (9 VAC 5–20–21, Paragraphs E.4.a. (21) and (22))... | Fredericksburg VOC Emissions Control Area Designated in 9 VAC 5–20–206. | 05/14/07 | 12/5/07, 72 FR 68511.. | State effective date is 10/4/06. |
| Motor vehicle emissions budgets. | Hampton Roads Ozone Maintenance Area. | 8/29/96 | 6/26/97, 62 FR 34408. | 52.2424(a). |
| Motor vehicle emissions budgets. | Richmond Ozone Maintenance Area. | 7/30/96 | 11/17/97, 62 FR 61237. | 52.2424(b). |
| 1990 Base Year Emissions Inventory-Carbon Monoxide (CO). | Metropolitan Washington Area. | 11/1/93<br>4/3/95<br>10/12/95 | 1/30/96, 61 FR 2931. | 52.2425(a). |

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| 1990 Base Year Emissions Inventory-Carbon Monoxide (CO), oxides of nitrogen ($NO_X$), & volatile organic compounds (VOC). | Richmond-Petersburg, Norfolk-Virginia Beach, and Smyth County Ozone Areas. | 11/11/92<br>11/18/92<br>11/1/93<br>12/15/94 | 9/16/96, 61 FR 48657. | 52.2425(b). |
| 1990 Base Year Emissions Inventory-Carbon Monoxide (CO), oxides of nitrogen ($NO_X$), & volatile organic compounds (VOC). | Northern Virginia (Metropolitan Washington) Ozone Nonattainment Area. | 11/30/92<br>11/1/93<br>4/3/95 | 9/16/96, 61 FR 54656. | 52.2425(c). |
| 1990 Base Year Emissions Inventory-oxides of nitrogen ($NO_X$), & volatile organic compounds (VOC). | Northern Virginia (Metropolitan Washington) Ozone Nonattainment Area. | 12/17/97 | 7/8/98, 63 FR 36854. | |
| Photochemical Assessment Monitoring Stations (PAMS) Program. | Northern Virginia (Metropolitan Washington) Ozone Nonattainment Area. | 11/15/94 | 9/11/95, 60 FR 47081. | 52.2426. |
| Attainment determination of the ozone NAAQS. | Richmond Ozone Nonattainment Area. | 7/26/96 | 10/6/97, 62 FR 52029. | 52.2428(a). |
| 15% rate of progress plan ... | Northern Virginia (Metropolitan Washington) Ozone Nonattainment Area. | 4/14/98 | 10/6/00, 65 FR 59727. | 52.2428(b). |
| Small business stationary source technical and environmental assistance program. | Statewide ..... | 11/10/92 | 2/14/94, 59 FR 5327. | 52.2460. |
| Establishment of Air Quality Monitoring Network. | Statewide ..... | 3/24/80 | 12/5/80, 45 FR 86530. | 52.2465(c)(38). |
| Lead (Pb) SIP ..... | Statewide ..... | 12/31/80 | 3/21/82, 45 FR 8566. | 52.2465(c)(61). |
| Carbon Monoxide Maintenance Plan. | Arlington County & Alexandria City. | 10/4/95 | 1/30/96, 61 FR 2931. | 52.2465(c)(107). |
| | | 3/22/04 | 04/04/05, 70 FR 16958. | Revised Carbon Monoxide Maintenance Plan Base Year Emissions Inventory using MOBILE6. |
| Ozone Maintenance Plan, emissions inventory & contingency measures. | Hampton Roads Area ..... | 8/27/96 | 6/26/97, 62 FR 34408. | 52.2465(c)(117). |
| Ozone Maintenance Plan, emissions inventory & contingency measures. | Richmond Area ..... | 7/26/96 | 11/17/97, 62 FR 61237. | 52.2465(c)(119). |
| Non-Regulatory Voluntary Emission Reduction Program. | Washington, DC, severe 1-hour ozone nonattainment area. | 2/25/04 | 5/12/05, 70 FR 24987. | The nonregulatory measures found in section 7.6 and Appendix J of the plan. |
| 1996–1999 Rate-of-Progress Plan SIP and the Transportation Control Measures (TCMs) in Appendix H. | Washington 1-hour ozone nonattainment area. | 12/29/03<br>5/25/99 | 5/16/05, 70 FR 25688. | Only the TCMs in Appendix H of the 5/25/1999 revision, 1999 motor vehicle emissions budgets of 128.5 tons per day (tpy) of VOC and 196.4 tpy of $NO_X$. |
| 1990 Base Year Inventory Revisions. | Washington 1-hour ozone nonattainment area. | 8/19/03<br>2/25/04 | 5/16/05, 70 FR 25688. | |
| 1999–2005 Rate-of-Progress Plan SIP Revision and the Transportation Control Measures (TCMs) in Appendix J. | Washington 1-hour ozone nonattainment area. | 8/19/03<br>2/25/04 | 5/16/05, 70 FR 25688. | Only the TCMs in Appendix J of the 2/25/2004 revision, 2002 motor vehicle emissions budgets (MVEBs) of 125.2 tons per day (tpy) for VOC and 290.3 tpy of $NO_X$, and, 2005 MVEBs of 97.4 tpy for VOC and 234.7 tpy of $NO_X$. |
| VMT Offset SIP Revision .... | Washington 1-hour ozone nonattainment area. | 8/19/03<br>2/25/04 | 5/16/05, 70 FR 25688. | |
| Contingency Measure Plan | Washington 1-hour ozone nonattainment area. | 8/19/03<br>2/25/04 | 5/16/05, 70 FR 25688. | |
| 1-Hour Ozone Modeled Demonstration of Attainment and Attainment Plan. | Washington 1-hour ozone nonattainment area. | 8/19/03<br>2/25/04 | 5/16/05, 70 FR 25688. | 2005 motor vehicle emissions budgets of 97.4 tons per day (tpy) for VOC and 234.7 tpy of $NO_X$. |

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| Attainment Demonstration and Early Action Plan for the Roanoke MSA Ozone Early Action Compact Area. | Botetourt County, Roanoke City, Roanoke County, and Salem City. | 12/21/04 2/15/05 | 8/17/05, 70 FR 43277. | |
| Attainment Demonstration and Early Action Plan for the Northern Shenandoah Valley Ozone Early Action Compact Area. | City of Winchester and Frederick County. | 12/20/04, 2/15/05 | 8/17/05, 70 FR 43280.. | |
| 8-Hour Ozone Maintenance Plan for the Fredericksburg VA Area. | City of Fredericksburg, Spotsylvania County, and Stafford County. | 5/4/05 | 12/23/05, 70 FR 76165. | |
| 8-Hour Ozone Maintenance Plan for the Madison & Page Cos. (Shenandoah NP), VA Area. | Madison County (part) and Page County (part). | 9/23/05 | 1/3/05, 71 FR 24. | |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Norfolk-Virginia Beach-Newport News (Hampton Roads), VA Area. | 10/12/06 10/16/06 10/18/06 11/20/06 2/13/07 | 6/1/07, 72 FR 30490. | The SIP effective date is 6/1/07. |
| 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory. | Richmond-Petersburg VA Area. | 9/18/06 9/20/06 9/25/06 11/17/06 2/13/07 | 6/1/07, 72 FR 30485. | The SIP effective date is 6/18/07. |
| Ozone Maintenance Plan .... | White Top Mountain, Smyth County, VA 1-hour Ozone Nonattainment Area. | 8/6/07 | 4/29/08, 73 FR 23103. | |
| RACT under the 8-Hour NAAQS. | Stafford County ..... | 4/21/08 | 12/22/08, 73 FR 78192. | |
| RACT under the 8-Hour ozone NAAQS. | Virginia portion of the Washington, DC-MD-VA area. | 10/23/06 | 6/16/09, 74 FR 28444. | |

[69 FR 54218, Sept. 8, 2004]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2420, 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 76 FR 36329, June 22, 2011, § 52.2420 was amended by revising the entry for Section 5–30–70; the table in paragraph (e) is amended by adding an entry for ''Documents Incorporated by Reference'' after the tenth existing entry for ''Documents Incorporated by Reference.'', effective Aug. 22, 2011. For the convenience of the user, the added and revised text is set forth as follows:

**§ 52.2420 Identification of plan.**

* * * * *

(c) * * *

EPA—APPROVED VIRGINIA REGULATIONS AND STATUTES

| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| * * | * | * | * | * * |
| **9 VAC 5, Chapter 30 Ambient Air Quality Standards [Part III]** | | | | |
| | | | | |

EPA—APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation [former SIP citation] |
|---|---|---|---|---|
| * * | * | * | * | * * |
| 5-30-70 | Oxides of nitrogen dioxide as the indicator. | 8/18/10 | 6/22/11 [Insert page number where the document begins]. | Sections A., D., and E. are modified. Sections B., C., F., and G. are added. |
| * * | * | * | * | * * |

* * * * *

(e) * * *

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| * * | * | * | * | * * |
| Documents Incorporated by Reference (9 VAC 5-20-21, Section E.1.a.(1)(s)). | Statewide | 3/14/11 | 6/22/11 [Insert page number where the document begins]. | Added section. |
| * * | * | * | * | * * |

## § 52.2421 Classification of regions.

The Virginia 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) |
| Eastern Tennessee-Southwestern Virginia Interstate | I | I | III | III | III |
| Valley of Virginia Intrastate | I | III | III | III | III |
| Central Virginia Intrastate | I | III | III | III | III |
| Northeastern Virginia Intrastate | IA | III | III | III | III |
| State Capital Intrastate | I | III | III | III | I |
| Hampton Roads Intrastate | I | II | III | III | I |
| National Capital Interstate | I | I | III | I | I |

[37 FR 15090, July 27, 1972, as amended at 39 FR 16347, May 8, 1974]

## § 52.2422 [Reserved]

## § 52.2423 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Virginia's plan for the attainment and maintenance of the national standards. The State included a provision dealing with open burning in its submittal of August 10, 1973.This provision was included for information purposes only and was not to be considered a part of the plan to implement national standards. Accordingly, this additional provision is not considered a part of the applicable plan.

(b)–(c) [Reserved]

(d) The portion of the January 11, 1979 SIP submittal pertaining to Smyth County is not approved, pending a possible redesignation of the area to attainment status.

(e) The requirements of § 51.22 are not met with respect to section 4.55(b) of the Virginia regulations, because the regulation is not adequately enforceable. Therefore, section 4.55(b) is disapproved.

(f) Section 9 VAC 5–40–20.A.3. of the Virginia Regulations for the Control and Abatement of Air Pollution is not considered part of the applicable plan because it contradicts a previously approved section of the SIP.

(g) Section 4.31(d)(3) of Part IV of the Virginia Regulations for the Control and Abatement of Air Pollution is not considered part of the applicable plan because the substitute criteria, listed in section 4.31(d)(3), contain inherent variations in quality control which do not present an accurate representation of collection efficiency.

(h) In an April 19, 1991 request submitted by the Virginia Department of Air Pollution Control, the source-specific emission limitation for James River Paper which EPA had approved on August 18, 1983 is deleted. James River Paper Co. (now known as Custom Papers Group—Richmond, Inc.) located in Richmond, Virginia is now required to comply with the applicable Virginia SIP paper coating regulation.

(i) Pursuant to an October 31, 1991 request submitted by the Virginia Department of Air Pollution Control, the source-specific Alternate Control Program (bubble) for J.W. Fergusson & Sons, Inc. which EPA had approved on March 4, 1983, is removed from the plan. J.W. Fergusson & Sons, Inc. located in Richmond, Virginia is required to comply with the Virginia SIP graphic arts RACT regulation approved by EPA on January 25, 1984 (see 40 CFR 52.2420(c)(48) and (c)(74)).

(j) Letter of January 25, 1993, from the Commonwealth of Virginia transmitting a commitment to adopt either the Federal clean fuel fleet program or an alternative substitute program by May 15, 1994.

(k) The maintenance plan SIP revision, and request to redesignate the Richmond moderate ozone nonattainment area to attainment were submitted on November 12, 1992, by the Department of Environmental Quality. These requests are disapproved because review of the 1993 ambient air quality data monitored during the 1993 ozone season indicated that a violation of the ozone NAAQS occurred at the Charles City monitor in the Richmond nonattainment area . Because of the registered violation during the 1993 ozone season, the underlying basis of the Commonwealth's November 12, 1992, maintenance plan's demonstration is no longer valid.

(l) [Reserved]

(m) EPA approves as part of the Virginia State Implementation Plan the documents listed in Appendix M, Sections II.A. through II.E and Section II.G. of the Virginia Regulations for the Control and Abatement of Air Pollution submitted by the Virginia Department of Air Pollution Control on April 12, 1989.

(n) EPA approves as part of the Virginia State Implementation Plan the revised references to the documents listed in Appendix M, Sections II.A. and II.B. of the Virginia Regulations for the Control and Abatement of Air Pollution submitted by the Virginia Department of Air Pollution Control on February 12, 1993.

(o) EPA approves the revised confidentiality of information provisions of Sections 120–02–30, submitted by the Virginia Department of Air Pollution Control on March 18, 1993, as revisions to the Virginia SIP. However, should Virginia submit a SIP revision request on behalf of a source, which contains information that has been judged confidential under the provisions of Section 120–02–30, Virginia must request EPA to consider confidentiality according to the provisions of 40 CFR part 2. EPA is obligated to keep such information confidential only if the criteria of 40 CFR part 2 are met.

(p) EPA disapproves the revised public participation provisions of Sections 120–08–01G.1 and 120–08–01G.4.b, submitted by the Virginia Department of Air Pollution Control on March 29, 1993, as revisions to the Virginia SIP. These revised provisions do not meet the requirements of 40 CFR 51.160 and 51.161. In its place, EPA retains the SIP provisions of Section 120–08–01C.1.a and 01C.4.b through d. as originally approved at §§ 52.2420(c)(69) [SIP section 2.33(a)(5)(ii)] and subsequently revised, due to format changes, at §§ 52.2420(c)(89)(i)(B)(*7*) [SIP section 120–08–01C.4.b].

(q) EPA approves as part of the Virginia State Implementation Plan the

following revisions to the Virginia Regulations for the Control and Abatement of Pollution submitted by the Virginia Department of Environmental Quality on October 9, 1998:

(1) Subpart T of 9 VAC 5–60–100 *Designated emission standards* of Rule 6–2 (9 VAC 5–60–90 et seq.) of 9 VAC 5 Chapter 60 amended to adopt 40 CFR 63.460 through 63.469 by reference. This amendment was adopted on January 8, 1997, published in the Virginia Register of Regulations on March 31, 1997 and effective on May 1, 1997.

(2) Revised date reference to 40 CFR part 63 (July 1, 1996) contained in 9 VAC 5–60–90 (General), as it pertains to the documents listed in 9 VAC 5–60–100, Subpart T.

(r) EPA approves as part of the Virginia State Implementation Plan the revised references to the documents listed in Chapter 20, Section 9 VAC 5–20–21 (formerly Appendix M), Sections E.4.a.(1), E.4.a.(2), and E.7.a.(1) through E.7.a.(3), of the Virginia Regulations for the Control and Abatement of Air Pollution submitted by the Virginia Department of Environmental Quality on June 22, 1999.

(s) EPA approves as part of the Virginia State Implementation Plan the references to the documents listed in 9 VAC 5 Chapter 20, Section 5–20–21, paragraph E.12 of the Virginia Regulations for the Control and Abatement of Air Pollution submitted by the Virginia Department of Environmental Quality on February 23, 2004.

[38 FR 33724, Dec. 6, 1973]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2423, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2424 Motor vehicle emissions budgets.

(a) Motor vehicle emissions budget for the Hampton Roads maintenance area adjusting the mobile emissions budget contained in the maintenance plan for the horizon years 2015 and beyond adopted on August 29, 1996 and submitted by the Virginia Department of Environmental Quality on August 29, 1996.

(b) Motor vehicle emissions budget for the Richmond maintenance area adjusting the mobile emissions budget contained in the maintenance plan for the horizon years 2015 and beyond adopted on July 30, 1996 and submitted by the Virginia Department of Environmental Quality on July 30, 1996.

[62 FR 34412, June 26, 1997, as amended at 62 FR 61240, Nov. 17, 1997]

### § 52.2425 1990 Base Year Emission Inventory.

(a) EPA approves as a revision to the Virginia Implementation Plan the 1990 base year emission inventory for the Washington Metropolitan Statistical Area, submitted by Director, Virginia Department of Environmental Quality, on November 1, 1993, April 3, 1995 and October 12, 1995. This submittal consists 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 Virginia State Implementation Plan the 1990 base year emission inventories for the Richmond-Petersburg, Norfolk-Virginia Beach, and Smyth County ozone nonattainment areas submitted by the Director, Virginia Department of Environmental Quality on November 11, 1992, November 18, 1992, November 1, 1993, and December 15, 1994. These submittals consist of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in each area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen ($NO_X$).

(c) EPA approves as a revision to the Virginia State Implementation Plan the 1990 base year emission inventories for the Northern Virginia ozone nonattainment areas submitted by the Director, Virginia Department Environmental Quality, on November 30, 1992, November 1, 1993, and April 3, 1995. These submittals consist of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in each area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen ($NO_X$).

(d) EPA approves as a revision to the Virginia State Implementation Plan

amendments to the 1990 base year emission inventories for the Northern Virginia ozone nonattainment area submitted by the Director, Virginia Department Environmental Quality, on December 17, 1997. This submittal consists of amendments to the 1990 base year point, area, non-road mobile, and on-road mobile source emission inventories for the following pollutants: volatile organic compounds (VOC), and oxides of nitrogen ($NO_X$).

[61 FR 2937, Jan. 30, 1996, as amended at 61 FR 48632, 48635, Sept. 16, 1996; 63 FR 36858, July 8, 1998]

### § 52.2426 Photochemical Assessment Monitoring Stations (PAMS) Program.

On November 23, 1994 Virginia's Department of Environmental Quality 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 Virginia SIP. As with all components of the SIP, Virginia must implement the program as submitted and approved by EPA.

[60 FR 47084, Sept. 11, 1995]

### § 52.2427 Source surveillance.

(a)–(b) [Reserved]

(c) The requirements of § 51.213 of this chapter are not met because the plan does not provide procedures for determining actual emission reductions achieved as a result of implementing the proposed transportation control measures. Rectifying provisions are promulgated in this section.

(d) *Monitoring transportation sources.* (1) This section is applicable to the Commonwealth of Virginia.

(2) In order to assure the effectiveness of the inspection and maintenance program approved in § 52.2423 and required by § 52.2441, and the retrofit devices required under §§ 52.2444, 52.2445, 52.2446, and 52.2447 the Commonwealth 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 Commonwealth of Virginia in accordance with § 58.35 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

(3) In order to assure the effective implementation of the car pool locator, express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking, elimination of free employee parking, and the parking surcharge approved in § 52.2423, the Commonwealth 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 Commonwealth of Virginia 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.

TABLE 1

Time period.
Affected area.

| Roadway type | VMT or average vehicle speed | |
|---|---|---|
| | Vehicle type (1) | Vehicle type (2)[1] |
| Freeway. | | |
| Arterial. | | |
| Collector. | | |
| Local. | | |

[1] Continue with other vehicle types as appropriate.

(4) No later than March 1, 1974, the Commonwealth shall submit to the Administrator a compliance schedule to implement this section. The program description shall include the following:

(i) The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

(ii) The administrative procedures to be used.

(iii) 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.

[37 FR 10898, May 31, 1972, as amended at 37 FR 15091, July 27, 1972; 38 FR 16568, June 22, 1973; 38 FR 33724, Dec. 6, 1973; 44 FR 27571, May 10, 1979; 51 FR 40677, Nov. 7, 1986]

### § 52.2428 Control Strategy: Carbon monoxide and ozone.

(a) Determination—EPA has determined that, as of November 5, 1997, the Richmond ozone nonattainment area, which consists of the counties of Chesterfield, Hanover, Henrico, and part of Charles City County, and of the cities of Richmonds, Colonial Heights and Hopewell, has attained the 1-hour .12 ppm ozone standard based on three years of air quality data for 1993, 1994 and 1995. EPA has further determined that 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 do not apply to the Richmond area for so long as the area does not monitor any violations of the 1-hour .12ppm ozone standard, or until the area is no longer designated nonattainment. If a violation of the ozone NAAQS is monitored in the Richmond ozone nonattainment area while the area is designated nonattainment, these determinations shall no longer apply.

(b) EPA approves the Commonwealth's 15 Percent Rate of Progress Plan for the Virginia portion of the Metropolitan Washington, D.C. ozone nonattainment area, submitted by the Acting Director of the Virginia Department of the Environmental Quality on April 14, 1998.

(c)–(d) [Reserved]

(e) Based upon EPA's review of the air quality data for the 3-year period 2003 to 2005, EPA has determined that the Washington, DC 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, DC severe 1-hour ozone nonattainment area is not subject to the imposition of the section 185 penalty fees.

[62 FR 52032, Oct. 6, 1997, as amended at 65 FR 59731, Oct. 6, 2000; 66 FR 632, Jan. 3, 2001; 69 FR 43522, July 21, 2004; 73 FR 43362, July 25, 2008]

### § 52.2429 Control strategy: Particulate matter.

*Determination of Attainment*. EPA has determined, as of January 12, 2009, the Virginia portion of the Metropolitan Washington, DC–MD–VA nonattainment area for the 1997 $PM_{2.5}$ NAAQS has attained the 1997 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration 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 $PM_{2.5}$ NAAQS.

[74 FR 1148, Jan. 12, 2009]

### §§ 52.2430–52.2432 [Reserved]

### § 52.2433 Intergovernmental cooperation.

(a) The requirements of Subpart M of this chapter are not met because the plan does not adequately identify the State and local agencies, and their responsibilities, involved in carrying out the proposed transportation control measures.

[38 FR 16569, June 22, 1973, as amended at 51 FR 40677, Nov. 7, 1986]

### §§ 52.2434–52.2435 [Reserved]

### § 52.2436 Rules and regulations.

(a) [Reserved]

(b) The requirements of § 51.281 are not met with respect to Section 4.55 (b) of the Virginia regulations, because the regulation is not adequately enforceable. Therefore, Section 4.55(b) is disapproved.

[38 FR 33725, Dec. 6, 1973, as amended at 45 FR 55197, Aug. 19, 1980; 51 FR 40677, Nov. 7, 1986; 61 FR 16063, Apr. 11, 1996]

**§§ 52.2437–52.2449 [Reserved]**

**§ 52.2450 Conditional approval.**

(a) Virginia's September 28, 1994 SIP submittal of a Consent Order and Agreement (Order) between the Department of Environmental Quality of the Commonwealth of Virginia and Philip Morris, Inc. establishing reasonably available control technology (RACT) for the Manufacturing Center located in Richmond, Virginia is conditionally approved based on certain contingencies. The condition for approval is to revise and resubmit the Order as a SIP revision within one year of September 29, 1995 according to one of the following: Eliminate the exemption to use non-ethanol-based flavorings in lieu of add-on controls; restrict the applicability of the exemption to the use of non-VOC based flavorings; or impose monitoring and reporting requirements sufficient to determine net increases or decreases in emissions on a mass basis relative to the emissions that would have occurred using add-on controls on an average not to exceed thirty days.

(b) Virginia's severe ozone nonattainment area SIP for the Metropolitan Washington area, which includes the 1996–1999 portion of the rate-of-progress plan submitted on December 19, 1997 and May 25, 1999 and the transportation control measures in Appendix H of the May 25, 1999 submittal, and the severe ozone attainment demonstration submitted on April 29, 1998, August 18, 1998, February 9, 2000, and section 9.1.1.2 of the March 22, 2000 submittal and the transportation control measures in Appendix J of the February 9, 2000 submittal, is conditionally approved contingent on Virginia submitting a revised SIP by April 17, 2004 that satisfies certain conditions. This conditional approval also establishes motor vehicle emissions budgets for 2005 of 101.8 tons per day of volatile organic compounds (VOC) and 161.8 tons per day of nitrogen oxides ($NO_X$) to be used in transportation conformity in the Metropolitan Washington, DC serious ozone nonattainment area until revised budgets based upon the MOBILE6 model are submitted and found adequate. Virginia must submit a revised SIP by April 17, 2004 that satisfies the following conditions.

(1) Revises the 1996–1999 portion of the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the required 9 percent rate-of-progress reductions by November 15, 1999.

(2) Revises the 1999–2005 portion of the severe area rate-of-progress plan to provide MOBILE6-based mobile source emission budgets and adopted measures sufficient to achieve emission reductions of ozone precursors of at least 3 percent per year from November 15, 1999 to the November 15, 2005 severe ozone attainment date.

(3) Revises the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the ROP reductions required for the post-1999 period.

(4) Revises the Washington area severe attainment demonstration to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented for the failure of the Washington area to attain the one-hour ozone standard for serious areas by November 15, 1999.

(5) Revises the Washington area severe attainment demonstration to reflect revised MOBILE6-based motor vehicle emissions budgets, including revisions to the attainment modeling/weight of evidence demonstration and adopted control measures, as necessary, to show that the SIP continues to demonstrate attainment by November 15, 2005.

(6) Revises the Washington area severe attainment demonstration to include a contingency plan containing those measures to be implemented if the Washington area does not attain the one-hour ozone standard by November 15, 2005.

(7) Revises the Washington area severe attainment demonstration to include a revised RACM analysis and any revisions to the attainment demonstration including adopted control measures, as necessitated by such analysis.

(8) Revises the major stationary source threshold to 25 tons per year.

(9) Revises Reasonably Available Control Technology (RACT) rules to include the lower major source applicability threshold.

(10) Revises new source review offset requirement to require an offset ratio of at least 1.3 to 1.

(11) Includes a fee requirement for major sources of volatile organic compounds (VOC) and nitrogen oxides ($NO_X$) should the area fail to attain by November 15, 2005.

(12) Includes a revision that identifies and adopts specific enforceable transportation control strategies and transportation control measures to offset any growth in emissions from growth in vehicle miles traveled or number of vehicle trips and to attain reductions in motor vehicle emissions as necessary, in combination with other emission reduction requirements in the Washington area, to comply with the rate-of-progress requirements for severe areas. Measures specified in section 108(f) of the Clean Air Act will be considered and implemented as necessary to demonstrate attainment.

(c)–(f) [Reserved]

[60 FR 45056, Aug. 30, 1995, as amended at 62 FR 26748, May 15, 1997; 62 FR 34007, June 24, 1997; 62 FR 49152, Sept. 19, 1997; 63 FR 1368, Jan. 9, 1998; 64 FR 22792, Apr. 28, 1999; 64 FR 47674, Sept. 1, 1999; 65 FR 59732, Oct. 6, 2000; 66 FR 16, Jan. 2, 2001; 68 FR 19132, Apr. 17, 2003; 68 FR 40527, July 8, 2003; 69 FR 52176, Aug. 25, 2004]

EFFECTIVE DATE NOTE: At 69 FR 19937, Apr. 15, 2004, in § 52.2450, paragraph (b) was stayed indefinitely.

### § 52.2451 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are met since the plan includes approvable procedures for the Prevention of Significant Air Quality Deterioration.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 (b) through (w) are hereby removed from the applicable state plan for the Commonwealth of Virginia.

[63 FR 13798, Mar. 23, 1998]

### § 52.2452 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) Regulation for visibility monitoring. The provisions of § 52.26 are hereby incorporated and made a part of the applicable plan for the State of Virginia.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Virginia.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

### § 52.2453 Requirements for state implementation plan revisions relating to new motor vehicles.

Virginia must comply with the requirements of § 51.120 with respect to the portion of Virginia that in 1990 was located in the Consolidated Metropolitan Statistical Area containing the District of Columbia.

[60 FR 4738, Jan. 24, 1995]

### § 52.2454 Prevention of significant deterioration of air quality for Merck & Co., Inc.'s Stonewall Plant in Elkton, VA.

(a) *Applicability*. (1) This section applies only to the pharmaceutical manufacturing facility, commonly referred to as the Stonewall Plant, located at Route 340 South, in Elkton, Virginia (''site'').

(2) This section sets forth the prevention of significant deterioration of air quality preconstruction review requirements for the following pollutants only: carbon monoxide, nitrogen oxides, ozone (using volatile organic compounds as surrogate), particulate matter with an aerodynamic diameter less than 10 microns ($PM_{10}$), and sulfur dioxide. This section applies in lieu of § 52.21 for the pollutants identified in this paragraph as well as particulate matter, but not for particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns ($PM_{2.5}$) regulated as $PM_{2.5}$; however, the preconstruction review requirements of § 52.21, or other preconstruction review

requirements that the Administrator approves as part of the plan, shall remain in effect for any pollutant which is not specifically identified in this paragraph and is subject to regulation under the Act.

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

*12-month rolling total* for an individual pollutant or the total criteria pollutants, as specified in paragraph (d) of this section, is calculated on a monthly basis as the sum of all actual emissions of the respective pollutant(s) from the previous 12 months.

*Act* means the Clean Air Act, as amended, 42 U.S.C. 7401, *et seq.*

*Completion of the powerhouse conversion* means the date upon which the new boilers, installed pursuant to paragraph (g) of this section, are operational. This determination shall be made by the site based on the boiler manufacturer's installation, startup and shakedown specifications.

*Permitting authority* means either of the following:

(1) The Administrator, in the case of an EPA-implemented program; or

(2) The State air pollution control agency, or other agency delegated by the Administrator, pursuant to paragraph (o) of this section, to carry out this permit program.

*Process unit* means:

(1) Manufacturing equipment assembled to produce a single intermediate or final product; and

(2) Any combustion device.

*Responsible official* means:

(1) The president, secretary, treasurer, or vice-president of the business entity in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the business entity; or

(2) A duly authorized representative of such business entity if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(ii) The authority to sign documents has been assigned or delegated to such representative in accordance with procedures of the business entity.

*Site* means the contiguous property at Route 340 South, Elkton, Virginia, under common control by Merck & Co., Inc., and its successors in ownership, known as the Stonewall site.

(c) *Authority to issue permit.* The permitting authority may issue to the site a permit which complies with the requirements of paragraphs (d) through (n) of this section. The Administrator may delegate, in whole or in part, pursuant to paragraph (o) of this section, the authority to administer the requirements of this section to a State air pollution control agency, or other agency authorized by the Administrator.

(d) *Site-wide emissions caps.* The permit shall establish site-wide emissions caps as provided in this paragraph.

(1) *Initial site-wide emissions caps.* The initial site-wide emissions caps shall be based on the site's actual emissions during a time period, within five years of the date of permit issuance, which represents normal site operation. The permitting authority may allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual site-wide emissions shall be calculated using the actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(i) *Total criteria pollutant emissions cap.* The permit shall establish a total criteria pollutant emissions cap (total emissions cap). The criteria pollutants included in the total emissions cap are the following: carbon monoxide, nitrogen oxides, ozone (using volatile organic compounds as surrogate), particulate matter with an aerodynamic diameter less than 10 microns, and sulfur dioxide.

(ii) *Individual pollutant caps.* The permit shall establish individual pollutant caps for sulfur dioxide, nitrogen oxides and $PM_{10}$.

(2) *Adjustments to the site-wide emissions caps.* (i) The permit shall require that upon completion of the powerhouse conversion, the site shall reduce the site-wide emissions caps as follows:

(A) The total emissions cap shall be reduced by 20 percent from the initial site-wide emissions cap established pursuant to paragraph (d)(1)(i) of this section.

(B) The sulfur dioxide cap shall be reduced by 25 percent from the initial site-wide emissions cap established pursuant to paragraph (d)(1)(ii) of this section.

(C) The nitrogen oxide cap shall be reduced by 10 percent from the initial site-wide emissions cap established pursuant to paragraph (d)(1)(ii) of this section.

(ii) The permit may specify other reasons for adjustment of the site-wide emissions caps.

(e) *Operating under the site-wide emissions caps.* (1) The permit shall require that the site's actual emissions of criteria pollutants shall not exceed the total emissions cap established pursuant to paragraph (d) of this section.

(2) The permit shall require that the site's actual emissions of sulfur dioxide, nitrogen oxides and $PM_{10}$ shall not exceed the respective individual pollutant cap established pursuant to paragraph (d) of this section.

(3) Compliance with the total emissions cap and individual pollutant caps shall be determined by comparing the respective cap to the 12-month rolling total for that cap. Compliance with the total emissions cap and individual pollutant caps shall be determined within one month of the end of each month based on the prior 12 months. The permit shall set forth the emission calculation techniques which the site shall use to calculate site-wide actual criteria pollutant emissions.

(4) *Installation of controls for significant modifications and significant new installations.* (i) This paragraph applies to significant modifications and significant new installations. Significant modifications for the purposes of this section are defined as changes to an existing process unit that result in an increase of the potential emissions of the process unit, after consideration of existing controls, of more than the significance levels listed in paragraph (e)(4)(ii) of this section. Significant new installations for the purposes of this section are defined as new process units with potential emissions before controls that exceed the significance levels listed in paragraph (e)(4)(ii) of this section. For purposes of this section, potential emissions means process unit point source emissions that would be generated by the process unit operating at its maximum capacity.

(ii) The significance levels for determining significant modifications and significant new installations are: 100 tons per year of carbon monoxide; 40 tons per year of nitrogen oxides; 40 tons per year of sulfur dioxide; 40 tons per year of volatile organic compounds; and 15 tons per year of $PM_{10}$.

(iii) For any significant modification or significant new installation, the permit shall require that the site install, at the process unit, emission controls, pollution prevention or other technology that represents good environmental engineering practice in the pharmaceutical or batch processing industry, based on the emission characteristics (such as flow, variability, pollutant properties) of the process unit.

(f) *Operation of control equipment.* The permit shall require that the site shall continue to operate the emissions control equipment that was previously subject to permit requirements at the time of issuance of a permit pursuant to this section. This equipment shall be operated in a manner which minimizes emissions, considering the technical and physical operational aspects of the equipment and associated processes. This operation shall include an operation and maintenance program based on manufacturers' specifications and good engineering practice.

(g) *Powerhouse conversion.* The permit shall require that the site convert the steam-generating powerhouse from burning coal as the primary fuel to burning natural gas as the primary fuel and either No. 2 fuel oil or propane as backup fuel.

(1) The new boilers shall be equipped with low nitrogen oxides technology.

(2) The site shall complete the powerhouse conversion (completion of the powerhouse conversion) no later than 30 months after the effective date of the permit.

(h) *Monitoring, recordkeeping and reporting.* (1) The permit shall set forth

monitoring, recordkeeping, and reporting requirements sufficient to demonstrate compliance with the site-wide emissions caps. The monitoring, recordkeeping and reporting requirements shall be structured in a tiered system, such that the requirements become more stringent as the site's emissions approach the total emissions cap.

(2) At a minimum, the permit shall require that the site submit to the permitting authority semi-annual reports of the site-wide criteria pollutant emissions (expressed as a 12-month rolling total) for each month covered by the report. These reports shall include a calculation of the total emissions cap, as well as, the emissions of sulfur dioxide, nitrogen oxides, carbon monoxide, volatile organic compounds and $PM_{10}$.

(3) Any reports required by the permit to be submitted on an annual or semi-annual basis shall contain a certification by the site's responsible official that to his belief, based on reasonable inquiry, the information submitted in the report is true, accurate, and complete.

(4) Any records required by the permit shall be retained on site for at least five years.

(i) *Air quality analysis.* The permittee shall demonstrate, prior to permit issuance and on a periodic basis which shall be specified in the permit, that emissions from construction or operation of the site will not cause or contribute to air pollution in excess of any:

(1) Maximum allowable increase or maximum allowable concentration for any pollutant, pursuant to section 165 of the Act;

(2) National ambient air quality standard or;

(3) Other applicable emission standard or standard of performance under the Act.

(j) *Termination.* (1) The permit may be terminated as provided in this paragraph for reasons which shall include the following, as well as any other termination provisions specified in the permit:

(i) If the Administrator or the permitting authority determines that continuation of the permit is an imminent and substantial endangerment to public health or welfare, or the environment;

(ii) If the permittee knowingly falsifies emissions data;

(iii) If the permittee fails to implement the powerhouse conversion pursuant to paragraph (g) of this section;

(iv) If the permittee receives four consent orders or two judgments adverse to the site arising from non-compliance with this permit in a five year period that are deemed material by the Administrator or the permitting authority; or

(v) If the total emissions cap is exceeded.

(2) In the event of termination, the Administrator or the permitting authority shall provide the permittee with written notice of its intent to terminate the permit. Within 30 calendar days of the site's receipt of this notice, the site may take corrective action to remedy the cause of the termination. If this remedy, which may include a corrective action plan and schedule, is deemed acceptable by the Administrator or the permitting authority (whichever agency provided written notice of its intent to terminate the permit), the action to terminate the permit shall be withdrawn. Otherwise, the permit shall be terminated in accordance with procedures specified in the permit.

(3) Termination of the permit does not waive the site's obligation to complete any corrective actions relating to non-compliance under the permit.

(k) *Inspection and entry.* (1) Upon presentation of credentials and other documents as may be required by law, the site shall allow authorized representatives of the Administrator and the permitting authority to perform the following:

(i) Enter upon the site;

(ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) Have access at reasonable times to batch and other plant records needed to verify emissions.

(iv) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required under the permit;

(v) Sample or monitor any substances or parameters at any location, during operating hours, for the purpose of assuring permit compliance or as otherwise authorized by the Act.

(2) No person shall obstruct, hamper, or interfere with any such authorized representative while in the process of carrying out his official duties. Refusal of entry or access may constitute grounds for permit violation and assessment of civil penalties.

(3) Such site, facility and equipment access, and sampling and monitoring shall be subject to the site's safety and industrial hygiene procedures, and Food and Drug Administration Good Manufacturing Practice requirements (21 CFR parts 210 and 211) in force at the site.

(l) *Transfer of ownership.* The terms of the permit are transferable to a new owner upon sale of the site, in accordance with provisions specified by the permit.

(m) *Permit issuance.* The permitting authority shall provide for public participation prior to issuing a permit pursuant to this section. At a minimum, the permitting authority shall:

(1) Make available for public inspection, in at least one location in the area of the site, the information submitted by the permittee, the permitting authority's analysis of the effect on air quality including the preliminary determination, and a copy or summary of any other materials considered in making the preliminary determination;

(2) Notify the public, by advertisement in a newspaper of general circulation in the area of the site, of the application, the preliminary determination, and of the opportunity for comment at a public hearing as well as written public comment;

(3) Provide a 30-day period for submittal of public comment;

(4) Send a copy of the notice of public comment to the following: the Administrator, through the appropriate Regional Office; any other State or local air pollution control agencies, the chief executives of the city and county where the site is located; any State, Federal Land Manager, or other governing body whose lands may be affected by emissions from the site.

(5) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the site, the control technology required, and other appropriate considerations.

(n) *Permit modifications.* The permit shall specify the conditions under which the permit may be modified by the permitting authority. The permitting authority shall modify the permit in accordance with the procedures set forth in this paragraph.

(1) *Permit modifications that require public participation.* For any change that does not meet the criteria for an administrative permit modification established in paragraph (n)(2)(i) of this section, the permitting authority shall provide an opportunity for public participation, consistent with the provisions of paragraph (m) of this section, prior to processing the permit modification.

(2) *Administrative permit modification.* (i) An administrative permit modification is a permit revision that:

(A) Corrects typographical errors;

(B) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the site;

(C) Requires more frequent monitoring, recordkeeping, or reporting by the permittee;

(D) Allows for a change in ownership or operational control of a source where the permitting authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the permitting authority.

(E) Updates the emission calculation methods specified in the permit, provided that the change does not also involve a change to any site-wide emissions cap.

(F) Changes the monitoring, recordkeeping or reporting requirements for equipment that has been shutdown or is no longer in service.

(G) Any other change that is stipulated in the permit as qualifying as an administrative permit modification,

provided that the permit condition which includes such stipulation has already undergone public participation in accordance with paragraph (m) of this section.

(ii) An administrative permit modification may be made by the permitting authority consistent with the following procedures:

(A) The permitting authority shall take final action on any request for an administrative permit modification within 60 days from receipt of the request, and may incorporate such changes without providing notice to the public, provided that the permitting authority designates any such permit revisions as having been made pursuant to this paragraph.

(B) The permitting authority shall submit a copy of the revised permit to the Administrator.

(C) The site may implement the changes addressed in the request for an administrative permit modification immediately upon submittal of the request to the permitting authority.

(o) *Delegation of authority.* (1) The Administrator shall have the authority to delegate the responsibility to implement this section in accordance with the provisions of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing 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 send a copy of any public comment notice required under paragraph (n) of this section to the Administrator through the appropriate Regional Office.

[62 FR 52638, Oct. 8, 1997]

### § 52.2460 Small business stationary source technical and environmental compliance assistance program.

On November 10, 1992, the Executive Director of the Virginia Department of Air Pollution 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 February 4, 1994, and made it a part of the Virginia SIP. As with all components of the SIP, Virginia must implement the program as submitted and approved by EPA.

[59 FR 5329, Feb. 4, 1994]

### § 52.2465 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Virginia'' and all revisions submitted by Virginia that were federally approved prior to March 1, 2000.

(b) The plan was officially submitted on January 30, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions and errata to the plan submitted on May 4, 1972, by the Virginia Air Pollution Control Board.

(2) Revisions to control strategy for particulate matter, section IV, Rules 3 and 7 of the Virginia Air Pollution Control Regulations, and public availability of emission data regulation submitted June 30, 1972, by the Governor.

(3) Revisions to nitrogen dioxide control strategy regulations section 705.05 of the Virginia Air Pollution Control Regulations, submitted July 26, 1972, by the Governor.

(4) Miscellaneous non-regulatory additions to the plan submitted on February 14, 1973, by the Governor.

(5) Transportation control plan for National Capital AQCR submitted April 11, 1973, by the Governor.

(6) Amendments to the National Capital AQCR Transportation Control Plan submitted on May 30, 1973, by the Governor.

(7) Amendments to the National Capital AQCR Transportation Control Plan submitted on July 11, 1973, by the Governor.

(8) Amendments to the National Capital AQCR Transportation Control Plan submitted on July 9, 1973, by the Governor.

(9) Miscellaneous non-regulatory additions to the plan submitted on August 10, 1973, by the Governor.

(10) Revision to plan setting forth control strategy for particulate matter in the State Capital AQCR submitted August 20, 1973, by the Governor.

(11) Indirect Source Review plan was submitted December 6, 1973, by the State Air Pollution Control Board.

(12) Revisions to air quality standards for sulfur oxides section 3.703 of the Commonwealth of Virginia's Regulations for the Control and Abatement of Air Pollution, submitted February 12, 1974, by the Virginia Air Pollution Control Board.

(13) AQMA designations were submitted on May 7, 1974 by the Governor of the State of Virginia.

(14) Revision deleting preface to the State air pollution control regulations submitted May 24, 1974 by the Virginia Air Pollution Control Board.

(15) An amendment to Section 2.05(a) (Variances) former Section 2.01(f) of the Commonwealth of Virginia Regulations for the Control and Abatement to Air Pollution submitted on August 14, 1975 by the Commonwealth Secretary of Commerce and Resources.

(16) A variance to allow the operation of the Alexandria City Incinerator in excess of the federally approved particulate emission limitations for incinerators until December 31, 1979, by the Commonwealth Secretary of Commerce and Resources.

(17) Amendment to section 7.02 (Episode Determination) [former sections 6.01(b), 6.701(b)] of the Commonwealth of Virginia for the Control and Abatement of Air Pollution submitted on January 29, 1976, by the Secretary of Commerce and Resources.

(18) Amendment to sections 7.01 (General) [former section 6.700] and 7.02 (Episode Determination) [former section 6.701(b)] of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution submitted on March 11, 1977, by the Secretary of Commerce and Resources.

(19) Amendments to Part I, Subpart 1.01 (Certain Terms Defined) and to Part IV, Section 4.52 (former Section 4.705.13) of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution submitted on April 16, 1974, by the Commonwealth Secretary for Commerce and Resources.

(20) Amendments to Part I (Definitions), Sections 1.01 and 1.02; amendments to Part II (General), Sections 2.01, 2.03, 2.04, 2.07, 2.08, 2.10, 2.12, 2.30, and 2.31; amendments to Part III (Ambient Air Quality Standards), Sections 3.01, 3.03 [sections 3.03(b)(1) and 3.03(b)(2) are deleted] 3.04, 3.05, 3.06, 3.07 and deletion of Section 3.08; amendments to Part IV (Existing Sources), Sections 4.01, 4.20, 4.40, 4.41, 4.51(b) through 4.51(g), 4.70, 4.71, 4.80–4.86, 4.90–4.92, and 4.100–4.102 and deletion of Section 4.07.02; amendments to Part VII (Air Pollution Episode), Sections 7.01, 7.02, and 7.05; and amendments to Appendices A, B, C (former Appendix A), D, E [former Section 4.08.04], G, H, and I submitted on August 14, 1975 by the Secretary of Commerce and Resources.

(21) Deletion of former Section 4.703.04 (Bacharach Standard) submitted on June 16, 1976 by the Secretary of Commerce and Resources.

(22) Amendments to Part I (Definitions), Section 1.01, submitted on October 20, 1976 by the Secretary of Commerce and Resources.

(23) Amendment to Section 10–17.21 of the Virginia Air Pollution Control Law submitted August 1975 by the Commonwealth.

(24) Amendment to subsection 4.52(e) (former section 4.705.03) of the Virginia regulations for the control and abatement of air pollution; submitted on April 16, 1974, as amended June 16, 1976, by the secretary of commerce and resources.

(25) A variance issued to the Spruance, Virginia plant of E.I. DuPont de Nemours and Company exempting one of their boilers from Rule EX–3 until December 31, 1980, submitted on December 13, 1978 by the Secretary of Commerce and Resources.

(26) On November 28, 1977 the State submitted an amendment to the Virginia SIP consisting of a permit extension and an emission offset for the Hampton Roads Energy Company's proposed refinery and terminal in Portsmouth, Virginia. This submittal was supplemented by the Commonwealth on March 17, 1978, May 26, 1978, August 9, 1978, and October 5, 1979. The March 17th submittal included a letter dated March 6, 1978 from the Commission of the Virginia Department of Highways and Transportation committing to a reduction of nonmethane hydrocarbon emissions through the substitution of emulsion-based asphalt for solvent-based asphalt thus providing the needed emission offset. This letter is an addendum to the Virginia SIP. The State-issued permit to HREC, as amended, is also made part of the Virginia SIP.

(27) On January 11, 1979, the Governor submitted the nonattainment area plans for Virginia with respect to ozone and carbon monoxide.

(28) The following portions of Virginia's September 6, September 21, and December 17, 1979, submittals are approved:

(i) September 6, 1979, submittal: Section 2.33(g)(1)(vi) of the regulation.

(ii) September 21, 1979, submittal, the following Sections of Virginia's regulations: Sections 4.57(b)(2)(ii); 4.55(f)(4)(i); 4.56(e); 4.52(a); 2.03(a)(1); 2.33(f)(3); Part I of the regulations, the definitions of ''Delayed Compliance Order'' and ''Nonattainment Area;'' Sections 4.02(f)(1) through 4.02(f)(5); Appendix N; and those portions of Sections 4.54, 4.55 and 4.56 where the phrase ''will be considered acceptable compliance by the Board'' has been modified.

(iii) December 17, 1979, submittal: Chapter 3, Control Strategy Demonstration, design value for Northern Virginia.

(29) The following portions of Virginia's August 14, 1975, August 31, 1977, and January 11, 1979, submittals as they relate to Section 2.33 are approved:

(i) August 14, 1975, submittal: Section 2.33 (b) and (i).

(ii) August 31, 1977, submittal: Section 2.33(h).

(iii) January 11, 1979, submittal: Section 2.33 (a), (c), (d), (e), (f), (g) and (k).

(30) Amendments of Part I (Definitions), section 1.02; Part II (General Provisions). Sections 2.02 (a), (c), and (e) (former section 2.11 (a), (b), and (d)), section 2.05(b), section 2.11; and Part IV (Regulations for Existing sources), sections 4.10, 4.11, and 4.13 deletion of the following regulations from Part IV: Former sections 4.03.02, 4.05.03, 4.05.04, 4.05.05(b), 4.10.03, 4.705.04, and 4.705.05 submitted on August 14, 1975 by the Secretary of Commerce and Resources.

(31) Amendments on Part I (Definitions), section 1.02; Part III (Ambient Air Quality Standards), section 3.02(c); Part IV (Special Provisions), section 4.02(a), (a)(1), (a)(2), (b), (c), and (d) (Formerly section 2.04) and section 4.03; and Part VII (Air Pollution Episode), sections 7.04 (a), (b), (d), and (e) submitted on October 20, 1976 by the Secretary of Commerce and Resources.

(32) Amendments of Part II, (General Provisions), section 2.02(b) submitted on March 11, 1977, by the Secretary of Commerce and Resources.

(33) Amendments on Part II, (General Provisions), section 2.02(d) submitted on September 20, 1978, by the Secretary of Commerce and Resources.

(34) Amendments to Part II (General Provisions), section 2.06 (b) and (c); and Part VII (Air Pollution Episode), section 7.03(d); and deletion of Part IV (Existing Sources), Rule EX–7, section 4.07.05 submitted on August 14, 1975, by the Secretary of Commerce and Resources.

(35) Amendments to Part I (Definitions), section 1.02; Part II (General Provisions), section 2.06 (a) and (d); Part III (Ambient Air Quality Standards), section 3.02 (a) and (b); Part IV (Existing Sources), sections 4.20, 4.21, 4.23 (formerly sections 4.41), 4.25, 4.26, 4.27, and 4.51(a), Part VII (Air Pollution Episode), former section 4.51(b) through (g) are changed to section 4.51 (c) through (h). Sections 7.01(b) and 7.02 (a), (b), and (d); and Appendix A; and, deletion of former sections 4.20, 4.21, and 4.22 submitted on September 20, 1978 by the Secretary of Commerce and Resources.

(36) Amendments to Part VII (Air Pollution Episode), sections 7.03 (c) and (e) and 7.04(c); and deletion of Part II

(General Provisions), section 2.04(a)(2) as submitted on March 11, 1977 by the Secretary of Commerce and Resources.

(37) Amendments to Part I (Definitions), section 1.02; Part IV (Existing Sources), Rule EX–2, section 4.22; and Part VII (Air Pollution Episode), section 7.03 (a) and (b) as submitted on September 21, 1979 by the Secretary of Commerce and Resources.

(38) A revision submitted by the Commonwealth of Virginia on March 24, 1980 which is intended to establish an Ambient Air Quality Monitoring Network.

(39) Amendments to Part I (Definitions), section 1.02; and Part IV (Emission Standards for Particulate Emissions from Fuel Burning Equipment, Rule EX–3), sections 4.30, 4.31 (except section 4.31(d)(3)) and 4.32 submitted on September 21, 1979.

(40) A revision submitted by the Commonwealth of Virginia on January 9, 1979 consisting of an amendment to the Virginia Regulations for the Control and Abatement of Air Pollution, Part IV, Rule EX–2, Emission Standards for Visible Emissions.

(41) A revision submitted by the Commonwealth of Virginia on August 13, 1979 consisting of a variance from Part IV, Rule EX–10, Sections 4.100(a)(1), (2) and (3) for preparing cars for overseas shipment at the Exchange Service Station on the Naval Base in Norfolk, Virginia.

(42) A variance issued to the Union Camp Corporation Particleboard Plant located at Franklin, Virginia exempting dryers 1FSD, 2FSD, and pre-dryer 3FSD from Part IV, Rule EX–4, Section 4.41(i) until December 15, 1981, submitted on July 28, 1980 and amended on April 16, 1981 by the Virginia Secretary of Commerce and Resources.

(43) The variance issued to the Norfolk Naval Shipyard located at Portsmouth, Virginia exempting the salvage fuel-fired boilers and the power plant boilers from Sections 4.22 and 4.31(a)(1) until July 31, 1982, submitted on August 29, 1980 and amended on May 5, 1981 by the Secretary of Commerce and Resources.

(44) A revision submitted by the Commonwealth of Virginia on June 19, 1980 consists of a 1979 Amendment to the provisions of Section 10–17.12 (Qualifications of members of Board) of the Virginia Air Pollution Control Law.

(45) A revision submitted by the Commonwealth of Virginia on August 19, 1980 consisting of amendments to Section 1.02, 4.10, 4.11, 4.12, 4.13, and 4.102; and Appendix C of the Virginia Air Pollution Control Board Regulations.

(46) The variance issued to the Municipal Incinerator on Oyster Point Road located at Newport News, Virginia exempting the incinerator from Section 4.71 until July 1, 1982, submitted on May 1, 1981 by the Secretary of Commerce and Resources.

(47) Amendments to Chapter 1 of all nonattainment plans; amendments to Chapter 11 of the Richmond, Northern Virginia, Peninsula and Southeastern plans; amendments to Chapter 9 of the Roanoke and Stafford plans; addition of Appendices A and B to all plans; amendments to Chapter 3 of the Northern Virginia, Peninsula, Southeastern, Roanoke and Stafford plans; amendments to Chapter 10 of the Richmond, Peninsula and Southeastern plans; addition of Appendix C to the Northern Virginia Plan; and, certain revisions to Chapter 5 of all plans were submitted by the Secretary of Commerce and Resources on April 13, 1981. Revision of Chapter 10 of the Northern Virginia plan submitted on July 23, 1981.

(48) The revisions submitted on December 17, 1979 by the Secretary of Commerce and Resources related to the ozone and carbon monoxide nonattainment area plans, except section 1.02, ''Vapor Tight'', sections 4.54(h), 4.56(h), 4.55(m)(2), and 4.57(a)(5), Chapter 3 of the Roanoke plan, Chapter 6 of the Peninsula, Richmond, and Southeastern Virginia plans, and Appendix P.

(49) The May 15, 1980 revision, as amended by the April 3, 1981 revision, submitted by the Secretary of Commerce and Resources pertaining to Chapter 9 of the Richmond and Northern Virginia nonattainment plans. This submittal includes the State Statute authorizing an Inspection and Maintenance program and a schedule for the implementation of this program.

(50) Amendments to Part II (General Provisions), Sections 2.33(a)(5) and 2.34(i) submitted on February 19, 1981, by the Secretary of Commerce and Resources.

(51) Revisions to section 1.02 (Terms Defined) of Part I (Definitions) and Section 4.51(c)(2) of Part IV (Rule EX–5, Emission Standards for Gaseous Pollutants) were submitted by the Secretary of Commerce and Resources, Commonwealth of Virginia, on September 28, 1978.

(52) A revision submitted by the Commonwealth of Virginia on October 20, 1976 consisting of amendments to sections 2.34(a), 2.34(b), and 2.34(h) of the Virginia Air Pollution Control Board Regulations.

(53) A revision submitted by the Commonwealth of Virginia on September 20, 1978 consisting of amendments to Part I, Definitions, modification of ''Combustion Installation''; and sections 4.02(a)(2), 4.02(e), and 4.21 of the Virginia Air Pollution Control Board Regulations.

(54) A revision submitted by the Commonwealth of Virginia on September 6, 1979 consisting of amendments to Part I, Definitions; sections 2.33(a), 2.33(c), 2.33(d), 2.33(e), 2.33(h), 2.33(k), 2.33(m), 3.05(a), 3.05(b), 3.05(c), 4.02(g) (2), (3), (4), (5), and (6), 4.23, 4.40, 4.41, 4.90, 4.91, 4.92(b), 4.93(b), 7.01(b), 7.02(a), 7.02(b), 7.02(d); and, Appendix C of the Virginia Air Pollution Control Board Regulations.

(55) A revision submitted by the Commonwealth of Virginia on September 21, 1979 consisting of amendments to Part I, Definitions; sections 2.03(c), 2.03(e), 2.09(d), 2.09(f), 2.34(c), 2.34(d), 2.34(e), 2.34(f), 2.34(g), 4.02(f) (7) through (10), 4.54(a), 4.54(b), 4.54(c), 4.54(e), 4.54(f), 4.54(g), 4.55(a), 4.56(a), 4.56(c), 4.56(d), 4.56(f), 4.56(g), 4.57(a), 4.57(b); and Appendix M of the Virginia Air Pollution Control Board Regulations.

(56) The variance issued to the Southside Mental Health and Mental Retardation Support Unit located in Petersburg, Virginia exempting the facility from Sections 4.22 and 4.31(a)(1)(ii) until June 30, 1982. It was submitted on May 28, 1981 and amended on August 5, 1981.

(57) A revision submitted by the Commonwealth of Virginia on October 20, 1976 consisting of the addition of Sections 1.02, (Definition of Continuous Emission Monitoring); 4.04 (a) through (f); 4.05 (a) through (e); and Appendix J, except for Part II, Sections a.2. and d.2.

(58) A revision submitted by the Commonwealth of Virginia on September 20, 1978 consisting of amendments to Sections 4.04 (a)(1) and (b); 4.04(e); Appendix J; and, the addition of Sections 4.24 (a), (b) and (c).

(59) Amendments to sections 1.02, 4.56(f)(3), and Appendix M as submitted on April 13, 1981 by the Secretary of Commerce and Resources.

(60) Revisions submitted on February 16, 1981, except the compliance schedules contained in Chapter 7, by the Secretary of Commerce and Resources related to the ozone and carbon monoxide nonattainment plan for the Richmond area.

(61) Amendments to Part III, Ambient Air Quality Standards, Section 3.08, Lead, submitted on December 30, 1980 by the Secretary of Commerce and Resources.

(62) A variance issued to the U.S. Marine Corps Quantico Base Central Heating Plant located in Prince William County, Virginia, exempting their boilers from Rules EX–2 and EX–3 until October 31, 1984, submitted on November 5, 1980, revised on December 16, 1981 and further revised December 1, 1983 by the Commonwealth of Virginia.

(63) [Reserved]

(64) Amendments to Part V, sections 5.01, 5.13, and 5.17 as submitted on August 14, 1975 by the Secretary of Commerce and Resources.

(65) Amendments to Part V, sections 5.02 (b) through (d), 5.03, 5.04 (b) through (d) and (f), and 5.05 as submitted on October 20, 1976 by the Secretary of Commerce and Resources.

(66) Amendments to Part V, sections 5.02 (a) and (e), 5.04 (a) and (e), 5.10, 5.14, 5.15, and 5.16 as submitted September 20, 1978 by the Secretary of Commerce and Resources.

(67) Amendments to Part V, sections 5.40 and 5.45 as submitted on September 6, 1979 by the Secretary of Commerce and Resources.

(68) Amendment to Part V, section 5.12 as submitted on September 21, 1979 by the Secretary of Commerce and Resources.

(69) Amendments to Part I, section 1.02, Part II, sections 2.31, 2.33 (a) through (e), (g), (k), and (m), Part IV, Rule EX–4, section 4.41(b)(4), Part V, Rule NS–4, sections 5.42, 5.43, and 5.44,

Part VIII, section 8.02 and Appendix L as submitted August 18, 1981 by the Secretary of Commerce and Resources.

(70) Revisions submitted on July 13, 1981 and August 10, 1981, pertaining to the Inspection and Maintenance Program in the Northern Virginia AQCR, by the Secretary of Commerce and Resources.

(71) Amendments to Part IV, Emission Standards for Open Burning (RULE EX–1), Section 4.11 to the Virginia Regulations for the Control and Abatement of Air Pollution, submitted on May 26, 1982 by the Commonwealth of Virginia.

(72) [Reserved]

(73) A revision submitted by the Commonwealth of Virginia on December 17, 1979 consisting of revisions to Chapter 3 of the Roanoke Plan and a revised Appendix P.

(74) Amendments to sections 1.02; 2.04(a); 2.14; 2.32(c); 2.33(j); 2.34(g); 4.02 (f) and (g); 4.54; 4.55; 4.56; 4.57; 4.94; 5.02(f); 8.02(o); and Appendix J, Part II, sections a.2. and d.2; submitted on December 27, 1982 by the Commonwealth of Virginia.

(75) Amendments to sections 4.56, 5.02(a), and 5.15; submitted on January 5, 1983 by the Commonwealth of Virginia.

(76) Amendments to section 4.51(b) of the Virginia Air Pollution Control Board Regulations submitted on September 20, 1978 by the Commonwealth of Virginia.

(77) [Reserved]

(78) The Washington Metropolitan Air Quality Plan for the Northern Virginia Nonattainment Area for Ozone and Carbon Monoxide Air Quality Standards submitted by the Virginia State Air Pollution Control Board on January 12, 1983.

(79) Amendments to Appendix I of the Virginia Regulations for the Control and Abatement of Air Pollution consisting of confirmation of local government commitments by Fairfax County and Loudoun County to implement the Northern Virginia nonattainment plan; submitted on December 3, 1982 by the Virginia State Air Pollution Control Board.

(80) [Reserved]

(81) Amendments to sections 1.02, 2.33, 4.02, and 5.02 of the Virginia Regulations for the Control and Abatement of Air Pollution submitted on January 24, 1983 by the Virginia State Air Pollution Control Board.

(82) Amendment for an alternate compliance schedule for the Ford Motor Company plant in Norfolk, Virginia submitted on December 30, 1982 by the Virginia State Air Pollution Control Board.

(83) Approval of an alternative emissions reduction plan for total suspended particulates at the Reynolds Aluminum Company's Bellwood reclamation facility located in Chesterfield County, Virginia submitted on April 1, 1983 by the Commonwealth of Virginia.

(84) A variance issued to the City of Portsmouth, exempting their Municipal Incinerator from Rule EX–7, section 4.71 for particulate emissions until February 15, 1985, submitted on May 6, 1983 by the Commonwealth of Virginia.

(85) Amendments to the Department of State Police Administrative and Procedural Regulations for the Motor Vehicle Inspection and Maintenance (I/M) Program submitted on December 29, 1982 by the Virginia State Air Pollution Control Board.

(86) Amendments to section 4.103 of the Virginia Regulations for the Control and Abatement of Air Pollution submitted on June 5, 1984 by the Virginia State Air Pollution Control Board.

(87) A revision to the Virginia State Implementation Plan was submitted on December 17, 1984 by the Virginia State Air Pollution Control Board.

(i) Incorporation by reference.

(A) A letter dated November 29, 1984 from the Virginia State Air Pollution Control Board to the Ford Motor Company containing a compliance schedule for installing the electrophoretic deposition process (EDP) for prime coating operations at the Norfolk assembly plant, adopted on November 26, 1984.

(ii) Additional material.

(A) Technical Support Document dated November 26, 1985, prepared by the Virginia State Air Pollution Control Board.

(88) The repeal of § 52.2420(c)(26) pertaining to a permit and emission offset

for the Hampton Roads Energy Company's proposed refinery and terminal in Portsmouth, Virgina.

(89) Revisions to the Virginia Regulations for the Control and Abatement of Air Pollution were submitted on February 15, 1985 by the Commonwealth of Virginia:

(i) Incorporation by reference.

(A) Letter of February 15, 1985 from the Virginia State Air Pollution Control Board transmitting a recodification and restructuring of the Virginia Regulations for the Control and Abatement of Air Pollution.

(B) The following provisions of the Virginia regulations, effective February 1, 1985:

(*1*) Part I General Definitions

Sections 120–01–01, 120–01–02 (former sections 1.01, 1.02) (except for definitions of ''dispersion technique,'' ''excessive concentrations,'' ''good engineering practice (GEP) stack height,'' ''hazardous air pollutant,'' ''nearby,'' ''stationary source'' and ''variance'').

(*2*) Part II General Provisions

Sections 120–02–01 through 120–02–04 (former sections 2.01–2.04); 120–02–05A (former section 2.05A); 120–02–06 through 120–02–07 (former sections 2.06–2.07) 120–02–11, 120–02–14 (former sections 2.11, 2.14); 120–02–31, 120–02–32, and 120–02–34 (former sections 2.31, 2.32, 2.34).

NOTE: SIP Sections 2.09, 2.10, 2.12, and 2.30 have been redesignated as Sections 120–02–09, 120–02–10, 120–02–12, and 120–02–30 respectively. There are no wording changes. SIP Section 2.33 has been moved to Part VIII.

(*3*) Part III Ambient Air Quality Standards

Sections 120–03–01 through 120–03–05 (former sections 3.01–3.05), 120–03–07, 120–03–08 (former Sections 3.07–3.08)

(*4*) Part IV Emission Standards From Existing Sources

Sections 120–04–01 through 120–04–05 (except for sections 120–04–02.A.3. and 120–04–02I).

Rule 4–4, Sections 120–04–0401, 120–04–0402.A.–C. (definitions of ''heat input'' and ''rated capacity'' only), 120–04–0407, 120–04–0408, 120–04–0411 through 120–04–0417.

Rules 4–5, 4–6, 4–23, and 4–38 (except for sections within each rule pertaining to control of odors and noncriteria pollutants).

Rule 4–7 (except for sections 120–04–0706 through 120–04–0708).

Rule 4–8, Sections 120–04–0801, 120–04–0802.A.–C. (except for definitions of ''fuel burning equipment,'' ''fuel burning equipment installation,'' ''refuse derived fuel'' and ''total capacity''), 120–04–0805A. and B., 120–04–0807A., 120–04–0808, 120–04–0811 through 120–04–0817.

Rule 4–9, Sections 120–04–0901, 120–04–0902, 120–04–0909, 120–04–0910 (except for 120–04–0910.B.2.), 120–04–0911 through 120–04–0915.

Rule 4–10 (except for sections 120–04–1002.C., 120–04–1003, 120–04–1006, 120–04–1007).

Rule 4–11 (except for sections 120–04–1104, 120–04–1110, 120–04–1111, and the definition of ''gasoline'' in section 120–04–1102.C.).

Rule 4–12, Sections 120–04–1201, 120–04–1202.A.–C. (definition of ''chemical fertilizer'' only), 120–04–1204, 120–04–1205, 120–04–1208 through 120–04–120–04–1414.

Rule 4–13, Sections 120–04–1301, 120–04–1302.A. and B., 120–04–1305, 120–04–1306, 120–04–1309 through 120–04–1315.

Rule 4–14, Sections 120–04–1401, 120–04–1402.A. and B., 120–04–1404, 120–04–1405, 120–04–1408 through 120–04–1414.

Rule 4–15, Sections 120–04–1501, 120–04–1502.A. and B., 120–04–1504, 120–04–1505, 120–04–1508 through 120–04–1514.

Rule 4–16, Sections 120–04–1601, 120–04–1602.A. and B., 120–04–1605, 120–04–1606, 120–04–1609 through 120–04–1615.

Rule 4–17, Sections 120–04–1701, 120–04–1702.A. and B., 120–04–1704, 120–04–1705, 120–04–1708 through 120–04–1714.

Rule 4–18, Sections 120–04–1801, 120–04–1802.A.–C. (definition of ''melt time'' only), 120–04–1805, 120–04–1806, 120–04–1809 through 120–04–1815.

Rule 4–19, Sections 120–04–1901, 120–04–1902.A. and B., 120–04–1905, 120–04–1906, 1204–04–1909 through 120–04–1915.

Rule 4–20, Sections 120–04–2001, 120–04–2002.A.–C. (definition of ''production rate'' only), 120–04–2004, 120–04–2005, 120–04–2008 through 120–04–2014.

Rule 4–21, Sections 120–04–2101, 120–04–2102.A. and B., 120–04–2105, 120–04–2106, 120–04–2109 through 120–04–2115.

Rule 4–22 (except for sections 120–04–2203, 120–04–2206 and 120–04–2207).

Rule 4–24 (except for sections 120–04–2401.C., 120–04–2407, and 120–04–2408).

Rule 4–25 (except for sections 120–04–2501.C., 120–04–2507, and 120–04–2508).

Rule 4–26 (except for sections 120–04–2601.C., 120–04–2607, 120–04–2608, and 120–04–2609.B.).

Rule 4–27 (except for sections 120–04–2701.C., 120–04–2707, 120–04–2708, and 120–04–2709.B.).

Rule 4–28 (except for sections 120–04–2801.C., 120–04–2807, 120–04–2808, and 120–04–2809.B.).

Rule 4–29 (except for sections 120–04–2901.C., 120–04–2907, 120–04–2908, and 120–04–2909.B.).

Rule 4–30 (except for sections 120–04–3001.C., 120–04–3007, 120–04–3008, and 120–04–3009.B.).

Rule 4–31 (except for sections 120–04–3101.C., 120–04–3107, 120–40–3108, and 120–04–2609.B.).

Rule 4–32 (except for sections 120–04–3201.C., 120–04–3207, 120–04–3208, and 120–04–3209.B.).

Rule 4–33 (except for sections 120–04–3301.C., 120–04–3307, 120–04–3308, and 120–04–3309.B.).

Rule 4–34 (except for sections 120–04–3401.C., 120–04–3407, 120–04–3408, and 120–04–3409.B.).
Rule 4–35 (except for sections 120–04–3501.C., 120–04–3507, 120–04–3508, and 120–04–3509.B.).
Rule 4–36 (except for sections 120–04–3601.C., 120–04–3607, 120–04–3608, and 120–04–3609.B.).
Rule 4–37 (except for sections 120–04–3703.D.3.b., 120–04–3707, and 120–04–3708).
Rule 4–39 (except for sections 120–04–3906 and 120–04–3507).
Rule 4–40, Sections 120–04–4001.A. and B., 120–04–4002.A., B., C. (definitions of ''refuse'' and ''household refuse'' only).
Rule 4–41, Sections 120–04–4101, 120–04–4102, 120–04–4103.C., 120–04–4104, and 120–04–4105.

DELETION OF RULE EX–8

NOTE: (1) All sections within each rule pertaining to control odors and noncriteria pollutants are not part of the SIP.

(2) Emission standards for hydrogen sulfide (sections 120–04–0406, 120–04–1105), total reduced sulfur (section 120–04–1304), and sulfuric acid mist (section 120–04–2104) are currently not part of the SIP.

(3) Section 120–04–3703D.3.b. (former section 4.56(e)(3)(ii)) pertaining to monthly throughput exemptions for gasoline bulk plants is not an approved part of the SIP.

(*5*) Part V Emission Standards for New and Modified Sources

Sections 120–05–01 through 120–05–05 (except for section 120–05–02.H.).
Rule 5–1, Sections 120–05–0101, 120–05–0102.A., B., C. (definition of ''opacity'' only), 120–05–0104 through 120–05–0107.
Rule 5–4 (except for sections 120–05–0408 and 120–05–0409).

NOTE: All sections within each rule pertaining to odors and noncriteria pollutants are not part of the SIP.

(*6*) Part VII Air Pollution Episodes

Sections 120–07–01, 120–07–02 (added).
Sections 120–07–03 through 120–07–07 (revised) (former Sections 7.01–7.05).

(*7*) Part VIII Permits for New and Modified Sources

Section 120–08–01.A., B. (except for definitions of ''allowable emissions,'' ''potential to emit,'' ''secondary emissions,'' and ''stationary source''), C. (except for C.1.b.), D. through G., and I. through M. (former section 2.33).
Section 120–08–03.A., B. (except for definitions of ''allowable emissions,'' ''building, structure, or facility,'' ''net emissions increase,'' ''potential to emit,'' ''secondary emissions,'' and ''stationary source''), C. through G. (except for F.1.), and I. through P. (former section 8.02).

NOTE: Sections pertaining to sources of hazardous pollutants (sections 120–08–01C.1.b., 120–08–01H.2., 120–08–03C.1.b., and 120–08–03H.2) are not part of the SIP.

(*8*) Appendices

A, D, F, G, J, K, N, P (Revised)
New E (Added)
B, H—No Change
Old E—Deleted

(ii) Additional material.

(A) Remainder of February 15, 1985 State submittal.

(B) Letter with attachments from the Virginia State Air Pollution Control Board (VSAPCB) to U.S. EPA Region III; June 21, 1985.

(C) Letter from VSAPCB to U.S. EPA Region III; September 5, 1985.

(D) Letter with attachments VSAPCB to U.S. EPA Region III; August 7, 1986.

(90) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on February 14, 1985.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated February 14, 1985 submitting a revision to the Virginia State Implementation Plan.

(B) The following provisions of the Virginia regulations, effective February 1, 1985:

(*1*) Part IV—Emission Standards From Existing Sources

''Rule 4–1, sections 120–04–0101 through 120–04–0107; deletion of the definitions of ''fumes'' and ''mist''.
Rule 4–4, sections 120–04–0402.C. (definitions of ''combustion installation,'' ''combustion unit,'' ''manufacturing operation,'' ''materials handling equipment,'' ''physically connected,'' ''process operation,'' ''process unit,'' ''process weight,'' ''process weight rate,'' and ''total capacity'' only), 120–04–0403, 120–04–0404.
Rule 4–7, sections 120–04–0702.C., 120–04–0703, 120–04–0708.
Rule 4–8, sections 120–04–0802.C. (definitions of ''fuel burning equipment,'' ''fuel burning equipment installation,'' ''refuse derived fuel,'' and ''total capacity'' only), 120–04–0803, 120–04–0804, 120–04–0805, 120–04–0807B, Figures 4–8A, 4–8B.
Rule 4–9, section 120–04–0903.C.
Rule 4–10, sections 120–04–1002.C., 120–04–1003.
Rule 4–12, sections 120–04–1202.C. (definitions of ''manufacturing operation,'' ''materials handling equipment,'' ''physically connected,'' ''process operation,'' ''process unit,'' ''process weight,'' and ''process weight rate'' only), 120–04–1203.

Rule 4–13, sections 120–04–1302.C. (definitions of ''cross recovery furnace,'' ''kraft pulp mill,'' ''lime kiln,'' ''recovery furnace,'' ''smelt dissolving tank,'' and ''straight kraft recovery furnace'' only), 120–04–1303, 120–04–1305.
Rule 4–14, sections 120–04–1402.C., 120–04–1403.
Rule 4–15, sections 120–04–1502.C. (except for definition of ''coal preparation plant''), 120–04–1503; deletion of the definition ''air table.''
Rule 4–16, sections 120–04–1602.C., 1120–04–1603.
Rule 4–17, sections 120–04–1702.C., 120–04–1703.
Rule 4–18, sections 120–04–1802.C. (definitions of ''aluminum production operation,'' ''brass or bronze,'' ''brass or bronze production,'' ''ferroalloy production operation,'' ''gray iron foundry operation,'' ''lead,'' ''magnesium product operation,'' ''primary copper smelter,'' ''primary lead smelter,'' ''primary metal operation,'' ''primary zinc smelter,'' ''secondary lead production operation,'' ''secondary metal operation,'' ''steel foundry operation,'' and ''zinc processing operation'' only), 120–04–1803.
Rule 4–19, sections 120–04–1902.C., 120–04–1903.
Rule 4–20, sections 120–04–2002.C., 120–04–2003.

(*2*) Part V—Emission Standards for New and Modified Sources

Rule 5–1, sections 120–05–0102.C. (definitions of ''fugitive dust,'' ''fugitive emissions,'' and ''six minute period'' only), 120–05–0103, 120–05–0104.

(*3*) Appendix Q

(ii) Additional materials.

(A) Remainder of the February 14, 1985 submittal.

(B) Letters of June 21, 1985 and September 5, 1985 from the Virginia State Air Pollution Control Board to EPA.

(91) Revisions to the State Implementation Plan for the good engineering practice (GEP) stack height requirements submitted on May 12, 1986 by the Virginia State Air Pollution Control Board:

(i) Incorporation by reference.

(A) Letter of May 12, 1986 from the Executive Director, Virginia State Air Pollution Control Board, transmitting the revised good engineering practice (GEP) stack heights requirements.

(B) Revised Regulations 120–01–02 (Revised definitions of dispersion technique, elevated terrain, Excessive Concentrations, GEP Stack Height, Nearby, Stack, Stack in Existence), 120–04–02I, and 120–04–02H of the Virginia Regulations for the Control and Abatement of Air Pollution, adopted April 7, 1986, and effective June 6, 1986.

(C) Deletion of the following definitions from Regulation 120–01–02: Elevated Terrain, Plume Impaction

(ii) Additional material.

(A) Remainder of the official State submittal, transmitted on May 16, 1986.

(92) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control regarding non-CTG RACT requirements for aluminum rolling mills applicable to Reynolds Metals in Richmond, Virginia on December 17, 1987.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated December 17, 1987 submitting a revision to the Virginia State Implementation Plan.

(B) Consent Agreement and Order (DSE–597–87) between the Virginia State Air Pollution Control Board and Reynolds Metals Company dated December 21, 1987 and effective May 1, 1988.

(ii) Additional materials.

(A) Letter dated May 4, 1988 from James E. Sydnor, Assistant Executive Director, Programs, VASAPCB to Jesse Baskerville, EPA Region III responding to EPA's comments submitted for the public hearing on November 9, 1987 regarding the Reynolds RACT determination.

(B) Technical Support Document prepared by Reynolds Metals Company, dated September 30, 1987.

(93) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on March 26, 1991.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated March 26, 1991 submitting a revision to the Virginia State Implementation Plan.

(B) Agreement between the State Air Pollution Control Board of the Commonwealth of Virginia and the Aqualon Company (Source Registration No. 50363) reducing allowable emissions of sulfur dioxide, dated September 24, 1990 and September 26, 1990.

(ii) Additional materials.

(A) Remainder of the State Implementation Plan revision request submitted by the Virginia Department of

Air Pollution Control on March 26, 1991.

(94) Addition of Section 120–08–04 (Permits—operating) to Part VIII of the Virginia Regulations for the Control and Abatement of Air Pollution submitted on July 18, 1991 by the Virginia Department of Air Pollution Control:

(i) Incorporation by reference.

(A) Letter of July 18, 1991 from the Virginia Department of Air Pollution Control transmitting a revision to the Virginia State Implementation Plan.

(B) Regulation 120–08–04 (Permits—operating) of Part VIII, Virginia Regulations for the Control and Abatement of Air Pollution, effective July 1, 1991.

(ii) Additional material.

(A) Remainder of July 18, 1991 State submittal.

(95) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on April 29, 1991.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated April 29, submitting a revision to the Virginia State Implementation Plan.

(B) Consent Agreement and Order No. DTE–179–91 between Nabisco Brands, Inc. and the Virginia State Air Pollution Control Board, effective on April 24, 1991.

(ii) Additional materials.

(A) Technical Support Document for the RACT Determination for Nabisco Brands, Inc., Henrico County, VA; Consent Agreement and Order No. DTE–179–91.

(96) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on December 16, 1991.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated December 6, 1991 submitting a revision to the Virginia State Implementation Plan.

(B) Agreement between the State Air Pollution Control Board of the Commonwealth of Virginia and Burlington Industries (Source Registration No. 30401) reducing allowable emissions of sulfur dioxide, dated November 19, 1991.

(ii) Additional materials.

(A) Remainder of the State Implementation Plan revision request submitted by the Virginia Department of Air Pollution Control on December 16, 1991.

(97) Revision to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on September 28, 1989.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated September 28, 1989 submitting a revision to the Virginia State Implementation Plan.

(B) ''Regulation for the Control of Motor Vehicle Emissions'' (VR 120–99–01), as published in The Virginia Register of Regulations (Monday, July 31, 1989—Volume 5, Issue 22), with an effective date of October 1, 1989.

(C) ''Regulation for Vehicle Emission Control Program Analyzer Systems'' (VR 120–99–02), as published in The Virginia Register of Regulations (Monday, November 21, 1988—Volume 5, Issue 4), with an effective date of January 1, 1989.

(ii) Additional materials.

(A) The remainder of the State submittal.

(98) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on February 14, 1985.

(i) Incorporation by reference.

(A) Letter from the Commonwealth of Virginia dated February 14, 1985, submitting a revision to the Virginia State Implementation Plan.

(B) The following provisions of the Virginia Regulations for the Control and Abatement of Air Pollution, effective February 1, 1985:

(*1*) Part I General Definitions.

Section 120–01–02 (Definition of ''variance'').

(*2*) Part IV Emission Standards from Existing Sources.

Rule 4–4, Section 120–04–0405.
Rule 4–8, Section 120–04–0806.
Rule 4–9, Section 120–04–0904.
Rule 4–11, Section 120–04–1104.
Rule 4–15, Section 120–04–1503C. (Definition of ''coal preparation plant'')
Rule 4–16, Section 120–04–1604.
Rule 4–18, Section 120–04–1804.
Rule 4–19, Section 120–04–1904.

Rule 4–21, Sections 120–04–2102C. (Definition of ''sulfuric acid production unit'') and 120–04–2103.

Rule 4–22, Section 120–04–2203.

Deletion of Section 4.50 of the Virginia Regulations for the Control and Abatement of Air Pollution in effect before February 1, 1985.

(ii) Additional material.

(A) Remainder of the February 14, 1985, State submittal pertaining to: The revised definitions of ''variance,'' ''coal preparation plant,'' and ''sulfuric acid production unit''; and Virginia's revised sulfur dioxide provisions.

(B) Letter dated July 14, 1986, from the Virginia State Air Pollution Control Board to EPA.

(99) Revisions to the Commonwealth of Virginia Regulations Volatile organic compound (VOC) RACT Fix-up regulations submitted on May 10, 1991, by the Department of Environmental Quality formerly the Virginia Department of Air Pollution Control: Effective date July 1, 1991.

(i) Incorporation by reference.

(A) Letter of May 10, 1991, from the Department of Environmental Quality transmitting VOC RACT Fix-up regulations.

(B) The following Commonwealth of Virginia regulations effective July 1, 1991:

(*1*) Part I; section 120–01–02 (revised definition of ''actual emissions rate'', ''department'', ''emissions unit'', ''volatile organic compound'')

(*2*) Part II sections:

120–02–08 A., B.
120–02–34 C., J.

(*3*) Part IV sections:

120–04–01 B., C.
120–04–02 C., D., F., H.
120–04–03 A.
120–04–04 F.
120–04–05 E., F., G.

Rule 4–4 sections:

120–04–0402 (definition of ''combustion unit'', ''manufacturing operation'', ''reasonably available control technology'')
120–04–0407 A., B., C.
sections 120–04–0407 through 120–04–0408 have been renumbered to 120–04–0408 through 120–04–0409; sections 120–04–0411 through 120–04–0416 have been renumbered to 120–04–0412 through 120–04–0417, section 120–04–0417 has been renumbered to 120–04–0418.

Rule 4–5 sections:

120–05–0501 B.
120–05–0503 A.1., B.1., C.1., C.2., D.1.
120–05–0504 A.2., B.4., B.5., C.4., D.1.e.

Rule 4–6 sections:

120–04–0601 B.
120–04–0603 A.1., B.1.,C.1., D.1.
120–04–0604 A.2., A.3., B.3., B.4.

Rule 4–11 sections:

120–04–1102 (revised definition of ''condensate crude oil'')
120–04–1106 A.1., B.1., C.1., C.2., D.
120–04–1107 B.3.

Rule 4–24 sections:

120–04–2401 A., B., C (deleted)
120–04–2403 A.1., B.1., C.1.
120–04–2404 A.1.a.3., B.1.c.5., C.1.e.5.

Rule 4–25 sections:

120–04–2501 A., B., C.
120–04–2503 A.1., A.3., B.1., B.3., B.4., C.1., C.3.
120–04–2504 A.2., B.1.b., C.1.b.

Rule 4–26 sections:

120–04–2601 C. (deleted)
D. (replaces previous C.)
120–04–2602 (new definition for ''coating application system'', and ''oven'')
120–04–2603 A. (introduction revised), A.1., B. (introduction revised), B.1., D.
120–04–2604 A.6., A.7., B.5., B.6.
120–04–2609 B., C.

Rule 4–27 sections:

120–04–2701 A., B., C. (deleted),
D. (renumbered C.)
120–04–2702 C. (added definitions for ''coating application system''; deleted definition for ''coating line''; modified definition for ''oven'')
120–04–2703 A., C.
120–04–2704 (introduction revised), C., D.
120–04–2709 B., C.

Rule 4–28 sections:

120–04–2801 A., B., C. (deleted), D. (renumbered C.)
120–04–2802 C. (added definition for ''anti-chip coating'', ''clear coating'', ''coating application system'', ''electrocoat primer'', ''extreme environmental conditions'', ''extreme performance coatings'', ''guidecoat'', ''topcoat'', modified definitions for: ''automobile'', ''light-duty truck'' and deleted definition for ''coating line''
120–04–2803 A.1., B. (added in its entirety), C., D., E., F., and G. (formerly B., C., D., E., F., now revised/renumbered).
120–04–2804 A., A.5., A.6., B. (added), C., D., E., (formerly B., C., D., have been revised/renumbered).
120–04–2809 B., C.

Rule 4–29 sections:

120–04–2901 A., B., C. (deleted), D. (renumbered/revised to C.)
120–04–2902 C., (deleted definition of ''coating line'', addition of definition for ''coating

application system'', definition modified ''oven'')
120–04–2903 A.1., B.1., C.1., D.1., E.
120–04–2904 A. (introduction revised), A.5., A.6., B. (introduction revised). B.5., B.6., C. (introduction revised), C.4., D.
120–04–2909 B., C.

Rule 4–30 sections:

120–04–3001 A., B., C. (revised) and D. (deleted), C.2.,
120–04–3002 C. (deleted definition of ''coating line'', added definition of ''coating application system'', modified definition of ''oven'')
120–04–3003 A., C.
120–04–3004 (introduction revised), D., E.
120–04–3009 B., C.

Rule 4–31 sections:

120–04–3101 A., B., C. (deleted), D. (revised/renumbered C.)
120–04–3102 C. (deleted definition of ''coating line''; added definition of ''coating application system''; modified definition of ''oven'', and ''fabric coating'').
120–04–3103 A., D., E. (added)
120–04–3104 (introduction revised), F.
120–04–3109 B., C. (added)

Rule 4–32 sections:

120–04–3201 A., B., C. (deleted), D. (revised/renumbered C.)
120–04–3202 C. (deleted definitions for ''coating line''; added definition of ''coating application system''; modified definition of ''oven''.)
120–04–3203 A., C.
120–04–3204 (introduction revised), D., E.
120–04–3209 B., C. (added)

Rule 4–33 sections:

120–04–3301 A., B., C. (deleted), D. (renumbered/revised C.)
120–04–3302 C. (deleted definitions of ''coating line''; added definition of ''coating application system''; modified definition of ''oven''.)
120–04–3303 A., C. (added)
120–04–3304 (introduction revised), F., G.
120–04–3309 B., C. (added)

Rule 4–34 sections:

120–04–3401 B., C., D.1.b., D.4.
120–04–3402 (modified definitions of ''coating application system'', ''clear coating'', extreme performance coatings'', and ''oven''), G.
120–04–3403 D. (added)
120–04–3404 (introduction revised) F., G.
120–04–3409 B., C. (added)

Rule 4–35 sections:

120–04–3501 A., B., C. (deleted), D. (revised/renumbered as C.)
120–04–3502 (modified definitions of ''coating application system'' and ''oven''.)
120–04–3503 D. (added)
120–04–3504 (introduction revised), F., G.
120–04–3509 B., C.

Rule 4–36 sections:

120–04–3601 B., C., D.1.b., D.2. (deleted), D.3. (revised/renumbered D.2.)
120–04–3602 C. (added definitions for ''high-solids ink'', ''low-solvent ink'', ''printing process'', modified definition of ''publication rotogravure printing'' and ''water-borne inks.'')
120–04–3603 (the following were deleted: A., B., C.), A. (new/revised), B. (formerly D., modified), C. (formerly E. was modified)
120–04–3604 deleted
120–04–3609 B.

Rule 4–37 sections:

120–04–3701 A., B.
120–04–3702 (modified definitions of ''crude oil'' and ''custody transfer''.)
120–04–3703 A.1., A.3., A.4. (added), B.1., D.3., E.1., E.3.a. through E.3.d. was revised to E.3.a. through E.3.b.; revisions were made to the following: F.1., F.3., F.8., F.10., F.11., F.16. (deleted)
120–04–3704 A.1.b., B.1.b., C.1.d., D.1.c., E.2.c.

Rule 4–38 section:

120–04–3801 B.

Rule 4–39 section:

120–04–3901 B.

(*4*) Part V sections:

120–05–01 the following were added: C. and D.
120–05–02 the following were revised: C., D., F.; G. (deleted)
120–05–03 A.
120–05–04 A. and F. were revised.
120–05–05 the following were added: E. and F. H. (formerly F. renumbered)

(*5*) Part VII sections:

120–07–01
120–07–02 C. (modified definition of ''air pollution episode'')
120–07–04 B.1., B.1.b., B.2.a., B.3.a., B.4.a., B.5.a.

(*6*) Appendix K

(*7*) Appendix N

(*8*) Appendix P

(*9*) Appendix R I., II.B., II.D., II.E., II.F., II.G., II.H., II.I., II.J., II.K., II.L., II.M., II.N., II.O., II.P., III.V. (deleted), VI., VIII.

(*10*) Appendix S (revised and renamed in its entirety to include other appendices)

(*11*) Appendix T (deleted in its entirety and revised to be included in new appendix S.)

(ii) Additional material.

(A) Remainder of May 10, 1991, Commonwealth's submittal.

(100) Revisions to the Commonwealth of Virginia Regulations Oxygenated

Gasoline Program regulations submitted on November 1, 1993, by the Department of Environmental Quality, formerly the Virginia Department of Air Pollution Control: Effective date November 1, 1993.

(i) Incorporation by reference.

(A) Letter of November 1, 1993, from the Department of Environmental Quality transmitting Oxygenated Gasoline Program regulations.

(B) Addition of VR 115–04–28 Regulation Governing the Oxygenation of Gasoline.

(ii) Additional materials.

(A) Remainder of November 13, 1992, and November 1, 1993, State submittals.

(101) Revisions to the Virginia regulation for the control of volatile organic compounds emitted from petroleum liquid storage and transfer operations, primarily related to the addition of Stage II vapor recovery equipment on gasoline refueling equipment, as submitted on November 5, 1992 by the Virginia Department of Air Pollution Control (now the Virginia Department of Environmental Quality).

(i) Incorporation by reference.

(A) Letter of November 5, 1992, from the Virginia Department of Air Pollution Control requesting approval of revisions to the Commonwealth's State Implementation Plan's requirements for volatile organic compounds from petroleum liquid storage and transfer operations, primarily concerning the addition of provisions for Stage II vapor recovery systems.

(B) Virginia Regulation VR 120–01, Part IV (Rule 4–37), with an effective date of January 1, 1993.

(C) Appendix S to VR 120–01, Part IV (Rule 4–37), having an effective date of January 1, 1993.

(D) Virginia Department of Air Pollution Control's Air Quality Program Policies and Procedures document entitled ''Procedures for Implementation of Regulations Covering Stage II Vapor Recover Systems for Gasoline Dispensing Facilities'' (AQP–9). The effective date of this document is January 1, 1993.

(ii) Additional material.

(A) Remainder of November 5, 1992, State submittal.

(B) Letter dated August 18, 1993, from the Virginia Department of Environmental Quality transmitting Virginia's request that section III.F.2 of Virginia's policies and procedures document entitled ''Procedures for Implementation of Regulations Covering Stage II Vapor Recover Systems for Gasoline Dispensing Facilities'' (AQP–9) be included in the Commonwealth's State Implementation Plan.

(102) Revisions to the Virginia State Implementation Plan submitted on November 4, 1992 by the Virginia Department of Air Pollution Control.

(i) Incorporation by reference.

(A) Letter of November 4, 1992 from the Virginia Department of Air Pollution Control transmitting amendments to the Virginia State Implementation Plan pertaining to Virginia's air quality regulations, Virginia State Air Pollution Control Board Regulations for the Control and Abatement or Air Pollution.

(B) The following revisions to Virginia's air quality regulations, adopted by the Virginia State Air Pollution Control Board on October 30, 1992, effective January 1, 1993:

(*1*) Amendments to section 120–01–02, the definition for the term volatile organic compound.

(*2*) Amendments to appendix P, pertaining to emission control areas.

(ii) Additional material.

(A) Remainder of Virginia's November 4, 1992 State submittal pertaining to section 120–01–02 and appendix P.

(103) Revisions to the Commonwealth of Virginia Regulations State Implementation Plan submitted on November 4, 1992 by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of November 4, 1992 from the Virginia Department of Environmental Quality transmitting a revised regulation to require owners of stationary sources in emissions control areas to submit emission statements annually.

(B) Amendments to Title VR 120–01, addition of paragraph B to section 120–02–31 and the addition of Appendix S including referenced document AQP–8, procedures for Preparing and submitting Emission Statements for Stationary Sources. Effective on January 1, 1993.

(ii) Additional Material.

(A) Remainder of November 4, 1992 State submittal related emission statements.

(104) Revisions to the Virginia Regulations for the Control and Abatement of Air Pollution submitted on February 14, 1985 by the Virginia Department of Air Pollution Control:

(i) Incorporation by reference.

(A) Letter of February 14, 1985 from the Virginia Department of Air Pollution Control transmitting a revision to the Virginia State Implementation Plan.

(B) The following provisions of the Virginia regulations, effective February 1, 1985:

(*1*) Revisions to Part IV, Rule 4–41 (Mobile Sources), Sections 120–04–4103A. and 120–04–4103B.

(*2*) Deletion of SIP Regulation 4.52.

(ii) Additional material.

(A) Remainder of February 14, 1985 State submittal pertaining to the revised provisions of Section 120–04–4103 and the deletion of SIP regulation 4.52.

(105) Revisions to the Virginia Regulations For the Control and Abatement of Air Pollution submitted on April 12, 1989 by the Virginia Department of Air Pollution Control:

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated April 12, 1989 submitting a revision to the Virginia State Implementation Plan.

(B) The following provisions of the Virginia regulations, effective October 1, 1986.

(*1*) Part I Definitions. Section 1.02 (Definitions of ''Reference method,'' ''Reid vapor pressure,'' ''Stationary source,'' ''True vapor pressure'' and ''Vapor pressure'').

(*2*) Part IV Emission Standards from Existing Sources.

Rule 4–5, Sections 120–08–0502C. (Definitions of ''Condenser,'' ''Production equipment exhaust system,'' ''Reactor'' and ''Synthesized pharmaceutical products manufacturing'') and 120–04–0504C.3.b. (Control Technology Guidelines)

Rule 4–21, Sections 120–04–2102C. (Definitions of ''Sulfuric acid mist'' and ''Sulfuric acid production unit'') and 120–04–2110E. (Monitoring)

Rule 4–34, Section 120–04–3402C. (Definitions of ''Application area,'' ''Carbon adsorption system,'' ''Coating applicator,'' ''Extreme environmental conditions,'' ''Flashoff area,'' ''Miscellaneous metal parts and products'' and ''Major groups'')

Rule 4–37, Sections 120–04–3702C. (Definitions of ''Bulk gasoline plant,'' ''Bulk gasoline terminal,'' ''Condensate,'' ''External floating roof,'' ''Gasoline,'' ''Gasoline dispensing facility,'' ''Internal floating roof,'' ''Liquid-mounted,'' ''Petroleum liquids,'' ''Petroleum refinery,'' ''Submerged fill pipe,'' ''vapor-mounted,'' ''Vapor tight'' and ''Waxy, heavy pour crude oil'') and 120–04–3704C.2.b (Control Technology Guidelines)

Rule 4–41, Sections 120–04–4102C. (Definitions of ''Mobile source'' and ''Motor vehicle'') and 120–04–4105B.2. (Export/Import of Motor Vehicles)

(*3*) Part VIII Permits.

Section 120–08–01 (Permits—New and Modified Stationary Sources), subsections 120–08–01B3. (definitions of ''Allowable emissions,'' ''Begin actual construction,'' ''Commence,'' ''Construction,'' ''Emissions units,'' ''Federally enforceable,'' ''Fixed capital cost,'' ''Major modification,'' ''Major stationary source,'' ''Modification,'' ''Modified source,'' ''Necessary preconstruction approvals or permits,'' ''New source,'' ''Potential to emit,'' ''Public comment period,'' ''Reactivation,'' ''Reconstruction,'' ''Secondary emissions,'' ''State enforceable,'' ''Stationary source'' and ''Uncontrolled emission rate'') and 120–08–01C.4.d. (General)

Section 120–08–03 (Permits—Major Stationary Sources and Major Modifications Locating in Nonattainment Areas), subsections 120–08–03B.3. (all terms) and 120–08–03N.7. (Offsets)

(ii) Additional material.

(A) Remainder of February 12, 1989 State submittal pertaining to the revised provisions of Parts I, IV and VIII.

(106) Revisions to the Virginia State Implementation Plan submitted on November 6, 1992 by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of November 6, 1992 from the Virginia Department of Environmental Quality transmitting revisions to Virginia's State Implementation Plan, pertaining to volatile organic compound requirements in Virginia's air quality regulations adopted by the Virginia State Air Pollution Control Board on October 30, 1992 and effective on January 1, 1993.

(B) Revisions to § 120–04–0407 (A), (B), and (C) that lower the applicability threshold for RACT to 50 tons per year in the Virginia portion of the Metropolitan Washington, D.C. serious ozone

nonattainment area and add a RACT compliance date of May 31, 1995 for major VOC sources in the Richmond moderate ozone nonattainment area, and the Virginia portion of the Metropolitan Washington, D.C. nonattainment area, effective January 1, 1993.

(ii) Additional material.

(A) Remainder of State submittal pertaining to § 120–04–0407.

(107) The carbon monoxide redesignation and maintenance plan for the Counties of Arlington and Alexandria, Virginia submitted by the Virginia Department of Environmental Quality on October 4, 1995, as part of the Virginia SIP. The emission inventory projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Letter of October 4, 1995 from the Virginia Department of Environmental Quality requesting the redesignation and submitting the maintenance plan.

(B) Maintenance Plan for the Virginia portion of the Metropolitan Washington Carbon Monoxide Nonattainment Area adopted on September 20, 1995.

(ii) Additional material.

(A) Remainder of October 4, 1995 State submittal.

(108) Revisions to the Virginia Regulations for the Control and Abatement of Air Pollution submitted on March 18, 1993 by the Virginia Department of Air Pollution Control:

(i) Incorporation by reference.

(A) Letter of March 18, 1993 from the Virginia Department of Air Pollution Control transmitting revisions governing confidentiality of information.

(B) Revisions to Virginia regulations sections 120–01–02C. (definition of ''confidential information'') and 120–02–30 (revisions to paragraphs 30A. and 30B.; addition of paragraphs 120–02–30C. through 30E.), adopted October 30, 1992 and effective February 1, 1993.

(ii) Additional material.

(A) Remainder of the March 18, 1993 State submittal pertaining to both the definition of ''confidential information'' and the revised provisions to Section 120–02–30.

(109) Revisions to the Virginia Regulations for the Control and Abatement of Air Pollution submitted on March 29, 1993 by the Virginia Department of Air Pollution Control:

(i) Incorporation by reference.

(A) Letter of March 29, 1993 from the Virginia Department of Air Pollution Control transmitting revisions governing confidentiality of information.

(B) The following provisions of the Virginia regulations, adopted October 30, 1992 and effective January 1, 1993.

(*1*) Revisions to Sections 120–08–01A.; 120–08–01C.4; 120–08–01D.; 120–08–01F. [former SIP Section 120–08–01G.]; 120–08–01G. (except for paragraphs .01G.1, .01G.4.a, and .01G.4.b); 120–08–01H. (except for paragraph .01H.1) [former SIP Section 120–08–01F, except for paragraph .01F.2]; 120–08–01I. (except for paragraph .01I.2) [former SIP Section 120–08–01L., except for paragraph .01L.2]; 120–08–01J. [former SIP Section 120–08–01H.]; 120–08–01K.; 120–08–01L. [former SIP Section 120–08–01J.]; 120–08–01M. [former SIP Section 120–08–01K.]; 120–08–01P. [former SIP Section 120–08–01M.]; Addition of Sections 120–08–01N and 120–08–01O.

(*2*) Revisions to following definitions in Section 120–08–01B.: ''allowable emissions,'' ''commence,'' ''federally enforceable,'' ''modification,'' ''potential to emit,'' ''secondary emissions'' and ''stationary source.''

(*3*) Revisions to Appendix R, Sections I (title only), II.A, II.P, II.Q (added), II.R (added), III.A, III.C, III.E, III.G, III.I, III.L, III.T, III.U, IV., V., and VIII.

(ii) Additional material.

(A) Remainder of the March 29, 1993 State submittal pertaining to the revisions to Section 120–08–01 (except for paragraphs .01G.1, .01G.4.a, .01G.4.b, .01H.1, .01I.2, and .01J.2) and Appendix R listed in paragraphs (c)(109)(i)(B) (*1*) through (*3*) of this section.

(B) Letter of March 18, 1996 from the Virginia Department of Environmental Quality, Air Division, clarifying the effect of the exemption of wood sawmills from the provisions of Section 120–08–01 (Appendix R, Section II.R).

(110) Alternative Compliance Plans submitted on November 4, 1986 by the Virginia State Air Pollution Control Board:

(i) Incorporation by reference.

(A) Letter of November 4, 1986 from the Virginia State Air Pollution Control Board transmitting alternative compliance plans for the Reynolds Metals—Bellwood and South Plants, Richmond, Virginia.

(B) The below-described Consent Agreements and Orders between the Commonwealth of Virginia and the Reynolds Metals Company, effective October 31, 1986:

(*1*) DSE–413A–86—Consent Agreement and Order Addressing Reynolds Metals Company's Bellwood Printing Plant (Registration No. 50260).

(*2*) DSE–412A–86—Consent Agreement and Order Addressing Reynolds Metals Company's Richmond Foil Plant (Registration No. 50534).

(ii) Additional material.

(A) Remainder of November 4, 1986 State submittal.

(B) Letter of February 12, 1987 from the Virginia State Air Pollution Control Board.

(111)–(112) [Reserved]

(113) Revisions to the Virginia State Implementation Plan submitted April 22, 1996 by the Virginia Department of Environmental Quality.

(i) Incorporation by reference.

(A) Letter of April 22, 1996 from the Virginia Department of Environmental Quality transmitting revisions to Virginia's State Implementation Plan, pertaining to regulations to control sources of volatile organic compounds (VOC).

(B) Revisions to the following Virginia regulations adopted by the Virginia State Air Pollution Control Board on December 19, 1995 and effective April 1, 1996:

(*1*) Added Definitions to 9–VAC 5–10–20 (General Definitions) (Former SIP Section 120–01–02)—''Federally enforceable'', ''Implementation plan'', ''Potential to Emit'', and ''State enforceable''; and revised definitions to 9–VAC 5–10–20 for ''Administrator'' and ''Volatile organic compound''.

(*2*) Revisions to Article 4, Rule 4–4, ''Emission Standards for General Process Operations'' (Former SIP Citation—Part IV, Rule 4–4), sections 9 VAC 5–40–300A. (citation only), B., and C. (Former SIP Sections 120–04–0407A., B, and C).

(*3*) Revisions to Article 4, Rule 4–4, section 9–VAC 5–40–420 (Former SIP Section 120–04–0419)—Introductory paragraph and paragraphs 5–40–420.1 through .5 are revised, while paragraph 5–40–420.6 is added.

(*4*) Revisions to Article 36, Rule 4–36 ''Emission Standards for Flexographic, Packaging Rotogravure, and Publication Rotogravure Printing Lines'' (former Part IV, Rule 4–36), sections 9 VAC 5–40–5060, subsections A., B. (citation only), C., and E.1 and .2 (Former SIP sections 120–04–3601.A. through D.1 and D.2); additions of sections 9 VAC 5–40–5060.D and .E.3.

(*5*) Revisions to Article 36, Rule 4–36, sections 9 VAC 5–40–5070.A., B. (citations only), (Former SIP section 120–04–3602.A., B.); C. (revised definitions for ''Flexographic printing'', ''High-solids ink or surface coating'', ''Low-solvent ink or surface coating'', ''Packaging rotogravure printing'', ''Printing'', ''Publication rotogravure printing'', ''Waterborne ink or surface coating'' and added definitions for ''Compliant ink or surface coating'', ''Cleaning solutions'', ''Electrostatic duplication'', ''Letterpress printing'', ''Lithographic printing'', ''Non-compliant ink or surface coating'', ''Printing Line'', ''Surface coating'' and ''Web''; deletion of ''Roll printing'') (Former SIP section 120–04–3602.C.).

(*6*) Revisions to Article 36, Rule 4–36, Sections 9 VAC 5–40–5080.A. (Former SIP section 120–04–3603.A.); Addition of Section 9 VAC 5–40–5080.B.; Deletion of SIP Sections 120–04–3603.B., C.; Revisions to Sections 9 VAC 5–40–5130.A., B. (Former SIP sections 120–04–3609.A., B.); Addition of Sections 9 VAC 5–40–5130.C., D., E.; Revisions to Section 9 VAC 5–40–5140.A. (Former SIP section 120–04–3610.A.); Addition of Section 9 VAC 5–40–5140.B.; Revisions to Sections 9 VAC 5–40–5190 (Former SIP Section 120–04–3615)—Introductory paragraph and paragraphs 5–40–5190.1 through .5 are revised, while paragraph 5–40–5190.6 is added.

(*7*) Revised citations of Article 36, Rule 4–36, Sections 9 VAC 5–40–5090, 5–40–5100, 5–40–5150, 5–40–5160, 5–40–5170 and 5–40–5180 (SIP Sections 120–04–3605, 120–04–3606, 120–04–3611, 120–04–3612, 120–04–3613, and 120–04–3614 respectively).

(*8*) Addition of Article 45, ''Emission Standards for Lithographic Printing Processes'' (Rule 4–45), Sections 9 VAC 5–40–7800 through 9 VAC 5–40–7850 inclusive; Sections 9 VAC 5–40–7880 through 9 VAC 5–40–7940 inclusive.

(*9*) Revisions to Appendix S (''Air Quality Program Policies and Procedures''), sections I.D and II.C.

(*10*) Revisions to AQP–3 ''Procedures For the Measurement of Capture Efficiency For Determining Compliance With Volatile Organic Compound Emission Standards Covering Surface Coating Operations and Graphic Arts Printing Processes (Flexographic, Packaging Rotogravure, and Publication Rotogravure Printing Lines)''.

(ii) Additional material.

(A) Remainder of April 22, 1996 Commonwealth submittal pertaining to regulations 4–4, 4–36, 4–45 and Appendix S.

(114) Revisions to the Virginia State Implementation Plan submitted April 26, 1996 by the Virginia Department of Environmental Quality.

(i) Incorporation by reference.

(A) Letter of April 26, 1996 from the Virginia Department of Environmental Quality transmitting revisions to Virginia's State Implementation Plan.

(B) Revisions to the following Virginia regulation adopted by the Virginia State Air Pollution Control Board on December 19, 1995 and effective April 1, 1996:

(*1*) Revisions to Article 40, Rule 4–40 ''Emission Standards for Open Burning'' [former Part IV, Rule 4–40], Sections 9 VAC 5–40–5600.A.(all revisions) and B. (citation only) (Former SIP Sections 12–04–4001.A. and .B.) Addition of Section 9 VAC 5–40–5600.C.

(*2*) Revisions to Article 40, Rule 4–40, Sections 9 VAC 5–40–5610.A.and B. (citations only) (Former SIP Sections 120–04–4002.A. and B.); revised citation for the definitions ''refuse'' and ''household refuse'' in Section 5–40–5610.C. (Former SIP Section 120–04–4002.C.), added definitions in Section 5–40–5610.C for ''Clean burning waste'', ''Landfill'', ''Local landfill'', ''Sanitary landfill'' and ''Special incineration device''.

(*3*) Addition of Sections 9 VAC 5–40–5620 (Open Burning Prohibitions), 9 VAC 5–40–5630 (Permissible Open Burning), and 9 VAC 5–40–5640 (Waivers).

(*4*) Revisions to Appendix D (Forest Management and Agricultural Practices), Sections II (introductory sentence), II.E. and III.F.

(ii) Additional material.

(A) Remainder of April 22, 1996 Commonwealth submittal pertaining to regulation 4–40.

(115) Revisions to Virginia's regulations to fulfill Group III PM–10 requirements, submitted on June 15, 1989, by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of June 15, 1989 from the Virginia Department of Environmental Quality transmitting Virginia's Group III PM–10 SIP revisions to EPA.

(B) ''Group III'' PM–10 plan revisions (effective July 1, 1988).

(*1*) Virginia rule 120–01–02, which provides regulatory definitions for ''particulate matter,'' particulate matter emissions,'' ''PM10,'' ''PM10 emissions,'' and ''total suspended particulate matter'';

(*2*) Virginia rule 120–03–06, which provides an ambient air quality standard for PM–10;

(*3*) Virginia rule 120–07–04, which revises rules regarding air pollution episodes to include PM–10 as well as TSP; and

(*4*) Virginia rule 120–0802, which revise permitting rules to provide for the review of proposed permits with respect to PM–10.

(ii) Additional material.

(A) Remainder of Virginia's June 15, 1989 submittal.

(116) Revisions to Virginia's coke oven regulations submitted September 6, 1979 as revised February 14, 1985.

(i) Incorporation by reference.

(A) Letters of September 6, 1979 and February 14, 1985 from the Virginia Department of Environmental Quality transmitting regulations limiting particulate matter emissions from coke oven batteries.

(B) Revisions to Virginia Department of Environmental Quality Rule 4–9 limiting particulate emissions from coke oven batteries (effective March 3, 1979; January 1, 1985):

(*1*) Virginia rules 120–04–0903A and 120–04–0903B, which provide mass emission limits from coking, charging, and pushing operations;

(*2*) Virginia rule 120–04–0905, which provides a standard for visible emissions;

(*3*) Virginia rule 120–04–0906, which provides a standard for fugitive dust and other fugitive emissions;

(*4*) Virginia rule 120–04–0910A, which specifies the timing in the coking cycle of multiple tests pursuant 120–04–0903; and

(*5*) Virginia rule 120–04–0910B.2 which specifies the certification and testing methods for Virginia Rule 120–04–0905.

(ii) Additional material.

(A) Remainder of Virginia's September 6, 1979 submittal related emission limits for coke oven batteries.

(117) The ten year ozone maintenance plan for Hampton Roads, Virginia ozone nonattainment area submitted by the Virginia Department of Environmental Quality on August 27, 1996:

(i) Incorporation by reference.

(A) Letter of August 27, 1996 from the Virginia Department of Environmental Quality transmitting the 10 year ozone maintenance plan for the Hampton Roads marginal ozone nonattainment area.

(B) The ten year ozone maintenance plan including emission projections, control measures to maintain attainment and contingency measures for the Hampton Roads ozone nonattainment area adopted on August 27, 1996.

(ii) Additional material.

(A) Remainder of August 27, 1996 Commonwealth submittal pertaining to the redesignation request and maintenance plan referenced in paragraph (c)(117)(i) of this section.

(118) Revision to the Virginia State Implementation Plan on January 27, 1997, by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) A letter of January 27, 1997 from the Virginia Department of Environmental Quality transmitting the General Conformity Rule.

(B) Virginia Regulation 9 VAC 5 Chapter 160—Regulation for General Conformity, effective Jauary 1, 1997.

(ii) Additional Material from the Virginia's January 27, 1997 submittal pertaining to Regulation 9 VAC 5 Chapter 160.

(119) The ten year ozone maintenance plan for the Richmond, Virginia ozone nonattainment area submitted by the Virginia Department of Environmental Quality on July 26, 1996:

(i) Incorporation by reference.

(A) Letter of July 26, 1996 from the Virginia Department of Environmental Quality transmitting the 10 year ozone maintenance plan for the Richmond moderate ozone nonattainment area.

(B) The ten year ozone maintenance plan including emission projections, control measures to maintain attainment and contingency measures for the Richmond ozone nonattainment area adopted on July 26, 1996.

(ii) Additional material.

(A) Remainder of July 26, 1996 Commonwealth submittal pertaining to the redesignation request and maintenance plan referenced in paragraph (c)(119)(i) of this section.

(120) Revisions to the State Implementation Plan submitted on April 9, 1996, August 8, 16, 19, 23, 1996, and March 26, 1997 by the Virginia Department of Environmental Quality regarding non-CTG VOC RACT requirements for six sources:

(i) Incorporation by reference.

(A) Letters submitted by the Virginia Department of Environmental Quality transmitting source-specific VOC RACT determinations in the form of consent agreements on the following dates: April 9, 1996, August 8, 16, 19, 23, 1996, and March 26, 1997.

(B) Consent agreements:

(*1*) Philip Morris—Blended Leaf, City of Richmond, VA, Consent Agreement Registration No. 50080, effective on February 27, 1996.

(*2*) Philip Morris—Park 500, Chesterfield County, VA, Consent Agreement Registration No. 50722, effective on March 26, 1997.

(*3*) Philip Morris Tobacco Manufacturing Center, City of Richmond, VA, Consent Agreement Registration No. 50076, effective on July 12, 1996.

(*4*) Virginia Power—Chesterfield Station, Chesterfield County, VA, Consent Agreement Registration No. 50396, effective on May 30, 1996.

(*5*) Hercules Incorporated—Aqualon Division, City of Hopewell, VA, Consent Agreement Registration No. 50363, effective on July 12, 1996.

(*6*) Hopewell Regional Wastewater Treatment Facility, City of Hopewell,

VA, Consent Agreement Registration No. 50735, effective on May 30, 1996.

(ii) Additional material.

(A) Technical Support Documents submitted as part of the RACT determinations in paragraph (c)(120) (i) of this section by the Commonwealth of Virginia on April 9, 1996, August 8, 16, 19, 23, 1996, and March 26, 1997.

(121) Revisions to the State Implementation Plan submitted on August 12, 21, 26, 30, 1996, September 3, 1996 and March 27, 1997 by the Virginia Department of Environmental Quality regarding non-CTG VOC RACT requirements for six sources:

(i) Incorporation by reference.

(A) Letters submitted by the Virginia Department of Environmental Quality transmitting source-specific VOC RACT determinations in the form of Consent Agreements on the following dates: August 12, 21, 26, 30, 1996, September 3, 1996 and March 27, 1997.

(B) Consent Agreements:

(*1*) AlliedSignal Inc.—Hopewell Plant, City of Hopewell, VA, Consent Agreement Registration Number 50232, effective March 26, 1997;

(*2*) AlliedSignal Inc.—Chesterfield Plant, Chesterfield County, VA, Consent Agreement Registration Number 50233, effective May 20, 1996;

(*3*) Bear Island Paper Company, L.P., Hanover County, VA, Consent Agreement Registration Number 50840, effective July 12, 1996;

(*4*) Stone Container Corporation Hopewell Mill, City of Hopewell, Virginia, Consent Agreement Registration Number 50370, effective May 30, 1996;

(*5*) E.I. DuPont de Nemours and Company, Spruance Plant, Chesterfield County, Virginia, Consent Agreement Registration Number 50397, effective May 30, 1996;

(*6*) ICI Americas, Inc. Film Division—Hopewell Site, Chesterfield County, Virginia, Consent Agreement Registration Number 50418, effective May 30, 1996.

(ii) Additional material.

(A) Technical Support Documents submitted as part of the RACT determinations in paragraph (c)(121)(i) of this section by the Commonwealth of Virginia on August 12, 21, 23, 26, 30, 1996, September 3, 1996 and March 27, 1997.

(122) Revisions to the Virginia Regulations to terminate and rescind the 1983 alternative emission reduction plan for Bellwood Reclamation Plant submitted on November 12, 1997, by the Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of November 12, 1997 from the Department of Environmental Quality transmitting a Consent Agreement to terminate the 1983 alternative emission reduction plan for the Bellwood Reclamation Plant.

(B) Consent Agreement to terminate and rescind the 1983 alternative emission reduction plan for the Bellwood Reclamation Plant, signed and effective on November 7, 1997.

(123) Revisions to the Virginia Regulations for the Prevention of Significant Deterioration submitted on March 20, 1997 by the Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of March 20, 1997 from the Department of Environmental Quality transmitting a SIP revision for regulations for the Prevention Significant Deterioration.

(B) Letter of February 18, 1993 from the Department of Air Pollution Control transmitting a SIP revision for regulations defining the prevention of significant deterioration areas.

(C) Letter of January 13, 1998 from the Depart of Environmental Quality transmitting a SIP revisions to the Virginia Administrative Code numbering system.

(D) The following provisions of the Virginia Regulations for the Control and Abatement of Air Pollution:

(*1*) Regulations for Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas, 9 VAC 5–80–1700 through 9 VAC 5–80–1970, published in the Virginia Register of Regulations on November 25, 1996, effective January 1, 1997.

(*2*) Appendix L to VR 120–01, renumbered as 9 VAC 5–20–205, Prevention of Significant Deterioration Areas, published in the Virginia Register of Regulations on December 2, 1991, effective January 1, 1992.

(ii) Additional material.

(A) Remainder of March 20, 1997 State submittal.

(124)–(127) [Reserved]

(128) Revision to the State Implementation Plan submitted on July 12, 1996 by the Virginia Department of Environmental Quality regarding VOC RACT requirements for one VOC source.

(i) Incorporation by reference.

(A) The letter dated July 12, 1996 from the Virginia Department of Environmental Quality submitting one source-specific VOC RACT determination in the form of a Consent Agreement for Tuscarora Incorporated.

(B) Consent Agreement for Tuscarora Incorporated—Sterling, Loudoun County, VA, Consent Agreement, Registration Number 71814, effective on June 5, 1996.

(ii) Additional Material: Remainder of the State submittal pertaining to Tuscarora Incorporated.

(129) Revisions to the Virginia Regulations pertaining to permit requirements for new and modified stationary sources locating in nonattainment areas mandated under Title I, Sections 171–173 and 182 of the Clean Air Act submitted on November 9, 1992, by the Commonwealth of Virginia:

(i) Incorporation by reference.

(A) Letter of November 9, 1992, from the Commonwealth of Virginia, Department of Air Pollution Control transmitting revisions to the Virginia Regulations pertaining to permit requirements for new and modified stationary sources locating in nonattainment areas.

(B) Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, *Permits for Stationary Sources*, Section 120–08–03. ''Permits—Major Stationary Sources and Major Modifications Locating in Nonattainment Areas''. (Effective January 1, 1993).

(ii) Additional materials—The remainder of the November 2, 1992 submittal pertaining to Regulation 120–08–03.

(130) Revisions to the State Implementation Plan submitted on April 22, 1996 and October 9, 1998 by the Virginia Department of Environmental Quality regarding regulations for reasonably available control technology requirements to control volatile organic compound emissions from solvent metal cleaning operations using non-halogenated solvents.

(i) Incorporation by reference.

(A) The letters dated April 22, 1996 and October 9, 1998 from the Virginia Department of Environmental Quality transmitting revisions to the Virginia State Implementation Plan pertaining to Rule 4–24 (9 VAC 5–40–3260 et seq.) of 9 VAC 5 Chapter 40.

(B) The amended version of Rule 4–24 (9 VAC 5–40–3260 et seq.) Emission Standards for Solvent Metal Cleaning Operations Using Nonhalogenated Solvents as adopted on December 19, 1995, published in the Virginia Register of Regulations (Volume 12, Issue 11) on February 19, 1996, and effective on April 1, 1997.

(C) Amendments to 9 VAC 5–40–3260 *Applicability and designation of affected facility* of Rule 4–24 (9 VAC 5–40–3260 et seq.) Emission Standards for Solvent Metal Cleaning Operations Using Non-Halogenated Solvents adopted on January 8, 1997, published in the Virginia Register of Regulations (Volume 13, Issue 14) on March 31, 1997 and effective on April 1, 1997.

(ii) Additional materials—The remainders of the April 22, 1996 and October 1998 submittals which pertain to Rule 4-24 (9 VAC 5–40–3260 et seq.) Emission Standards for Solvent Metal Cleaning Operations Using Non-Halogenated Solvents.

(131) Limited approval of revisions to the Virginia State Implementation Plan submitted on November 9, 1992 by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letters of November 9, 1992 and December 11, 1992 from the Virginia Department of Environmental Quality transmitting Virginia rule 120–04–0408 to implement major source $NO_X$ RACT requirements in the Northern Virginia Emissions Control Area.

(B) Virginia regulation 120–04–0408, ''Standard for Nitrogen Oxides'', pertaining to major source $NO_X$ RACT requirements, effective on January 1, 1993.

(C) Renumbering of previously SIP approved sections in rule 120–04: –0408 and –0409 to 120–04–0409 and –0410, respectively and previously SIP approved

sections –0412 through –0418 to –0413 through –0419, respectively, effective January 1, 1993.

(ii) Additional Material—Remainder of November 9, 1992 submittal and supplemental information submitted by the Virginia Department of Environmental Quality on December 11, 1992 and August 11, 1998 pertaining to 120–04–0408.

(132) Limited approval of revisions to the Virginia State Implementation Plan submitted on November 9, 1992 and August 11, 1998 by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letters of November 9, 1992, December 11, 1992 and August 11, 1998 from the Virginia Department of Environmental Quality transmitting Virginia regulation 9 VAC 5–40–311 (formerly Appendix T) establishing RACT requirements on major sources in the Northern Virginia Emissions Control Area.

(B) Addition of Virginia regulation 9 VAC 5–40–311, sections A, B, C.1, C.2, C.3.b, and C.3.d–g and Errata pages, establishing RACT requirements for major sources of $NO_X$ in the Northern Virginia Emissions Control Area, effective on July 1, 1997.

(ii) Additional Material—Remainder of November 9, 1992 submittal and supplemental information submitted by the Virginia Department of Environmental Quality on December 11, 1992 and August 11, 1998 pertaining to VAC 5–40–311.

(133) [Reserved]

(134) Revisions to the Virginia Regulations, Establishment of the Vehicle Emissions Inspection and Maintenance Program in the Northern Virginia Area, submitted on June 16, 1998, November 30, 1998, February 2, 1999 and February 22, 1999, by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of June 16, 1998 from the Virginia Department of Environmental Quality transmitting an Enhanced Vehicle Emissions Inspection Program for the Northern Virginia Area.

(B) Regulations for the Enhanced Motor Vehicle Emissions Inspection Program in the Northern Virginia Area: 9 VAC 5–91–10 *et seq.*

(C) Letter of November 30, 1998 from the Virginia Department of Environmental Quality transmitting an Alternative Program Credit Evaluation Program.

(D) Letter of February 2, 1999 from the Virginia Department of Environmental Quality, transmitting an Evaluation of Virginia's Enhanced I/M Program Credits.

(E) Letter of February 22, 1999 from the Virginia Department of Environmental Quality, supplementing the November 30, 1998 transmittal.

(ii) Additional material.

(A) Remainder of June 16, 1998 submittal,

(B) Remainder of November 30, 1998 submittal, as supplemented on February 22, 1999, and

(C) Remainder of February 2, 1999 submittal.

(135) Revisions to the Virginia Regulations for the adoption of the National Low Emission Vehicle Program submitted on May 27, 1999 by the Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of May 27, 1999 from the Department of Environmental Quality transmitting Virginia's plan for adoption of a National Low Emission Vehicle Program.

(B) Regulation for a National Low Emission Program, codified at 9 VAC 5–200 of the Virginia Code, effective on April 14, 1999, to add: 9 VAC 5–200–10, Paragraphs A, B, and C; and 9 VAC 5–200–20; and 9 VAC 5–200–30.

(ii) Additional Materials—Remainder of May 27, 1999 submittal pertaining to the National Low Emissions Vehicle Program.

(136) Revisions to the Virginia Regulations, to relegate the oxygenated gasoline program to a carbon monoxide contingency measure, submitted on April 30, 1997 by the Virginia Department of Environmental Quality:

(I) Incorporation by reference.

(A) Letter of April 30, 1997 from the Virginia Department of Environmental Quality transmitting the oxygenated gasoline regulation amendments as a SIP revision.

(B) Revisions to 2 VAC 5 Chapter 480, Section 20, Applicability. These revisions became effective November 1, 1996.

(ii) Additional Materials—Remainder of April 30, 1997 submittal

[37 FR 10899, May 31, 1972. Redesignated and amended at 65 FR 21320, Apr. 21, 2000]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2465, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart WW—Washington

### § 52.2470 Identification of plan.

(a) Title of plan: ''A Plan for the Implementation, Maintenance and Enforcement of National Ambient Air Quality Standards in the State of Washington.''

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Contingency request for a two year extension for carbon monoxide and nitrogen dioxide in the Puget Sound Intrastate Region and for carbon monoxide in the Eastern Washington-Northern Idaho Interstate Region submitted on January 28, 1972, by the Governor.

(2) Request for a two year extension, delegation of legal authority and amendments to the implementation plan submitted on May 5, 1972, by the Governor.

(3) Notices of public hearings and certifications that hearings were held regarding implementation plan matters submitted on July 18, 1972, by the Department of Ecology.

(4) Clarifying submission (Non-regulatory) to the implementation plan submitted on September 11, 1972, by the Governor.

(5) Compliance schedules submitted on December 12, 1972, by the Washington Department of Ecology.

(6) Compliance schedules, revisions to WAC 18–04, 18–12 and 18–40, and a new regulation WAC 18–06 submitted on February 15, 1973, by the Governor.

(7) Transportation control plan submitted on April 13, 1973, by the Governor.

(8) Revisions to the transportation control plan submitted on May 31, 1973, by the Governor.

(9) Compliance schedules submitted on July 25, 1973, by the Department of Ecology.

(10) Indirect source plan submitted on October 11, 1973, by the Department of Ecology.

(11) Indirect source regulation (WAC 18–24) submitted on June 14, 1974, by the Governor.

(12) Air quality maintenance area designation submitted on May 31, 1974, by the Washington Department of Ecology.

(13) Revisions to the State and local agency open burning regulations submitted on September 10, 1973, by the Department of Ecology.

(14) Information regarding the approval of the revised open burning regulations submitted on May 23, 1975, by the Department of Ecology.

(15) Revision to section 9.05(c) of Regulation I of the Olympic Air Pollution Control Authority submitted November 6, 1975 by the Governor.

(16) On April 4, 1979 the State of Washington Department of Ecology submitted a request to extend for eighteen months the date for plan submission for all secondary total suspended particulate nonattainment areas.

(17) On June 26, 1975 the Governor submitted amendments to WAC 18–24 ''State jurisdiction over Motor Vehicles'' which repealed the program for preconstruction review and approval of indirect sources, leaving only Sections 020—Definitions and 030—Assumption of Jurisdiction. On April 27, 1979 the Governor submitted revisions required by Part D of the Clean Air Act as amended in 1977, specifically: plans for the Seattle primary total suspended particulate (TSP) nonattainment area, the Tacoma primary TSP nonattainment area, the Seattle-Tacoma carbon monoxide (CO) and ozone nonattainment areas (along with a request for an extension of the attainment dates to beyond December 31, 1982), the Spokane primary TSP nonattainment area, the Clarkston primary TSP nonattainment area, the Vancouver primary TSP nonattainment area, and the Yakima CO nonattainment area; revisions to State and local regulations for nonattainment areas (WAC 173–400–010, 173–400–020, 173–400–030, 173–400–040 (except (13)),

173–400–050, 173–400–060, 173–400–070, 173–400–090, 173–400–100, 173–400–110, and 173–400–120; WAC 173–420; WAC 173–425, WAC 173–490 (except 173–150); Puget Sound Air Pollution Control Agency Regulation I, Articles 1, 3, 6, 9 (Sections 9.02, 9.02A, 9.03, 9.04, 9.05, 9.06, 9.07(d), 9.07(e), and 9.09); Northwest Air Pollution Control Authority Regulation Section 455.11; and Spokane County Air Pollution Control Authority Regulation Article IV, Section 4.01); and the rescission of State and local agency regulations which duplicated applicable Federal or State regulations for nonattainment areas (WAC 18–04–010, 18–04–020, 18–04–030, 18–04–040, 18–04–050, 18–04–060, 18–04–070, 18–04–090, 18–04–100, 18–04–110, and 18–04–120; WAC 18–06; WAC 18–12; WAC 18–20; WAC 18–24; WAC 18–28; WAC 18–32; WAC 18–40; WAC 18–44; WAC 18–46; WAC 18–48; WAC 18–56; WAC 18–60; Puget Sound Air Pollution Control Agency Regulation I, Articles 5, 9 (Sections 9.07(a), 9.07(b), 9.11, 9.12, 9.13, 9.15, and 9.16), and 11; Spokane County Air Pollution Control Authority Regulations I and II (except Article IV, Section 4.01); Northwest Air Pollution Authority Regulations 1 and 2 and Section 501 Southwest Air Pollution Control Agency Regulations 1 and 2; Olympic Air Pollution Control Agency Regulation I; Yakima County Clean Air Authority Regulation 1; Grant County Clean Air Authority Regulation; Benton-Franklin-Walla Walla Air Pollution Control Agency Regulation; and Douglas County Air Pollution Control Commission Article V, Section 5.01). On May 18, 1979 the State of Washington Department of Ecology submitted corrections to the Puget Sound area emission inventory in the April 27, 1979 submittal. On June 20, 1979 the Governor submitted the plan for the Vancouver ozone nonattainment area including a request for an extension of the attainment date to beyond December 31, 1982. On December 21, 1979 the State of Washington Department of Ecology submitted statutory authority for an automobile inspection and maintenance program and a detailed schedule for its implementation. On May 1, 1980 the State of Washington Department of Ecology submitted revised statutory language pertaining to State legal authority.

(18) On April 1, 1980 the State of Washington Department of Ecology submitted revisions to the regulations for Kraft Pulping Mills (WAC 173–405–011; 173–405–021; 173–405–031(1), (4), (5) and (6); 173–405–036(1), (2) and (4); 173–405–061; 173–405–071(2), (3), (4)(d), (4)(e) and (5); 173–405–077; 173–405–078; 173–405–086; and 173–405–101), Sulfite Pulping Mills (WAC 173–410–011; 173–410–021; 173–410–031; 173–410–036(1), (2) and (4); 173–410–041; 173–410–061 (1) through (8); 173–410–067; 173–410–071; 173–410–086; and 173–410–091), and Primary Aluminum Plants (WAC 18–52–010; 18–52–016; 18–52–021; 18–52–031 (2) and (4); 18–52–036(1); 18–52–056; 18–52–061; 18–52–071(1)(c), (1)(f), and (2); 18–52–077; and 18–52–086) and rescission of old regulations (WAC 18–36–010, 18–36–020, 18–36–030, 18–36–040, 18–36–050, 18–36–060, 18–36–070, 18–36–080, 18–36–090 and 18–36–100; WAC 18–38–010, 18–38–020, 18–38–030, 18–38–040, 18–38–050, 18–38–060, 18–38–070, 18–38–080 and 18–38–090; and WAC 18–52–015, 18–52–020, 18–52–030 (except (3)), 18–52–040, 18–52–060, 18–52–070 and 18–52–080) to satisfy the requirements of Part D of the Clean Air Act.

(19) On April 27, 1979 the Governor submitted the plan for the Spokane carbon monoxide (CO) nonattainment area. On September 10, 1980 the State of Washington Department of Ecology submitted a revised transportation control plan for the Spokane CO nonattainment area.

(20) On March 5, 1980 the State of Washington Department of Ecology submitted a plan revision to meet the requirements of 40 CFR part 58, subpart C, § 58.20 Air Quality Monitoring.

(21) On April 27, 1979 the Governor submitted a provision for maintenance of pay (WAC 173–400–160).

(22) On June 24, 1980 the State of Washington Department of Ecology submitted a new regulation WAC 173–402 ''Civil Sanctions Under Washington Clean Air Act''. On July 30, 1980 the State of Washington Department of Ecology submitted revisions to WAC 173–400 (specifically 173–020; 173–030; 173–040 (except (13)); 173–050; 173–060; 173–070; 173–090; 173–100; 173–110; and 173–120), WAC 173–405 (specifically 173–012; 173–021; 173–040 (1), (2), (3), (4), (5), (6) and (17); 173–072(1), (4) and (5); 173–077, 173–086; and 173–101; and rescission of 173–011; 173–031 (1), (4), (5) and (6); 173–036

(1), (2) and (4); 173–061; 173–071 (2), (3), (4)(d), (4)(e) and (5); and 173–078), WAC 173–410 (specifically 173–012; 173–021; 173–040 (1), (2), (3), (5) and (16); 173–062 (1), (2) and (3); 173–067; 173–086; 173–090; and 173–091; and rescission of 173–011; 173–031; 173–036 (1), (2) and (4); 173–041; 173–061 (1) through (8); and 173–071), WAC 173–415 (specifically 173–010; 173–020; 173–030(2)(b), (4), (5), (7) and (11); 173–050; 173–060(1)(c) and (2); 173–070; and 173–090), WAC 173–490 (specifically 173–010; 173–020; 173–025; 173–030; 173–040; 173–070; 173–071; and 173–080), rescission of old WAC 18–52 (specifically 18–010; 18–016; 18–021; 18–030(3); 18–031 (2) and (4); 18–036(1); 18–056; 18–061; 18–071(1)(c), (1)(f) and (2); 18–077; and 18–086), and revisions to the Seattle-Tacoma carbon monoxide, Seattle-Tacoma ozone, Vancouver ozone, Seattle primary total suspended particulate (TSP), Tacoma primary TSP, Vancouver primary TSP, Spokane primary TSP and Clarkston primary TSP nonattainment area plans, in order to satisfy the conditions of approval published on June 5, 1980 and July 31, 1980. On November 7, 1980 the State of Washington Department of Ecology submitted clarifying information, including the designated ''no burn'' areas for the Seattle, Tacoma and Spokane TSP nonattainment areas to satisfy the conditions of approval published on June 5, 1980. On January 13, 1981 the State of Washington Department of Ecology submitted further revisions to WAC 173–400–110 and WAC 173–490–020 and 173–490–040 in order to satisfy the conditions of approval published on June 5, 1980.

(23) On August 17, 1979 and July 30, 1980 the Governor submitted revisions to the State of Washington Implementation Plan to provide authority to the Energy Facility Site Evaluation Council to implement the plan required by section 110 of the Clean Air Act for energy facilities, specifically, statutory authority (80.50 RCW), applicable regulations (WAC 463–39–010; 463–39–020; 463–39–030 (except (4), (7), (10), (24), (25), (30), (35) and (36)); 463–39–040 (except introductory paragraph); 463–39–050; 463–39–060; 463–39–080; 463–39–100; 463–39–110 (except (1), first two sentences of (3)(b), (3)(c), (3)(d) and (3)(e)); 463–39–120; 463–39–130; 463–39–135; 463–39–150; and 463–39–170), and a Memorandum of Agreement between the Energy Facility Site Evaluation Council and the State of Washington Department of Ecology describing program implementation. On May 28, 1981, the Energy Facility Site Evaluation Council submitted an Attorney General's opinion certifying that 80.50 RCW provided sufficient enabling authority to meet the requirements of the Clean Air Act.

(24) On November 17, 1981 the State of Washington Department of Ecology submitted a revision to the plan for the Spokane carbon monoxide nonattainment area, including a schedule for the implementation of an expanded transit service to satisfy the condition of approval published on December 24, 1980.

(25) On July 30, 1980 the State of Washington Department of Ecology submitted revisions to the regulations for sources of volatile organic compounds (VOC), specifically WAC 173–490–200, 173–490–201, 173–490–202, 173–490–203, 173–490–204, 173–490–205 (except (d)), 173–490–206 and 173–490–207. On January 13, 1981 the State of Washington Department of Ecology submitted a further revision to WAC 173–490–203. On June 25, 1981 the State of Washington Department of Ecology submitted VOC source test methods. On November 13, 1981 the State of Washington Department of Ecology submitted clarifying information on the regulations for sources of VOC.

(26) On July 16, 1982 the State of Washington Department of Ecology submitted an attainment plan for the Vancouver ozone nonattainment area and amendments to the regulations for sources of volatile organic compounds (WAC–490–020, 490–025, 490–9040, 490–080, 490–203, 490–204, 490–205 and 490–208, and rescission of 490–206).

(27) On July 16, 1982 the State of Washington Department of Ecology submitted attainment plans for the Seattle-Tacoma ozone nonattainment area and the Seattle carbon monoxide (CO) nonattainment area, including regulations for motor vehicle emission inspection (WAC 173–422) and the Puget Sound Air Pollution Control Agency regulation for sources of volatile organic compounds (Regulation II). On December 1, 1982 the State of Washington Department of Ecology submitted procedures by which conformity

of Federal projects with the Seattle-Tacoma ozone and Seattle CO plans will be determined.

(28) Amendments to page III–D–2 (TABLE 8—DEPARTMENT OF ECOLOGY SOURCE TEST METHODS WHICH ARE USED FOR COMPLIANCE) of the Washington State Implementation Plan, submitted by the State Department of Ecology on July 23, 1984.

(29) On September 13, 1983 the State of Washington Department of Ecology submitted a revision to add a lead strategy to the Washington Implementation Plan.

(30) On June 15, 1984 the Washington Department of Ecology submitted a demonstration of attainment of the lead standard for the area around a primary copper smelter in Tacoma, Washington.

(31) On June 16, 1983, the State of Washington Department of Ecology submitted to EPA, the Tacoma carbon monoxide attainment plan as an official SIP revision. This plan builds upon the July 16, 1982, Ozone SIP for the Puget Sound area.

(32) On September 27, 1984 the State of Washington Department of Ecology submitted a revision to the approved lead SIP which revised the demonstration of attainment for the secondary lead smelter in Seattle.

(33) On January 16, 1984 the Washington Department of Ecology submitted revisions to the approved SIP which added the PSAPCA emission offset and banking program to the approved SIP regulations. The revisions consisted of new section 1.07(s), 1.07(rr), 1.07(xx), 6.07(b)(7) and 6.08 of PSAPCA Regulation I.

(34) A revision to the Washington State Implementation Plan was submitted by the Director of the Washington Department of Ecology on September 27, 1984. The revision adds a mandatory Vehicle Inspection and Maintenance program to the Spokane Carbon Monoxide Plan.

(i) Incorporation by reference.

(a) Amendments to Chapter 173–422 Washington Administrative Code, Motor Vehicle Emission Inspection, which was published on April 18, 1984.

(ii) Additional material. (*a*) Technical Support Document as prepared by the Washington State Department of Ecology in support of approval dated January 11, 1985.

(35) On February 21, 1985 the State of Washington Department of Ecology submitted revisions to Regulation II, specifically, §§1.02, 2.13, 3.11 and 4.02, and ''Monitoring and Reporting Procedures for VOC Sources'' as adopted in Puget Sound Air Pollution Control Agency Resolution 568.

(i) Incorporation by reference.

(A) Letter dated February 21, 1985 from the Washington Department of Ecology to EPA Region 10.

(B) Resolution 568—Revisions to Regulation II and ''Monitoring and Reporting Procedures for VOC Sources'' as adopted by the Puget Sound Air Pollution Control Agency on December 13, 1984.

(36) Washington State's Visibility Protection Program, except Section V. B. New Source Review, Appendix A—Proposed Best Available Retrofit Technology Regulation and Appendix B—Proposed New Source Review Regulations, submitted by the Director of the Washington Department of Ecology on January 5, 1984; certain provisions of 173–403 WAC Implementation of Regulations for Air Contaminant Sources, specifically, WAC 173–403–030(2), (9), (11), (24), (25), (31), (42), (46), (51), and (52), submitted by the Director of the Washington Department of Ecology on April 1, 1985; WAC 173–403–090, submitted by the Director of the Washington Department of Ecology on September 6, 1983; and the State of Washington Department of Natural Resources Smoke Management Program, submitted by the Director of the Washington Department of Ecology on April 27, 1979, and January 5, 1984.

(i) Incorporation by reference.

(A) Letter dated April 1, 1985, from the Director of the State of Washington Department of Ecology to EPA. Provisions of WAC 173–403–030 (Definitions) introductory text, (2), (9), (11), (24), (25), (31), (42), (46), (51), and (52), adopted by the State of Washington Department of Ecology on February 14, 1985.

(B) Letter dated September 6, 1983, from the Director of the State of Washington Department of Ecology to EPA.

WAC 173–403–090 (''Retrofit Requirements for Visibility Protection''), adopted by the State of Washington Department of Ecology on August 25, 1983.

(C) Letter dated January 5, 1984, from the Director of the State of Washington Department of Ecology to EPA. ''Washington State's Visibility Protection Program (10/3/83),'' except Section V. B. ''New Source Review,'' Appendix A—''Proposed Best Available Retrofit Technology Regulation'' and Appendix B—''Proposed New Source Review Regulations'' adopted by the State of Washington Department of Ecology on January 5, 1984;

(D) Appendix K (''The State of Washington Department of Natural Resources Air Quality-Prescribed Burning Smoke Management Program'') revised June 1975.

(37) On April 28, 1983, the State of Washington Department of Ecology submitted amendments to the State of Washington sulfur dioxide emission limitation. These amendments clarify the averaging time for the sulfur dioxide emission limitation in WAC 173–400–040(6).

(i) Incorporation by reference.

(A) Letter dated April 28, 1983, from the Director of the Department of Ecology to EPA Region 10 amending the State of Washington State Implementation Plan.

(B) Washington Administrative Code [WAC] Chapter 173–400 [General Regulations for Air Pollution Sources], –040 [General Standard for Maximum Emissions], (6) [Sulfur Dioxide] introductory sentence adopted into state law by the State of Washington Department of Ecology on March 30, 1983 and became effective on May 11, 1983.

(38) On January 23, 1989 and May 14, 1991 the Director of the Department of Ecology submitted amended regulations as revisions to the Washington state implementation plan. EPA has approved the following as revisions to the implementation plan: WAC 173–400 (except for –040(1) (c) and (d); –040(2); –040(4); the second paragraph of –040(6); the exception provision in –050(3); –070(7); –075; –115; –120; –131; –136; –141; and –180) as in effect on March 22, 1991; the repeal of WAC 173–403 as in effect on March 22, 1991; WAC 173–405 (except for –033; –035; –040(1)(b); –040(1)(c); –040(3)(b); –040(3)(c); –040(4); –040(7); –040(8); –040(9); and –072(2)) as in effect on March 22, 1991; WAC 173–410 (except for –035; the exception provision in –040(3); and –040(5)) as in effect on March 22, 1991; WAC 173–415 (except for –020(1); –020(2); –030(1); –030(3)(b); –040; and –060(1) (a), (b), and (d)) as in effect on March 22, 1991; WAC 173–425 as in effect on October 18, 1990; WAC 173–430 as in effect on October 18, 1990; WAC 173–433 as in effect on October 18, 1990; WAC 173–434 (except for –110, –120, and –130(2)) as in effect on October 18, 1990; WAC 173–435 (except for –070(1)); as in effect on January 3, 1989; WAC 173–440 as in effect on October 18, 1990; WAC 173–470 (except for –110 and –150) as in effect on January 3, 1989.

(i) Incorporation by reference.

(A) January 23, 1989, letter from the Director of the Department of Ecology to EPA Region 10 submitting amendments to the Washington state implementation plan.

(B) May 14, 1991, letter from the Director of the Department of Ecology to EPA Region 10 submitting amendments to the Washington state implementation plan.

(C) Washington Administrative Code, Chapter 173–400 (General Regulations for Air Pollution Sources) (except for –040(1) (c) and (d), –040(2), –040(4), the second paragraph of –040(6), the exception provision in –050(3), –070(7), –075, –115, –120, –131, –136, –141, and –180) as in effect 3/22/91; Washington Administrative Code, Chapter 173–405 (Kraft Pulp Mills) (except for –033; –035; –040(1)(b), (1)(c), (3)(b), (3)(c), and (4); –040 (7), (8), and (9); and –072(2)) as in effect 3/22/91; Washington Administrative Code Chapter 173–410 (Sulfite Pulping Mills) (except for 035; the exception provision in –040(3); and –040(5)) as in effect 3/22/91; Washington Administrative Code Chapter 173–415 (Primary Aluminum Plants) (except for –020 (1) and (2); –030(1); –030(3)(b); –040; and –060(1) (a), (b), and (d)) as in effect 3/22/91; Washington Administrative Code Chapter 173–425 (Open Burning) as in effect 10/18/90; Washington Administrative Code Chapter 173–430 (Burning of Field and Forage and Turf Grasses Grown for Seed) as in effect 10/18/90; Washington Administrative Code Chapter 173–433 (Solid

Fuel Burning Device Standards) as in effect 10/18/90; Washington Administrative Code Chapter 173–434 (except for –110, –120, and –130(2)) as in effect 10/18/90; Washington Administrative Code Chapter 173–435 (Emergency Episode Plan) (except for–070(1)) as in effect 1/3/89; Washington Administrative Code Chapter 173–440 (Sensitive Areas) as in effect 10/18/90; and Washington Administrative Code Chapter 173–470 (Ambient Air Quality Standards for Particulate Matter) (except for –110 and –150) as in effect 1/3/89.

(39) On May 14, 1991, the Director of the Department of Ecology submitted revisions to the State of Washington Implementation plans for volatile organic compound emissions (WAC 173–490 ''Emission Standards and Controls for Sources Emitting Volatile Compounds'') attainment from stationary sources in ozone nonattainment areas.

(i) Incorporation by reference.

(A) May 14, 1991, letter from Washington Department of Ecology to EPA Region 10 submitting the VOC nonattainment area state implementation plan for Washington.

(B) WAC 173–490 ''Emission Standards and Controls for Sources Emitting Volatile Compounds'' as adopted on February 19, 1991, and became effective on March 22, 1991.

(40) On November 15, 1991, EPA received the Washington Department of Ecology submission for a $PM_{10}$ nonattainment area state implementation plan for Kent, Washington.

(i) Incorporation by reference.

(A) November 5, 1990, letter from Washington Department of Ecology to EPA Region 10 submitting the $PM_{10}$ nonattainment area state implementation plan for Kent, Washington.

(B) The $PM_{10}$ nonattainment area state implementation plan for Kent, Washington as adopted by the Washington Department of Ecology on November 3, 1990, and effective on November 3, 1991.

(C) December 27, 1990, letter from Washington Department of Ecology to EPA Region 10 submitting an addendum to the $PM_{10}$ nonattainment area state implementation plan for Kent, Washington.

(D) $PM_{10}$ SIP addendum, dated June 5, 1990, to the $PM_{10}$ Kent, Washington state implementation plan.

(E) November 15, 1991, letter from Washington Department of Ecology to EPA Region 10 submitting a supplement to the $PM_{10}$ nonattainment area state implementation plan for Kent, Washington.

(F) $PM_{10}$ SIP supplement, dated November 1991, to the $PM_{10}$ Kent, Washington state implementation plan.

(41) On February 17, 1989, and November 15, 1991, the State of Washington Department of Ecology submitted $PM_{10}$ nonattainment area state implementation plan revisions for Thurston County, Washington.

(i) Incorporation by reference.

(A) February 17, 1989, letter from Washington Department of Ecology to EPA Region 10 submitting the $PM_{10}$ nonattainment area state implementation plan for Thurston County, Washington.

(B) The $PM_{10}$ nonattainment area state implementation plan for Thurston County, Washington, as adopted by the Washington Department of Ecology on February 8, 1989.

(C) November 15, 1991, letter from Washington Department of Ecology to EPA Region 10 submitting revisions to the $PM_{10}$ nonattainment area state implementation plan for Thurston County, Washington.

(D) Revision to the $PM_{10}$ nonattainment area state implementation plan for Thurston County, Washington, as adopted by the Washington Department of Ecology on November 14, 1991.

(42) On January 22, 1993, the State of Washington Department of Ecology submitted revisions to the State Implementation Plan for the State of Washington addressing the attainment and maintenance of the National Ambient Air Quality Standards for carbon monoxide in the King, Pierce, Snohomish, Clark and Spokane Counties.

(i) Incorporation by reference.

(A) January 22, 1993, letters from the State of Washington Department of Ecology to EPA Region 10 submitting amendments to the Washington State Implementation Plan for Carbon Monoxide in the King, Pierce, Snohomish, Clark, and Spokane Counties.

(B) Supplements to the State Implementation Plan for Washington State—a plan for attaining and maintaining National Ambient Air Quality Standards (NAAQS) for the Spokane Carbon Monoxide Nonattainment Area, Vancouver Air Quality Maintenance Area, and Puget Sound Carbon Monoxide Nonattainment Area, adopted on January 22, 1993.

(C) State Regulations Appendix B-Part 2, ''Motor Fuel Specifications for Oxygenated Gasoline, Chapter 173–492 WAC,'' of the Washington State SIP appendices, adopted October 6, 1992.

(D) State Policies and Guidelines Appendix D, ''Oxygenated Gasoline Program, Implementation Guidelines, Washington State Department of Ecology, September 1992.''

(43) On September 11, 1992 and October 8, 1993 the Director of the WDOE submitted revisions to PSAPCA's rules for the control of air pollution in Pierce, King, Snohomish, and Kitsap Counties, Washington as revisions to the Washington SIP. These revisions superseded and replaced previously submitted rules by PSAPCA.

(i) Incorporation by reference.

(A) September 11, 1992 letter from the Director of WDOE to EPA Region 10 submitting revisions to PSAPCA's rules for the control of air pollution in King, Pierce, Snohomish, and Kitsap Counties, Washington, for inclusion into the Washington SIP.

(B) Regulations I, II, and III as adopted by the Board of Directors, PSAPCA, and submitted through the WDOE to EPA Region 10, as a revision to the SIP, with a WDOE adopted date of September 16, 1992.

(C) October 8, 1993 letter from the Director of WDOE to EPA Region 10 submitting revisions to PSAPCA's rules for the control of air pollution in King, Pierce, Snohomish, and Kitsap Counties, Washington, for inclusion into the Washington SIP.

(D) Regulations I, II, and III as adopted by the Board of Directors, PSAPCA, and submitted through WDOE to EPA Region 10, as a revision to the SIP, with a WDOE adopted date of October 18, 1993.

(44) On September 22, 1993, the state of Washington, through the Washington State Department of Ecology, submitted a request to redesignate Tacoma to attainment for sulfur dioxide ($SO_2$).

(i) Incorporation by reference.

(A) September 22, 1993 letter from Washington State Department of Ecology to EPA Region 10 submitting a redesignation request for the Tacoma $SO_2$ Air Quality Maintenance Area (AQMA).

(45) On November 16, 1992 the Director of the Washington State Department of Ecology submitted ''State Implementation Plan for the Washington State Business Assistance Program,'' adopted November 13, 1992, as a revision to the Washington SIP.

(i) Incorporation by reference.

(A) November 13, 1992 letter from the Director of the Washington State Department of Ecology submitting ''State Implementation Plan for the Washington State Business Assistance Program'' to EPA.

(B) *State Implementation Plan for the Washington State Business Assistance Program,* including Appendix B, Revised Code of Washington (RCW) 70.94.035; Appendix D, Washington Administrative Code 173–400–180; Appendix E, RCW 70.94.181; and Appendix F, Business Assistance Program Guidelines (and exluding Appendices A, C, and G), dated November 1992, and adopted November 13, 1992.

(46) On January 28, 1993 the State of Washington submitted a SIP revision for the purpose of implementing an emission statement program for stationary sources within the Vancouver Air Quality Maintenance Area and the Central Puget Sound Ozone Nonattainment Area. The implementation plan was submitted by the State to satisfy the Federal requirements for an emission statement program as part of the SIP for Washington State.

(i) Incorporation by reference.

(A) Letters dated January 22, 1993 from the Director of the Washington Department of Ecology to EPA Region 10 amending the Washington SIP for both the Vancouver and Central Puget Sound areas.

(B) ''Supplement to the SIP for Washington State, A Plan for Attaining and Maintaining National Ambient Air Quality Standards for Ozone in

Central Puget Sound,'' sections 6.0, 6.1, and 6.2, adopted January 22, 1993.

(C) ''Supplement to the SIP for Washington State, A Plan for Attaining and Maintaining National Ambient Air Quality Standards for Ozone in the Vancouver Air Quality Maintenance Area,'' sections 7.0, 7.1, 7.2, and 7.3, adopted January 22, 1993.

(47) On November 5, 1990, December 27, 1990, November 15, 1991 and May 11, 1994 the Director of WDOE submitted to EPA SIP revisions for the purpose of bringing about attainment of the National ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). The implementation plan was submitted by the State to satisfy certain Federal Clean Air Act requirements for an approvable moderate nonattainment area PM–10 SIP for Seattle, Washington.

(i) Incorporation by reference.

(A) Letters dated November 5, 1990, December 27, 1990, November 13, 1991 and May 2, 1994, from WDOE to EPA submitting the revisions to the SIP for the State of Washington.

(B) Revisions to the Washington SIP for the purpose of bringing about attainment of the National ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10):

(*1*) A Plan for Attaining and Maintaining the National Ambient Air Quality Standard for PM–10 in the Seattle Duwamish Valley, September 1989, adopted November 3, 1990;

(*2*) Resolution No. 639 (amendments to the PM–10 attainment and maintenance strategy), adopted December 8, 1988;

(*3*) State Implementation Plan for Particulate Matter in the Seattle Duwamish Valley, Supplement, dated November 1991, adopted November 14, 1991; and

(*4*) State Implementation Plan for Particulate Matter in the Seattle Duwamish Valley, Supplement, dated January 1, 1994, adopted May 4, 1994.

(48) On November 15, 1991, the Director of WDOE submitted to EPA a PM–10 nonattainment area SIP revision for the purpose of bringing about attainment of the National ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). The implementation plan was submitted by the State to satisfy certain Federal Clean Air Act requirements for an approvable moderate nonattainment area PM–10 SIP for Tacoma, Washington.

(i) Incorporation by reference.

(A) Letters dated November 13, 1991 and June 30, 1994 from WDOE to EPA submitting revisions to the State of Washington SIP.

(B) *State Implementation Plan for Particulate Matter in the Tacoma Tideflats, Pierce County*, including appendices A-F, dated November 1991, and adopted November 14, 1991.

(49) On November 10, 1993, the State of Washington Department of Ecology submitted a CO State Implementation Plan for Clark County, Washington.

(i) Incorporation by reference.

(A) November 10, 1993 letter from the State of Washington Department of Ecology to EPA Region 10 submitting the CO State Implementation Plan for Clark County, Washington.

(B) Supplement to a Plan for Attaining and Maintaining National Ambient Air Quality Standards for Carbon Monoxide in the Vancouver Air Quality Maintenance Area, Replacement Pages, as adopted by the Washington State Department of Ecology on November 15, 1993.

(50) By a letter dated December 29, 1993, the Director of WDOE submitted to the Regional Administrator of EPA a revision to the Washington SIP updating the regulations from the Northwest Air Pollution Authority.

(i) Incorporation by reference.

(A) The December 29, 1993 letter from the Director of the Washington State Department of Ecology submitting the Northwest Air Pollution Authority Regulations as a revision to the Washington SIP.

(B) Regulations of the Northwest Air Pollution Authority—sections 100, 101, 102, 103, 104.1, 105, 106, 110, 111, 112, 113, 114, 120, 121, 122, 123, 124, 130, 131, 132, 133, 134, 135, 140, 145, 150, 180, 200, 300, 301, 302, 303, 310, 320, 321, 322, 323, 324, 325, 340, 341, 342, 360, 365, 366, 400, 401, 410, 420, 421, 424, 450, 451, 452 (except for

452.5.), 455, 458, 460, 462, 466, 510, 520, 550, 560, and 580, effective on September 8, 1993.

(51) On April 11, 1994 the Washington Department of Ecology (WDOE) submitted the Southwest Air Pollution Control Authority (SWAPCA) 400 General Regulations for Air Pollution Sources as a revision to the Washington State Implementation Plan (SIP).

(i) Incorporation by reference.

(A) April 11, 1994 letter from the Director of WDOE to EPA Region 10 submitting the Southwest Air Pollution Control Authority SWAPCA 400 Regulation, General Regulations for Air Pollution Sources.

(B) Regulations of the Southwest Air Pollution Control Authority—Sections 010; 020; 030 except the second sentences of (14) and (43); 040 except (1)(c) and (1)(d) (2) (4) and the exception provision of (6)(a); 050 except the exception provision of (3); 052; 060; 070 except (7); 081; 090; 100 except the first sentence of (3)(a)(iv) and (5); 101; 105; 107; 110; 112; 113; 114; 151; 161; 171; 190; 200; 205; 210; 220; 230; 240; 250; and 260, effective on November 8, 1993.

(52) On December 6, 1994, the Director of WDOE submitted to EPA a contingency measure SIP revision for the Puget Sound Carbon Monoxide Nonattainment Area to satisfy certain applicable requirements of the Act.

(i) Incorporation by reference.

(A) Letter dated November 30, 1994 from WDOE to EPA submitting the CO revision for the Puget Sound area and, ''A Plan for Attaining and Maintaining National Ambient Air Quality Standards for the Puget Sound Carbon Monoxide Nonattainment Area,'' replacement pages 10–1 through 10–3, dated November 16, 1994, adopted November 29, 1994, and Attachment B of Addendum E, ''Contingency Measure Plan Element for the Central Puget Sound Region Carbon Monoxide State Implementation Plan—Final Plan,'' pages 1–15, dated May 26, 1994, and adopted November 29, 1994.

(53) Various minor revisions consisting of amended regulations affecting a local air agency, the Puget Sound Air Pollution Control Agency, and a recodified Table of Contents for the SIP were submitted to EPA from WDOE for inclusion into the Washington SIP.

(i) Incorporation by reference.

(A) Letters dated April 28, May 25, and December 5, 1994 from the Director of the Washington State Department of Ecology to the EPA Regional Administrator submitting minor revisions to PSAPCA's regulations for inclusion into the SIP: Puget Sound Air Pollution Control Agency, Regulations I, II, and III, adopted on May 4, 1994; Puget Sound Air Pollution Control Agency, Regulations I, II, and III, adopted on May 25, 1994; and Puget Sound Air Pollution Control Agency, Regulations I, II, and III, adopted on December 8, 1994.

(B) Letter dated January 26, 1995 from the Director of the Washington State Department of Ecology to the EPA Regional Administrator submitting the Recodified SIP Table of Contents, dated January 1995, and adopted on February 1, 1995.

(54) On March 8, 1994, the Director of WDOE submitted to the Regional Administrator of EPA numerous revisions to the State of Washington Implementation Plan which included updated new source review regulations and provisions for voluntary limits on a source's potential to emit. The revisions were submitted in accordance with the requirements of section 110 and Part D of the Clean Air Act (hereinafter the Act).

(i) Incorporation by reference.

(A) March 8, 1994 and May 8, 1995 letters from WDOE to EPA submitting requests for revisions to the Washington SIP consisting of an amended state regulation; Chapter 173–400 Washington Administrative Code General Regulations for Air Pollution Sources, adopted on August 20, 1993, in its entirety with the exception of the following sections: –040(1)(c) and (d); –040(2); –040(4); the second paragraph of –040(6); the exception provision in –050(3); –070(7); –075; –112(8); –113(5); –114; –115; –120; –131; –136; –141; and –180.

(55) On January 22, 1993 the Director of the Washington State Department of Ecology (WDOE) submitted the amendment to the Washington SIP for Carbon Monoxide (CO) in the King, Pierce, and Snohomish Counties' Urbanized Areas.

(i) Incorporation by reference.

(A) The January 22, 1993 letter from the Director of the WDOE submitting the Amendment to the Washington SIP for Carbon Monoxide in the King, Pierce, and Snohomish Counties' Urbanized Areas to EPA, ''Supplement to the SIP for Washington State, Puget Sound Carbon Monoxide Nonattainment Area, January 1993,'' Section 6.0 Vehicle Miles Traveled Forecasting and Tracking, adopted on January 22, 1993.

(ii) Additional material.

(A) VMT supplements to include the VMT Tracking Report data required for the Puget Sound CO Nonattainment Areas, dated October 13, 1994 and September 19, 1994.

(56) On February 14, 1995, the Director for the Washington State Department of Ecology (WDOE) submitted amended regulations for the Northwest Air Pollution Authority (NWAPA) as a revision to the Washington State Implementation Plan (SIP).

(i) Incorporation by reference.

(A) The February 7, 1995 letter from the Director of WDOE submitting the amended NWAPA regulations to the Environmental Protection Agency (EPA); the Northwest Air Pollution Authority Regulations (approving sections 104.1, 132, 133, 200, 300, 301, 302, 322, 324 (except for 324.121), 340, 451, 462, 580) adopted on February 10, 1995.

(57) On May 2, 1995, WDOE submitted to EPA revisions to the Washington SIP addressing the conditional approval of the State Implementation Plan (SIP) for particulate matter (PM10) in the Tacoma TIdeflats PM10 Nonattainment Area.

(i) Incorporation by reference.

(A) May 2, 1995 letter from WDOE to EPA Region submitting the SIP revision for Particulate Matter in the Tacoma Tideflats, A Plan for Attaining and Maintaining the National Ambient Air Quality Standard for PM10, Supplement May 1995, adopted on May 4, 1995.

(58) On February 21, 1995 and May 11, 1994, WDOE submitted to EPA revisions to the Washington SIP addressing the contingency measures for the Seattle and Kent PM–10 nonattainment plans.

(i) Incorporation by reference.

(A) February 21, 1995 letter from the Washington Department of Ecology to EPA Region 10 submitting PSAPCA Section 13.07—Contingency Plan, adopted December 8, 1994, as a revision to the Seattle PM–10 attainment plan and the Washington SIP.

(B) May 11, 1994 letter from WDOE to EPA Region 10 submitting clarifying documentation to the contingency measure for Kent Valley PM–10 attainment plan.

(59) Various minor revisions consisting of amended regulations affecting a local air agency, PSAPCA, were submitted to EPA from the WDOE for inclusion into the Washington SIP.

(i) Incorporation by reference.

(A) Letters dated May 17, and September 7, 1995 from the Director of the WDOE to the EPA Regional Administrator submitting minor revisions to PSAPCA's regulations for inclusion into the SIP: PSAPCA, Regulation I adopted on May 22, 1995; PSAPCA, Regulation III adopted on September 11, 1995.

(60) On November 29, 1995 the Director of WDOE submitted to the Regional Administrator of EPA the Energy Facility Site Evaluation Council Regulations (EFSEC) as a revision to the Washington State Implementation Plan (SIP).

(i) Incorporation by reference.

(A) The November 29, 1995 letter from WDOE to EPA submitting requests for revisions to the Washington SIP to include the Energy Facility Site Evaluation Council Regulations; EFSEC Regulation Chapter 463–39 Washington Administrative Code General and Operating Permit Regulations for Air Pollution Sources, (excluding the following sections: 005 (2) through (4); –070; –090; –105; –115; –140; those portions of –005(1), –020, –030, –095, –100, and –120 containing any reference to regulations or provisions of regulations in Chapters 173–400, 173–401, 173–406, 173–460, or 463–58a) adopted on November 16, 1995.

(61) SIP revisions received from WDOE on August 21, 1995, requiring vehicle owners to comply with its I/M program in the two Washington ozone nonattainment areas classified as ''marginal'' and in the three carbon monoxide nonattainment areas classified as ''moderate''. This revision applies to the Washington counties of

Clark, King, Pierce, Snohomish, and Spokane.

(i) Incorporation by reference.

(A) July 26, 1995 letter from Director of WDOE to the Regional Administrator of EPA submitting revisions to WDOE's SIP consisting of the July 1995 *Washington State Implementation Plan for the Motor Vehicle Inspection and Maintenance Program* (including Appendices A through F), adopted August 1, 1995, and a supplement letter and ''Tools and Resources'' table dated May 10, 1996.

(62) On September 30, 1994, the Director of WDOE submitted to the Regional Administrator of EPA a revision to the Carbon Monoxide State Implementation Plan for, among other things, the CO attainment demonstration for the Central Puget Sound carbon monoxide nonattainment area. This was submitted to satisfy federal requirements under section 187(a)(7) of the Clean Air Act, as amended in 1990, as a revision to the carbon monoxide State Implementation Plan.

(i) Incorporation by reference.

(A) September 30, 1994, letter from WDOE to EPA submitting an attainment demonstration revision for the Central Puget Sound CO nonattainment area (adopted on September 30, 1994); a supplement letter and document from WDOE, ''Reexamination of Carbon Monoxide Attainment Demonstration for the Tacoma Carbon Monoxide Monitoring Site for the Supplement to the State Implementation Plan for Washington State, A Plan for Attaining and Maintaining National Ambient Air Quality Standards for Carbon Monoxide in the Puget Sound Nonattainment Area,'' dated May 10, 1996; and a supplement letter and document from WDOE, ''Revisions to the May 1996 Reexamination of Carbon Monoxide Attainment Demonstration for the Tacoma Carbon Monoxide Monitoring Site'', dated September 12, 1996.

(63) On September 30, 1994, the Director of WDOE submitted to the Regional Administrator of EPA a revision to the carbon monoxide State Implementation Plan for, among other things, the 1990 and 1995 Emission Inventories for Area, Nonhighway Mobile, and On-Road Mobile Sources.

(i) Incorporation by reference.

(A) September 30, 1994, letter from WDOE to EPA submitting emission inventories for the Puget Sound CO nonattainment area (adopted on September 30, 1994); NonHighway Mobile Sources Emission Inventory for Carbon Monoxide and Precursors of Ozone for King, Pierce and Snohomish Counties Base Year 1990, dated December 1993; Stationary Area Sources Emission Inventory for Carbon Monoxide and Precursors of Ozone for King, Pierce and Snohomish Counties Base Year 1990, dated December 1993; Stationary Area Sources Emission Inventory for Carbon Monoxide and Precursors of Ozone for King, Pierce and Snohomish Counties Projection Year 1995, dated September 1994; Supplement to the SIP, ''Puget Sound Carbon Monoxide Nonattainment Area,'' Replacement Pages, dated September 1994; Non-Road Mobile Sources Emission Inventory for Carbon Monoxide and Precursors of Ozone for King, Pierce and Snohomish Counties, Base Year 1990, dated September 1994; Non-Highway Mobile Sources Projections for 1995 Emission Inventory for Carbon Monoxide and Precursors of Ozone for King, Pierce and Snohomish Counties, dated September 1994; Seattle-Tacoma Urban Carbon Monoxide Nonattainment Area 1990 Base Year On Road Mobile Source Emissions Inventory, dated August 1994; and Seattle-Tacoma Urban Carbon Monoxide Nonattainment Area 1995 Projected Year On Road Mobile Source Emissions Inventory, dated August 1994.

(64) Minor revisions consisting of amended regulations affecting WDOE and a local air agency, PSAPCA, were submitted to EPA from WDOE for inclusion into the Washington SIP.

(i) Incorporation by reference.

(A) Letters dated January 26, 1995 and December 27, 1995 from the Director of the WDOE to the EPA Regional Administrator which included deletion of two regulations from the Washington SIP (Chapter 173–402 WAC Civil Sanctions under Washington Clean Air Act, and Chapter 173–440 WAC Sensitive Areas), adopted on February 1, 1995, and the following revisions to PSAPCA's regulations for inclusion into the SIP: Regulation I, Section 3.11

Civil Penalties, Section 5.07 Registration Fees, and Section 5.11 Registration of Oxygenated Gasoline Blenders; and Regulation III, Section 1.01 Policy, all adopted on September 14, 1995.

(65) Several minor revisions consisting of amended regulations affecting a local air agency, the Puget Sound Air Pollution Control Agency, were submitted to EPA from the Washington State Department of Ecology for inclusion into the Washington State Implementation Plan.

(i) Incorporation by reference.

(A) Letter dated May 24, 1996 from the Director of the Washington State Department of Ecology to the EPA Regional Administrator submitting revisions to the Puget Sound Air Pollution Control Agency regulations for inclusion into the State Implementation Plan: Puget Sound Air Pollution Control Agency, Regulation I, Article 8, Outdoor Fires, sections 8.02, Outdoor Fires-Prohibited Types, and 8.05, Agricultural Burning, effective 3/14/96; Puget Sound Air Pollution Control Agency, Regulation III, Article 3, Source-Specific Emission Standards, section 3.03, Perchloroethylene Dry Cleaners, effective 12/14/95.

(66) On March 4, 1996 the Director of WDOE submitted to the Regional Administrator of EPA a revision to the Ozone State Implementation Plan for the Puget Sound area requesting the Puget Sound Nonattainment Area be reclassified to attainment and containing a maintenance plan that demonstrates continued attainment of the NAAQS for ozone. The emission inventory projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Letter submitted on March 4, 1996 from the Washington State Department of Ecology requesting the redesignation and submitting the maintenance plan; Central Puget Sound Region Redesignation Request and Maintenance Plan for the National Ambient Ozone Standard adopted on Febuary 6, 1996.

(ii) Additional material.

(A) Appendices to the Central Puget Sound Region Redesignation Request and Maintenance Plan for the National Ambient Ozone Standard, November 1995: Appendix A, Technical Analysis Protocol; Appendix B, Ozone Air Quality Monitoring Site Network; Appendix C, Ambient Ozone Monitoring Data; Appendix D, Historical and Projected Puget Sound Region VMT and Employment; Appendix E, 1993–2010 Emission Inventory Projection; Appendix F, Transportation Conformity Process; Appendix G, Outline of Puget Sound Tropospheric Ozone Research Plan; and Appendix H, Prospective Vehicle Inspection and Maintenance (Vehicle I/M) Program Evaluation Outline.

(67) On February 29, 1996 the Director of WDOE submitted to the Regional Administrator of EPA a revision to the Carbon Monoxide State Implementation Plan for the Central Puget Sound area containing a maintenance plan that demonstrated continued attainment of the NAAQS for carbon monoxide through the year 2010 and also containing an oxygenated fuels program as a contingency measure to be implemented if the area violates the CO NAAQS.

(i) Incorporation by reference.

(A) The February 29, 1996 letter from WDOE to EPA requesting the redesignation of the Puget Sound carbon monoxide nonattainment area to attainment and submitting the maintenance plan; the Central Puget Sound Region Redesignation Request and Maintenance Plan for the National Ambient Carbon Monoxide Standard dated January 1996.

(ii) Additional material.

(A) Letter dated May 2, 1996, to EPA from the Puget Sound Air Pollution Control Agency, subject ''Carbon Monoxide SIP Applicability on Indian Lands;'' and Appendices to the Puget Sound Region Redesignation Request and Maintenance Plan for the National Ambient Carbon Monoxide Standard dated January 1996: Appendix A, Technical Analysis Protocol; Appendix B, Carbon Monoxide Air Quality Data Monitoring Network; Appendix C, Ambient Carbon Monoxide Monitoring Data; Appendix D, Historical and Projected Puget Sound Region VMT and Employment; Appendix E, Emission Inventory Projection; Appendix F, Analysis of the Probability of Continued CO Attainment in Puget Sound; and Appendix G, Transportation Conformity Process.

(68) On March 19, 1996, the Director of Washington State Department of Ecology (Washington) submitted to the Regional Administrator of EPA a revision to the Carbon Monoxide State Implementation Plan for the Vancouver area containing a maintenance plan that demonstrated continued attainment of the NAAQS for carbon monoxide through the year 2006 and also containing an oxygenated fuels program as a contingency measure to be implemented if the area violates the CO NAAQS.

(i) Incorporation by reference.

(A) Letter dated March 19, 1996 from Washington to EPA requesting the redesignation of the Vancouver carbon monoxide nonattainment area to attainment and submitting the maintenance plan; the ''Supplement to the State Implementation Plan for Carbon Monoxide (CO) in Vancouver, WA—Redesignation Request for Vancouver, WA as Attainment for CO,'' dated December 19, 1995, and adopted on February 29, 1996.

(B) Letters dated January 22, 1993 and April 22, 1994 from Washington to EPA submitting a revision and replacement pages to the State Implementation Plan; enclosure dated November 1992 entitled ''Portland-Vancouver Carbon Monoxide Non-attainment Area (Washington State Portion), 1990 Base Year Emissions Inventory,'' together with the emission inventory replacement pages for carbon monoxide in Vancouver, dated December 1993.

(ii) Additional material.

(A) Appendices to the Vancouver Area Redesignation Request and Maintenance Plan for the National Ambient Carbon Monoxide Standard dated December 1995: Appendix A, Technical Analysis Protocol; Appendix B, Carbon Monoxide Air Quality Data Monitoring Network; Appendix C, Carbon Monoxide Saturation Study; Appendix D, Carbon Monoxide Air Quality Monitoring Data; Appendix E, Emission Inventory; Appendix F, Conformity Process; Appendix G, Historical and Projected Population, Employment and Households; Appendix H, Portland/Vancouver Carbon Monoxide Nonattainment Area Separation Documentation; Appendix I, Washington Department of Ecology Vancouver Carbon Monoxide Study; and Appendix J, Maintenance Planning Process.

(69) EPA received from the Washington Department of Ecology $PM_{10}$ nonattainment area plans for Wallula and Spokane, Washington, as revisions to the Washington state implementation plan.

(i) Incorporation by reference.

(A) November 13, 1991 letter from Washington Department of Ecology (WDOE) to EPA Region 10 submitting the *State Implementation Plan for Particulate Matter in the Wallula Study Area, A Plan for Attaining and Maintaining the National Ambient Air Quality Standard for* $PM_{10}$ (including Appendices ''D'' (Exceptional Events Analysis), ''E'' (Reasonably Available Control Measure Analysis), ''F'' (Reasonably Available Control Technical Analysis of Boise Cascade, Wallula), and ''H'' (Discussion of Modified Attainment Demonstration)), adopted November 14, 1991; May 18, 1993 letter from WDOE forwarding a report titled, ''Addendum to the State Implementation Plan for the Wallula PM–10 Nonattainment Area, Reasonably Available Control Measure Analysis'', further describing the control measures being implemented in the area; June 23, 1994 letter from WDOE providing additional information describing the status of the control measures and forwarding an analysis of windblown dust in the area; April 28 and May 18, 1995, letters from WDOE to EPA Region 10, providing additional information on the allowable and fugitive emissions for point sources and air quality dispersion modeling; June 1, 1995, letter from WDOE providing information on allowable emissions; and a September 6, 1995, letter from WDOE forwarding a revised emission inventory for point sources within the Wallula nonattainment area.

(B) December 9, 1994, letter from WDOE submitting the Spokane $PM_{10}$ Attainment Plan (including Appendices ''C'' (Analysis of $PM_{10}$ Data/Exceedances of the 24-Hour Standard), ''E'' (Detailed Analysis of Dust Storms/Analysis of the Impact of Biogenic $PM_{10}$ Sources), ''F'' (Analysis of $PM_{10}$ Data/Exceedances of the 24–Hour Standard, Excluding Dust Storms), ''I''

(Reasonable Available Control Measures Analysis), ''J,'' (Additional Controls/Contingency Measures), ''K,'' (Dispersion Modelling and Attainment Demonstration), and ''L,'' (Demonstration of Attainment of the Annual Standard)), dated December 1994, and adopted December 12, 1994;

(C) Spokane County Air Pollution Control Authority (SCAPCA) Order No. 91–01 providing for an alternate opacity limit for the Kaiser Aluminum and Chemical Corporation, Trentwood aluminum facility; SCAPCA Orders 96–03, 96–04, 96–05 and 96–06 (all dated April 24, 1996) lowering the potential to emit for the Kaiser Aluminum—Trentwood facility; and

(D) SCAPCA regulations: Article VI, section 6.05, ''Particulate Matter and Preventing Particulate Matter from Becoming Airborne,'' section 6.14, ''Standards for Control of Particulate Matter on Paved Surfaces,'' and section 6.15, ''Standards for Control of Particulate Matter on Unpaved Roads;'' (effective November 12, 1993); and Article VIII, ''Solid Fuel Burning Device Standards,'' (adopted April 7, 1988).

(ii) Additional material.

(A) SCAPCA's zoning ordinance provisions requiring the paving of new parking lots (4.17.059 and 4.802.080 of the Zoning Code of Spokane County, dated 5/24/90).

(70) On January 24, 1996 the Director of WDOE submitted to the Regional Administrator of EPA regulations of the SWAPCA for the control of air pollution in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties, Washington (SWAPCA 400—General Regulation for Air Pollution Sources).

(i) Incorporation by reference.

(A) The January 24, 1996, letter from WDOE to EPA submitting requests for revisions to the Washington SIP to include regulations of the SWAPCA for the control air of pollution in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties, Washington, as revisions to the Washington SIP, State-effective September 21, 1995. EPA is approving the following sections of SWAPCA 400—General Regulation for Air Pollution Sources: 010; 020; 030 except the second sentence of (14), (45) and (80); 040 except (1)(c), (1)(d), (2), (4) and (6)(a); 050 except the exception provision of (3); 052; 060; 070 except (5); 074; 081; 091; 100 except the first sentence of (3)(a)(iv) and (4); 101; 105; 107; 109 except for (3)(b), (3)(c), (3)(g), (3)(h), and (3)(i), 110; 112; 113; 114; 151; 161; 171; 190; 200; 205; 210; 220; 230; 240; 250; 260; 270; and 280.

(71) On March 6, 1996, the Director of the Washington State Department of Ecology (Ecology) submitted to the Regional Administrator of EPA a revision to the Puget Sound Air Pollution Control Agency Regulations, Regulations I, II, and III.

(i) Incorporation by reference.

(A) Letter dated August 6, 1996 from the Department of Ecology to EPA revising the Puget Sound Air Pollution Control Agency Regulations; Regulation II Section 3.11 (Coatings and Ink Manufacturing), effective on May 16, 1996; and Regulation III Section 3.01 (Hard and Decorative Chromium Electroplating and Chromium Anodizing), effective on July 18, 1996.

(72) On November 26, December 3, and December 11, 1996, the Director of the Washington State Department of Ecology (Washington) submitted to the Regional Administrator of EPA revisions to the State Implementation Plan consisting of amendments to Washington regulations which remove the requirement for oxygenated gasoline in the Vancouver and Central Puget Sound areas.

(i) Incorporation by reference.

(A) Chapter 173–492, Washington Administrative Code (WAC), Motor Fuel Specifications for Oxygenated Gasoline, adopted December 5, 1996; Southwest Air Pollution Control Authority (SWAPCA) 492, Oxygenated Fuels, effective November 21, 1996; and Puget Sound Air Pollution Control Agency, Regulation II, Section 2.09, Oxygenated Gasoline Contingency Measure and Fee Schedule, revised July 11, 1996.

(73) The Washington Department of Ecology (WDOE) and the Oregon Department of Environmental Quality (ODEQ) submitted Maintenance Plans that demonstrate continued attainment of the NAAQS for $O_3$ and requested redesignation of the Pdx/Van interstate nonattainment area from nonattainment to attainment for $O_3$.

The SIP revision requests were submitted by the WDOE on June 13, 1996, and by ODEQ on August 30, 1996. A number of other $O_3$ supporting revisions are included in this submittal they are: the 1990 $O_3$ Emission Inventories; changes to the NSR programs; regulations implementing the hybrid low enhanced I/M programs; an expanded vehicle inspection boundary; minor RACT rule changes (Vancouver only); Employee Commute Options rule (Portland only); Voluntary Parking Ratio rule (Portland only); PSEL management rules (Portland only); and local area source supporting rules.

(i) Incorporation by reference.

(A) Vancouver, Washington Ozone Maintenance Plan and Redesignation Request—state adopted June, 17, 1996.

(B) Washington Inspection and Maintenance SIP revision WAC 173 422–030, –050, –060, –070, –170, –190—State adopted November 9, 1996.

(C) NSR: SWAPCA 400–030 (except for the second sentence of subsections (14) and (49), and subsection (84)), 101, 109 (except subsections (3)(b), (3)(c), (3)(g), (3)(h), and (3)(i)), 110, 111, 112, 113, 114, 116, and 190, effective November 21, 1996.

(D) Supporting Rules.

(*1*) SWAPCA 491–010, –015, –020, –030, –040, –050, –060,—State-effective on November 1, 1996.

(*2*) SWAPCA 490–010, –020, –025, –030, –040, –080, –090, –200, –201, –202, –203, –204, –205, –207, –208—State effective November 21, 1996.

(*3*) SWAPCA 493–100, 493–200–010, –020, –030, –040, –050, –060, 493–300–010, –020, –030, –040, –050, –060, 493–400–010, –020, –030, –040, –050, –060, –070, 493–500–010, –020, –030, –040,—State effective May 26, 1996.

EDITORIAL NOTE: At 62 FR 42217, Aug. 6, 1997, the following paragraph (c)(73) was added to §52.2470; however, paragraph (c)(73) already exists in the 1997 edition.

(73) On November 26, 1996 and April 7, 1997, the Director of the Washington State Department of Ecology (Washington) submitted to the Regional Administration of EPA revisions to the State Implementation Plan consisting of minor amendments to Puget Sound Air Pollution Control Agency (PSAPCA) Regulations I and III.

(i) Incorporation by reference.

(A) PSAPC Regulations approved—Regulation I, Sections 3.11, 3.23, 5.02, 5.05, 5.07, 6.03, 7.09—State-adopted 9/12/96. Regulation III, Section 4.03—State-adopted 9/12/96. Regulation I, Sections 5.03 and 6.04—State-adopted 12/12/96. Regulation III, Sections 1.11, 2.01, and 2.05—State-adopted 12/12/96.

(74) On November 26, 1996 and April 7, 1997, the Director of the Washington State Department of Ecology (Washington) submitted to the Regional Administration of EPA revisions to the State Implementation Plan consisting of minor amendments to Puget Sound Air Pollution Control Agency (PSAPCA) Regulations I and III.

(i) Incorporation by reference.

(A) PSAPCA Regulations approved—Regulation I, Sections 3.11, 3.23, 5.02, 5.05, 5.07, 6.03, 7.09—State-adopted 9/12/96. Regulation III, Section 4.03—State-adopted 9/12/96. Regulation I, Sections 5.03 and 6.04—State-adopted 12/12/96. Regulation III, Sections 1.11, 2.01 and 2.05—State-adopted 12/12/96.

(75) On January 22, 1993, September 14, 1993, and April 30, 1996, the Director of the Washington Department of Ecology submitted to the Regional Administrator of EPA four revisions to the SIP consisting of amendments to the Spokane CO SIP.

(i) Incorporation by reference.

(A) Letter dated January 22, 1993, from Washington to EPA requesting approval of revisions to the Spokane CO portion of the Washington State Implementation Plan; the ''Supplement to the State Implementation Plan for Washington State, Spokane Carbon Monoxide Nonattainment Area,'' dated January 1993, Sections 6.0, 6.1, 6.3, and 6.4.

(B) Letter dated September 14, 1993, from Washington to EPA providing supplementary information to that submitted on January 22, 1993; ''Spokane County Carbon Monoxide Non-attainment Area 1990 Base Year Emissions Inventory,'' dated November 1992.

(C) Two letters dated April 30, 1996, from Washington to EPA submitting two revisions to the SIP; ''Supplement to A Plan for Attaining and Maintaining National Ambient Air Quality Standards for the Spokane Carbon Monoxide Nonattainment Area,'' dated March 1995; and ''Supplement to the

State Implementation Plan for Washington State, Spokane County Carbon Monoxide Nonattainment Area, Supplement 1 of 2,'' replacement pages for Sections 2.5 and 6.2 of Section 4.5.2.CO.1 of the State Implementation Plan, dated January 1996; ''Supplement to the State Implementation Plan for Washington State, Spokane County Carbon Monoxide Nonattainment Area, Supplement 2 of 2,'' new Section 10.0, Contingency Measures, of Section 4.5.2.CO.1 of the State Implementation Plan, dated January 1996; and Spokane County Air Pollution Control Authority Motor Fuel Specifications for Oxygenated Gasoline, Regulation I, Article VI, Section 6.16, adopted July 6, 1995.

(ii) Additional material.

(A) Letter of September 29, 1995, submitting CO Periodic Emission Inventory Reports; ''Spokane County Carbon Monoxide Nonattainment Area, 1993 Periodic Update Emissions Inventory,'' dated September 1995.

(76) On March 24, 1989, the Washington Department of Ecology submitted a plan for attaining and maintaining the NAAQS for PM10 in the Yakima PM10 moderate nonattainment area requesting EPA's review and approval. The plan was amended with additional submittals between 1992 and 1995.

(i) Incorporation by reference.

(A) The attainment plan is contained in the following documents: a submittal of March 24, 1989, adopted that same date, from Washington State Department of Ecology, titled, *State Implementation Plan for Particulate Matter—Yakima Area A Plan for Attaining and Maintaining the National Ambient Air Quality Standard for PM10*; a supplement to the plan adopted August 19, 1992, titled, *Supplement State Implementation Plan for Particulate Matter (PM10) in Yakima, WA* and an addendum adopted February 3, 1994 on contingency measures.

(B) Portions of Restated Regulation I of the Yakima County Clean Air Authority, effective December 15, 1995, including Article I; Article II except Section 2.01; Article III; Article IV; Article V except Section 5.09; Article VIII; Article IX; Article XI; Article XII except Section 12.02; and, Article XIII except Sections 13.04 and 13.05.

(ii) Additional material:

(A) August 19, 1992: A modeling and inventory supplement to the original plan.

(B) March 10, 1995: A supplemental information package primarily on emissions and modeling.

(C) June 27, 1995: A supplemental letter on monitoring, public notice and emissions.

(D) August 17, 1995: A supplemental emissions analysis.

(E) November 3, 1995: More emissions analysis and the maintenance demonstration.

(77) On December 30, 1997, the Director of the Washington State Department of Ecology submitted to the Regional Administration of EPA revisions to the State Implementation Plan consisting of minor amendments to Puget Sound Air Pollution Control Agency (PSAPCA) Regulation I.

(i) Incorporation by reference.

(A) PSAPCA Regulations approved—Regulation I, Sections 3.11, 5.05, 5.07, 6.04, 6.10—State-adopted 9/11/97.

(78) EPA approves a minor revision to the SIP dated January 8, 1998 to include a variance to a permit issued to the U.S. Army for the operation of three heat recovery incinerators located at Fort Lewis by local air pollution control agency, the Puget Sound Air Pollution Control Agency.

(i) Incorporation by reference.

(A) Puget Sound Air Pollution Control Agency, Notice of Construction No. 7216, Date: Nov 25, 1997.

(79) February 22, 1999, letter from WDOE submitting a revision and replacement pages to the State Implementation Plan for the Spokane PM–10 Attainment Plan that will preserve the applicability of Section 6.14 Standards for Control of Particulate Matter on Paved Surfaces, and Section 6.15 Standards for Control of Particulate Matter on Unpaved Roads, should the area be redesignated as attainment or the preexisting PM–10 standard is revoked for Spokane.

(i) Incorporation by reference.

(A) Spokane County Air Pollution Control Authority's Regulation I., Article VI: Section 6.14 Standards for Control of Particulate Matter on Paved

Surfaces and; Section 6.15 Standards for Control of Particulate Matter on Unpaved Roads, effective February 13, 1999.

(80) On August 16, 1999, the Washington State Department of Ecology submitted a maintenance plan and redesignation request for the Thurston County PM–10 nonattainment area (dated June 11, 1997). EPA approves the Thurston County, Washington PM–10 area maintenance plan and the redesignation to attainment.

(81) On August 23, 1999, the Washington State Department of Ecology requested the redesignation of Kent, Seattle, and Tacoma PM–10 nonattainment areas to attainment of the National Ambient Air Quality Standard for particulate matter. EPA approves the State's PM–10 maintenance plan for Kent, Seattle, and Tacoma and request for redesignation to attainment.

(i) Incorporation by reference.

(A) Revised Code of Washington (RCW) 70.94.477(2), dated 1995.

(B) RCW 70.94.457, dated 1995.

(ii) Additional Material.

(A) August 23, 1999, letter from Washington State Department of Ecology to EPA Region 10 submitting the PM–10 maintenance plan for Kent, Seattle, and Tacoma nonattainment areas of Washington.

(82) On November 5, 1999, the State of Washington, Department of Ecology submitted a revision to the Visibility SIP. EPA approves all provisions to the November 5, 1999 Visibility SIP revision including, but not limited to the 1998 Smoke Management Plan, and South West Air Pollution Control Agency, Reasonably Available Control Technology order on the Centralia Power plant. EPA is taking no action on Section VIII. Identification and Analysis for Best Available Retrofit Technology (BART) and Section X, New Source Review, of the November 5, 1999, Visibility SIP revision.

(i) Incorporation by reference.

(A) South West Air Pollution Control Agency (SWAPCA) regulatory order, SWAPCA 97–2057R1, Regulatory Order to Establish RACT Limits and Order of Approval, Adopted February 26, 1998.

(B) [Reserved]

(83) On December 17, 2003, the Washington Department of Ecology submitted carbon monoxide and ozone second 10-year maintenance plans. The State's maintenance plans, meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Puget Sound Clean Air Agency, Regulation I, Section 8.06, Outdoor Burning Ozone Contingency Measure, as in effect December 19, 2002.

(B) Puget Sound Clean Air Agency, Regulation II, Section 2.09, Oxygenated Gasoline Carbon Monoxide Contingency Measures and Fee Schedule, as in effect December 19, 2002.

(C) Puget Sound Clean Air Agency, Regulation II, Section 2.10, Gasoline Station Ozone Contingency Measure, as in effect December 19, 2002.

(84) On September 24, 2001 and February 9, 2004, the Washington State Department of Ecology submitted amendments to Puget Sound Clean Air Agency's regulations (Regulation I, II, and III) as revisions to the Washington State implementation plan.

(i) Incorporation by reference.

(A) The following new and revised sections of Puget Sound Clean Air Agency's Regulations: *Regulation I*, Sections 1.01, Policy; 1.03, Name of Agency; and 1.05, Short Title, adopted September 9, 1999; 3.04, Reasonably Available Control Technology [except (e)], adopted March 11, 1999; 3.06 Credible Evidence, adopted October 8, 1998; 5.03, Registration Required [except (a)(5)], adopted July 8, 1999; 5.05 General Reporting Requirements for Registration, adopted September 10, 1998; 7.09, General Reporting Requirements for Operating Permits, adopted September 10, 1998; 8.04, General Conditions for Outdoor Burning; 8.05, Agricultural Burning; 8.09, Description of King County No-Burn Area; 8.10, Description of Pierce County No-Burn Area; and 8.11, Description of Snohomish County No-Burn Area, adopted November 9, 2000; and 8.12, Description of Kitsap County No-Burn Area, adopted October 24, 2002; 9.03, Emission of Air Contaminant: Visual Standard [except (e)], adopted March 11, 1999; 9.04, Opacity Standards for Equipment with Continuous Opacity Monitoring Systems [except (d)(2) and (f)], adopted April 9, 1998; 9.09, Particulate Matter Emission Standards, adopted April 9,

1998; 9.15, Fugitive Dust Control Measures, adopted March 11, 1999; 9.16, Spray-Coating Operations, adopted July 12, 2001; 12.01, Applicability and 12.03, Continuous Emission Monitoring Systems [except (b)(2)], adopted April 9, 1998; 13.01, Policy and Purpose, adopted September 9, 1999; and 13.02, Definitions, adopted October 8, 1998; *Regulation II*, Sections 1.01, Purpose; 1.02, Policy; 1.03, Short Title; and 1.05, Special Definitions, adopted September 9, 1999; 2.01, Definitions, adopted July 8, 1999; 2.07, Gasoline Stations, adopted December 9, 1999; 2.08, Gasoline Transport Tanks, adopted July 8, 1999; and 3.02, Volatile Organic Compound Storage Tanks, adopted July 8, 1999.

(B) The following Puget Sound Clean Air Agency Notice of Construction (NOC) Order of Approvals: Holnam, Inc., Ideal Division (now known as LaFarge North America, Inc.) NOC Order of Approval No. 5183, effective date February 9, 1994; and Saint-Gobain Containers LLC, NOC Order of Approval No. 8244, effective date September 30, 2004.

(C) Remove the following provisions from the current incorporation by reference: *Regulation I*, Sections 3.01, Duties and Powers of the Control Officer; 3.05, Investigations by the Control Officer; 3.07, Compliance Tests; 3.09, Violations—Notice; 3.11, Civil Penalties; 3.13, Criminal Penalties; 3.15, Additional Enforcement; 3.17, Appeal of Orders; 3.19, Confidential Information; 3.21, Separability; 3.23, Alternate Means of Compliance; 5.07, Registration Fees; 8.02, Outdoor Fires-Prohibited Types; 8.03, Outdoor Fires-Prohibited Areas; 9.03(e), Emission of Air Contaminant: Visual Standard; 9.09(c), Particulate Matter Emission Standards; 9.11, Emission of Air Contaminant: Detriment to Person or Property; 9.13, Emission of Air Contaminant: Concealment and Masking Restricted; 11.01, Ambient Air Quality Standards; 11.02, Ambient Air Monitoring; 12.02, Continuous Emission Monitoring Requirements; and 12.04, Recordkeeping and Report Requirements; *Regulation II*, Sections 2.04, Volatile Organic Compound Storage Tanks; and 3.07, Petroleum Solvent Dry Cleaning Systems; and *Regulation III*.

(ii) Additional Material.

(A) The following sections of Puget Sound Clean Air Agency *Regulation I*: Sections 3.01, Duties and Powers of the Control Officer, adopted September 9, 1999; 3.05, Investigations by the Control Officer, adopted February 10, 1994; 3.07, Compliance Tests, adopted February 9, 1995; 3.09, Violations—Notice, adopted August 8, 1991; 3.11, Civil Penalties, adopted September 26, 2002; 3.13, Criminal Penalties, adopted August 8, 1991; 3.15, Additional Enforcement, adopted August 8, 1991; 3.17, Appeal of Orders, adopted October 8, 1998; 3.19, Confidential Information, adopted August 8, 1991; and 3.21, Separability, adopted August 8, 1991.

(85) On November 15, 2004, the Washington State Department of Ecology submitted a PM10 Limited Maintenance Plan and requested the redesignation of the Spokane County PM10 Nonattainment area to attainment for PM10. The State's Limited Maintenance Plan, attainment year emissions inventory, and the redesignation request meet the requirements of the Clean Air Act. EPA approves the State's Limited Maintenance Plan and Moderate Area Plan requirements for the Spokane PM10 nonattainment area and request for redesignation to attainment.

(i) Incorporation by reference.

(A) Spokane County Air Pollution Control Authority (SCAPCA) orders #96–03 (modified October 4, 2000), #96–05 (modified October 4, 2000) and #96–06 (modified October 19, 2000) to regulate particulate matter emissions from the specific emission units of the Kaiser Aluminum and Chemical Corporation, Trentwood aluminum facility.

(86) On November 30, 2004, the Washington Department of Ecology (Ecology) submitted a serious area plan for the Wallula serious nonattainment area for $PM_{10}$.

(i) Incorporation by reference.

(A) The following terms and conditions limiting particulate matter emissions in the following permits or administrative orders:

(1) Washington Department of Ecology Administrative Order No. 02AQER–5074 for IBP, Inc. (now known as Tyson Foods Inc.) dated December 6, 2002 except for the following: Finding number

4 (''T-BACT''), found on page 5 of document and item 3.3 of Approval Condition number 3 (''Emission Limits and Test Methods'') found on page 7 of the document.

(2) Washington State Department of Ecology Air Operating Permit for Boise White Paper, L.L.C. Permit No. 000369–7, dated December 1, 2004, the following condition only: 1.Q.1 (''Particulate-fugitive dust'') of item Q (''Landfill/Compost Operation'').

(3) Washington State Department of Ecology Administrative Order for Boise Cascade Corporation, Wallula Mill, Order No. 1614–AQ04, dated August 19, 2004 and effective September 15, 2004, the following condition only: No. 1 (''Approval Conditions'') and Appendix A (''Dust Control Plan'' for Boise Paper—Wallula Mill, ''Landfill and Composting Areas'') dated February 18, 2004.

(4) Fugitive Dust Control Plan for Simplot Feeders Limited Partnership, dated December 1, 2003.

(B) [Reserved]

(ii) Additional Material.

(A) Washington State Department of Ecology Columbia Plateau Windblown Dust Natural Events Action Plan, dated 2003.

(B) Washington State Department of Ecology Fugitive Dust Control Guidelines for Beef Cattle Feedlots and Best Management Practices, dated December 13, 1995.

(87) On September 20, 2001, and November 22, 2004, the Washington State Department of Ecology submitted revisions to the Washington State Implementation Plan consisting of A Plan for Attaining Carbon Monoxide National Ambient Air Quality Standards in the Spokane Serious Nonattainment Area. On September 26, 2001, the Washington State Department of Ecology submitted minor revisions to the Washington State Inspection and Maintenance Program.

(i) Incorporation by reference.

(A) Kaiser Aluminum and Chemical Corporation Administrative Order No. DE 01AQIS–3285 dated October 24, 2001, and Kaiser Aluminum and Chemical Corporation Administrative Order No. DE 01AQIS–3285, Amendment #1 dated April 9, 2003.

(B) Washington Administrative Code 173–422–031, ''Vehicle emission inspection schedules,'' and Washington Administrative Code 173–422–170, ''Exemptions,'' as effective 12/2/2000.

(ii) Additional material. A Plan for Attaining Carbon Monoxide National Ambient Air Quality Standards in the Spokane Serious Nonattainment Area, adopted September 19, 2001, and November 17, 2004.

(88) On March 1, 2004, the Washington State Department of Ecology submitted amendments to WAC Ch. 173–434, Solid Waste Incinerator Facilities, as revisions to the Washington State implementation plan.

(i) Incorporation by reference.

(A) The following new and revised sections of WAC Ch. 173–434, Solid Waste Incinerator Facilities: WAC 173–434–020, Applicability and Compliance; –030, Definitions; –110, Standards of Performance [except (1)(a)]; –130, Emission Standards [except (2)]; –160, Design and Operation; –170, Monitoring and Reporting; –190, Changes in Operation; and –200, Emission Inventory, State effective January 22, 2004.

(B) Remove the following provisions from the current incorporation by reference: WAC 173–434–050, New Source Review (NSR);–070, Prevention of Significant Deterioration (PSD); and –100, Requirement of BACT, State effective October 18, 1990.

[37 FR 10900, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2470, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2471 Classification of regions.

The Washington plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Eastern Washington-Northern Idaho Interstate | I | IA | III | I | III |
| Northern Washington Intrastate | II | III | III | III | III |
| Olympic-Northwest Washington Intrastate | II | II | III | III | III |
| Portland Interstate | I | IA | III | I | I |
| Puget Sound Intrastate | I | IA | III | I | I |
| South Central Washington Intrastate | I | III | III | III | III |

[37 FR 10900, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 45 FR 37836, June 5, 1980]

### § 52.2472 Extensions.

The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for one year (until December 31, 1995) the attainment date for the Spokane, Washington, PM–10 nonattainment area and the Wallula, Washington, PM–10 nonattainment area.

[60 FR 47280, Sept. 12, 1995]

### § 52.2473 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Washington's plan for the attainment and maintenance of National Standards under section 110 of the Clean Air Act. The regulations included in the SIP (See Table 52.2479) are applicable statewide unless otherwise noted in the regulation itself. Furthermore, the Administrator finds that the plan as identified in § 52.2470 satisfies requirements of Part D, Title 1, of the Clean Air act as amended in 1977, except as noted in the following sections. 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. New source review permits pursuant to section 173 of CAA will not be deemed valid by EPA unless the provisions of Section V of the emission offset interpretive rule published on January 16, 1979 (44 FR 3274) are met.

[45 FR 37836, June 5, 1980, as amended at 46 FR 45609, Sept. 14, 1981; 47 FR 7840, Feb. 23, 1982]

### § 52.2474 General requirements.

(a) *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 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–June 30 and July 1–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.

[40 FR 55334, Nov. 28, 1975]

### § 52.2475 Approval of plans.

(a) *Carbon Monoxide.*

(1) Yakima.

(i) EPA approves as a revision to the Washington State Implementation Plan, the Yakima Carbon Monoxide maintenance plan submitted by the State on August 31, 2001.

(ii) [Reserved]

(2) Spokane.

(i) EPA approves as a revision to the Washington State Implementation Plan, A Plan for Attaining Carbon Monoxide National Ambient Air Quality Standards in the Spokane Serious Nonattainment Area submitted by the Washington Department of Ecology on September 20, 2001 and November 22, 2004.

(ii) EPA approves as a revision to the Washington State Implementation Plan, the Spokane Carbon Monoxide Maintenance Plan, adopted April 27, 2004 effective June 24, 2004, submitted by the Washington Department of Ecology on November 29, 2004.

(3) Central Puget Sound.

(i) EPA approves as a revision to the Washington State Implementation Plan, the Central Puget Sound Carbon Monoxide and Ozone Second 10-Year Maintenance Plans submitted by the State on December 17, 2003.

(ii) [Reserved]

(4) Vancouver.

(i) EPA approves as a revision to the Washington State Implementation Plan, the Vancouver Air Quality Maintenance Area Second 10-year Carbon Monoxide Maintenance Plan submitted by the Washington Department of Ecology on April 25, 2007.

(ii) [Reserved]

(b) *Lead.* [Reserved]

(c) *Nitrogen Dioxide.* [Reserved]

(d) *Ozone.* [Reserved]

(e) *Particulate Matter.*

(1) Yakima.

(i) EPA approves as a revision to the Washington State Implementation Plan, the Yakima County PM–10 Nonattainment Area Limited Maintenance Plan adopted by the Yakima Regional Clean Air Authority on June 9, 2004, and adopted and submitted by the Washington Department of Ecology on July 8, 2004.

(ii) [Reserved]

(2) Wallula.

(i) EPA approves as a revision to the Washington State Implementation Plan, the Wallula Serious Area Plan for $PM_{10}$ adopted by the State on November 17, 2004 and submitted to EPA on November 30, 2004.

(ii) EPA approves, as a revision to the Washington State Implementation Plan, the Wallula $PM_{10}$ maintenance plan, adopted by the Washington Department of Ecology on March 29, 2005 and submitted to EPA.

(3) Spokane.

(i) EPA approves as a revision to the Washington State Implementation Plan, the Spokane County PM10 Nonattainment Area Limited Maintenance Plan adopted by the Spokane Regional Clean Air Authority on November 17, 2004, and adopted and submitted by the Washington Department of Ecology on November 30, 2004.

(f) *Sulfur dioxide.* [Reserved]

(g) *Visibility.* (1) EPA approves as a revision to the Washington State Implementation Plan, the November 5, 1999, Visibility SIP revision, except that EPA is taking no action on Section VIII. Identification and Analysis for Best Available Retrofit Technology (BART), and Section X, New Source Review of the November 5, 1999, Visibility SIP revision.

(2) [Reserved]

[67 FR 66560, Nov. 1, 2002, as amended at 68 FR 34825, June 11, 2003; 69 FR 47366, Aug. 5, 2004; 70 FR 6592, Feb. 8, 2005; 70 FR 22599, May 2, 2005; 70 FR 24992, May 12, 2005; 70 FR 37272, June 29, 2005; 70 FR 38038, July 1, 2005; 70 FR 39927, July 12, 2005; 70 FR 50213, Aug. 26, 2005; 73 FR 36443, June 27, 2008]

### § 52.2476 Discretionary authority.

(a) This section applies to any variance, exception, exemption, alternative emission limitation, bubble, alternative sampling or testing method, compliance schedule revision, alternative compliance schedule, or any other substantial change to a provision of the state implementation plan, granted by the Department of Ecology, the Department of Natural Resources, the Energy Facility Site Evaluation Council, or a local air pollution control agency in accordance with any discretionary authority granted under its statutes or regulations, regardless of whether such statutes or regulations are part of the state implementation plan.

(b) Any change to a provision of the state implementation plan described in paragraph (a) of this section must be submitted by the state for approval by EPA in accordance with the requirements of 40 CFR 51.104.

(c) Any change to a provision of the state implementation plan described in paragraph (a) of this section does not modify the requirements of the federally-approved state implementation plan or a federally-promulgated implementation plan until approved by EPA as a revision to the state implementation plan in accordance with section 110 of the Clean Air Act.

[56 FR 24136, May 29, 1991]

### §§ 52.2477–52.2478 [Reserved]

### § 52.2479 Contents of the federally approved, State submitted implementation plan.

The following sections of the state and local regulations and documents for the Washington State Implementation Plan for Air Quality, for compliance with requirements of the Federal Clean Air Act, have been approved by the U.S. Environmental Protection Agency (EPA), and are part of the current federally-approved, implementation plan.

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5.BAP—Business Assistance Program [5/8/95]
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5.OXY—Oxygenated Gasoline Program [3/21/94]
5.SMP—Smoke Management Program [7/6/87]
5.VIS—Washington State Visibility Protection Program [7/6/87]
5.VIS.NSR—Visibility New Source Review (NSR) for nonattainment areas for Washington [7/28/86]

**Supplemental Section A—Reference Material [Date in brackets indicate EPA effective date]**

A.1—Description of Source test Program for the State Implementation Plan [10/24/84]

**Supplemental B—Administrative and Procedural Material [Dates in brackets indicate EPA effective date]**

B.3—Correspondence
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[60 FR 33735, June 29, 1995, as amended at 62 FR 68188, Dec. 31, 1997; 68 FR 34825, June 11, 2003; 69 FR 53010, Aug. 31, 2004; 70 FR 44857, Aug. 4, 2005]

### §§ 52.2480–52.2494 [Reserved]

### § 52.2495 Voluntary limits on potential to emit

Terms and conditions of regulatory orders issued pursuant to WAC 173–400–091 ''Voluntary limits on emissions'' and in accordance with the provisions of WAC 173–400–091, WAC 173–400–105 ''Records, monitoring, and reporting,'' and WAC 173–400–171 ''Public involvement,'' shall be applicable requirements of the federally-approved Washington SIP and Section 112(l) program 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 and Section 112(l) program. Regulatory orders issued pursuant to WAC 173–400–091 are part of the Washington SIP and shall be submitted to EPA Region 10 in accordance with the requirements of §§ 51.104(e) and 51.326.

[60 FR 28728, June 2, 1995]

### § 52.2496 [Reserved]

### § 52.2497 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 Washington.

(c) In accordance with section 164 of the Clean Air Act and the provisions of 40 CFR 52.21(g), the Spokane Indian

Reservation is designated as a Class I area for the purposes of preventing significant deterioration of air quality.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 56 FR 14862, Apr. 12, 1991; 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003]

### § 52.2498 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 new source review. The provisions of § 52.28 are hereby incorporated and made a part of the applicable plan for the State of Washington.

[51 FR 23228, June 26, 1986]

### § 52.2499 Interstate Transport for the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

On January 17, 2007, the Washington State Department of Ecology submitted a SIP revision to meet the requirements of Clean Air Act section 110(a)(2)(D)(i). EPA is approving this submittal.

[74 FR 1593, Jan. 13, 2009]

## Subpart XX—West Virginia

### § 52.2520 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for West Virginia 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. Material 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 on or after November 1, 2010 will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region III certifies that the rules/regulations and source-specific requirements provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations and source-specific requirements which have been approved as part of the State implementation plan as of November 1, 2010.

(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, 1301Constitution 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 IN THE WEST VIRGINIA SIP

| State citation [Chapter 16–20 or 45 CSR] | Title/subject | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| **[45 CSR] Series 2 To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers** | | | | |
| Section 45–2–1 | General | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 45–2–2 | Definitions | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 45–2–3 | Visible Emissions of Smoke And/Or Particulate Matter Prohibited And Standards of Measurement. | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

| State citation [Chapter 16–20 or 45 CSR] | Title/subject | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| Section 45–2–4 | Weight Emission Standards | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 45–2–5 | Control of Fugitive Particulate Matter | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 45–2–6 | Registration | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 45–2–7 | Permits | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 45–2–8 | Testing, Monitoring, Recordkeeping, and Reporting. | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 45–2–9 | Start-ups, Shutdowns, and Malfunctions. | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 45–2–10 | Variances | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 45–2–11 | Exemptions | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 45–2–12 | Inconsistency Between Rules | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Table 45–2A | [Total Allowable Particulate Matter Emission Rate for All Type ''c'' Fuel Burning Units Located at One Plant]. | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| **45 CSR 2 Appendix Compliance Test Procedures for 45 CSR 2** | | | | |
| Section 1 | General | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 3 | Symbols | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 4 | Adoption of Test Methods | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 5 | Unit Load and Fuel Quality Requirements. | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 6 | Minor Exceptions | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 7 | Pretest and Post Test General Requirements. | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 8 | Heat Input Data Measurements | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| Section 9 | Computations and Data Analysis | 8/31/00 | 8/11/03; 68 FR 47473. | (c)(56). |
| **[45 CSR] Series 3 To Prevent and Control Air Pollution From the Operation of Hot Mix Asphalt Plants** | | | | |
| Section 45–3–1 | General | 8/31/00 | 10/11/02; 67 FR 63270. | (c)(48). |
| Section 45–3–2 | Definitions | 8/31/00 | 10/11/02; 67 FR 63270. | (c)(48). |
| Section 45–3–3 | Emission of Smoke and/or Particulate Matter Prohibited and Standards of Measurement—Visible. | 8/31/00 | 10/11/02; 67 FR 63270. | (c)(48). |
| Section 45–3–4 | Emission of Smoke and/or Particulate Matter Prohibited and Standards of Measurement—Weight Emissions. | 8/31/00 | 10/11/02; 67 FR 63270. | (c)(48). |
| Section 45–3–5 | Permits | 8/31/00 | 10/11/02; 67 FR 63270. | (c)(48). |
| Section 45–3–6 | Reports and Testing | 8/31/00 | 10/11/02; 67 FR 63270. | (c)(48). |
| Section 45–3–7 | Variance | 8/31/00 | 10/11/02; 67 FR 63270. | (c)(48). |
| Section 45–3–8 | Circumvention | 8/31/00 | 10/11/02; 67 FR 63270. | (c)(48). |
| Section 45–3–9 | Inconsistency Between Rules | 8/31/00 | 10/11/02; 67 FR 63270. | (c)(48). |
| **[45 CSR] Series 5 To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations** | | | | |
| Section 45–5–1 | General | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

| State citation [Chapter 16–20 or 45 CSR] | Title/subject | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| Section 45–5–2 | Definitions | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Section 45–5–3 | Emission of Particulate Matter Prohibited and Standards of Measurement. | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Section 45–5–4 | Control and Prohibition of Particulate Emissions from Coal Thermal Drying Operations of a Coal Preparation Plant. | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Section 45–5–5 | Control and Prohibition of Particulate Emissions From an Air Table Operation of a Coal Preparation Plant. | 10/22/93 | 7/13/99; 64 FR 37681. | (c)(42). |
| Section 45–5–6 | Control and Prohibition of Fugitive Dust Emissions From Coal Handling Operations and Preparation Plants. | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Section 45–5–7 | Standards for Coal Refuse Disposal Areas. | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Section 45–5–8 | Burning Coal Refuse Disposal Areas | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Section 45–5–9 | Monitoring of Operations | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Section 45–5–10 | Construction, Modification, and Relocation Permits. | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Section 45–5–11 | Operating Permits | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Section 45–5–12 | Reporting and Testing | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Section 45–5–13 | Variance | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Section 45–5–14 | Transfer of Permits | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Section 45–5–15 | Inconsistency Between Rules | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| Appendix | Particulate Emission Limitations and Operational monitoring Requirements Applicable to Thermal Dryers Installed Before October 24, 1974. | 8/31/00 | 10/7/02; 67 FR 62379. | (c)(47). |
| **[45 CSR] Series 6** | **To Prevent and Control Air Pollution From Combustion of Refuse** | | | |
| Section 45–6–1 | General | 6/1/08 | 3/25/09, 74 FR 12560. | |
| Section 45–6–2 | Definitions | 6/1/08 | 3/25/09, 74 FR 12560. | |
| Section 45–6–3 | Open Burning Prohibited | 6/1/08 | 3/25/09, 74 FR 12560. | |
| Section 45–6–4 | Emission Standards for Incinerators and Incineration. | 6/1/08 | 3/25/09, 74 FR 12560. | Deleted paragraphs 4.8, and 4.8.a through 4.8.d; Added paragraphs 4.9 and 4.10. |
| Section 45–6–5 | Registration | 6/1/08 | 3/25/09, 74 FR 12560. | |
| Section 45–6–6 | Permits | 6/1/08 | 3/25/09, 74 FR 12560. | Added paragraph 6.2. |
| Section 45–6–7 | Reports and Testing | 6/1/08 | 3/25/09, 74 FR 12560. | |
| Section 45–6–8 | Variances | 6/1/08 | 3/25/09, 74 FR 12560. | |
| Section 45–6–9 | Emergencies and Natural Disasters | 6/1/08 | 3/25/09, 74 FR 12560. | Added paragraphs 9.1.c, 9.2, and 9.2.a through 9.2.c. |
| Section 45–6–10 | Exemptions | 6/1/08 | 3/25/09, 74 FR 12560. | New Section. |
| Section 45–6–11 | Effect of the Rule | 6/1/08 | 3/25/09, 74 FR 12560. | Recodified—formerly section 45–6–10. |

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

| State citation [Chapter 16–20 or 45 CSR] | Title/subject | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| Section 45–6–12 | Inconsistency Between Rules | 6/1/08 | 3/25/09, 74 FR 12560. | Recodified—formerly section 45–6–11. |
| **[45 CSR] Series 7** | **To Prevent and Control Particulate Matter Air Pollution From Manufacturing Process Operations** | | | |
| Section 45–7–1 | General | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| Section 45–7–2 | Definitions | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| Section 45–7–3 | Emission of Smoke and/or Particulate Matter Prohibited and Standards of Measurement. | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| Section 45–7–4 | Control and Prohibition of Particulate Emissions by Weight from Manufacturing Process Source Operations. | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| Section 45–7–5 | Control of Fugitive Particulate Matter | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| Section 45–7–6 | Registration | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| Section 45–7–7 | Permits | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| Section 45–7–8 | Reporting and Testing | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| Section 45–7–9 | Variance | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| Section 45–7–10 | Exemptions | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| Section 45–7–11 | Alternative Emission Limits for Duplicate Source Operations. | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| Section 45–7–12 | Inconsistency Between Rules. | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| TABLE 45–7A, TABLE 45–7B. | [Maximum Allowable Emission Rates From Sources Governed by 45 CFR Series 7]. | 8/31/00 | 6/03/03, 68 FR 33010. | (c)(55). |
| **[Ch. 16–20] TP–4 Compliance Test Procedures for Regulation VII—''To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations''** | | | | |
| Section 1 | General | 2/23/84 | 6/28/85; 45 FR 26732. | no (c) number. |
| Section 2 | Visible Emission Test Procedure | 2/23/84 | 6/28/85; 45 FR 26732. | no (c) number. |
| Section 3 | Mass Emission Test Procedures | 2/23/84 | 6/28/85; 45 FR 26732. | no (c) number. |
| **[45 CSR] Series 8 Ambient Air Quality Standards for Sulfur Oxides and Particulate Matter** | | | | |
| Section 45–8–1 | General | 6/1/08 | 02/10/09, 74 FR 6552. | Added language to repeal provisions contained in Sections 45CSR9 and 45CSR12. |
| Section 45–8–2 | Anti-Degradation Policy | 6/1/08 | 2/10/09, 74 FR 6552. | Added definitions for: Administrator, ambient air, clean air act, equivalent method, ozone, person, $PM_{2.5}$, and reference methods. |
| Section 45–8–3 | Definitions | 6/1/08 | 2/10/09, 74 FR 6552.. | |

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

| State citation [Chapter 16–20 or 45 CSR] | Title/subject | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| Section 45–8–4 | Ambient Air Quality Standards | 6/1/08 | 2/10/09, 74 FR 6552. | Added ambient air quality standards for $PM_{2.5}$, carbon monoxide, nitrogen dioxide, ozone and lead. |
| Section 45–8–5 | Methods of Measurement | 6/1/08 | 2/10/09, 74 FR 6552. | Added reference methods for $PM_{2.5}$, carbon monoxide, nitrogen dioxide, ozone and lead. |
| Section 45–8–6 | Reference Conditions | 6/1/08 | 2/10/09, 74 FR 6552. | New Section. |
| Section 45–8–7 | Inconsistency Between Rules | 6/1/08 | 2/10/09, 74 FR 6552.. | |
| **[45 CSR] Series 10 To Prevent and Control Air Pollution from the Emission of Sulfur Oxides** | | | | |
| Section 45–10–1 | General | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| Section 45–10–2 | Definitions | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| Section 45–10–3 | Sulfur Dioxide Weight Emission Standards for Fuel Burning Units. | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| Section 45–10–4 | Standards for Manufacturing Process Source Operations. | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| Section 45–10–5 | Combustion of Refinery or Process Gas Streams. | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| Section 45–10–6 | Registration | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| Section 45–10–7 | Permits | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| Section 45–10–8 | Testing, Monitoring, Recordkeeping and Reporting. | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| Section 45–10–9 | Variance | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| Section 45–10–10 | Exemptions and Recommendations | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| Section 45–10–11 | Circumvention | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| Section 45–10–12 | Inconsistency Between Rules | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| TABLE 45–10A | [Priority Classifications] | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| TABLE 45–10B | [Allowable Percent Sulfur Content of Fuels]. | 8/31/00 | 6/3/03; 68 FR 33002. | (c)(53). |
| **[45 CSR] Series 11 Prevention of Air Pollution Emergency Episodes** | | | | |
| Section 45–11–1 | General | 4/25/90 | 6/28/93; 58 FR 34526. | (c)(28). |
| Section 45–11–2 | Definitions | 4/25/90 | 6/28/93; 58 FR 34526. | (c)(28). |
| Section 45–11–3 | Episode Criteria | 4/25/90 | 6/28/93; 58 FR 34526. | (c)(28). |
| Section 45–11–4 | Methods of Measurement | 4/25/90 | 6/28/93; 58 FR 34526. | (c)(28). |
| Section 45–11–5 | Preplanned Reduction Strategies | 4/25/90 | 6/28/93; 58 FR 34526. | (c)(28). |
| Section 45–11–6 | Emission Reduction Plans | 4/25/90 | 6/28/93; 58 FR 34526. | (c)(28). |
| TABLE I | Emission Reduction Plans-Alert Level | 4/25/90 | 6/28/93; 58 FR 34526. | (c)(28). |
| TABLE II | Emission Reduction Plans-Warning Level. | 4/25/90 | 6/28/93; 58 FR 34526. | (c)(28). |
| TABLE III | Emission Reduction Plans-Emergency Level. | 4/25/90 | 6/28/93; 58 FR 34526. | (c)(28). |
| Section 45–11–7 | Air Pollution Emergencies; Contents of Order; Hearings; Appeals. | 4/25/90 | 6/28/93; 58 FR 34526. | (c)(28). |

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

| State citation [Chapter 16–20 or 45 CSR] | Title/subject | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| Section 45–11–8 | Inconsistency Between Regulations | 4/25/90 | 6/28/93; 58 FR 34526. | (c)(28). |
| **[45 CSR] Series 13 Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation** | | | | |
| Section 45–13–1 | General | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–2 | Definitions | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–3 | Reporting Requirements for Stationary Sources. | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–4 | Administrative Updates to Existing Permits and General Permit Registrations. | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–5 | Permit Application and Reporting Requirements for Construction of and Modifications to Stationary Sources. | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–6 | Determination of Compliance of Stationary Sources. | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–7 | Modeling | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–8 | Public Review Procedures | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–9 | Public Meetings | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–10 | Permit Transfer, Suspension, Revocation and Responsibility. | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–11 | Temporary Construction or Modification Permits. | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–12 | Permit Application Fees | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–13 | Inconsistency Between Rules | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–14 | Statutory Air Pollution | 6/1/03 | 2/8/07; 72 FR 5932. | |
| Section 45–13–15 | Hazardous Air Pollutants | 6/1/03 | 2/8/07; 72 FR 5932. | |
| TABLE 45–13A | Potential Emission Rate | 6/1/00 | 2/28/03; 68 FR 9559. | (c)(52). |
| TABLE 45–13B | De Minimis Sources | 6/1/03 | 2/8/07; 72 FR 5932. | |
| **[45 CSR] Series 14 Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration** | | | | |
| Section 45–14–1 | General | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–2 | Definitions | 6/01/09 | 5/27/11, 76 FR 30832. | This action incorporates all of this Section into SIP. |
| Section 45–14–3 | Applicability | 6/01/09 | 5/27/11, 76 FR 30832. | This action incorporates all of this Section into SIP. |
| Section 45–14–4 | Ambient Air Quality Increments and Ceilings. | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–5 | Area Classification | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–6 | Prohibition of Dispersion Enhancement Techniques. | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–7 | Registration, Report and Permit Requirements for Major Stationary Sources and Major Modifications. | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–8 | Requirements Relating to Control Technology. | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–9 | Requirements Relating to the Source's Impact on Air Quality. | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–10 | Modeling Requirements | 6/01/09 | 5/27/11, 76 FR 30832. | |

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| State citation [Chapter 16–20 or 45 CSR] | Title/subject | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| Section 45–14–11 | Air Quality Monitoring Requirements | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–12 | Additional Impacts Analysis Requirements. | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–13 | Additional Requirements and Variances for Source Impacting Federal Class 1 Areas. | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–14 | Procedures for Sources Employing Innovative Control Technology. | 6/01/08 | 5/27/11, 76 FR 30832. | |
| Section 45–14–15 | Exclusions From Increment Consumption. | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–16 | Specific Exemptions | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–17 | Public Review Procedures | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–18 | Public Meetings | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–19 | Permit Transfer, Cancellation and Responsibility. | 6/01/09 | 5/27/11, 76 FR 30832. | This action incorporates all of this Section into SIP, amended text added for clarification. |
| Section 45–14–20 | Disposition of Permits | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–21 | Conflict with Other Permitting Rules | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–25 | Actual PALs | 6/01/09 | 5/27/11, 76 FR 30832. | |
| Section 45–14–26 | Inconsistency Between Rules | 6/01/09 | 5/27/11, 76 FR 30832. | |
| **[45 CSR] Series 19 Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution Which Cause or Contribute to Nonattainment** | | | | |
| Section 45–19–1 | General | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–2 (Except: 19–2.16, 19–2.33.c.8, 19–2.39.b.2.C, 19–2.39.b.5, and 19–2.53). | Definitions | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–3 (Except: 19–3.4.e, 19–3.4.f (part), and 19–3.6). | Applicability | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–4 | Conditions for a Permit Approval for Proposed Major Sources that Would Contribute to a Violation of NAAQS. | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–5 | Conditions for Permit Approval for Sources Locating In Attainment or Unclassifiable Areas that Would Cause a New Violation of a NAAQS. | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–7 | Baseline for Determining Credit for Emission Offsets. | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–8 | Location of Emissions Offsets | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–9 | Administrative Procedures for Emission Offset Proposals. | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–12 | Reasonable Further Progress | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–13 | Source Impact Analysis | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–14 | Permit Requirements for Major Stationary Sources and Major Modifications. | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–15 | Public Review Procedures | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–16 | Public Meetings | 6/1/05 | 11/2/06; 71 FR 64468. | |

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| State citation [Chapter 16–20 or 45 CSR] | Title/subject | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| Section 45–19–17 (Except part of 19–17.4). | Permit Transfer, Cancellation and Responsibility. | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–18 | Disposition of Permits | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–19 | Requirements for Air Quality Models | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–23 | Actuals PAL | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–24 | Conflict with Other Permitting Rules | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Section 45–19–25 | Inconsistency Between Rules | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Table 45–19A | No Title [Table of Significance Levels] | 6/1/05 | 11/2/06; 71 FR 64468. | |
| Table 45–19B | Averaging Time (hours) | 6/1/05 | 11/2/06; 71 FR 64468. | |
| **[45 CSR] Series 20 Good Engineering Practice as Applicable to Stack Heights** | | | | |
| Section 45–20–1 | General | 7/14/89 | 4/19/94; 59 FR 18489. | (c)(27). |
| Section 45–20–2 | Definitions | 7/14/89 | 4/19/94; 59 FR 18489. | (c)(27). |
| Section 45–20–3 | Standards | 7/14/89 | 4/19/94; 59 FR 18489. | (c)(27). |
| Section 45–20–4 | Public Review Procedures | 7/14/89 | 4/19/94; 59 FR 18489. | (c)(27). |
| Section 45–20–5 | Inconsistency Between Regulations | 7/14/89 | 4/19/94; 59 FR 18489. | (c)(27). |
| **[45 CSR] Series 21 Regulation To Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds** | | | | |
| Section 45–21–1 | General | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–2 | Definitions | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–3 | Applicability | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–4 | Compliance Certification, Recordkeeping, and Reporting Procedures for Coating Sources. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–5 | Compliance Certification, Recordkeeping, and Reporting Requirements for Non-Coating Sources. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–6 | Requirements for Sources Complying by Use of Control Devices. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–7 | Circumvention | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–8 | Handling, Storage, and Disposal of Volatile Organic Compounds (VOCs). | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–9 | Compliance Programs, Registration, Variance, Permits, Enforceability. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–11 | Can Coating | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–12 | Coil Coating | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–14 | Fabric Coating | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–15 | Vinyl Coating | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–16 | Coating of Metal Furniture | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–17 | Coating of Large Appliances | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–18 | Coating of Magnet Wire | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–19 | Coating of Miscellaneous Metal Parts | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–21 | Bulk Gasoline Plants | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–22 | Bulk Gasoline Terminals | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–23 | Gasoline Dispensing Facility—Stage I Vapor Recovery. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–24 | Leaks from Gasoline Tank Trucks | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–25 | Petroleum Refinery Sources | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–26 | Leaks from Petroleum Refinery Equipment. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–27 | Petroleum Liquid Storage in External Floating Roof Tanks. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–28 | Petroleum Liquid Storage in Fixed Roof Tanks. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |

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| State citation [Chapter 16–20 or 45 CSR] | Title/subject | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| Section 45–21–29 | Leaks from Natural Gas/Gasoline Processing Equipment. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–31 | Cutback and Emulsified Asphalt | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–36 | Perchlorethylene Dry Cleaning | 7/7/93 | 2/1/95 60 FR 6022 | (c)(33). |
| Section 45–21–39 | Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–41 | Test Methods and Compliance Procedures: General Provisions. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–42 | Test Methods and Compliance Procedures: Determining the Volatile Organic Compound (VOC) Content of Coatings and Inks. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–43 | Test Methods and Compliance Procedures: Alternative Compliance Methods for Surface Coating. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–44 | Test Methods and Compliance Procedures: Emission Capture and Destruction or Removal Efficiency and Monitoring Requirements. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–45 | Test Methods and Compliance Procedures: Determining the Destruction or Removal Efficiency of a Control Device. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–46 | Test Methods and Compliance Procedures: Leak Detection Methods for Volatile Organic Compounds (VOCs). | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–47 | Performance Specifications for Continuous Emissions Monitoring of Total Hydrocarbons. | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Section 45–21–48 | Quality Control Procedures for Continuous Emission Monitoring Systems (CEMS). | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| Appendix A | VOC Capture Efficiency | 7/7/93 | 2/1/95; 60 FR 6022 | (c)(33). |
| **[45 CSR] Series 29 Rule Requiring the Submission of Emission Statements for Volatile Organic Compound Emissions and Oxides of Nitrogen Emissions** | | | | |
| Section 45–29–1 | General | 7/7/93 | 8/4/95; 60 FR 39855. | (c)(34). |
| Section 45–29–2 | Definitions | 7/7/93 | 8/4/95; 60 FR 39855. | (c)(34). |
| Section 45–29–3 | Applicability | 7/7/93 | 8/4/95; 60 FR 39855. | (c)(34). |
| Section 45–29–4 | Compliance Schedule | 7/7/93 | 8/4/95; 60 FR 39855. | (c)(34). |
| Section 45–29–5 | Emission Statement Requirements | 7/7/93 | 8/4/95; 60 FR 39855. | (c)(34). |
| Section 45–29–6 | Enforceability | 7/7/93 | 8/4/95; 60 FR 39855. | (c)(34). |
| Section 45–29–7 | Severability | 7/7/93 | 8/4/95; 60 FR 39855. | (c)(34). |
| **[45 CSR] Series 35 Requirements for Determining Conformity of General Federal Actions to Applicable Air Quality Implementation Plans (General Conformity)** | | | | |
| Section 45–35–1 | General | 5/1/95 | 9/5/95; 60 FR 46029. | (c)(37). |
| Section 45–35–2 | Definitions | 5/1/95 | 9/5/95; 60 FR 46029. | (c)(37). |
| Section 45–35–3 | Adoption of Criteria, Procedures and Requirements. | 5/1/95 | 9/5/95; 60 FR 46029. | (c)(37). |
| Section 45–35–4 | Requirements | 5/1/95 | 9/5/95; 60 FR 46029. | (c)(37). |

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| State citation [Chapter 16–20 or 45 CSR] | Title/subject | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| **[45 CSR] Series 39 Control of Annual Nitrogen Oxide Emissions to Mitigate Interstate Transport of Fine Particulate Matter and Nitrogen Oxides** | | | | |
| Section 45–39–1 | General | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–2 | Definitions | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–3 | Measurements, Abbreviations and Acronyms. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–4 | Applicability | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–5 | Retired Unit Exemptions | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–6 | Standard Requirements | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–7 | Computation of Time | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–8 | Appeal Procedures | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–10 | Authorization and Responsibilities of the CAIR Designated Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–11 | Alternate CAIR Designated Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–12 | Changing the CAIR Designated Representative and Alternate CAIR Designated Representative; Changes in Owners and Operators. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–13 | Certificate of Representation | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–14 | Objections Concerning the CAIR Designated Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–15 | Delegation by CAIR Designated Representative and Alternate CAIR Designated Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–20 | General CAIR $NO_X$ Annual Trading Program Permit Requirements. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–21 | Submission of CAIR Permit Applications. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–22 | Information Requirements for CAIR Permit Applications. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–23 | CAIR Permit Contents and Term | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–24 | CAIR Permit Revisions | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–40 | CAIR $NO_X$ Annual Trading Budget | 5/1/08 | 8/4/09, 74 FR 38536. | Adding annual trading budget for 2015 and thereafter. |
| Section 45–39–41 | Timing Requirements for CAIR $NO_X$ Annual Allowance Allocations. | 5/1/08 | 8/4/09, 74 FR 38536. | Adding requirements that apply to 2015 and thereafter. |
| Section 45–39–42 | CAIR $NO_X$ Annual Allowance Allocations. | 5/1/08 | 8/4/09, 74 FR 38536. | Adding requirements that apply to 2015 and thereafter. |
| Section 45–39–43 | Compliance Supplement Pool | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–51 | Establishment of Accounts | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–52 | Responsibilities of CAIR Authorized Account Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–53 | Recordation of CAIR $NO_X$ Annual Allowance Allocations. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–54 | Compliance with CAIR $NO_X$ Emissions Limitation. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–55 | Banking | 5/1/08 | 8/4/09, 74 FR 38536. | |

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|---|---|---|---|---|
| Section 45–39–56 | Account Error | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–57 | Closing of General Accounts | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–60 | Submission of CAIR $NO_X$ Annual Allowance Transfers. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–61 | U.S. EPA Recordation | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–62 | Notification | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–70 | General Monitoring and Reporting Requirements. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–71 | Initial Certification and Recertification Procedures. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–72 | Out of Control Periods | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–73 | Notifications | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–74 | Recordkeeping and Reporting | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–75 | Petitions | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–39–90 | Inconsistency Between Rules | 5/1/08 | 8/4/09, 74 FR 38536. | |
| **[45 CSR] Series 40 Control of Ozone Season Nitrogen Oxide Emissions to Mitigate Interstate Transport of Ozone and Nitrogen Oxides** | | | | |
| Section 45–40–1 | General | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–2 | Definitions | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–3 | Measurements, Abbreviations and Acronyms. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–4 | Applicability | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–5 | Retired Unit Exemption | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–6 | Standard Requirements | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–7 | Computation of Time | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–8 | Appeal Procedures | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–10 | Authorization and Responsibilities of the CAIR Designated Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–11 | Alternate CAIR Designated Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–12 | Changing the CAIR Designated Representative and Alternate CAIR Designated Representative; Changes in Owners and Operators. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–13 | Certificate of Representation | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–14 | Objections Concerning the CAIR Designated Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–15 | Delegation by CAIR Designated Representative and alternate CAIR Designated Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–20 | General CAIR $NO_X$ Ozone Season Trading Program Permit Requirements. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–21 | Submission of CAIR Permit Applications. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–22 | Information Requirements for CAIR Permit Applications. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–23 | CAIR Permit Contents and Term | 5/1/08 | 8/4/09, 74 FR 38536. | |

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| State citation [Chapter 16–20 or 45 CSR] | Title/subject | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| Section 45–40–24 | CAIR Permit Revisions | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–40 | CAIR $NO_X$ Ozone Season Trading Budget. | 5/1/08 | 8/4/09, 74 FR 38536. | Adding ozone season trading budget for 2015 and thereafter, and non-EGU budget. |
| Section 45–40–41 | Timing Requirements for CAIR $NO_X$ Ozone Season Allowance Allocations. | 5/1/08 | 8/4/09, 74 FR 38536. | Adding requirements that apply to 2015 and thereafter. |
| Section 45–40–42 | CAIR $NO_X$ Ozone Season Allowance Allocations. | 5/1/08 | 8/4/09, 74 FR 38536. | Adding requirements that apply to 2015 and thereafter. |
| Section 45–40–43 | CAIR $NO_X$ Ozone Season Allowance Allocation for PPG Unit 002. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–51 | Establishment of Accounts | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–52 | Responsibilities of CAIR Authorized Account Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–53 | Recordation of CAIR $NO_X$ Ozone Season Allowance Allocations. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–54 | Compliance with CAIR $NO_X$ Emissions Limitation. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–55 | Banking | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–56 | Account Error | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–57 | Closing of General Accounts | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–60 | Submission of CAIR $NO_X$ Ozone Season Allowance Transfers. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–61 | U.S. EPA Recordation | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–62 | Notification | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–70 | General Monitoring and Reporting Requirements. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–71 | Initial Certification and Recertification Procedures. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–72 | Out of Control Periods | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–73 | Notifications | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–74 | Recordkeeping and Reporting | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–75 | Petitions | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–90 | Ozone Season $NO_X$ Reduction Requirements for Stationary Internal Combustion Engines. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–100 | Ozone Season $NO_X$ Reduction Requirements for Emissions of $NO_X$ from Cement Manufacturing Kilns. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–40–110 | Inconsistency Between Rules | 5/1/08 | 8/4/09, 74 FR 38536. | |
| **[45 CSR] Series 41 Control of Annual Sulfur Dioxides Emissions** | | | | |
| Section 45–41–1 | General | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–2 | Definitions | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–3 | Measurements, Abbreviations and Acronyms. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–4 | Applicability | 5/1/08 | 8/4/09, 74 FR 38536. | |

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

| State citation [Chapter 16–20 or 45 CSR] | Title/subject | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| Section 45–41–5 | Retired Unit Exemption | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–6 | Standard Requirements | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–7 | Computation of Time | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–8 | Appeal Procedures | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–10 | Authorization and Responsibilities of the CAIR Designated Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–11 | Alternate CAIR Designated Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–12 | Changing the CAIR Designated Representative and Alternate CAIR Designated Representative; Changes in Owners and Operators. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–13 | Certificate of Representation | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–14 | Objections Concerning the CAIR Designated Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–15 | Delegation by CAIR Designated Representative and alternate CAIR Designated Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–20 | General CAIR $SO_2$ Trading Program Permit Requirements. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–21 | Submission of CAIR Permit Applications. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–22 | Information Requirements for CAIR Permit Applications. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–23 | CAIR Permit Contents and Term | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–24 | CAIR Permit Revisions | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–51 | Establishment of Accounts | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–52 | Responsibilities of CAIR Authorized Account Representative. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–53 | Recordation of CAIR $SO_2$ Allowances | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–54 | Compliance with CAIR $SO_2$ Emission Limitation. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–55 | Banking | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–56 | Account Error | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–57 | Closing of General Accounts | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–60 | Submission of CAIR $SO_2$ Allowance Transfers. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–61 | U.S. EPA Recordation | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–62 | Notification | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–70 | General Monitoring and Reporting Requirements. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–71 | Initial Certification and Recertification Procedures. | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–72 | Out of Control Periods | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–73 | Notifications | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–74 | Recordkeeping and Reporting | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–75 | Petitions | 5/1/08 | 8/4/09, 74 FR 38536. | |
| Section 45–41–90 | Inconsistency Between Rules | 5/1/08 | 8/4/09, 74 FR 38536. | |

(d) *EPA approved state source-specific requirements.*

EPA-APPROVED SOURCE SPECIFIC REQUIREMENTS

| Source name | Permit/order or registration number | State effective date | EPA approval date | Additional explanation/ citation at 40 CFR 52.2565 |
|---|---|---|---|---|
| Mountaineer Carbon Co | Consent Order | 7/2/82 | 9/1/82 47 FR 38532. | (c)(18). |
| National Steel Corp.—Weirton Steel Division. | Consent Order (Bubble) | 7/6/82 | 12/9/82 47 FR 55396. | (c)(19). |
| Columbia Gas Transmission Corporation—Lost River Station. | Consent Order | 9/12/90 | 4/24/91 56 FR 18733. | (c)(24). |
| Wheeling-Pittsburgh Steel Corp | Consent Order CO–SIP–91–29. | 11/14/91 | 7/25/94 59 FR 37696. | (c)(26). |
| Standard Lafarge | Consent Order CO–SIP–91–30. | 11/14/91 | 7/25/94 59 FR 37696. | (c)(26). |
| Follansbee Steel Corp | Consent Order CO–SIP–91–31. | 11/14/91 | 7/25/94 59 FR 37696. | (c)(26). |
| Koppers Industries, Inc | Consent Order CO–SIP–91–32. | 11/14/91 | 7/25/94 59 FR 37696. | (c)(26). |
| International Mill Service, Inc | Consent Order CO–SIP–91–33. | 11/14/91 | 7/25/94 59 FR 37696. | (c)(26). |
| Starvaggi Industries, Inc | Consent Order CO–SIP–91–34. | 11/14/91 | 7/25/94 59 FR 37696. | (c)(26). |
| Quaker State Corporation | Consent Order CO–SIP–95–1. | 1/9/95 | 11/27/96 61 FR 60191. | (c)(35). |
| Weirton Steel Corporation | Consent Order CO–SIP–95–2. | 1/9/95 | 11/27/96 61 FR 60191. | (c)(35). |
| PPG Industries, Inc | Consent Order CO–SIP–2000–1. | 1/25/00 | 8/2/00 65 FR 47339. | (c)(44)(i)(B)(*1*). |
| Bayer Corporation | Consent Order CO–SIP–2000–2. | 1/26/00 | 8/2/00 65 FR 47339. | (c)(44)(i)(B)(*2*). |
| Columbian Chemicals Company | Consent Order CO–SIP–2000–3. | 1/31/00 | 8/2/00 65 FR 47339. | (c)(44)(i)(B)(*3*). |
| PPG Industries, Inc | Consent Order CO–SIP–C–2003–27. | 7/29/03 | 4/28/04 69 FR 23110. | (c)(58). |
| Wheeling-Pittsburgh Steel Corporation | Operating Permit R13–1939A. | 8/19/03 | 05/05/04 69 FR 24986. | (c)(59)(i)(B)(*1*). |
| Weirton Steel Corporation | Consent Order, CO–SIP–C–2003–28. | 8/4/03 | 05/05/04 69 FR 24986. | (c)(59)(i)(B)(*2*). |

(e) *EPA-approved nonregulatory and quasi-regulatory material.*

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| PM–10 Attainment Plan | Folansbee Area | 11/15/91 | 7/25/94, 59 FR 37688 | 52.2522(f); renumbered as (d) at 60 FR 33925. |
| | | 11/22/95 | 11/15/96, 61 FR 58481 | 52.2522(g). |
| Sulfur Dioxide Attainment Demonstration. | City of Weirton Butler and Clay Magisterial Districts (Brooke & Hancock Counties). | 12/29/03 | 05/05/04, 69 FR 24986 | 52.2525(b). |
| 1990 Base Year Emissions Inventory-VOC, CO, $NO_X$. | Greenbrier County | 12/22/92 | 8/4/95, 60 FR 39857 | 52.2531. |
| Small Business stationary source technical and environmental compliance assistance program. | Statewide | 1/13/93 | 9/15/93, 58 FR 48309 | 52.2560. |
| Lead (Pb) SIP | Statewide | 6/13/80 | 10/29/81, 46 FR 53413 | 52.2565(c)(15). |
| Air Quality Monitoring Network | Statewide | 11/4/83 | 4/27/84, 49 FR 18094 | 52.2565(c)(21). |
| Ozone Maintenance Plan, emissions inventory & contingency measures. | Huntington Area (Cabell & Wayne Counties). | 8/10/94 | 12/21/94, 59 FR 65719 | 52.2565(c)(30). |
| Ozone Maintenance Plan, emissions inventory & contingency measures. | Parkersburg Area (Wood County). | 8/10/94 | 9/6/94, 59 FR 45978 | 52.2565(c)(31). |
| Ozone Maintenance Plan, emissions inventory & contingency measures. | Charleston Area (Kanahwa & Putnam Counties). | 8/10/94 | 9/6/94, 59 FR 45985 | 52.2565(c)(32). |
| Sulfur Dioxide Plan | Grant Magisterial District (Hancock County). | 2/17/95 | 11/27/96, 61 FR 60253 | 52.2565(c)(35). |
| Ozone Maintenance Plan & contingency measures. | Greenbrier County | 9/9/94 | 8/4/95, 60 FR 39857 | 52.2565(c)(36). |

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| | | 11/29/06 | 1/8/08, 73 FR 1282 | Action includes (a) removal of the obligation to submit a maintenance plan eight years after initial approval, and (b) removal of the obligation to implement contingency measures upon a violation of the NAAQS |
| Sulfur Dioxide Plan | Marshall County | 2/17/00 | 8/2/00, 65 FR 47339 | 52.2565(c)(44). |
| Ozone Maintenance Plan—amendments. | Huntington Area (Cabell & Wayne Counties). | 8/10/94 | 2/8/02, 67 FR 5953 | 52.2565(c)(45). |
| Sulfur Dioxide Maintenance Plan | City of Weirton; Butler and Clay Magisterial District (Hancock County). | 7/27/04 | 01/10/05, 70 FR 1664 | The SIP-effective date is 3/11/05. |
| Sulfur Dioxide Maintenance Plan | New Manchester-Grant Magisterial District in Hancock County. | 7/27/04 | 6/08/05, 70 FR 33364 | |
| Attainment Demonstration and Early Action Plan for the Eastern Panhandle Region Ozone Early Action Compact Area. | Berkeley and Jefferson Counties. | 12/29/04 | 8/17/05, 70 FR 48287 | |
| 8-Hour Ozone Maintenance Plan for the Charleston, WV Area. | Charleston Area (Kanawha and Putnam Counties). | 11/30/05 | 07/11/06, 71 FR 39001 | Action includes approval of the following motor vehicle emission budgets (MVEB): 8.2 tons per day (tpd) for $NO_X$ and 7.2 tpd for VOC. |
| City of Weirton PM–10 Maintenance Plan. | Hancock and Brooke Counties (part)—the City of Weirton. | 4/24/04 | 7/14/06, 71 FR 40023 | Limited maintenance plan. |
| 8–Hour Ozone Maintenance Plan for the Huntington-Ashland, WV-KY Area. | Cabell and Wayne Counties | 5/17/06 | 9/15/06, 71 FR 54421 | |
| 8-Hour Ozone Maintenance Plan for the Parkersburg-Marietta, WV-OH Area. | Wood County | 09/08/06 | 5/8/07; 72 FR 2967 | |
| | | 8/25/08 | 10/30/08; 73 FR 64548 | Reallocation of emissions from the existing "safety margin" to increase the available motor vehicle emission budgets for highway vehicles. |
| 8-Hour Ozone Maintenance Plan for the Steubenville-Weirton, OH-WV Area. | Brooke and Hancock Counties | 08/03/06 | 5/14/07, 72 FR 27063 | |
| 8-Hour Ozone Maintenance Plan for the Wheeling, WV-OH Area. | Marshall and Ohio County | 07/24/06 | 5/15/07, 72 FR 27247 | |
| Article 3, Chapter 64 of the Code of West Virginia, 1931. | Statewide | 5/1/06 | 12/18/07, 72 FR 71576 | Effective date of March 11, 2006. |
| 8-Hour Ozone Maintenance Plan for Greenbrier County, WV. | Greenbrier County | 11/29/06 | 1/8/08, 73 FR 1282. | |
| 8-Hour Ozone Maintenance Plan for the Charleston, WV Area. | Charleston Area (Kanawha and Putnam Counties). | 11/30/05 | 7/11/06 71 FR 39001 | |

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| | | 01/08/07 | 1/14/08, 73 FR 2156 | Action includes approval of the following new motor vehicle emission budgets (MVEBs): 22.9 tons day (tpd) for 2009 and 9.5 tpd for 2018 for $NO_X$ and 12.9 tpd for 2009 and 7.5 tpd for 2018 for VOC. |
| State of West Virginia Transportation Conformity Requirements. | Entire State | 04/12/07 | 5/2/08, 73 FR 24175 | Memoranda of Understanding between EPA, FHWA, FTA, State of West Virginia, and six Metropolitan Planning Organizations. |

[70 FR 7027, Feb. 10, 2005]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2520, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2521 Classification of regions.

The West Virginia 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) |
| Steubenville-Weirton-Wheeling Interstate | I | I | III | III | III |
| Parkersburg-Marietta Interstate | I | II | III | III | III |
| Huntington-Ashland-Portsmouth-Ironton Interstate | I | III | III | III | III |
| Kanawha Valley Intrastate | I | III | III | III | III |
| Southern West Virginia Intrastate | III | III | III | III | III |
| North Central West Virginia Intrastate | I | III | III | III | III |
| Cumberland-Keyser Interstate | I | I | III | III | III |
| Central West Virginia Intrastate | III | III | III | III | III |
| Allegheny Intrastate | III | III | III | III | III |
| Eastern Panhandle Intrastate | III | III | III | III | III |

[37 FR 10902, May 31, 1972]

### § 52.2522 Approval status.

With the exceptions set forth below in this subpart, the Administrator approves West Virginia's plan for the attainment and maintenance of the national standards.

(a) The Administrator approves the deletion of the provisions found in section 3.03(b) of regulation X except as it applies to the Rivesville plant, Monongahela Power Co.

(b) The Administrator hereby extends the interim limitation of 5.12 lbs. $SO_2$ per million BTU for the Harrison power plant until a permanent emission limitation is approved.

(c) The Administrator approves the amended Sections 3.01(2) and 3.03(1) of

West Virginia Air Pollution Control Commission Regulation X submitted January 25, 1978 and amended September 13, 1978, as a plan for attainment of the primary $SO_2$ NAAQS. The Administrator does not approve the State's control strategy for attainment and maintenance of the secondary $SO_2$ NAAQS submitted on those dates, so far as it applies to the Mitchell and Harrison power stations.

(d)–(f) [Reserved]

(g) The Administrator approves West Virginia's November 22, 1995 SIP submittal for the Follansbee, West Virginia PM–10 nonattainment area as fulfilling the section 189(a)(1)(B) requirement for a demonstration that the plan is sufficient to attain the PM–10 NAAQS.

(h) EPA disapproves the portion of 45 CSR 13 subsection 1 referencing major stationary sources which have not been issued a permit pursuant to 45 CSR 30 and section 11.2, submitted by the West Virginia Department of Environmental Protection on August 26, 1994, as revisions to the West Virginia SIP. These provisions do not meet the requirements of 40 CFR 51.160 for scope. EPA also disapproves 45 CSR 13 section 9, submitted by the West Virginia Department of Environmental Protection on August 26, 1994, as a revision to the West Virginia SIP. These provisions do not meet the requirements of 40 CFR 51.161 for public participation.

(i) [Reserved]

[38 FR 16170, June 20, 1973, as amended at 45 FR 39255, June 10, 1980; 45 FR 54051, Aug. 14, 1980; 45 FR 74480, Nov. 10, 1980; 47 FR 55396, Dec. 9, 1982; 59 FR 37688, July 25, 1994; 60 FR 33925, June 29, 1995; 61 FR 58482, Nov. 15, 1996; 65 FR 2046, Jan. 13, 2000; 68 FR 51464, Aug. 27, 2003; 71 FR 1697, Jan. 11, 2006; 71 FR 56884, Sept. 28, 2006]

### § 52.2523 Attainment dates for national standards.

The New Manchester and Grant Magisterial Districts in Hancock County are expected to attain and maintain the secondary sulfur dioxide ($SO_2$) standards as soon as the Sammis Power Plant meets the $SO_2$ limitations in the Ohio State Implementation Plan.

[61 FR 16063, Apr. 11, 1996]

### § 52.2524 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) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the emission limitation requirements of West Virginia Administrative Regulations, Chapter 16–20, Series X (hereinafter regulation X), section 3.01(a) or section 3.03(a), shall notify the Administrator, no later than October 1, 1973, of his intent to meet the requirements of said regulation by utilizing low-sulfur fuel, stack gas desulfurization, or a combination of stack gas desulfurization and low-sulfur fuel.

(2) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section who elects to utilize low-sulfur fuel, either alone or in combination with stack gas desulfurization, shall be subject to the following compliance schedule:

(i) 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 the applicable regulation on June 30, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) May 15, 1974—Initiate onsite modifications, if applicable.

(vi) February 28, 1975—Complete onsite modifications, if applicable.

(vii) June 30, 1975—Final compliance with the requirements of regulation X, section 3.01(a) or section 3.03(a).

(3) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section who elects to utilize stack gas desulfurization, either

alone or in combination with low-sulfur fuel, and any owner or operator of a stationary source subject to the emission limitation requirements of regulation X, section 3.05, shall be subject to the following compliance schedule:

(i) October 15, 1973—Let necessary contracts for construction.

(ii) February 28, 1974—Initiate onsite construction.

(iii) February 28, 1975—Complete onsite construction.

(iv) June 30, 1975—Final compliance with the requirements of regulation X, section 3.01(a), section 3.03(a), or section 3.05.

(4) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the emission limitation requirements of regulation X, section 3.01(b) or section 3.03(b) shall notify the Administrator, no later than July 31, 1975, of his intent to meet the requirements of said regulation by utilizing low-sulfur fuel, stack gas desulfurization, or a combination of stack gas desulfurization and low-sulfur fuel.

(5) Any owner or operator of a stationary source subject to paragraph (b)(4) of this section who elects to utilize low-sulfur fuel, either alone or in combination with stack gas desulfurization, shall be subject to the following compliance schedule:

(i) August 31, 1975—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on June 30, 1978, and for at least one year thereafter, as well as a statement as to whether boiler modifications will be required. Submit final plans for modifications if they will be required.

(ii) October 31, 1975—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) December 31, 1975—Let contracts for necessary boiler modifications, if applicable.

(iv) April 30, 1976—Initiate onsite modifications, if applicable.

(v) April 30, 1977—Complete onsite modifications, if applicable.

(vi) June 30, 1978—Final compliance with the requirements of regulation X, section 3.01(b) or section 3.03(b).

(6) Any owner or operator of a stationary source subject to paragraph (b)(4) of this section who elects to utilize stack gas desulfurization, either alone or in combination with low-sulfur fuel, shall be subject to the following compliance schedule:

(i) October 30, 1975—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 28, 1976—Let necessary contracts for construction.

(iii) August 31, 1976—Initiate onsite construction.

(iv) December 31, 1977—Complete onsite construction.

(v) June 30, 1978—Final compliance with the requirements of regulation X, section 3.01(b) or section 3.03(b).

(7) Any owner or operator subject to the compliance schedule in paragraph (b) (2), (3), (5) or (6) of this section shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(8) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable regulation. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(9) (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.

(iv) The requirements of this paragraph shall not apply to the following sources for which a request for a postponement of the applicability of regulation X had been submitted pursuant to section 110(f) of the Act prior to the date of publication of this regulation:

| Source | Location |
|---|---|
| Kammer Station, Ohio Power Company .... | Moundsville. |
| Mitchell Station, Ohio Power Company ..... | Do. |
| Harrison Station, Monongahela Power Company. | Haywood. |
| Fort Martin Station, Monongahela Power Company. | Maidsville. |

(10) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b)(2), (3), (5), or (6) of this section fails to satisfy the requirements of §§ 51.261 and 51.262(a) of this chapter.

[38 FR 16170, June 20, 1973, as amended at 38 FR 22751, Aug. 23, 1973; 38 FR 24342, Sept. 7, 1973; 39 FR 32560, Sept. 9, 1974; 40 FR 3569, Jan. 23, 1975; 51 FR 40676, 40677, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

### § 52.2525 Control strategy: Sulfur dioxide.

(a) The provisions of § 51.112(a) are not met because the State did not adequately demonstrate that the deletion of section 3.03(b) of West Virginia regulation X as it applies to the Rivesville plant would not interfere with attainment and maintenance of the national ambient air quality standard.

(b) EPA approves the attainment demonstration State Implementation Plan for the City of Weirton, including the Clay and Butler Magisterial Districts area in Hancock County, West Virginia, submitted by the West Virginia Department of Environmental Protection on December 29, 2003.

[43 FR 52240, Nov. 9, 1978, as amended at 51 FR 40676, Nov. 7, 1986; 69 FR 24992, May 5, 2004]

### § 52.2526 Control strategy: Particulate matter.

(a) EPA approves West Virginia's November 15, 1991 SIP submittal for fulfilling the $PM_{10}$-specific requirement of part D for contingency measures required under section 172(c)(9) of the Clean Air Act applicable to the Follansbee, West Virginia $PM_{10}$ nonattainment area.

*(b) Determinations of Attainment.* EPA has determined, as of November 20, 2009, the Martinsburg-Hagerstown, WV-MD, the Parkersburg-Marietta, WV-OH and the Wheeling, WV-OH $PM_{2.5}$ nonattainment areas have attained the 1997 $PM_{2.5}$ NAAQS. These determinations, in accordance with 40 CFR 52.1004(c), suspend the requirements for these areas 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 these areas continue to meet the 1997 $PM_{2.5}$ NAAQS.

[68 FR 51464, Aug. 27, 2003, as amended at 74 FR 60203, Nov. 20, 2009]

### § 52.2527 [Reserved]

### § 52.2528 Significant deterioration of air quality.

(a) The requirements of Sections 160 through 165 of the Clean Air Act are met since the plan includes approvable procedures for the Prevention of Significant Air Quality Deterioration.

(b) Regulations for Preventing Significant Deterioration of Air Quality, the provisions of § 52.21(p) (4), (5), (6), and (7) are hereby incorporated and made a part of the applicable state plan for the state of West Virginia.

[51 FR 12518, Apr. 11, 1986]

### §§ 52.2529–52.2530 [Reserved]

### § 52.2531 1990 base year emission inventory.

EPA approves as a revision to the West Virginia State Implementation Plan the 1990 base year emission inventories for the Greenbrier county ozone nonattainment area submitted by the Secretary, West Virginia Department of Commerce, Labor & Environmental Resources on December 22, 1992. These

submittals consist of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in Greenbrier County for the following pollutants: Volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen ($NO_X$).

[60 FR 39862, Aug. 4, 1995]

### § 52.2532 [Reserved]

### § 52.2533 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) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of West Virginia.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of West Virginia.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

### § 52.2534 Stack height review.

The State of West Virginia has declared to the satisfaction of EPA that no State Implementation Plan emission limits, other than those for the Kammer power plant, have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion technique as defined in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on September 16, 1988.

[55 FR 21752, May 29, 1990]

### § 52.2560 Small business technical and environmental compliance assistance program.

On January 13, 1993, the Secretary of the West Virginia Department of Commerce, Labor and Environmental Resources 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 September 15, 1993, and made it part of the West Virginia SIP. As with all components of the SIP, West Virginia must implement the program as submitted and approved by EPA.

[58 FR 48312, Sept. 15, 1993]

### § 52.2565 Original identification of plan.

(a) This section identifies the original ''Air Implementation Plan for the State of West Virginia'' and all revisions submitted by West Virginia that were federally approved prior to December 1, 2004.

(b) The plan was officially submitted on January 27, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Addition to the plan regarding legal authority to enforce State laws in the City of Wheeling submitted on March 30, 1972, by the West Virginia Air Pollution Control Commission.

(2) Addition to the plan clarifying Resources section of SIP submitted April 20, 1972, by the West Virginia Air Pollution Control Commission.

(3) Revision to plan regarding ''Permit to Construct'' rule, Regulation XIII of the West Virginia Air Pollution Control Regulations, submitted May 5, 1972, by the West Virginia Air Pollution Control Commission.

(4) Revision to the plan allowing John E. Amos power plant variance to sulfur-in-fuel regulations submitted November 14, 1973, by the West Virginia Air Pollution Control Commission.

(5) AQMA designations were submitted on June 13, 1974, by the Governor of West Virginia.

(6) Indirect Source Review plan submitted on June 17, 1974, by the West Virginia Air Pollution Control Commission.

(7) Particulate matter regulation for Primary aluminum plants submitted on November 8, 1974, by the West Virginia Air Pollution Control Commission.

(8) Deletion of secondary annual and 24 hour sulfur dioxide standards from Regulation VIII submitted on March 16, 1976 by the Governor of West Virginia.

(9) Amendments to regulation X (to prevent and control air pollution from the emission of sulfur oxides) (section 2.07 added), section 2.08 (former section 2.07), section 2.09 (former section 2.08), section 2.10 (former section 2.09), section 2.11 (former section 2.10), section 2.12 (former section 2.11), section 2.13 (former section 2.12), section 2.14 (former section 2.13), section 2.15 (former section 2.14), section 2.16 (former section 2.15), section 3.01 is superseded by new section 3.01 except section 3.01(1) Kammer Power Station which retains the old section 3.01(a), section 3.02 is replaced by new section 3.02, section 3.03 is superseded by new section 3.03 except for section 3.03(2) Rivesville Power Station, which retains the old section 3.03(a) and section 3.01(b), section 3.03(1) (Harrison Power Plant) is approved as an interim emission limitation only, sections 3.05, 3.06, and 3.07 (added), section 3.08 (former section 3.05), section 6.01 is superseded by new section 6.01, new section 10 is added, section 11 (replaces former section 10) of the West Virginia Administrative Regulations submitted on January 25, 1978 (as amended September 13, 1978), by the Governor.

(10) Revised plans for attaining primary air quality standards for TSP and $SO_2$ submitted to EPA by the Governor of West Virginia on June 18, 1979. These plans are contained in a document entitled, ''Revisions to the State Implementation Plan to Achieve and Maintain Air Quality Standards for Particulates, Sulfur Oxides, and Ozone.''

(11) Revised plan for attaining the ozone standard submitted to EPA by the Governor of West Virginia on November 21, 1979.

(12) Revised Regulations III and VIII, and new Regulations XXI, XXIII, and XXIV, submitted to EPA by the Governor of West Virginia on December 19, 1979.

(13) Amended Sections 3.01(2) and 3.03(1) of Regulation X (to prevent and control air pollution from the emission of sulfur oxides), submitted on January 25, 1978 and amended September 13, 1978 by the Governor.

(14) Amended Regulations VI and VII, and an Identification and Analysis of the Impact of the 1979 West Virginia State Implementation Plan, submitted by the Governor of West Virginia on June 13, 1980.

(15) An Implementation Plan for lead submitted by the Governor of West Virginia on June 13, 1980, and supplementary information subsequently submitted to show that lead sources would be subject to new source review.

(16) Test Procedure for Quantifying Emissions From Bulk Gasoline Loading Terminals, submitted by the Governor of West Virginia on November 6, 1980.

(17) West Virginia's plans for attaining the secondary National Ambient Air Quality Standard for total suspended particulate submitted by the Governor of West Virginia on November 14, 1980.

(18) The consent order allowing alternative emission limitations for the Mountaineer Carbon Company, Moundsville, West Virginia, submitted on July 2, 1982 by the West Virginia Air Pollution Control Commission.

(19) Consent Order dated July 6, 1982 between National Steel Corporation, Weirton Steel Division and the West Virginia Air Pollution Control Commission submitted on July 6, 1982 by Mr. Donald R. Richardson providing for an alternate emission control plan (bubble) for the Weirton, West Virginia steel mill.

(20) Amended Regulation VII of the West Virginia Air Pollution Control Regulations submitted by the West Virginia Air Pollution Control Commission on April 29, 1983.

(21) A revision submitted by the State of West Virginia on November 4, 1983 which establishes an Ambient Air Quality Monitoring Network.

(22) Amended Regulation XIX of the West Virginia Air Pollution Control Regulations submitted by the West Virginia Air Pollution Control Commission on April 29, 1983.

(23) Regulation XIV (Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration) and a commitment letter submitted on June 13, 1984, and December 16, 1985, respectively, by the Chairman of the West Virginia Air Pollution Control Commission.

(i) Incorporation by reference.

(A) Regulation XIV (Permits for the Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration) adopted by the State of West Virginia on June 14, 1984.

(B) Letter of December 16, 1985, in which the West Virginia Air Pollutant Control Commission committed to comply with the July 8, 1985 rulemaking notice concerning stack heights in its PSD permitting.

(24) Revisions to the State Implementation Plan submitted by the West Virginia Air Pollution Control Commission.

(i) Incorporation by reference.

(A) Letter from the West Virginia Air Pollution Control Commission dated September 14, 1990, submitting a revision to the West Virginia State Implementation Plan.

(B) A Consent Order, dated and effective September 12, 1990, issued by the West Virginia Air Pollution Control Commission to the Columbia Gas Transmission Corporation limiting the emissions and operation of a compressor engine at its Lost River Compressor Station in Mathias, Hardy County, West Virginia.

(ii) Additional materials—Remainder of the State submittal.

(25) As of July 7, 1993 the rules in this paragraph (c)(25) are superseded by the rules contained in paragraph (c)(33) of this section. Revisions to the State Implementation Plan submitted by the West Virginia Air Pollution Control Commission, which define and impose RACT to control volatile organic compound emissions from bulk gasoline terminals, petroleum refineries, and storage of petroleum liquids in fixed roof tank facilities.

(i) Incorporation by reference.

(A) A letter from the West Virginia Air Pollution Control Commission dated June 4, 1991, submitting a revision to the West Virginia State Implementation Plan.

(B) Amendments to Series 21, 23, and 24 of the regulations of the West Virginia Air Pollution Control Commission, submitted June 4, 1991, and effective May 6, 1991.

(ii) Additional materials.

(A) The nonregulatory portions of the state submittal.

(26) Bilateral consent orders between the West Virginia Air Pollution Control Commission and six companies to limit emissions of particulate matter. The effective date of the consent order with Koppers is November 15, 1991; the effective date of the five other orders cited in paragraph (i)(B), below, is November 14, 1991.

(i) Incorporation by reference.

(A) Letter dated November 12, 1991 from the West Virginia Department of Commerce, Labor, and Environmental Resources transmitting six consent orders.

(B) Consent orders with the following companies (West Virginia order number and effective date in parentheses): Follansbee Steel Corporation (CO-SIP–91–31, November 14, 1991); International Mill Service, Incorporated (CO-SIP–91–33, November 14, 1991); Koppers Industries, Incorporated (CO-SIP–91–32, November 15, 1991); Standard Lafarge (CO-SIP–91–29, November 14, 1991); Starvaggi Industries, Incorporated (CO-SIP–91–34, November 14, 1991); and Wheeling-Pittsburgh Steel Corporation (CO-SIP–91–29, November 14, 1991).

(27) Revision to the State implementation plan consisting of a good engineering practice (GEP) for stack heights regulation as submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990:

(i) Incorporation by reference.

(A) Letter from the Secretary, Department of Commerce, Labor, and Environmental Resources dated April 2, 1990, submitting a revision to the West Virginia State implementation plan.

(B) Regulation 20 (45CSR20)—''Good Engineering Practice as Applies to Stack Heights'' adopted by the State of West Virginia on April 8, 1989. The regulation became effective on July 14, 1989.

(ii) Additional materials.

(A) Remainder of the State implementation plan revision submitted by the West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990.

(28) Revisions to the State Implementation Plan submitted by the West Virginia Department of Commerce, Labor, and Environmental Resource on August 15, 1990.

(i) Incorporation by reference.

(A) Letter from the West Virginia Department of Commerce, Labor, and Environmental Resources dated August 15, 1990 submitting a revision to the West Virginia State Implementation Plan.

(B) Amendments to the West Virginia Code Chapter 16, Article 20—Regulation VIII—''Ambient Air Quality Standards for Sulfur Oxides and Particulate Matter''; Regulation XI—''Prevention of Air Pollution Emergency Episodes''; and Regulation XIV—'' Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration''. All three rules were adopted on March 19, 1990 and became effective April 25, 1990.

(ii) Additional materials.

(A) Remainder of the State Implementation Plan revision request submitted by the West Virginia Department of Commerce, Labor, and Environmental Resources on August 15, 1990.

(29) Revisions to the State Implementation Plan submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990.

(i) Incorporation by reference.

(A) Letter from the Secretary, Department of Commerce, Labor, and Environmental Resources dated April 2, 1990 submitting a revision to the West Virginia State Implementation Plan.

(B) WVAPCC Rule TP–2—''Compliance Test Procedures for Regulation II—'To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers' '' adopted by the State of West Virginia on April 8, 1989.

(ii) Additional materials.

(A) Remainder of the State Implementation Plan revision request submitted by the West Virginia Department of Labor, Commerce, and Environmental Resources on April 2, 1990.

(30) The ten year ozone maintenance plan including emission projections and contingency measures for Huntington, West Virginia (Cabell and Wayne counties) as revised and effective on August 10, 1994 and submitted by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) The ten year ozone maintenance plan including emission projections and contingency measures for Huntington, West Virginia (Cabell and Wayne counties) revised and effective on August 10, 1994.

(31) The ten year ozone maintenance plan including emission projections and contingency measures for Parkersburg, West Virginia (Wood County) as revised and effective on August 10, 1994 and submitted by the West Virginia Division of Environmental Protection; Office of Air Quality:

(i) Incorporation by reference.

(A) The ten year ozone maintenance plan including emission projections and contingency measures for Parkersburg, West Virginia (Wood County) revised and effective on August 10, 1994.

(32) The ten year ozone maintenance plan including emission projections and contingency measures for Charleston, West Virginia (Kanawha and Putnam Counties), as revised and effective on August 10, 1994 and submitted by the West Virginia Division of Environmental Protection; Office of Air Quality:

(i) Incorporation by reference.

(A) The ten year ozone maintenance plan including emission projections and contingency measures for the Charleston, West Virginia (Kanawha and Putnam Counties) revised and effective August 10, 1994.

(33) Revisions to the West Virginia State Implementation Plan submitted on August 12, 1993 by the West Virginia Department of Commerce, Labor & Environmental Resources.

(i) Incorporation by reference.

(A) Letter of August 10, 1993 from the West Virginia Department of Commerce, Labor & Environmental Resources transmitting Title 45 Legislative Rules, Series 21, Regulation to Prevent and Control Air Pollution from Emission of Volatile Organic Compounds.

(B) Title 45 Legislative Rules, Series 21, Regulation to Prevent and Control Air Pollution from Emission of Volatile Organic Compounds, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 36, 39, 41, 42, 43, 44, 45, 46, 47, and 48, and

Appendix A, which were adopted May 26, 1993 and effective July 7, 1993.

(ii) Additional material.

(A) Remainder of August 10, 1993 State submittal pertaining to the rules referenced in paragraph (c)(33)(i) of this section.

(iii) Additional information.

(A) The rules in this paragraph (c)(33) supersede the rules contained in paragraph (c)(25) of this section.

(34) Revisions to the West Virginia State Implementation Plan submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources, Office of Air Quality, on August 10, 1993.

(i) Incorporation by reference.

(A) Letter dated August 10, 1993 from the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources, Office of Air Quality submitting 45 Code of State Regulations (CSR) Series 29 ''Rule Requiring the Submission of Emission Statements for Volatile Organic Compounds and Oxides of Nitrogen Emissions'' as a revision to the West Virginia State Implementation Plan. The effective date of this rule, 45CSR29 is July 7, 1993.

(B) West Virginia Regulation Title 45, Series 29, ''Rule Requiring the Submission of Emission Statements for Volatile Organic Compounds and Oxides of Nitrogen Emissions,'' consisting of Subsections: 1. General; 2. Definitions; 3. Applicability; 4. Compliance Schedule; 5. Emission Statement Requirements; 6. Enforceability; and 7. Severability, effective July 7, 1993.

(ii) Additional Material.

(A) Remainder of August 10, 1993 State submittal pertaining to 45 CSR Series 29, ''Rule Requiring the Submission of Emission Statements for Volatile Organic Compounds and Oxides of Nitrogen Emissions.''

(B) [Reserved]

(35) Revisions to the West Virginia implementation plan for sulfur dioxide ($SO_2$) in New Manchester Grant-Magisterial District, Hancock County submitted on February 17, 1995, as amended on May 3, 1996 by West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of February 17, 1995 from Mr. David C. Callaghan, Director, West Virginia Division of Environmental Protection transmitting a SIP revision for the New Manchester-Grant Magisterial District, Hancock County $SO_2$ nonattainment area.

(B) Letter of May 3, 1996 from Mr. Laidley Eli McCoy, Ph.D., Director, West Virginia Division of Environmental Protection transmitting an amendment to the February 17, 1995 SIP revision submittal for the New Manchester-Grant Magisterial District, Hancock County $SO_2$ nonattainment area.

(C) Implementation plan document (as amended, May 3, 1996), entitled ''Revision to the West Virginia State Implementation Plan to Achieve and Maintain the National Ambient Air Quality Standards for Sulfur Dioxide in the New Manchester-Grant Magisterial District''.

(D) Consent order entered into by and between the State of West Virginia and the Quaker State Corporation on January 9, 1995. The consent order was effective on January 9, 1995.

(E) Consent order entered into by and between the State of West Virginia and the Weirton Steel Corporation on January 9, 1995. The consent order was effective on January 9, 1995.

(ii) Additional material.

(A) Remainder of West Virginia's February 17, 1995 submittal, as amended on May 3, 1996.

(36) The ten year ozone maintenance plan including emission projections and contingency measures for Greenbrier County, West Virginia effective on September 1, 1994 and submitted by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 9, 1994 from the West Virginia Division of Environmental Quality transmitting the ozone maintenance plan for Greenbrier County.

(B) The ten year ozone maintenance plan including emission projections and contingency measures for Greenbrier County, West Virginia effective on September 1, 1994.

(ii) Additional Material.

(A) Remainder of September 9, 1994 State submittal pertaining to the maintenance plan referenced in paragraph (c)(36)(i) of this section.

(B) [Reserved]

(37) Revisions to the West Virginia State Implementation Plan submitted on May 16, 1995 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of May 16, 1995 from West Virginia Division of Environmental Protection, transmitting the General Conformity Rule.

(B) Title 45, Legislative Rule, Series 35 (45CSR35), Requirements for Determining Conformity of General Federal Actions to Applicable Air Quality Implementation Plans (General Conformity), effective May 1, 1995.

(ii) Additional material.

(A) Remainder of May 16, 1995 State submittal pertaining to 45CSR35 referenced in paragraph (c)(37) of this section.

(38) [Reserved]

(39) Revisions to the West Virginia Regulations 45 CSR 14 submitted on August 10, 1993 by the West Virginia Department of Commerce, Labor & Environmental Resources:

(i) Incorporation by reference.

(A) Letter of August 10, 1993 from the West Virginia Department of Commerce, Labor & Environmental Resources transmitting revisions to 45 CSR 14 ''Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration''.

(B) Revisions to 45 CSR 14, effective July 7, 1993, including revisions to definitions and the addition of $NO_2$ increment provisions. Not included in this incorporation by reference are 45 CSR 14 paragraphs 1.1, 1.2, 2.1, 2.4, 2.9, 2.11, 2.13, 2.13, 2.22, 2.26, 2.27, 2.32, 2.33 to 2.38, 3.2, 4.1 to 4.3, 5.1, 7.1 to 7.4, 8.1, 10.1, 10.4, 10.7, and 11.1.

(40) Revisions to the West Virginia Regulations 45 CSR 14 submitted on May 20, 1996 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of May 20, 1996 from the West Virginia Division of Environmental Protection transmitting revisions to 45 CSR 14 ''Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration''.

(B) Revisions to 45 CSR 14, effective May 1, 1995, including the addition of PM–10 increment provisions, revisions to definitions, and preconstruction review requirements for electric steam generating units. Not included in this incorporation by reference are 45 CSR 14 paragraphs 4.1 to 4.3, 7.3, 8.1, 10.1, 10.2, 10.4, and 11.1.

(41) [Reserved]

(42) Revisions to the West Virginia Regulations for coal preparation and handling facilities 45CSR5 submitted on August 10, 1993 by the West Virginia Department of Commerce, Labor and Environmental Resources:

(i) Incorporation by reference.

(A) Letter of August 10, 1993 from the West Virginia Department of Commerce, Labor, and Environmental Resources transmitting revisions to West Virginia's regulation 45CSR5 ''To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations''.

(B) Revisions to West Virginia regulation 45CSR5 regarding coal preparation and handling plants specifically: Revisions to 45CSR5 which require specific emission limits on particulate matter emissions at coal preparation and handling facilities in the Follansbee PM10 nonattainment area, monitoring of thermal driers and control equipment statewide, revised permitting, testing and reporting requirements.

(ii) Additional Material—Remainder of the August 10, 1993 submittal on 45CSR5.

(43) Revisions to West Virginia Regulation 45 CSR 13 submitted on August 26, 1994 by the West Virginia Department of Environmental Protection.

(i) Incorporation by reference.

(A) Letter of August 26, 1994 from the West Virginia Department of Environmental Protection transmitting 45 CSR 13 ''Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation''.

(B) Revised version of 45 CSR 13 ''Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary

Permits, General Permits, and Procedures for Evaluation'', sections: 1 except for the reference in subsection 1.1 to major stationary sources which have not been issued a permit pursuant to 45 CSR 30, 2–8, 10, 11 except for subsection 11.2, and Tables 45–13A and 45–13B, effective April 27, 1994.

(ii) Additional Material.

(A) Remainder of August 26, 1994 State submittal pertaining to 45 CSR 13, ''Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation''.

(B) Letter of September 5, 1996 from the West Virginia Office of Air Quality requesting EPA approval of 45 CSR 13 under 112(l) of the Clean Air Act, and clarifying that the definition of ''major stationary source'' in 45 CSR 13 will be interpreted consistently with the 45 CSR 14 and 45 CSR 19 programs as to the types of source categories which need to include fugitive emissions.

(44) Revisions to the West Virginia Regulations to attain and maintain the sulfur dioxide national ambient air quality standards in Marshall County submitted on February 17, 2000, by the Director, West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of February 17, 2000, from the Division of Environmental Protection transmitting a revision to the State Implementation Plan (SIP) for Attainment and Maintenance of Sulfur Dioxide National Ambient Air Quality Standards.

(B) Consent Orders entered between the West Virginia Office of Air Quality and:

(*1*) CO–SIP–2000–1, PPG Industries, Inc., Dated January 25, 2000.

(*2*) CO–SIP–2000–2, Bayer Corporation, Dated January 26, 2000.

(*3*) CO–SIP–2000–3, Columbian Chemicals Company, Dated January 31, 2000.

(ii) Additional Materials—Remainder of February 17, 2000 SIP revision submittal.

(45) Revisions to the West Virginia Regulations amending the ten-year maintenance plan for Huntington, West Virginia (Cabell and Wayne Counties) submitted on November 29, 2001 and December 18, 2001 by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of November 29, 2001 from the West Virginia Department of Environmental Protection transmitting amendments to the ten-year maintenance plan for Huntington, West Virginia (Cabell and Wayne Counties).

(B) Letter of December 18, 2001 from the West Virginia Department of Environmental Protection transmitting amendments to the ten-year maintenance plan for Huntington, West Virginia (Cabell and Wayne Counties).

(C) Amendments to the Huntington, West Virginia (Cabell and Wayne Counties) ozone maintenance plan submitted by the West Virginia Department of Environmental Protection effective November 16, 2001. This plan establishes motor vehicle emissions budgets for VOCs of 11.20 tons/day for 2002, and 11.00 tons/day for 2005. This plan also establishes motor vehicle emissions budgets for $NO_X$ of 11.56 tons/day for 2002, and 11.43 tons/day for 2005.

(ii) Additional Materials—Remainder of the November 29, 2001 and December 18, 2001 submittals pertaining to the revisions to the West Virginia Regulations amending the ten-year maintenance plan for Huntington, West Virginia (Cabell and Wayne Counties) revisions.

(46) Revisions to the West Virginia Rules 45CSR26 and 45CSR1 submitted on May 1, 2002 by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of May 1, 2002 from the Secretary of the West Virginia Department of Environmental Protection transmitting rules 45CSR26 and 45CSR1 to implement West Virginia's $NO_X$ Budget Trading Program and requirements for reductions in $NO_X$ emissions from cement manufacturing kilns.

(B) West Virginia Rule Title 45 Series 26, ''Nitrogen Oxides Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides from Electric Generating Units,'' consisting of sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24, 30, 31, 40, 41, 42, 43, 50, 51, 52, 53, 54, 55, 56, 57, 60, 61, 62, 70, 71, 72, 73, 74, 75, and 76 effective May 1, 2002.

(C) West Virginia Rule Title 45 Series 1, ''Nitrogen Oxides Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides,'' consisting of sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24, 30, 31, 40, 41, 42, 43, 50, 51, 52, 53, 54, 55, 56, 57, 60, 61, 62, 70, 71, 72, 73, 74, 75, 76, 80, 81, 82, 83, 84, 85, 86, 87, 88, and 100, effective May 1, 2002.

(ii) Additional Material—Other materials submitted by the State of West Virginia in support of and pertaining to Rules 45CSR26 and 45CSR1 listed in paragraphs (c)(46)(i)(B) and (C) of this section.

(47) Revisions to West Virginia Regulations to prevent and control air pollution from the operation of coal preparation plants, coal handling operations, and coal refuse disposal areas, submitted on September 21, 2000 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control air pollution from the operation of coal preparation plants, coal handling operations, and coal refuse disposal areas.

(B) Revisions to Title 45, Series 5, 45CSR5, To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas, effective August 31, 2000.

(ii) Additional Material.

(A) Letter of November 21, 2000 from the West Virginia Division of Environmental Protection to EPA transmitting materials related to revisions of 45CSR5.

(B) Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(47)(i) of this section.

(48) Revisions to West Virginia Rule 45CSR3 submitted on September 21, 2000, by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000, from the Secretary of the West Virginia Department of Environmental Protection, pertaining to Regulation 45CSR3—To Prevent and Control Air Pollution from the Operating of Hot Mix Asphalt Plants.

(B) Revised Regulation 45CSR3, effective August 31, 2000.

(ii) Additional Material—Other materials submitted by the State of West Virginia in support of and pertaining to Rules 45CSR3 listed in paragraph (c)(48)(i)of this section.

(49) Revisions to West Virginia Rule 45CSR12 submitted on September 21, 2000, by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000, from the West Virginia Division of Environmental Protection transmitting Regulation 45CSR12—Ambient Air Quality Standard for Nitrogen Dioxide.

(B) Revised Regulation 45CSR12, effective on June 1, 2000.

(ii) Additional Material—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(49)(i) of this section.

(50) Revision to West Virginia Rule 45CSR9 submitted on September 21, 2000, by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000, from the West Virginia Division of Environmental Protection transmitting Regulation 45CSR9—Ambient Air Quality Standard for Carbon Monoxide and Ozone.

(B) Revised Regulation 45CSR9, effective on June 1, 2000.

(ii) Additional Material—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(50)(i)of this section.

(51) Revisions to the West Virginia's Regulations to prevent and control air pollution from combustion of refuse, submitted on September 12, 2001 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 12, 2001 from the West Virginia Division of Environmental Protection.

(B) Revisions to Title 45, Series 6 (45CSR6), To Prevent and Control Air Pollution from Combustion of Refuse, effective July 1, 2001.

(ii) Additional Material.

(A) Letter of September 21, 2000 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control air pollution from the combustion of refuse.

(B) Letter of January 26, 2001 from the West Virginia Division of Environmental Protection to EPA transmitting materials related to revisions of 45CSR6.

(C) Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(51)(i) of this section.

(52) Revisions to the West Virginia Regulations 45CSR13—Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, and Procedures for Evaluation, submitted on September 21, 2000 by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000, from the West Virginia Department of Environmental Protection transmitting revision to West Virginia Regulation 45CSR13.

(B) West Virginia Regulations 45CSR13—Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits and Procedures for Evaluation, effective June 1, 2000.

(ii) Additional Material—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(52)(i) of this section.

(53) Revisions to West Virginia's Regulations to prevent and control air pollution from the emission of sulfur oxides, submitted on September 21, 2000 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control air pollution from the emission of sulfur oxides.

(B) Revisions to Title 45, Series 10, 45CSR10, To Prevent and Control Air Pollution from the Emission of Sulfur Oxides, effective August 31, 2000.

(ii) Additional Material.

(A) Letter of April 29, 1996 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control air pollution from the emission of sulfur oxides.

(B) Letter of March 19, 2003 from the West Virginia Department of Environmental Protection to EPA providing clarification on the interpretation and implementation of certain regulations on air pollution control.

(C) Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(53)(i) of this section.

(54) The $PM_{10}$ Redesignation and Maintenance Plan for the Follansbee, West Virginia nonattainment area submitted by the West Virginia Department of Environmental Protection on May 12, 2003.

(i) Incorporation by reference.

(A) Letter of May 12, 2003 from the West Virginia Department of Environmental Protection transmitting the redesignation request and maintenance plan for the $PM_{10}$ nonattainment area in the Follansbee area of Brooke County.

(B) Maintenance Plan for the Follansbee $PM_{10}$ nonattainment area, effective April 28, 2003.

(ii) Additional material.—Remainder of the May 12, 2003 State submittal pertaining to the revisions listed in paragraph (c)(54)(i) of this section.

(55) Revisions to West Virginia's Regulations to prevent and control particulate matter air pollution from manufacturing processes and associated operations, submitted on September 21, 2000 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000 from the West Virginia Division of Environmental Protection.

(B) Revisions to Title 45, Series 7, 45 CSR7, To Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations, effective August 31, 2000.

(ii) Additional Material.

(A) Letter of March 19, 2003 from the West Virginia Division of Environmental Protection to EPA providing

clarification on the interpretation and implementation of certain regulations on air pollution control.

(B) Letter of March 29, 1996 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control particulate matter air pollution from manufacturing processes and associated operations.

(C) Letter of December 7, 1998 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control particulate matter air pollution from manufacturing processes and associated operations.

(D) Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(55)(i) of this section.

(56) Revisions to West Virginia's Regulations to prevent and control particulate air pollution from combustion of fuel in indirect heat exchangers, submitted on September 21, 2000 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000 from the West Virginia Division of Environmental Protection.

(B) Revisions to Title 45, Series 2, 45 CSR2, To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers, effective August 31, 2000.

(ii) Additional Material.

(A) Letter of March 19, 2003 from the West Virginia Division of Environmental Protection to EPA providing clarification on the interpretation and implementation of certain regulations on air pollution control.

(B) Letter of March 29, 1996 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control particulate air pollution from combustion of fuel in indirect heat exchangers.

(C) Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(56)(i) of this section.

(57) Revisions to the West Virginia 1-hour ozone maintenance plans for Greenbrier County and the Charleston, Huntington and Parkersburg areas to amend the base year and 2005 mobile emissions inventories and the 2005 motor vehicle emission budgets to reflect the use of MOBILE6, and to reallocate a portion of projected MOBILE6-based emission safety margins to those 2005 motor vehicle emission budgets. These revisions were submitted by the State of West Virginia Department of Environmental Protection to EPA on October 15, 2003.

(i) Incorporation by reference.

(A) Letter of October 15, 2003 from the Secretary of the West Virginia Department of Environmental Protection transmitting revisions to West Virginia's ozone maintenance plans for the Greenbrier County and the Charleston, Huntington and Parkersburg areas.

(B) Document entitled ''Final Revisions to the 1–Hour Ozone Maintenance Plans for the Charleston, WV (Kanawha and Putnam Counties); Huntingdon, WV (Cabell & Wayne Counties); Parkersburg, WV (Wood County); and Greenbrier County WV Maintenance Areas.'' This document establishes revised motor vehicle emissions budgets for the following 1-hour ozone maintenance plans, effective September 26, 2003:

(*1*) Revisions to the Charleston, West Virginia (Kanawha and Putnam Counties) ozone maintenance plan, establishing revised motor vehicle emissions budgets of 44.5 tons/day of VOC and 54.1 tons/day of $NO_X$.

(*2*) Revisions to the Huntington, West Virginia (Cabell and Wayne Counties) ozone maintenance plan, establishing revised motor vehicle emissions budgets of 13.4 tons/day of VOC and 13.9 tons/day of $NO_X$.

(*3*) Revisions to the Parkersburg, West Virginia (Wood County) ozone maintenance plan, establishing revised motor vehicle emissions budgets of 13.4 tons/day of VOC and 9.9 tons/day of $NO_X$.

(*4*) Revisions to the Greenbrier County, West Virginia ozone maintenance plan, establishing revised motor vehicle emissions budgets of 3.46 tons/day of VOC and 4.85 tons/day of $NO_X$.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(57)(i) of this section.

(58) Revision to the West Virginia Regulations to achieve and maintain the sulfur dioxide national ambient air

quality standards (NAAQS) in Marshall County consisting of Consent Order, CO–SIP–C–2003–27 for PPG Industries, Inc., submitted on November 17, 2003, by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of November 17, 2003, from the West Virginia Department of Environmental Protection transmitting a revision to the State Implementation Plan (SIP) to achieve and maintain the NAAQS for sulfur dioxide in Marshall County, West Virginia.

(B) Consent Order, CO–SIP–C–2003–27, entered into by and between the West Virginia Department of Environmental Protection, Division of Air Quality, and PPG Industries, Inc., on July 29, 2003. The consent order was effective on July 29, 2003.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revision listed in paragraph (c)(58)(i) of this section.

(59) Revisions to the West Virginia Regulations to attain and maintain the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide in the City of Weirton, including Clay and Butler Magisterial Districts, in Hancock County, West Virginia, submitted on December 29, 2003, by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of December 29, 2003, from the West Virginia Department of Environmental Protection, transmitting a revision to the State Implementation Plan (SIP) for attainment and maintenance of the sulfur dioxide NAAQS for the City of Weirton, including the Clay and Butler Magisterial Districts in Hancock County, West Virginia.

(B) The following Companies' Consent Order and Operating Permit:

(*1*) Wheeling-Pittsburgh Steel Corporation, Operating Permit R13–1939A, effective August 19, 2003.

(*2*) Weirton Steel Corporation Consent Order, CO–SIP–C–2003–28, effective August 4, 2003.

(ii) Additional Material.

(A) Remainder of the State submittal pertaining to the revision listed in paragraph (c)(59)(i) of this section.

(B) Letter of February 10, 2004, from the West Virginia Department of Environmental Protection providing clarification to permit R13–1939A, condition B.4. issued to the Wheeling-Pittsburgh Steel Corporation.

[37 FR 10901, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2565, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart YY—Wisconsin

### § 52.2569 Identification of plan—conditional approval.

(a) Revisions to the plan identified in § 52.2570 were submitted on the date specified.

(1)–(3) [Reserved]

(4) On November 15, 1993, and July 28, 1994, the Wisconsin Department of Natural Resources (WDNR) submitted enhanced inspection and maintenance (I/M) rules and a Request for Proposal (RFP) as a revision to the State's ozone State Implementation Plan (SIP). The EPA conditionally approved these rules and RFP based on the State's commitment to amend its rules and sign its final I/M contract to address deficiencies noted in to the final conditional approval. These final, adopted rule amendments and final, signed contract must be submitted to the EPA within one year of the EPA's conditional approval.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, Chapter NR 485, effective July 1, 1993.

(ii) Additional materials.

(A) SIP narrative plan titled ''Wisconsin—Ozone SIP—Supplement to 1992 Inspection and Maintenance Program Submittal,'' submitted to the EPA on November 15, 1993.

(B) RFP, submitted along with the SIP narrative on November 15, 1993.

(C) Supplemental materials, submitted on July 28, 1994, in a letter to the EPA.

[60 FR 2885, Jan. 12, 1995]

### § 52.2570 Identification of plan.

(a) Title of plan: ''A Statewide Implementation Plan to Achieve Air Quality Standards for Particulates, Sulfur Oxides, Nitrogen Oxides, Hydrocarbons,

Oxidants, and Carbon Monoxide in the State of Wisconsin.''

(b) The plan was officially submitted on January 14, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) An abatement order for the Alma Power Plant in the Southeast LaCrosse AQCR was issued on February 15, 1972, by the State Department of Natural Resources. (Non-regulatory)

(2) On March 3, 1972, the control strategy (IPP) for the Southeast Wisconsin Interstate was submitted by the State Department of Natural Resources. (Non-regulatory)

(3) The air quality monitoring network was submitted by the State Department of Natural Resources on March 16, 1972. (Non-regulatory)

(4) Revisions to the air quality monitoring network were submitted on April 7, 1972, by the State Department of Natural Resources. (Non-regulatory)

(5) A revised order, hearing documents and other information concerning the meeting of standards by the Alma Power Plant was submitted on January 19, 1973, by the Governor. Also submitted were revisions to emergency episode levels regulation NR 154.01(41)(c)–3 and NR 154.01(41)(c)–4.

(6) Compliance schedules were submitted on June 26, 1973, by the State.

(7) Compliance schedules were submitted on October 11, 1973, by the State.

(8) Compliance schedules were submitted on October 19, 1973, by the State.

(9) Compliance schedules were submitted on November 10, 1973, by the State.

(10) Compliance schedules were submitted on December 12, 1973, by the State.

(11) The Governor of the State submitted the Air Quality Maintenance Areas designations on June 21, 1974.

(12) A request for an extension of the statutory timetable for the submittal of the portion of the Wisconsin SIP which provides for the attainment of the Secondary NAAQS for TSP was submitted by the Wisconsin DNR on February 22, 1979, and was supplemented with additional information on April 16, 1979 and May 13, 1980.

(13) On June 4, 1979, the State submitted revisions to regulation NR 154.13 and to regulation NR 154.01 as it applies to regulation NR 154.13 and a commitment by the Wisconsin Natural Resources Board to adopt any additional rules representing reasonably available control technology which are necessary for the attainment of the ozone standard. NR 154.01 and NR 154.13 were published in the Wisconsin Administrative Register in July 1979 and were amended in the August 1979 Register.

(14) On November 27, 1979 the Wisconsin Department of Natural Resources submitted revised rules NR 154.01 (126m), 154.02, 154.03 and 154.06. Support materials for these regulations were previously submitted on July 12, 1979 and September 4, 1979.

(15) On May 1, 1980, the Wisconsin Department of Natural Resources submitted the sulfur dioxide regulations NR 154.12 (4) and (5) for the Village of Brokaw, Marathon County and the City of Madison, Dane County.

(16) On July 12, 1979, Wisconsin submitted its ozone and carbon monoxide plan. This included the plan for the Green Bay, Madison, and Milwaukee urban areas which include the ozone nonattainment counties of Brown, Dane, Kenosha, Milwaukee, Ozaukee, Racine and Waukesha. Supplemental materials and commitments were submitted on September 4, 1979, February 28, 1980, August 12, 1980, September 25, 1980, November 4, 1980 and April 9, 1981.

(17) On July 12, 1979, Wisconsin submitted its vehicle inspection and maintenance program. Supplemental information and commitments were submitted on August 1, 1979, October 16, 1979, May 7, 1980, May 8, 1980, and April 9, 1981.

(18) On July 12, 1979 Wisconsin submitted its new source review regulations. Additional information was submitted on September 4, 1979, November 27, 1979, May 1, 1980, and February 18, 1981. EPA is only approving these submittals as they relate to the new source review plan for nonattainment areas.

(19) On April 18, 1980, the State of Wisconsin submitted a revision to provide for modification of the existing air quality surveillance network. An

amendment to the revision was submitted by the State of Wisconsin on September 15, 1980.

(20) On September 9, 1980, the State of Wisconsin submitted a variance to regulation NR 154.13(3)(c) for Avis Rent-A-Car.

(21) On October 29, 1980 the State submitted a variance to regulation NR 154.13(3)(a) for Union Oil Company bulk gasoline terminal in Superior.

(22) On July 12, 1979, the State submitted revisions to Regulation NR 154.09, Wisconsin Administrative Code.

(23) Revision to plan allowing General Motors Assembly Division Janesville plant variance from Regulation NR 154.13(4)(g) 4.a., Wisconsin Administrative Code submitted January 15, 1981 by the State Department of Natural Resources.

(24) On August 31, 1981, Wisconsin submitted a variance from the provisions of Section NR 154.12(5)(a)2.b.2, and NR 154.12(5)(b) Wisconsin Administrative Code, for the Oscar Mayer and Company plant located in Madison, Wisconsin as a revision to the Wisconsin sulfur dioxide SIP.

(25) Revision to plan allowing W. H. Brady Company in Milwaukee variance from regulation NR 154.13(4) (e) and (f), Wisconsin Administrative Code, submitted January 22, 1982, by the State Department of Natural Resources.

(26) Revision to plan allowing Albany Carbide Corporation in Albany variance from regulation NR 154.13(5)(a), Wisconsin Administrative Code, submitted on December 22, 1981, by the State Department of Natural Resources.

(27) On January 15, 1981, the Wisconsin Department of Natural Resources submitted revisions to regulations NR 154.01 and NR 154.13 representing reasonably available control technology which are necessary to attain and maintain the ozone standard. A supplemental commitment was submitted March 31, 1982.

(28) On November 27, 1979, the State of Wisconsin submitted implementation plan revision to satisfy the Part D, Title I of the Clean Air Act for attainment and maintenance of the national ambient air quality standards for particulate matter. The revision consists of NR 154.11, Wisconsin Administrative Code, Control of Particulate Matter. Amendments to the plan were submitted by the State on November 6, 1980, and June 10, 1981. Supplemental information and commitments were submitted on May 1, 1980, May 13, 1982, and December 7, 1982. No attainment plan was submitted for Columbia, Brown, Dane, Douglas, Kenosha, Manitowoc, Marathon, Racine, Winnebago, and Wood Counties.

(29) On July 15, 1982, the State of Wisconsin submitted a variance to the compliance regulation requirements contained in NR 154.13(2)(a)1.d. for Lakehead Pipe Line Company, Inc., in Superior.

(30) On December 7, 1982, Wisconsin submitted revisions to regulations NR 154.01 and NR 154.11(2) for fugitive dust control in or near nonattainment areas for TSP.

(31) On March 8, 1983, the Wisconsin Department of Natural Resources submitted the 1982 revision to the Ozone/Carbon Monoxide SIP for Southeastern Wisconsin. This revision pertains to Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha Counties. EPA is deferring action on the vehicle inspection and maintenance (I/M) portion of this revision.

(32) On February 17, 1983, the Wisconsin Department of Natural Resources submitted the newly created section NR 154.13(13)(e) of Wisconsin's Administrative Code which partially exempts methylene chloride (dichloromethane) and methyl chloroform (1,1,1-trichloroethane) from the VOC control requirements contained in the Wisconsin SIP. The U.S. Environmental Protection Agency is not rulemaking at this time on the sulfur dioxide control requirements for the City of Brokaw in Marathon County which were also contained in the February 17, 1983, submittal.

(33) On January 23, 1984, the State of Wisconsin submitted a State Implementation Plan revision revoking the Hydrocarbon Standard contained in NR 155.03(5).

(34) On July 1, 1983, the State of Wisconsin submitted ambient lead standards and lead emission limitations as additions to the State Implementation Plan. The additions consist of NR 155.03(7), Lead: Primary and Secondary

Standards, and NR 154.145, Control of Lead Emissions, of the Wisconsin Administrative Code. Supplemental information and commitments were submitted on October 13, 1983, March 14, 1984, June 4, 1984, and June 15, 1984.

(35) On September 20, 1983, the Wisconsin Department of Natural Resources submitted its Lead SIP for the entire State of Wisconsin. Additional information was submitted on February 14, 1984, and March 14, 1984.

(36) On December 8, 1983, the Wisconsin Department of Transportation submitted Chapter TRANS 131, Motor Vehicle Inspection and Maintenance Program (MVIP). On June 11, 1984, the Wisconsin Department of Natural Resources requested that USEPA approve the remaining element of the 1982 Ozone/Carbon Monoxide SIP, the vehicle inspection and maintenance portion (I-M). All other elements of the Ozone/Carbon Monoxide SIP has been approved previously. (See Section 52.2570 (c)(31)).

(37) On May 25, 1984, the Wisconsin Department of Natural Resources submitted a permit fee rule, Chapter NR 410, which establishes air permit application fees and air permit implementation and enforcement fees, as a revision to the SIP.

(38) On January 23, 1984, the Wisconsin Department of Natural Resources (WDNR) submitted $SO_2$ emission limits for large electric utility sources located in the City of Milwaukee, Milwaukee County, Wisconsin.

WDNR recodified the rule and on October 23, 1987, submitted it as recodified.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, Natural Resources (NR) 418.04 as found at (Wisconsin) Register, September 1986, No. 369, effective October 1, 1986.

(39) On January 23, 1984, the Wisconsin Department of Natural Resources submitted revisions to sections NR 154.01 and NR 154.13 of the Wisconsin Administrative Code. These revisions incorporate volatile organic compound emission limits for large existing petroleum dry cleaners located in a six-county area of southeastern Wisconsin into the Wisconsin Ozone SIP [NR 154.13(6)(c)].

(40) On November 17, 1983, Wisconsin submitted revisions to Sections NR 154.01, Definitions, and NR 154.13, Control of Organic Compound Emissions, of the Wisconsin Administrative Code. These revisions clarify the volatile organic compound RACT rules and establish an extended RACT compliance date for certain can coating operations. On July 11, 1984, Wisconsin submitted additional information revising the original submittal.

(i) Incorporation by reference.

(A) Board Order A–36–82, incorporating revisions to NR 154.01 and NR 154.13 of the Wisconsin Administrative Code, became effective in the State of Wisconsin on August 1, 1983.

(41) On January 24, 1985, the Wisconsin Department of Natural Resources submitted test methods for petroleum dry cleaning sources as a revision to the Wisconsin SIP. These test methods are part of the State's ''Air Management Operations Handbook''.

(i) Incorporation by reference.

(A) Test methods for petroleum dry cleaning sources contained in the Wisconsin Department of Natural Resources' ''Air Management Operations Handbook''.

(42) On July 12, 1979, the State of Wisconsin submitted its new source review (NSR) regulations. Additional information was submitted on September 4, 1979, November 27, 1979, May 1, 1980, and February 18, 1981. USEPA has previously approved these submittals as they relate to the NSR plan for nonattainment areas. See (c) (18). USEPA is now approving these submittals as they relate to the general NSR requirements for attainment and unclassified areas. USEPA is not approving these submittals with regard to the Prevention of Significant Deterioration (PSD) requirements, and USEPA's approval of Wisconsin's NSR rules should not be interpreted to apply to PSD. USEPA is approving §§144.394(2) and 144.394(5) of the State Statutes provided that all variances (144.394(2)) and emission reduction options (144.394(5)) are submitted to USEPA as SIP revisions. On November 6, 1985, the State submitted a letter committing to: (1) Revise its regulations to conform with USEPA's July 8, 1985, rulemaking concerning stack height credits for air quality

modeling; and (2) implement all air quality modeling analyses to conform with the July 8, 1985, rulemaking until the revised State regulations are enacted.

(i) Incorporation by reference.

(A) The following Sections of Chapter 144 of the Wisconsin Statutes, entitled ''Water, Sewage, Refuse, Mining, and Air Pollution, are incorporated by reference. These sections are located in Subchapter I, ''Definitions'', Subchapter III, ''Air Pollution'', and Subchapter VII, ''General Provisions, Enforcement and Penalties'', of Chapter 144.

Section 144.01 (1), (2), (3), (9m), and (12)—Definitions
Section 144.30—Air Pollution; Definitions
Section 144.31—Air Pollution Control; Powers and Duties
Section 144.34—Inspections
Section 144.375—Air Pollution Control; Standards and Determinations
Section 144.38—Classification and Reporting
Section 144.391—Air Pollution Control Permits
Section 144.392—Permit Application and Review
Section 144.393—Criteria for Permit Approval
Section 144.394—Permit Conditions
Section 144.395—Alteration, Suspension and Revocation of Permits
Section 144.396—Permit Duration
Section 144.397—Operation Permit Review
Section 144.398—Failure to Adopt Rules or Issue Permit or Exemption
Section 144.399—Fees
Section 144.402—Petition for Alteration
Section 144.403—Hearings on Certain Air Pollution Actions
Section 144.423—Violations; Enforcement
Section 144.426—Penalties for Violations Relating to Air Pollution
Section 144.98—Enforcement; Duty of Department of Justice

(B) The following Sections of Chapter NR 154 of the Wisconsin Administrative Code, entitled ''Air Pollution Control'', are incorporated by reference.

Section 154.01—Definitions
Section 154.04—Permit Requirements and Exemptions
Section 154.05—Action on Applications
Section 154.055—Relocation of Portable Sources
Section 154.06—Operation and Inspection of Sources (Source Reporting, Recordkeeping, Testing, Inspection and Operation)
Section 154.08—Enforcement and Penalties
Section 154.21—Limitations on County, Regional, or Local Regulations
Section 154.24—Procedures for Non-contested Case Public Hearings
Section 154.25—Procedures for Alteration of Permits by Petition

(C) Letter from the State of Wisconsin dated November 6, 1985, committing to implement USEPA's stack height regulations.

(43) On October 13, 1983, the State of Wisconsin submitted revisions to Chapter NR 154 of the Wisconsin Administrative Code that exempt certain sources from the need to obtain construction, modification, and operation permits, and from other permit program requirements. USEPA is approving these permit exemptions for attainment, nonattainment, and unclassified areas, except for those exemptions upon which USEPA is deferring action (Sections NR 154.01(118), NR 154.04(3)(a), NR 154.04(5), and NR 154.04(6)(b)).

(i) Incorporation by reference.

(A) Sections NR 154.01, NR 154.04, NR 154.08, NR 154.24, and NR 154.25 of Natural Resources Board Order Number A–39–81, which were published in the Wisconsin Administrative Register in April 1983, and which took effect on May 1, 1983, with the exception of sections NR 154.01(118), NR 154.04(3)(a), NR 154.04(5), and NR 154.04(6)(b).

(ii) Additional material.

(A) Letter from the State dated May 24, 1984, clarifying that major sources, or major modifications of major sources, could not be exempted from the requirement to obtain a permit under sections NR 154.04(2)(a) or NR 154.04(3)(b).

(B) Letter from the State dated July 13, 1984, stating that decisions made pursuant to NR 154.25 would be subject to the permitting criteria in § 144.393 of the Wisconsin Statutes.

(44) On August 20, 1985, Wisconsin submitted a revision to its volatile organic compound plan for the Continental Can Company. The revision allows the use of internal offsets, in conjunction with daily weighted emission limits, at Continental Can's Milwaukee and Racine can manufacturing facilities.

(i) Incorporation by reference.

(A) NR 422.05, as published in the (Wisconsin) Register, September, 1986, number 369, effective October 1, 1986.

(45) Submittal from the State of Wisconsin, dated February 17, 1983, modifying the $SO_2$ emission limits applicable in the Village of Brokaw, Marathon County, Wisconsin.

(i) Incorporation by reference.

(A) Letter from the Wisconsin Department of Natural Resources, dated February 17, 1983, and revised $SO_2$ emission limits for the Village of Brokaw, Marathon County, Wisconsin, which are contained in section NR 154.12(4) of the Wisconsin Administrative Code. The revisions consist of limiting the maximum sulfur content in fuel oil burned in boilers to 1.0 percent by weight, where a stack of 160 feet or more is used; limiting process emissions from the Copeland recovery system, pulp papermill cooking acid plant, and pulp digester blow stack to a combined total of 228 pounds of $SO_2$ per hour, when vented to a common stack of 160 feet of more. If a stack height of less than 160 feet is used, or if the process emissions are not vented to acommon stack of 160 feet or more, then the emission limits approved by USEPA on April 9, 1981, must be met. See (c)(15). The emission limits were effective January 1, 1983.

(46) The State of Wisconsin submitted negative declarations for several volatile organic compound source categories, as follows:

November 7, 1984—Synthetic organic chemical manufacturing industry sources (SOCMI) leaks and oxidation;

September 19, 1984—High-density polyethylene, polypropylene, and polystyrene resin manufacturers;

June 6, 1986—Natural gas/gasoline processing plants leaks.

(i) Incorporation by reference.

(A) Letters dated November 7, 1984, September 19, 1984, and June 6, 1985, from Donald F. Theiler, Director, Bureau of Air Management, Wisconsin Department of Natural Resources.

(ii) Additional information.

(A) Letter dated January 24, 1986, from PPG Industries, Inc., stating that they do not produce as an intermediate or final product any of the chemicals listed in 40 CFR part 60, subpart VV, § 60.489(a).

(47) Submittal from the State of Wisconsin, dated December 19, 1985, revising the specified levels for air pollution episodes, air pollution episode reporting requirements, and the requirements for implementing air pollution control plans.

(i) Incorporation by reference.

(A) Department of Natural Resources, Chapter NR 493, Air Pollution Episode Levels and Episode Emissions Control Action Programs, NR 493.01, 493.02 and 493.03, effective on August 1, 1985.

(48) On April 7, 1986, the WDNR submitted a site-specific revision to its ozone SIP for VOC emissions from Union Camp's four flexographic printing presses at the Tomah facility, located in Monroe County, Wisconsin. It consists of a compliance date extension from December 31, 1985, to December 31, 1987, for meeting the VOC emission limits contained in Wisconsin SHIP regulation, NR 154.13(4)(1).

(i) Incorporation by reference.

(A) January 8, 1986, RACT Variance Review for Union Camp Corporation 501 Williams Street, Tomah, Wisconsin 54660.

(49) Submittal from the State of Wisconsin, dated June 14, 1985, revising the Wisconsin Administrative Code to include section NR 154.015, Department Review Times.

(i) Incorporation by reference.

(A) Letter from the Wisconsin Department of Natural Resources, dated June 14, 1985, and section NR 154.015 of the Wisconsin Administrative Code as a revision to the Wisconsin SIP, effective on May 1, 1985. Section NR 154.015 is entitled ''Department Review Times'', and it establishes time limits for review and action by the Wisconsin Department of Natural Resources on three types of air permit applications.

(50) On November 20, 1986, the State of Wisconsin submitted a revision to the Vehicle Inspection and Maintenance program (I/M) portion of its ozone/CO SIP. This was a revised rule Table 1 for NR 485.04, Wisconsin Administrative Code, plus State SIP Revision Certification.

(i) Incorporation by reference.

(A) Wisconsin revised rule NR 485.04, Wisconsin Administrative Code, effective November 1, 1986.

(51) [Reserved]

(52) On December 1, 1987, the Wisconsin Department of Natural Resources (WDNR) submitted NR 418.06. NR 418.06 is an $SO_2$ rule which is only applicable to the Badger Paper Mills facility, located in the City of Peshtigo, Marinette County, Wisconsin.

(i) Incorporation by reference.

(A) Natural Resources (NR) 418.06, Peshtigo RACT sulfur limitations, as published in the (Wisconsin) Register, October 1987, No. 382 at page 74, effective November 1, 1987.

(53)–(54) [Reserved]

(55) On January 28, 1985, Wisconsin submitted its Rothschild (Marathon County) $SO_2$ plan, which contains emission limits for sources in the City of Rothschild and the Town of Weston, specifically for the Weyerhaeuser Paper Company and the Reed-Lignin Company, respectively. USEPA is approving NR 418.08 because this revision meets the requirements of part D of the Clean Air Act, 42 U.S.C. 7501–7508. The Wisconsin SIP, however, contains additional existing requirements for $SO_2$. Today's action on NR 418.08 has been integrated within Wisconsin's existing SIP regulations, and does not eliminate a source's obligation to comply with all existing $SO_2$ SIP requirements. Specifically, today's action in no way affects the terms and conditions of a Federal Consent Decree entered into by USEPA and the Weyerhaeuser Company located in Rothschild, Wisconsin No. 89–C–0973–C (W.D. Wis., filed November 1, 1989). This Consent Decree resolves USEPA's enforcement action against Weyerhaeuser Company for violations of SIP rule NR 154.12(1) (now recodified as 418.08). In that Decree, Weyerhaeuser committed to comply with NR 154.12(1) by installing a desulfurization scrubber. August 15, 1989, the WDNR issued a construction permit to Weyerhaeuser which limit the combined emissions of Weyerhaeuser's acid plant and desulfurization scrubber to 28 pounds of $SO_2$ per hour. The conditions and terms of this construction permit and of the Consent Decree remain federally enforceable. On May 9, 1987, 18 months past the effective date of USEPA's designation of Marathon County as a primary $SO_2$ non-attainment area (October 9, 1985, (50 FR 41139)), a construction moratorium was imposed in Marathon County under section 110(a)(2)(I) of the Clean Air Act because the county did not have a USEPA approved plan which assured the attainment and maintenance of the $SO_2$ NAAQS. However, USEPA final approval of Rothschild's $SO_2$ SIP will lift the section 110(a)(2)(I) construction ban in Marathon County.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, Natural Resources 418.08, Rothschild RACT sulfur limitations, as published in the (Wisconsin) Register, September, 1986, number 369, effective October 1, 1986.

(ii) Additional information.

(A) Weyerhaeuser Company, Federal Consent Decree No. 89–C–0973–C (W.D. Wis., filed November 1, 1989).

(56) [Reserved]

(57) On January 13, 1987, WDNR submitted a temporary variance from NR 154.13(4)(g) and interim emission limits for VOC emissions from General Motors Corporation's topcoat and final repair lines at Janesville, Wisconsin, which expire on December 31, 1992.

(i) Incorporation by reference.

(A) January 12, 1987, letter to Mike Cubbin, Plant Manager, General Motors Corporation from L.F. Wible, P.E., Administrator, Division of Environmental Standards.

(58) [Reserved]

(59) On November 6, 1986, WDNR submitted a variance from NR 422.15(2)(b), subject to certain conditions, for the VOC emissions from Gehl Company's dip tank coating operation in West Bend, Wisconsin. On May 22, 1990, WDNR added four additional conditions to the revised plan, and on September 5, 1990, it submitted clarifications to the plan.

(i) Incorporation by reference.

(A) A November 6, 1986, letter from Lyman Wible, P.E., Administrator, Division of Environmental Standards, WDNR to Mr. Michael J. Mulcahy, Vice-President, Secretary and General Counsel, Gehl Company.

(B) A May 10, 1990, letter from Lyman Wible, P.E., Administrator, Division of Environmental Standards, WDNR to

Mr. Michael J. Mulcahy, Vice-President, Secretary and General Counsel, Gehl Company.

(ii) Additional information.

(A) A September 5, 1990, letter from Thomas F. Steidl, Attorney, WDNR to Louise C. Gross, Associated Regional Counsel, USEPA.

(60) On January 23, 1984, and May 21, 1987, the WDNR submitted a proposed revision and additional information to the $SO_2$ SIP for sources located in the cities of Green Bay and DePere, Wisconsin (Brown County).

(i) Incorporation by reference.

(A) Natural Resources 418.05, Green Bay and DePere RACT sulfur limitations, as published in the (Wisconsin) Register, September, 1990, No. 417 at page 96, effective October 1, 1986.

(ii) Additional information.

(A) A July 16, 1990, letter from Don Theiler, Director Bureau of Air Management, WDNR additional information responding to USEPA's comments on the variable emission limits for Proctor & Gamble-Fox River, James River Corporation, and Green Bay Packaging.

(B) An August 27, 1986, letter from Vicki Rudell, Air Management Engineer, WDNR to Mr. Bill Zabor, Proctor & Gamble, Fox River Mill, regarding averaging time to be used when determining $SO_2$ emission limit exceedances and the concept of bubbling $SO_2$ emission limit from the digester blow stack scrubber and brown stock washer stack.

(C) A July 13, 1990, letter from W.F. Zabor, Environmental Control Manager, Proctor & Gamble to WDNR regarding the shut down of the bark combustor.

(D) A June 12, 1990, letter from Scott E. Valitchka, Environmental Control Engineer, James River Corporation, regarding how it intends to determine compliance with its boiler $SO_2$ emissions.

(E) A July 9, 1990, letter from Brian F. Duffy, Corporate Environmental Director Mills Operations to WDNR regarding $SO_2$ emission limits and compliance demonstration.

(F) A January 21, 1987, memorandum from Sudhir V. Desai, Environmental Engineer Central District Office, USEPA to Rashidan Khan, Engineering Section, USEPA, entitled ''Overview Inspection Green Bay Packaging Inc., Mill Division Green Bay, Wisconsin 54307, State FID #405032100 (A21055)''.

(61) [Reserved]

(62) On December 11, 1991, the United States Environmental Protection Agency received a revision to Wisconsin's State Implementation Plan for Carbon Monoxide. This revision took the form of Administrative Order AM–91–71, dated November 22, 1991, which incorporates a stipulation between the Wisconsin Department of Natural Resources and the Brunswick Corporation d.b.a. Mercury Marine. The Administrative Order addresses the emissions of carbon monoxide into the ambient air from Mercury Marine Engine Testing Facility in Oshkosh, Wisconsin.

(i) Incorporation by reference.

Administrative Order AM–91–71, dated November 22, 1991, which incorporates a stipulation between the Wisconsin Department of Natural Resources and the Brunswick Corporation d.b.a. Mercury Marine.

(ii) Additional materials.

Attainment modeling demonstration of control strategy to limit carbon monoxide emissions from Mercury Marine Engine Testing Facility, dated December 20, 1989.

(63) Revisions to the sulfur dioxide attainment plan were submitted by the State of Wisconsin between June 5, 1985, and January 27, 1992. The revised plan consists of: Natural Resources 417.07, Natural Resources 417.04, several operating permits, numerous administrative rules, numerous negative declarations, and some compliance plans.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, Natural Resources (NR) 417.07, Statewide Sulfur Dioxide Emission Limitations: Subsections 1 (Applicability); 2a, 2b, 2c, 2d, 2g (Emission Limits for Existing Sources); 3 (Emission Limits for New Sources); 4 (More Restrictive Emission Limits); 5 (Alternate Emission Limits); 6 (Compliance Schedules); 7 (Compliance Determinations); 8 (Variance from Emission Limits); as published in the (Wisconsin) Register, September, 1990, Number 417 at page 86, effective October 1, 1986.

(B) Wisconsin Administrative Code, NR 417.04, Southeastern Wisconsin

Intrastate AQCR, as published in the (Wisconsin) Register, September, 1990, Number 417 at page 85, effective October 1, 1986.

(C) An Air Pollution Control Permit (MIA–10–DFS–82–36–101), dated and effective December 22, 1982, issued by the Wisconsin Department of Natural Resources to The Manitowoc Company, Inc., limiting the emissions and operation of Boiler #23 at the facility in Manitowoc, Manitowoc County, Wisconsin.

(D) An Air Pollution Control Permit (EOP–10–DFS–82–36–102), dated and effective January 12, 1983, and amended on August 7, 1987, issued by the Wisconsin Department of Natural Resources to the Manitowoc Company, Inc., limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in Manitowoc, Manitowoc County, Wisconsin.

(E) An Administrative Order (86–436041870–J01), dated and effective November 25, 1986, issued by the Wisconsin Department of Natural Resources to the Manitowoc Company, Inc., South Works Facility, limiting the emissions and operation of Boilers #20 and 21 at the facility in Manitowoc, Manitowoc County, Wisconsin.

(F) An Administrative Order (86–445038550–J01), dated and effective October 27, 1986, issued by the Wisconsin Department of Natural Resources to Appleton Papers, Inc., limiting the emissions and operation of Boiler #22 at the facility in Appleton, Outagamie County, Wisconsin.

(G) A letter from Andrew Stewart to Dennis Hultgren, dated and effective on October 9, 1986, that details the conditions of the compliance plan for Appleton Papers at the facility in Appleton, Outagamie County, Wisconsin.

(H) An Administrative Order (86–445039100–J01), dated and effective December 23, 1986, issued by the Wisconsin Department of Natural Resources to the Fox River Paper Company, limiting the emissions and operation of Boiler #21 at the facility in Appleton, Outagamie County, Wisconsin.

(I) An Administrative Order (87–445009950–N01), dated and effective May 7, 1987, issued by the Wisconsin Department of Natural Resources to the Sanger B. Powers Correctional Center, limiting the emissions and operation of Boilers #1 and 2 at the facility in Oneida, Outagamie County, Wisconsin.

(J) An Air Pollution Control Permit (86–SJK–072), dated and effective July 28, 1987, issued by the Wisconsin Department of Natural Resources to the Thilmany Pulp and Paper Company, limiting the emissions and operation of Boilers #07, 08, 09, 10, and 11 at the facility in Kaukauna, Outagamie County, Wisconsin.

(K) An Administrative Order (87–469034390–J01), dated and effective January 22, 1987, issued by the Wisconsin Department of Natural Resources to the FWD Corporation, limiting the emissions and operation of Boilers #21, 22, and 23 at the facility in Clintonville, Waupaca County, Wisconsin.

(L) An Administrative Order (86–471030560–J01), dated and effective October 29, 1986, issued by the Wisconsin Department of Natural Resources to the Gilbert Paper Company, limiting the emissions and operation of Boilers #22, 23, 24, and 25 at the facility in Menasha, Winnebago County, Wisconsin.

(M) An Administrative Order (86–471031000–J01), dated and effective November 25, 1986, issued by the Wisconsin Department of Natural Resources to Kimberly Clark-Neenah Paper and Badger Globe Division, limiting the emissions and operation of Boilers #21 and 22 at the facility in Neenah, Winnebago County, Wisconsin.

(N) An Administrative Order (86–471031220–J01), dated and effective October 27, 1986, issued by the Wisconsin Department of Natural Resources to the U.S. Paper Mills Corporation-Menasha Mill Division, limiting the emissions and operation of Boiler #21 at the facility in Menasha, Winnebago County, Wisconsin.

(O) A Mandatory Operating Permit (735008010–J01), dated and effective June 16, 1987, issued by the Wisconsin Department of Natural Resources to Owens-Illinois Tomahawk and Timber STS, Inc., limiting the emissions and operation of Boilers #24, 25, 27, 28, and 29 at the facility in Tomahawk, Lincoln County, Wisconsin.

(P) An Administrative Order (86–750011350–J01), dated and effective September 16, 1986, issued by the Wisconsin Department of Natural Resources to the Del Monte Corporation, limiting the emissions and operation of Boilers #01 and 02 at the facility in Plover, Portage County, Wisconsin.

(Q) An Air Pollution Control Permit (85–RV–013), dated and effective July 17, 1985, issued by the Wisconsin Department of Natural Resources to the Neenah Paper Company, limiting the emissions and operation of Boiler #01 at the facility in Stevens Point, Portage County, Wisconsin.

(R) An Elective Operating Permit (87–NEB–701), dated and effective December 23, 1987, issued by the Wisconsin Department of Natural Resources to Nekoosa Papers, Incorporated-Port Edwards Mill, Inc., limiting the emissions and operation of Boilers #20, 21, 24, and 25; as well as the sulfite recovery furnace at the facility in Port Edwards, Wood County, Wisconsin.

(S) An Air Pollution Control Permit (603007790–N01), dated and effective June 12, 1987, issued by the Wisconsin Department of Natural Resources to the Seneca Foods Corporation, limiting the emissions and operation of Boilers #10 and 11 at the facility in Cumberland, Barron County, Wisconsin.

(T) An Air Pollution Control Permit (MIA–10–KJC–83–16–044), dated and effective July 7, 1983, issued by the Wisconsin Department of Natural Resources to the Koppers Company, limiting the emissions and operation of Boiler #1 at the facility in Superior, Douglas County, Wisconsin.

(U) An Administrative Order (86–649028490–N01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the Wisconsin Dairies Cooperative, limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in Clayton, Polk County, Wisconsin.

(V) An Administrative Order (86–851009940–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to Lionite Hardboard, limiting the emissions and operation of Boiler #20 at the facility in Phillips, Price County, Wisconsin.

(W) An Administrative Order (86–230008570–N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin-Parkside Heating Plant, limiting the emissions and operation of Boilers #20, 21, 22, and 23 at the facility in Kenosha, Kenosha County, Wisconsin.

(X) An Administrative Order (86–241012970–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the A.O. Smith/Automotive Products Company, limiting the emissions and operation of the fuel burning equipment at the facility in Milwaukee, Milwaukee County, Wisconsin.

(Y) An Administrative Order (86–241014730–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the American Can Company, limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in Milwaukee, Milwaukee County, Wisconsin.

(Z) An Administrative Order (87–241007360–J01), dated and effective October 28, 1987, issued by the Wisconsin Department of Natural Resources to the American Motors Corporation, Milwaukee Manufacturing Plant, limiting the emissions and operation of Boilers #20, 21, 22, 23, and 24 at the facility in Milwaukee, Milwaukee County, Wisconsin.

(AA) An Administrative Order (86–241016710–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Eaton Corporation/Specific Industry Control Division, limiting the emissions and operation of Boilers #20, 21, 22, at the facility in Milwaukee, Milwaukee County, Wisconsin.

(BB) An Administrative Order (86–241027050–J01), dated and effective September 18, 1986, issued by the Wisconsin Department of Natural Resources to the Milwaukee County Department of Health and Human Services, limiting the emissions and operation of Boilers #20, 21, 22, and 23, at the facility in Milwaukee, Milwaukee County, Wisconsin.

(CC) An Administrative Order (86–241084690–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to OMC Evinrude, limiting the emissions

and operation of Boilers #20, 21, and 22, at the facility in Milwaukee, Milwaukee County, Wisconsin.

(DD) A letter from Bill Haas to Steve Otto, dated and effective on September 24, 1986, that details the conditions of the compliance plan for OMC-Evinrude at the facility in Milwaukee, Milwaukee County, Wisconsin.

(EE) An Administrative Order (86–241009670–N01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to Patrick Cudahy, Incorporated, limiting the emissions and operation of Boilers #20, 22, and 24, at the facility in Cudahy, Milwaukee County, Wisconsin.

(FF) An Elective Operating Permit (86–MJT–037), dated and effective September 23, 1986, issued by the Wisconsin Department of Natural Resources to the Peter Cooper Corporation, limiting the emissions and operation of Boilers #20, 21, 22,23, and 24 at the facility in Oak Creek, Milwaukee County, Wisconsin.

(GG) An Administrative Order (86–241099910–J01), dated and effective October 5, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin at Milwaukee, Central Heating Plant, limiting the emissions and operation of Boilers #20A, 20B, 20C, and 21 at the facility in Milwaukee, Milwaukee County, Wisconsin.

(HH) A letter from Donald F. Theiler to William H. Rowe, dated and effective on October 2, 1986, that details the conditions of the compliance plan for the University of Wisconsin at Milwaukee at the facility in Milwaukee, Milwaukee County, Wisconsin.

(II) An Administrative Order (86–241025840–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the Vilter Manufacturing Corporation, limiting the emissions and operation of Boilers #20, and 21, at the facility in Milwaukee, Milwaukee County, Wisconsin.

(JJ) An Air Pollution Control Permit (EOP–10–DLJ–82–52–073), dated and effective January 18, 1983, issued by the Wisconsin Department of Natural Resources to J.I. Case, limiting the emissions and operation of Boilers #21 and 22 at the facility in Racine, Racine County, Wisconsin.

(KK) An Administrative Order (86–252006370–J01), dated and effective October 13, 1986, issued by the Wisconsin Department of Natural Resources to S.C. Johnson and Son, Inc., limiting the emissions and operation of Boilers #20, 21, 22, and 23 at the facility in Sturtevant, Racine County, Wisconsin.

(LL) A letter from Donald F. Theiler to Thomas T. Stocksdale, dated and effective on October 13, 1986, that details the conditions of the compliance plan for S.C. Johnson and Son at the facility in Sturtenant, Racine County, Wisconsin.

(MM) An Administrative Order (86–252012530–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to Southern Wisconsin Center, limiting the emissions and operation of Boilers #20, 21, 22 and 23 at the facility in Union Grove, Racine County, Wisconsin.

(NN) A letter from Donald F. Theiler to George Wade, dated and effective on September 24, 1986, that details the conditions of the compliance plan for Southern Wisconsin Center at the facility in Union Grove, Racine County, Wisconsin.

(OO) An Administrative Order (86–252005050–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to Western Publishing Company, limiting the emissions and operation of Boilers #20A, 20B, and 21 at the facility in Racine, Racine County, Wisconsin.

(PP) An Air Pollution Control Permit (MIA–12–DAA–83–60–208), dated and effective November 2, 1983, issued by the Wisconsin Department of Natural Resources to Borden Chemical, limiting the emissions and operation of Boiler #20 at the facility in Sheboygan, Sheboygan County, Wisconsin.

(QQ) An Elective Operative Permit (86–SJK–71A), dated and effective May 25, 1988, issued by the Wisconsin Department of Natural Resources to the Wisconsin Power and Light Company, limiting the emissions and operation of Boilers #23, and 24 at the facility in Sheboygan, Sheboygan County, Wisconsin.

(RR) An Air Pollution Control Permit (86–LMW–406), dated and effective September 18, 1986 issued by the Wisconsin Department of Natural Resources to the Wisconsin Power and Light Company, limiting the emissions and operation of Unit 2 at the facility in Portage, Columbia County, Wisconsin.

(SS) An Administrative Order, dated and effective August 1, 1986, issued by the Wisconsin Department of Natural Resources to Oscar Mayer Foods Corporation, limiting the emissions from all sources at the facility in Madison, Dane County, Wisconsin.

(TT) An Administrative Order, dated and effective August 6, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin, Charter Street Heating Plant, limiting the emissions from all sources at the facility in Madison, Dane County, Wisconsin.

(UU) An Administrative Order (86–114004770–N01), dated and effective September 23, 1986, issued by the Wisconsin Department of Natural Resources to the Universal Foods Corporation, limiting the emissions and operation of Boilers #21 and 22 at the facility in Juneau, Dodge County, Wisconsin.

(VV) An Administrative Order (86–114003340–N01), dated and effective September 23, 1986, issued by the Wisconsin Department of Natural Resources to John Deere Horicon Works, limiting the emissions and operation of fuel burning equipment at the facility in Horicon, Dodge County, Wisconsin.

(WW) An Administrative Order (86–420044680–N01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the Taycheedah Correctional Institute, limiting the emissions and operation of Boiler #20 at the facility in Taycheedah, Fond du Lac County, Wisconsin.

(XX) An Administrative Order (86–122003640–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the Dairyland Power Cooperative, limiting the emissions and operation of Boilers #20 and 21 at the facility in Cassville, Grant County, Wisconsin.

(YY) An Administrative Order (86–123002440–N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Iroquois Foundry Company, limiting the emissions and operation of fuel burning equipment at the facility in Browntown, Green County, Wisconsin.

(ZZ) An Administrative Order (86–424017550–J02), dated and effective March 2, 1987, issued by the Wisconsin Department of Natural Resources to the Berlin Foundry Company, limiting the emissions and operation of fuel burning equipment at the facility in Berlin, Green Lake County, Wisconsin.

(AAA) An Administrative Order (86–424021180–N01), dated and effective er 30, 1986, issued by the Wisconsin Department of Natural Resources to the Berlin Tanning and Manufacturing Company, limiting the emissions and operation of fuel burning equipment at the facility in Berlin, Green Lake County, Wisconsin.

(BBB) An Administrative Order (86–128003700–N01), dated and effective September 23, 1986, issued by the Wisconsin Department of Natural Resources to the Carnation Company-Pet Food and Cereal Division, limiting the emissions and operation of Boilers #21 and 22 at the facility in Jefferson, Jefferson County, Wisconsin.

(CCC) An Administrative Order (86–154008030–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to Frank Brothers, Incorporated, limiting the emissions and operation of fuel burning equipment at the facility in Milton, Rock County, Wisconsin.

(DDD) An Administrative Order (86–154002860–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the General Motors Corporation, limiting the emissions and operation of Boilers #21, 22, 23, 24, and 25 at the facility in Janesville, Rock County, Wisconsin.

(EEE) An Administrative Order (86–154004290–N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to George Hormel and Company, limiting the emissions and operation of Boilers #20, 21 and 22 at the facility in Beloit, Rock County, Wisconsin.

(FFF) An Administrative Order (86–999019320–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to Rock Road of Wisconsin, limiting the emissions and operation of fuel burning equipment at the facility in Janesville, Rock County, Wisconsin.

(GGG) An Administrative Order (86–609037440–N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Jacob Leinenkugel Brewing Company, limiting the emissions and operation of Boiler #20 at the facility in Chippewa Falls, Chippewa County, Wisconsin.

(HHH) An Administrative Order (86–609037660–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Northern Wisconsin Center for the Developmentally Disabled, limiting the emissions and operation of Boilers #20, 21, 22, and 23 at the facility in Chippewa Falls, Chippewa County, Wisconsin.

(III) An Air Pollution Control Permit (MIN–04–80–10–028), dated and effective June 19, 1981, issued by the Wisconsin Department of Natural Resources to Lynn Protein, limiting the operation of Boiler #21 at the facility in Clark County, Wisconsin.

(JJJ) A letter from Thomas Woletz to Dale Sleiter, dated and effective on September 9, 1986, that details the conditions of the compliance plan for the Lynn Protein facility in Clark County, Wisconsin.

(KKK) An Administrative Order (86–618022350–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to Uniroyal Tire Company, Incorporated, limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in Eau Claire, Chippewa County, Wisconsin.

(LLL) An Administrative Order (86–618027080–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin Eau Claire Heating Plant, limiting the emissions and operation of Boilers #20 and 21 at the facility in Eau Claire, Chippewa County, Wisconsin.

(MMM) An Administrative Order (86–618026530–N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Waste Research and Reclamation Company, limiting the emissions and operation of Boilers #20 and 21 at the facility in Eau Claire, Chippewa County, Wisconsin.

(NNN) An Administrative Order (86–632028430–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the G. Heileman Brewing Company, limiting the emissions and operation of Boilers #20, 21, 24, and 25 at the facility in LaCrosse, LaCrosse County, Wisconsin.

(OOO) An Administrative Order (86–632028210–J01), dated and effective November 26, 1986, issued by the Wisconsin Department of Natural Resources to the Trane Company-Main Complex, limiting the emissions and operation of Boilers #20, 21, 22, 23, and 24 at the facility in LaCrosse, LaCrosse County, Wisconsin.

(PPP) An Administrative Order (86–632023590–J01), dated and effective November 26, 1986, issued by the Wisconsin Department of Natural Resources to the Trane Company-Plant 6, limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in LaCrosse, LaCrosse County, Wisconsin.

(QQQ) An Administrative Order (86–632028100–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin-LaCrosse, limiting the emissions and operation of fuel burning equipment at the facility in LaCrosse, LaCrosse County, Wisconsin.

(RRR) An Administrative Order (86–642028860–N01), dated and effective December 23, 1986, issued by the Wisconsin Department of Natural Resources to the Golden Guernsey Dairy, limiting the emissions and operation of fuel burning equipment at the facility in Sparta, Monroe County, Wisconsin.

(SSS) An Elective Operating Permit (87–JBG–079), dated and effective March 9, 1988, issued by the Wisconsin Department of Natural Resources to the Dairyland Power Cooperative, limiting the emissions and operation of Boiler

#20 at the facility in Genoa, Vernon County, Wisconsin.

(ii) Additional information.

(A) On June 9, 1992, Wisconsin DNR submitted its $SO_2$ maintenance plan for the City of Madison, Dane County.

(B) On June 12, 1992, Wisconsin DNR submitted its $SO_2$ maintenance plan for the City of Milwaukee, Milwaukee County.

(64) On November 17, 1987, the Wisconsin Department of Natural Resources submitted Wisconsin's Rule Natural Resources (NR) 439.03—Reporting; NR 439.09—Inspections; and NR 484.04—Code of Federal Regulation Provisions.

(i) Incorporation by reference.

(A) Wisconsin revised rules NR 439.03, NR 439.09 and NR 484.04, Wisconsin's Administrative Code, effective October 1, 1987.

(65) On March 13, 1989, and May 10, 1990, Wisconsin Department of Natural Resources (WDNR) submitted rule packages AM–2–88 and AM–22–88, respectively, as revisions to its state implementation plan for particulate matter. AM–2–88 was published in December, 1988, and became effective on January 1, 1989. AM–2–88 modifies Chapter NR, Sections 400.02, 404.02, 405.02, 406.04, and 484.03 of the Wisconsin Administrative Code (WAC). AM–22–88 was published in September, 1989, and became effective on October 1, 1989. AM–22–88 modifies Chapter NR, Sections 404.04 and 484.03 of the WAC.

(i) Incorporation by reference.

(A) The rule packages revise NR 400.02, 404.02, 404.04, 405.02, 406.04, and 484.03 of the Wisconsin Administrative Code.

(ii) Additional information.

(A) A January 22, 1993, letter from D. Theiler, Director, Bureau of Air Management, WDNR, provides additional information responding to USEPA's proposed disapproval of the SIP revision, and contains WDNR's commitment to using only test methods approved by USEPA.

(66)–(68) [Reserved]

(69) On November 18, 1992, the State submitted rules regulating volatile organic compound emissions from gasoline dispensing facilities' motor vehicle fuel operations.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, Chapter NR 420 Control of Organic Compound Emissions from Petroleum and Gasoline Sources; Section 420.02 Definitions, Sections NR 420.02(8m), (24m), (32m), (38m), (39m); Section NR 420.045 Motor Vehicle Refueling; published in Wisc. Admin. Code in January 1993, and took effect on February 1, 1993.

(B) Wisconsin Administrative Code, Chapter NR 425 Compliance Schedules, Exceptions, Registration and Deferrals for Organic Compound Emissions Sources in Chapters 419 to 424; Section 425.035 Throughput Reporting and Compliance Schedules for Motor Vehicle Refueling; published in Wisc. Admin. Code in January 1993, and took effect on February 1, 1993.

(C) Wisconsin Administrative Code, Chapter NR 439 Reporting, Recordkeeping, Testing, Inspection and Determination of Compliance Requirements; Section NR 439.06(3)(c); Section NR 439.06(3)(i); published in the Wisc. Admin. Code in January 1993, and took effect on February 1, 1993.

(D) Wisconsin Administrative Code, Chapter NR 484 Incorporation by Reference; Section 484.05(1) Test Method 21 in appendix A of 40 CFR part 60 is incorporated by reference; Section NR 484.06(2) Other Materials (introduction); Section NR 484.06(2) (u) and (v) were created to incorporate San Diego Air Pollution Control District Test Procedures TP–91–1 and TP–91–2; incorporated by reference in Wisc. Admin. Code in January 1993, and took effect on February 1, 1993.

(E) Wisconsin Administrative Code, Chapter NR 494 Enforcement and Penalties for Violation of Air Pollution Control Provisions; renumbered Sections NR 494.025 and 494.03 to NR 494.03 and 494.05; Section NR 494.04 Tagging Gasoline Dispensing Equipment; published in the Wisc. Admin. Code in January 1993 and took effect on February 1, 1993.

(ii) Additional materials.

(A) Stage II Vapor Recovery SIP Program Description dated November 15, 1992.

(B) Letter from WDNR dated March 29, 1993, citing State authority under Sections NR 144.98, 144.99, 144.423, and

144.426, Wisc. Admin. Code, to enforce the Stage II program.

(C) Packet of public education materials on Stage II distributed by WDNR.

(70) On July 2, 1993, the State of Wisconsin submitted a requested revision to the Wisconsin 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 stationary sources throughout the state to report annual emissions of volatile organic compounds (VOC) and oxides of nitrogen ($NO_X$) as well as other pollutants.

(i) Incorporation by reference. Wisconsin Administrative Code, Chapter NR 438, Air Contaminant Emission Reporting Requirements, published in the Wisconsin Register, May 1993, effective June 1, 1993.

(71) [Reserved]

(72) On November 18, 1992 and January 21, 1993, the State of Wisconsin submitted a Small Business Stationary Source Technical and Environmental Assistance Program for incorporation in the Wisconsin State Implementation Plan as required by Section 507 of the Clean Air Act. Included in the State's submittal were portions of 1991 Wisconsin Act 269 and 1991 Wisconsin Act 302.

(i) Incorporation by reference.

(A) Section 15.157(10)—small business environmental council—91–92 Wis. Stats., Effective date: May 14, 1992.

(B) Section 144.36—small business stationary source technical and environmental compliance assistance program—91–92 Wis. Stats., Effective date: May 14, 1992.

(C) Section 144.399(2)(c)—fees—91–92 Wis. Stats., Effective date: July 1, 1992.

(D) Section 560.03(9)—business and industrial development—91–92 Wis. Stats., Effective date: May 14, 1992.

(E) Section 560.11—small business environmental council—91–92 Wis. Stats., Effective date: May 14, 1992.

(F) Section 560, Subchapter III—permit information center—91–92 Wis. Stats., Effective date: November 17, 1983.

(G) Section 96—nonstatutory provisions; development—91 WisAct 302, 1991 Laws of Wisconsin. Effective date May 14, 1992.

(ii) Other material.

(A) Program description.

(73) Revisions to the ozone State Implementation Plan (SIP) were submitted by the Wisconsin Department of Natural Resources on September 22, 1993, and January 14, 1994. These rules replace the 154 series stationary source VOC regulations previously contained in Wisconsin's ozone SIP with 400 series regulations which are consistent with the current Wisconsin Administrative Code. These rules are only being approved as they apply to the ozone SIP.

(i) Incorporation by reference. The following chapters of the Wisconsin Administrative Code are incorporated by reference.

(A) Chapter NR 400: AIR POLLUTION CONTROL DEFINITIONS. NR 400.01 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March 1, 1990. NR 400.02 as published in the (Wisconsin) Register, June, 1993, No. 450, effective July 1, 1993.

(B) Chapter NR 419: CONTROL OF ORGANIC COMPOUND EMISSIONS, except for NR 419.07. NR 419.01, 419.02, 419.03, 419.04 and 419.06 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March 1, 1990. NR 419.05 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994.

(C) Chapter NR 420: CONTROL OF ORGANIC COMPOUND EMISSIONS FROM PETROLEUM AND GASOLINE SOURCES. NR 420.01 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March, 1, 1990. NR 420.02 and 420.045 as published in the (Wisconsin) Register, January, 1993, No. 445, effective February 1, 1993. NR 420.03 and 420.04 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 420.05 as published in the (Wisconsin) Register, May, 1992, No. 437, effective June 1, 1992.

(D) Chapter NR 421: CONTROL OF ORGANIC COMPOUND EMISSIONS FROM CHEMICAL, COATINGS AND RUBBER PRODUCTS MANUFACTURING. NR 421.01 as published in the (Wisconsin) Register, February, 1990, No. 410, Effective March 1, 1990. NR

421.02, 421.03, 421.05 and 421.06 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 421.04 as published in the (Wisconsin) Register, May, 1992, No. 437, effective June 1, 1992.

(E) Chapter NR 422: CONTROL OF ORGANIC COMPOUND EMISSIONS FROM SURFACE COATING, PRINTING AND ASPHALT SURFACING OPERATIONS. NR 422.01, 422.05, 422.06, 422.07, 422.08, 422.085, 422.09, 422.10, 422.11, 422.12, 422.13, 422.155 and 422.16 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March 1, 1990. NR 422.02, 422.03, 422.04, 422.14 and 422.15 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994.

(F) Chapter NR 423: CONTROL OF ORGANIC COMPOUND EMISSIONS FROM SOLVENT CLEANING OPERATIONS. NR 423.01 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March 1, 1990. NR 423.02 as published in the (Wisconsin) Register, January, 1987, No. 385, effective February 1, 1988. NR 423.03, 423.04, and 423.05 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994.

(G) Chapter NR 424: CONTROL OF ORGANIC COMPOUND EMISSIONS FROM PROCESS LINES. NR 424.01 and 424.03 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March 1, 1990. NR 424.02 as published in the (Wisconsin) Register, April, 1988, No. 388, effective May 1, 1988. NR 424.04 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994.

(H) Chapter NR 425: COMPLIANCE SCHEDULES, EXCEPTIONS, REGISTRATION AND DEFERRALS FOR ORGANIC COMPOUND EMISSION SOURCES IN CHS. NR 419 TO 424. NR 425.01 and 425.02 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March 1, 1990. NR 425.03 425.04 and 425.05 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 425.035 as published in the (Wisconsin) Register, January, 1993, No. 445, effective February 1, 1993.

(I) Chapter NR 439: REPORTING, RECORDKEEPING, TESTING, INSPECTION AND DETERMINATION OF COMPLIANCE REQUIREMENTS. NR 439.01 and 439.085 as published in the (Wisconsin) Register, May, 1992, No. 437, effective June 1, 1992. NR 439.02, 439.03, 439.04, 439.05, 439.055, 439.06, 439.07, 439.075, 439.09, 439.095 and 439.11 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 439.08 as published in the (Wisconsin) Register, May, 1993, No. 449, effective June 1, 1993. NR 439.10 as published in the (Wisconsin) Register, September, 1987, No. 381, effective October 1, 1987.

(J) Chapter NR 484: INCORPORATION BY REFERENCE. NR 484.01 as published in the (Wisconsin) Register, May, 1992, No. 437, effective June 1, 1992. NR 484.02 as published in the (Wisconsin) Register, September, 1986, No. 369, effective October 1, 1986. NR 484.03 as published in the (Wisconsin) Register, May, 1993, No. 449, effective June 1, 1993. NR 484.04, 484.05 and 484.06 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 484.08 and 484.09 as published in the (Wisconsin) Register, October, 1992, No. 442, effective November 1, 1992.

(74) On November 24, 1992, the State of Wisconsin requested a revision to the Wisconsin State Implementation Plan (SIP) to maintain the National Ambient Air Quality Standards for $SO_2$ in Douglas County Wisconsin. Included were State orders and permits limiting emissions from CLM Corporation lime kilns and requiring Continuous Emission Monitoring Systems on these kilns.

(i) Incorporation by reference.

(A) Wisconsin Order AM–91–816A issued by WDNR to CLM Corporation on June 13, 1991. Wisconsin Administrative Order NWD–89–08 issued by the WDNR to CLM Corporation on December 20, 1989.

(75) On November 15, 1992, January 15, 1993, July 28, 1993, and January 14, 1994 the State of Wisconsin submitted emergency and permanent rules for issuance of New Source Review permits for new and modified air pollution sources in nonattainment areas, as required by section 182(a)(2)(c) of the Clean Air Act. The emergency rules have now been superseded by the permanent rules to clarify and specify the

NSR requirements that sources must meet under the Clean Air Act. Also submitted were portions of 1991 Wisconsin Act 302.

(i) Incorporation by reference.

(A) NR 400—Wisconsin Administrative Code, Air Pollution Control, Effective date January 1, 1994.

(B) NR 406—Wisconsin Administrative Code, Construction Permits, Effective date January 1, 1994.

(C) NR 408—Wisconsin Administrative Code, Nonattainment Area Major Source Permits, Effective date June 1, 1993.

(D) NR 490—Wisconsin Administrative Code, Procedures for Noncontested Case Public Hearings, Effective date January 1, 1994.

(E) Section 144.30—91–92 Wisconsin Statutes. Effective date May 14, 1992.

(F) Section 144.391—91–92 Wisconsin Statutes. Effective date May 14, 1992.

(G) Section 144.392—Construction permit application and review, 91–92 Wisconsin Statutes. Effective date May 14, 1992.

(H) Section 144.393—91–92 Wisconsin Statutes. Effective date May 14, 1992.

(i) Section 144.394—Permit conditions, 91–92 Wisconsin Statutes. Effective date May 14, 1992.

(ii) Additional material.

(A) Wisconsin's Emergency NSR regulations. Effective date November 15, 1992.

(B) On December 12, 1994, Donald Theiler, Director, Bureau of Air Management, WDNR sent a letter to USEPA clarifying Wisconsin's interpretation of ''any period of 5 consecutive years.'' Wisconsin interprets the term as referring to the five-year period including the calendar year in which the increase from the particular change will occur and the four immediately preceding years.

(76) On January 14, 1994, the State of Wisconsin submitted its rules for an Operating Permits program intended to satisfy federal requirements for issuing federally enforceable operating permits.

(i) Incorporation by reference.

(A) NR 407—Wisconsin Administrative Code, Operating Permits, Effective date January 1, 1994.

(77) On November 15, 1993, the State of Wisconsin submitted a revision to the State Implementation Plan (SIP) for the implementation of an employee commute options (ECO) program in the Milwaukee-Racine, severe–17, ozone nonattainment area. This revision included Chapter NR 486 of the Wisconsin Administrative Code, effective October 1, 1993, and Wisconsin Statutes sections 144.3712, enacted on April 30, 1992 by Wisconsin Act 302.

(i) Incorporation by reference.

(A) Chapter NR 486 of the Wisconsin Administrative Code, effective October 1, 1993.

(B) Wisconsin Statutes, section 144.3712, enacted on April 30, 1992 by Wisconsin Act 302.

(78) On November 15, 1993, the State of Wisconsin submitted a revision to the State Implementation Plan (SIP) for the implementation of a motor vehicle inspection and maintenance (I/M) program in the Milwaukee-Racine and Sheboygan ozone nonattainment areas. This revision included 1993 Wisconsin Act 288, enacted on April 13, 1994, Wisconsin Statutes Sections 110.20, 144.42, and Chapter 341, Wisconsin Administrative Code Chapter NR 485, SIP narrative, and the State's Request for Proposal (RFP) for implementation of the program.

(i) Incorporation by reference.

(A) 1993 Wisconsin Act 288, enacted on April 13, 1994.

(B) Wisconsin Statutes, Sections 110.20, 144.42, and Chapter 341, effective November 1, 1992.

(79) On October 21, 1994, the Wisconsin Department of Natural Resources (WDNR) submitted a plan modifying the $SO_2$ emission limits applicable to Rhinelander Paper Company facility, located in the City of Rhinelander, Oneida County, Wisconsin.

(i) Incorporation by reference.

(A) A Consent Order (AM–94–38), effective August 22, 1994 issued by the Wisconsin Department of Natural Resources (WDNR) and signed by Donald F. Theiler for the WDNR and Melvin L. Davidson for the Rhinelander Paper Company. Rhinelander Paper Company is located in Rhinelander (Oneida County), Wisconsin. This Order limits the overall $SO_2$ emissions from the Rhinelander Paper Company, and imposes more stringent $SO_2$ limits for the

source's stoker and cyclone boilers and vapor compression evaporator. Sampling and testing of fuel, as well as monitoring criteria are documented within the Order.

(B) A letter dated August 29, 1994 from the WDNR to Jerry Neis of Rhinelander Paper Company, requesting clarification for sampling methodologies for all fuel and the source of the sludge used as a fuel source.

(C) A response letter dated October 19, 1994 from Jerome T. Neis of Rhinelander Paper Company to the WDNR, detailing sampling methodologies for all fuel and clarifying the source of the sludge used as a fuel source.

(80) [Reserved]

(81) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on June 30, 1994, and supplemented on July 15, 1994. This revision consists of volatile organic compound regulations which establish reasonably available control technology for yeast manufacturing, molded wood parts or products coating, and wood door finishing.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(7), (34) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994. NR 422.02(12e), (18m), (24s), (27m), (33d), (34m), (46m), and (51) as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(B) NR 422.03(intro.) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994. NR 422.03 (8) and (9) as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(C) NR 422.04(1)(a) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(D) NR 422.132 as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(E) NR 422.135 as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(F) NR 424.02 (3), (4), (5), (6), and (7) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(G) NR 424.05 as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(H) NR 439.04(5)(a)(intro.) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(I) NR 439.075(2)(a)4. as amended and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(J) NR 439.09(7m) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994. NR 439.09(9)(b) as amended and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(K) NR 439.095 (1)(e) and (5)(e) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(L) NR 484.05(9) as renumbered from NR 484.05(2), amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(82) Revisions to the ozone State Implementation Plan (SIP) were submitted by the Wisconsin Department of Natural Resources on April 17, 1990, and June 30, 1994, and supplemented on July 15, 1994. Included in these revisions is a volatile organic compound (VOC) regulation which establishes reasonably available control technology (RACT) for screen printing facilities. Additionally, the State submitted current negative declarations for pre-1990 Control Technology Guideline (CTG) categories for which Wisconsin does not have rules as well as a list of major sources affected by the 13 CTG categories that USEPA is required to issue pursuant to sections 183(a), 183(b)(3) and 183(b)(4) of the Clean Air Act (Act).

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(11m), (21s), (41p), (41s), (41v) and (42m) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994. NR 422.02(32) as amended and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(B) NR 422.03(4m) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(C) NR 422.145 as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(D) NR 439.04(4)(intro.), (5)(a)1. and (5)(a)2. as amended and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(ii) Additional material.

(A) On April 17, 1990, and June 30, 1994, Wisconsin submitted negative declarations for the following source categories: Leaks from petroleum refinery equipment; Manufacture of synthesized pharmaceutical products; Mmanufacture of pneumatic rubber tires; Automobile and light duty truck manufacturing; Fire truck and emergency response vehicle manufacturing; Manufacture of high-density polyethylene, polypropylene, and polystyrene resins, a.k.a. polymer manufacturing; Leaks from synthetic organic chemical and polymer manufacturing equipment; Air oxidation processes at synthetic organic chemical manufacturing industries; and Equipment leaks from natural gas/gasoline processing plants. These negative declarations are approved into the Wisconsin ozone SIP.

(B) On June 30, 1994, Wisconsin submitted a list of facilities subject to the post-enactment source categories listed in Appendix E to the General Preamble. 57 FR 18070, 18077 (April 28, 1992). The list included facilities covered by the source categories cleanup solvents, offset lithography, plastic parts coating, and wood furniture coating. This list is approved into the Wisconsin ozone SIP.

(83) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on June 14, 1995. This revision is a volatile organic compound (VOC) regulation which requires controls on facilities that perform autobody refinishing operations.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(intro.) and (47), 422.03 (1) and (3) and 484.05(1) as amended and published in the (Wisconsin) Register, August, 1995 and effective September 1, 1995.

(B) NR 422.02 (1), (1x), (3m), (12d), (33j), (34s), (34v), (37s), (42n), (47e) and (49m) and 422.095 as created and published in the (Wisconsin) Register, August, 1995 and effective September 1, 1995.

(C) NR 422.02(1s) as renumbered from 422.02(1) and published in the (Wisconsin) Register, August, 1995 and effective September 1, 1995.

(84) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on February 17, 1995, and supplemented on June 14, 1995. This revision consists of a volatile organic compound regulation that requires controls for gasoline storate tank vent pipes.

(i) Incorporation by reference. The following section of the Wisconsin Administrative Code is incorporated by reference.

(A) NR 420.035 as created and published in the (Wisconsin) Register, July, 1994, No. 463, effective August 1, 1994.

(85) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on April 12, 1995, and supplemented on June 14, 1995, and January 19, 1996. This revision consists of a volatile organic compound regulation that requires the control of emissions from traffic markings.

(i) Incorporation by reference. The following section of the Wisconsin Administrative Code is incorporated by reference.

(A) NR 422.02(16e), (42q), (42s) and (47m) as created and published in the (Wisconsin) Register, July, 1994, No. 463, effective August 1, 1994.

(B) NR 422.17 as created and published in the (Wisconsin) Register, July, 1994, No. 463, effective August 1, 1994.

(86) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on April 12, 1995, and supplemented on June 14, 1995, and January 19, 1996. This revision consists of a volatile organic compound regulation that requires additional controls on solvent metal cleaning operations. This rule is more stringent than the RACT rule it is replacing.

(i) Incorporation by reference. The following section of the Wisconsin Administrative Code is incorporated by reference.

(A) NR 423.02(10) as renumbered from NR 423.02(9), amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994. NR 423.02(11) as renumbered from NR 423.02(10) and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994. NR 423.02(9) and (12) as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(B) NR 423.03 as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(C) NR 425.03(12)(a)7. as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(87) The state of Wisconsin requested a revision to the Wisconsin State Implementation Plan (SIP). This revision is for the purpose of establishing and implementing a Clean-Fuel Fleet Program to satisfy the federal requirements for a Clean Fuel Fleet Program to be part of the SIP for Wisconsin.

(i) Incorporation by reference.

(A) Chapter 487 of the Wisconsin Administrative Code, effective June 1, 1995.

(B) Wisconsin Statutes, section 144.3714, enacted on April 30, 1992, by Wisconsin Act 302.

(88) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on June 30, 1994, and supplemented on July 15, 1994. This revision consists of volatile organic compound regulations which establish reasonably available control technology for iron and steel foundries.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 419.02(1s), (1t), (1u), (3m) and (6m) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(B) NR 419.08 as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(89) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on May 12, 1995, and supplemented on June 14, 1995 and November 14, 1995. This revision consists of volatile organic compound regulations which establish reasonably available control technology for lithographic printing facilities.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(6), (18s), (21e), (24p), (24q), (28g), (37v), (41y) and (50v) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(B) NR 422.04(4) as amended and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(C) NR 422.142 as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(D) NR 439.04(5)(d)1.(intro.) as renumbered from 439.04(5)(d)(intro.), amended, and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(E) NR 439.04(5)(d)1. a. and b. as renumbered from 439.04(5)(d)1. and 2., and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(F) NR 439.04(5)(d)2 as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(G) NR 439.04(5)(e)(intro.) as amended and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(H) NR 439.06(3)(j) as created and published in the (Wisconsin) Register,

June, 1995, No. 474, effective July 1, 1995.

(I) NR 484.04(13m), (15e) and (15m) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(J) NR 484.10(39m) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(90) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on May 12, 1995 and later supplemented on June 14, 1995. This revision consists of volatile organic compound regulations which establish reasonably available control technology for facilities that perform wood furniture coating operations.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(3e),(7m), (16g), (16i), (16k), (41w), (42o), (42u), (50e), (50m) and (52) as created and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(B) NR 422.02(47) as amended and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(C) NR 422.125 as created and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(D) NR 422.15(1)(intro.) as amended and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(91) The State of Wisconsin requested a revision to the Wisconsin State Implementation Plan (SIP). This revision is for the purpose of satisfying the rate-of-progress requirement of section 182(b) and the contingency measure requirement of section 172(c)(9) of the Clean Air Act (Act) which will aid in ensuring the attainment of the national ambient air quality standard (NAAQS) for ozone.

(i) Incorporation by reference.

(A) Wisconsin Statutes, sections 144.31(1)(e) and (f), enacted on April 30, 1992, by Wisconsin Act 302.

(92) On October 18, 1995, the Wisconsin Department of Natural Resources submitted a revision to the State Implementation Plan for general conformity rules. The general conformity SIP revisions enable the State of Wisconsin to implement and enforce the Federal 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.

(i) Incorporation by reference.

(A) NR 489, as created and published in the (Wisconsin) Register, September, 1995, number 477, effective October 1, 1995.

(93) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on December 11, 1995 and later supplemented on January 12, 1996. This revision consists of a volatile organic compound regulation that establishes reasonably available control technology for facilities that use industrial adhesives.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(1e), (1m) and (28j) as created and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(B) NR 422.127 as created and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(C) NR 422.132(1)(c) as repealed, recreated and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(94) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on November 17, 1995. This revision consists of a site-specific revision for the GenCorp Inc.-Green Bay facility. This revision is required under Wisconsin's federally approved rule, NR 419.05. The storage requirements contained in NR 419.05 specifically require floating roofs, vapor condensation systems, and vapor holding tanks, or an equally effective alternative control method approved by the Wisconsin Department of Natural Resources and U.S. EPA. The GenCorp

Inc.-Green Bay facility has chosen to utilize a pressure vessel storage tank with a vapor balance system, as specified in Permit 95–CHB–407 which was issued on August 29, 1995. This pressure vessel will be used for the storage of acrylonitrile that will be used to manufacture styrene-butadiene-acrylonitrile latex.

(i) Incorporation by reference. The following sections of the Wisconsin air pollution construction permit 95–CHB–407 are incorporated by reference.

(A) The permit condition requiring a pressure vessel storage tank with a vapor balance system for the styrene-butadiene-acrylonitrile latex manufacturing process, as created and published Wisconsin Permit 95–CHB–407, August 29, 1995 and effective August 29, 1995.

(95) On March 15, 1996, Wisconsin submitted a site-specific SIP revision in the form of a consent order for incorporation into the federally enforceable ozone SIP. This consent order establishes an alternate volatile organic compound control system for a cold cleaning operation at the General Electric Medical Systems facility located at 4855 West Electric Avenue in Milwaukee.

(i) Incorporation by reference. The following items are incorporated by reference.

(A) State of Wisconsin Consent Order AM–96–200, dated February 20, 1996.

(B) September 15, 1995 letter from Michael S. Davis, Manager—Air and Chemical Management Programs, General Electric Medical Systems to Denese Helgeland, Wisconsin Department of Natural Resources, along with the enclosed system diagram. (This letter is referenced in Consent Order AM–96–200.)

(96)–(97) [Reserved]

(98) On November 6, 1996, the State of Wisconsin submitted rules pertaining to requirements under the Prevention of Significant Deterioration program. Wisconsin also submitted rule packages as revisions to the state implementation plans for particulate matter and revisions to the state implementation plans for clarification changes.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code (WAC) are incorporated by reference. Both rule packages, AM–27–94 and AM–9–95, were published in the (Wisconsin) Register in April 1995, No. 472, and became effective May 1, 1995. AM–27–94 modifies Chapter NR, Sections 400.02(39m), 404.05, 405.02, 405.07, 405.08, 405.10, 405.14, and 484.04 of the WAC. AM–9–95 modifies Chapter NR, Sections 30.03, 30.04, 400 Note, 400.02, 400.03, 401.04, 404.06, 405.01, 405.02, 405.04, 405.05, 405.07, 405.08, 405.10, 406, 407, 408, 409, 411, 415, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 429, 436, 438, 439, 447, 448, 449, 484, 485, 488, 493, and 499 of the WAC.

(99) On February 26, 1999, the State of Wisconsin submitted a site-specific revision to the sulfur dioxide ($SO_2$) SIP for Murphy Oil USA located in Superior (Douglas County), Wisconsin. This SIP revision was submitted in response to a January 1, 1985, request for an alternate $SO_2$ emission limitation by Murphy Oil, in accordance with the procedures of Wisconsin State Rule NR 417.07(5) for obtaining alternate emission limits, as was approved by EPA in paragraph (c)(63) of this section.

(i) Incorporation by reference.

(A) Air Pollution Control Operation Permit No. 95–SDD–120–OP, issued by the Wisconsin Department of Natural Resources (WDNR) to Murphy Oil USA on February 17, 1999.

(ii) Additional material.

(A) Analysis and Preliminary Determination for the Proposed Operation Permit for the Operation of Process Heaters and Processes Emitting Sulfur Dioxide for Murphy Oil, performed by the WDNR on September 18, 1998. This document contains a source description, analysis of the alternate emission limitation request, and an air quality review, which includes the results of an air quality modeling analysis demonstrating modeled attainment of the $SO_2$ NAAQS using the alternate emission limit for Murphy Oil.

(100) On October 30, 1998, Wisconsin submitted a source-specific State Implementation Plan revision for Uniroyal Engineered Products, Inc., located in Stoughton, Wisconsin. The State supplemented the original submittal with Consent Order Number AM–99–900 on February 17, 2000. This source-specific variance relaxes volatile organic compound reasonably

available control technology requirements for Uniroyal.

(i) Incorporation by reference.

(A) Consent Order Number AM–99–900, issued by the Wisconsin Department of Natural Resources to Uniroyal Engineered Products on February 17, 2000.

(101) On November 15, 1992, the state of Wisconsin submitted a revision to the Wisconsin State Implementation Plan for ozone establishing an enhanced motor vehicle inspection and maintenance program in Southeast Wisconsin. The state made several supplements to the original plan, dated January 15, 1993, November 15, 1993, July 28, 1994, February 13, 1996, July 3, 1997, August 11, 1998, December 30, 1998, December 22, 2000, and July 27, 2001. This revision included Wisconsin statutes providing authorities for implementing the program, Wisconsin Administrative Rules, the contract between the state of Wisconsin and the vehicle testing contractor, schedules for implementation, and technical materials related to test equipment specifications, reports, and quality assurance procedures.

(i) Incorporation by reference.

(A) Wisconsin Statutes, Section 110.20, effective January 1, 1996, Section 285.30, effective January 1, 1997.

(B) Wisconsin Administrative Code, Chapter NR 485, effective February 1, 2001.

(C) Wisconsin Administrative Code, Chapter TRANS 131, effective June 1, 2001.

(102) On February 9, 2001 the Wisconsin Department of Natural Resources submitted a site specific SIP revision in the form of a February 5, 2001 Environmental Cooperative Agreement for incorporation into the federally enforceable State Implementation Plan. The Cooperative Agreement establishes an exemption for pre-construction permitting activities for certain physical changes or changes in the method of operation at the Wisconsin Electric Power Company, Pleasant Prairie Power Plant located at 8000 95th Street, Pleasant Prairie, Wisconsin. This Environmental Cooperative Agreement expires on February 4, 2006.

(i) Incorporation by reference.

The following provisions of the Environmental Cooperative Agreement between the Wisconsin Electric Power Company and the Wisconsin Department of Natural Resources signed on February 5, 2001: The provisions in Section XII.C. Permit Streamlining concerning Construction Permit Exemption for Minor Physical or Operational Changes. These provisions establish a construction permit exemption for minor physical or operational changes at the Wisconsin Electric Power Company Pleasant Prairie Power Plant. This Environmental Cooperative Agreement expires on February 4, 2006.

(103) On December 27, 2000, Wisconsin submitted a one-hour ozone attainment demonstration plan as a revision to the Wisconsin State Implementation Plan (SIP). Supplements to the December 27, 2001 plan were submitted on May 28, 2001, June 6, 2001, and August 29, 2001.

(i) Incorporation by reference.

(A) NR 400.02 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(B) NR 422.02 as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.

(C) NR 422.04 as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.

(D) NR 422.083 as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.

(E) NR 422.135 as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.

(F) NR 423.02 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(G) NR 423.035 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(H) NR 428.01 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(I) NR 428.02 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(J) NR 428.04 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(K) NR 428.05 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(L) NR 428.07 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(M) NR 428.08 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(N) NR 428.09 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(O) NR 428.10 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(P) NR 428.11 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(Q) NR 439.04(5)(a) as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.

(R) NR 439.096 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(S) NR 484.04 as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.

(T) A Consent Order, No. AM–00–01, signed and effective September 7, 2000. The Order, issued by the Wisconsin Department of Natural Resources, establishes Reasonably Available Control Requirements for ink manufacturing operations at Flint Ink, located in Milwaukee.

(ii) Additional material.

(A) A letter from Lloyd Eagan, to Cheryl Newton dated May 28, 2001, providing clarifications and a commitment relative to the state's one-hour ozone SIP revision submittal.

(B) A letter and attachments from Lloyd Eagan to David Ullrich, dated June 6, 2001 providing supplemental information for the state's reasonably available control measures analysis.

(104) A revision to the Wisconsin State Implementation Plan for ozone was submitted on February 1, 2001. It contained revisions to the state's regulations that control volatile organic compound emissions from automobile refinishing operations. A portion of these regulations were renumbered and submitted on July 21, 2001.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative code are incorporated by reference.

(A) NR 406.04 as published in the (Wisconsin) Register January, 2001, No. 541, effective February 1, 2001.

(B) NR 407.03 as published in the (Wisconsin) Register January, 2001, No. 541, effective February 1, 2001.

(C) NR 419.02 as published in the (Wisconsin) Register January, 2001, No. 541, effective February 1, 2001.

(D) NR 422.095 as published in the (Wisconsin) Register August, 2001, No. 548, effective September 1, 2001.

(E) NR 484.10 as published in the (Wisconsin) Register January, 2001, No. 541, effective February 1, 2001.

(105) On November 17, 2000, WDNR submitted a request to redesignate the villages of Rothschild and Weston and the Township of Rib Mountain, all located in central Marathon County, Wisconsin from primary and secondary $SO_2$ nonattainment areas to attainment of the $SO_2$ NAAQS. EPA identified modeling and enforceability issues during the technical review of this submittal. On October 17, 2001, WDNR sent to EPA a supplemental submittal addressing the technical deficiencies.

(i) Incorporation by reference.

(A) A Consent Order identified as AM–01–600 for Weyerhaeuser Company, issued by WDNR and signed by Scott Mosher for the Weyerhaeuser Company on May 29, 2001, and Jon Heinrich for WDNR on August 16, 2001.

(B) A Consent Order identified as AM–01–601 for Wisconsin Public Service Corporation's Weston Plant, signed by David W. Harpole for the Wisconsin Public Service Corporation on July 12, 2001, and Jon Heinrich for WDNR on August 16, 2001.

(106) Wisconsin submitted a revision to its State Implementation Plan for ozone on December 22, 2000. The rule requires major stationary sources of volatile organic compounds in the Milwaukee nonattainment area to pay a fee to the state if the area fails to attain the one-hour national ambient air quality standard for ozone by 2007.

(i) Incorporation by reference. The following section of the Wisconsin Administrative code is incorporated by reference: NR 410.06 as created and published in the (Wisconsin) Register January, 2001, No. 541, effective February 1, 2001.

(107) On June 12, 2002, the Wisconsin Department of Natural Resources submitted a site specific revision to its

SIP for emissions from Northern Engraving Corporation's Holmen and Sparta facilities in the form of a Environmental Cooperative Agreement for incorporation into the federally enforceable State Implementation Plan. It consists of portions of the Environmental Cooperative Agreement which supersede portions of rules in the State Implementation Plan. The Cooperative Agreement establishes an exemption for pre-construction permitting activities for certain physical changes or changes in the method of operation at the Northern Engraving Corporation's Holmen and Sparta facilities.

(i) Incorporation by reference.

(A) The following provisions of the Environmental Cooperative Agreement between Northern Engraving Corporation (NEC) and the Wisconsin Department of Natural Resources signed on June 10, 2002: Section XI of the Environmental Cooperative Agreement (Operational Flexibility and Variances) and Part IA. of Appendix C.3: Specific Permit Conditions under the Environmental Cooperative Agreement for NEC's Sparta facility.

(108) On December 16, 2002, Lloyd L. Eagan, Director, Wisconsin Department of Natural Resources, submitted revised rules to allow use of $NO_X$ emissions averaging for sources subject to $NO_X$ emission limits in the Milwaukee-Racine area. The revised rules also establish a $NO_X$ emissions cap for sources that participate in emissions averaging, consistent with the emissions modeled in Wisconsin's approved one-hour ozone attainment demonstration for the Milwaukee-Racine area. The rule revision also creates a new categorical emissions limit for new integrated gasification combined cycle units.

(i) Incorporation by reference.

(A) NR 428.02(6m) as published in the (Wisconsin) Register, November 2002, No. 563 and effective December 2, 2002.

(B) NR 428.04(2)(g)(3) as published in the (Wisconsin) Register, November 2002, No. 563 and effective December 2, 2002.

(C) NR 428.06 as published in the (Wisconsin) Register, November 2002, No. 563 and effective December 2, 2002.

(109) On October 7, 2002, the Wisconsin Department of Natural Resources submitted a State Implementation Plan (SIP) revision for the control of emissions of particulate matter (PM) in the state of Wisconsin. This revision will allow certain state designated nonattainment areas for total suspended particulates (TSP) to be redesignated to attainment while retaining the emission limits and control requirements which helped lower PM concentrations in those areas. Specifically, EPA is approving into the PM SIP certain provisions to chapter NR 415, Wisconsin Administrative Code, and repealing sections NR 415.04(5), NR 415.05(5) and NR 415.06(5).

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 415.035 as created and published in the (Wisconsin) Register, October 2001, No. 550, effective November 1, 2001.

(B) NR 415.04(2)(intro.), NR 415.04(3)(intro.), NR 415.04(3)(a), NR 415.04(4)(intro.), NR 415.04(4)(b), NR 415.05(3)(intro.), NR 415.06(3)(intro.), NR 415.06(4), and NR 415.075(3)(intro.) as amended and published in the (Wisconsin) Register, October 2001, No. 550, effective November 1, 2001.

(110) On June 27, 2003, the Wisconsin Department of Natural Resources (WDNR) submitted a site specific revision to its state implementation plan for emissions from Northern Engraving Corporation's (Northern Engraving) Galesville and West Salem facilities in the form of operating permit conditions, based upon an Environmental Cooperative Agreement reached between WDNR and Northern Engraving for incorporation into the federally enforceable State Implementation Plan (SIP). An exemption for pre-construction permitting activities for certain physical changes or changes in the method of operation at the Northern Engraving Corporation's Galesville and West Salem facilities is established. Specific permit conditions for these two facilities are incorporated by reference in the SIP.

(i) Incorporation by reference.

(A) Specific Permit Conditions under the Environmental Cooperative Agreement for Northern Engraving Corporation's (NEC) Galesville facility contained in Part I.A. of Wisconsin Air Pollution Control Operation Permit NO. 662008930–F02 issued April 26, 2002 to NEC, 1200 West Gale Avenue, Galesville, Trempeauleau County, Wisconsin. This permit expires April 26, 2007.

(B) Specific Permit Conditions under the Environmental Cooperative Agreement for Northern Engraving Corporation's (NEC) West Salem facility contained in Part I.A. of Wisconsin Air Pollution Control Operation Permit NO. 632024800–F01 issued June 23, 2003 to NEC, 600 Brickl Road, West Salem, La Cross County, Wisconsin. This permit expires June 23, 2008.

(111) On May 25, 2004, Lloyd L. Eagan, Director, Wisconsin Department of Natural Resources, submitted a revision to its rule for control of nitrogen oxide ($NO_X$) emissions as a revision to the Wisconsin State Implementation Plan. The revision modifies language to clarify which sources are eligible to participate in the $NO_X$ emission averaging program to demonstrate compliance as part of the one-hour ozone attainment plan approved by EPA for the Milwaukee-Racine and Sheboygan ozone nonattainment areas (Kenosha, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha counties). The rule revision also creates a separate limit for new combustion turbines burning biologically derived gaseous fuels. The new $NO_X$ categorical limit for newly installed combustion turbines burning biologically derived fuel applies only to new sources located in Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha counties in southeastern Wisconsin.

(i) Incorporation by reference. Wisconsin rules NR 428.02(1)and (1m); NR 428.04(2)(g)(1); NR 428.04(2)(g)(4); and NR 428.06(2)(a) as published in the (Wisconsin) Register, December 2003, No.576 and effective January 1, 2004.

(112) On May 18, 2005, Wisconsin Department of Natural Resources submitted a source specific State Implementation Plan revision. Serigraph, Inc. in Washington County is seeking to use an alternative volatile organic compounds control device. Serigraph, Inc. will use a biofilter to control volatile organic compound emissions from sources in its Plant 2. This is considered an equivalent control system under section NR 422.04(2)(d) of the Wisconsin Administrative Code because it will reliably control emissions at or below the level of the applicable emission limits, Wisconsin Administrative Code section NR 422.145.

(i) Incorporation by reference. Department of Natural Resources Findings of Fact, Conclusions of Law, and Decision AM–04–200 dated November 24, 2004.

(113) Approval—On July 28, 2005, Wisconsin submitted General and Registration construction and operation permitting programs for EPA approval into the Wisconsin SIP. EPA also is approving these programs under section 112(l) of the Act. EPA has determined that these permitting programs are approvable under the Act, with the exception of sections NR 406.11(1)(g)(2), 407.105(7), and 407.15(8)(b), which Wisconsin withdrew from consideration on November 14, 2005. Finally, EPA is removing from the state SIP NR 406.04(1)(c) and 407.03(1)(c), the exemption for certain grain storage and processing facilities from needing to obtain a construction or operation permit, previously approved in paragraphs (c)(75) and (c)(76) of this section.

(i) Incorporation by reference.

(A) NR 406.02(1) through (4), amended and published in the (Wisconsin) Register, August 2005, No. 596, effective September 1, 2005.

(B) NR 406.04(1) (ce), (cm) and (m) (intro.), 406.11(1) (intro.) and (c), 407.03(1) (ce) and (cm), 407.05(7), 407.15 (intro.) and (3), 410.03(1)(a)(5), and 484.05(1) as amended and published in the (Wisconsin) Register, August 2005, No. 596, effective September 1, 2005.

(C) NR 407.02(3) and 407.10 as repealed, recreated and published in the (Wisconsin) Register, August 2005, No. 596 effective September 1, 2005.

(D) NR 400.02(73m) and (131m), 406.02(1) and (2), 406.04(2m), 406.11(1)(g)(1), 406.11(3), 406.16, 406.17, 406.18, 407.02(3m), 407.105 (1) through (6), 407.107, 407.14 Note, 407.14(4)(c), 407.15(8)(a), and 410.03(1)(a)(6) and (7) as

created and published in the (Wisconsin) Register, August 2005, No. 596, effective September 1, 2005.

(114) On April 11, 2006, Wisconsin submitted revised regulations that match 40 CFR 51.100(s)(1), as amended at 69 FR 69298. As a result, the compounds, 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane, 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-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 NR 400.02(162)(a)45. to 48. Companies producing or using the four compounds will no longer need to follow the VOC rules for these compounds. Section NR 400.02(162)(b) was added 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. Wisconsin also added and modified sections of NR 424.05, its VOC control requirements for yeast manufacturing facilities. Wisconsin's requirements are the same as the federal requirements in the national emission standards for hazardous air pollutants for nutritional yeast manufacturing.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code §NR 400: Air Pollution Control Definitions, Section 2: Definitions, Subsection 162: ''Volatile organic compound,'' and §NR 424: Control of Organic Compound Emissions from Process Lines, Section 5: Yeast Manufacturing, Subsection 2: Emission Limitations, and Subsection 5: Test Methods and Procedures. The regulations were effective on January 1, 2006.

(115) On April 25, 2006, Wisconsin submitted source specific SIP revision to revise its State Implementation Plan (SIP) for the control of volatile organic compounds (VOC) from synthetic resin manufacturing operations. The revision consists of language contained in an Administrative Decision (AM–05–200), dated February 24, 2005, approving the use of a high efficiency thermal oxidizer as an equivalent control system or approach to meet VOC RACT emission control requirements for Cook Composites and Polymers Company located in Saukville, Wisconsin, in Ozaukee County.

(i) Incorporation by reference.

(A) The Administrative Decision (AM–05–200), dated February 24, 2005, issued by the Wisconsin Department of Natural Resources, establishes VOC RACT for Cook Composites and Polymers Company synthetic resin manufacturing facility located in Saukville, Wisconsin, in Ozaukee County.

(116) A revision to the State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on June 19, 2007. This revision consists of regulations to meet the requirements of the Clean Air Interstate Rule.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference: NR 432.01 ''Applicability; purpose''; NR 432.02 ''Definitions''; NR 432.03 ''CAIR $NO_X$ allowance allocation''; NR 432.05 ''CAIR $NO_X$ ozone season allowance allocation''; NR 432.06 ''Timing requirements for allocations of CAIR $NO_X$ allowances and CAIR $NO_X$ ozone season allowances''; and NR 432.07 ''CAIR renewable units'', as created and published in the (Wisconsin) Register, July, 2007, No. 619, effective August 1, 2007.

(117) On May 1, 2007, Wisconsin submitted for EPA approval into the Wisconsin SIP a revision to renumber and amend NR 406.03, to amend NR 410.03(intro.) and to create NR 406.03(2) and NR 410.03(l)(bm) Wis. Admin. Code, effective June 1, 2007. This revision allows WDNR to issue a waiver to a source allowing it to commence construction prior to a construction permit being issued. This provision is only allowed for minor sources which meet specific criteria. These revisions also revise Wisconsin's fee provisions to allow a fee to be charged for the waiver. EPA has determined that this revision is approvable under the Act.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference:

(A) NR 406.03 as published in the (Wisconsin) Register, May 2007, No. 617, effective June 1, 2007.

(B) NR 410.03(intro.) and NR 410.03(l)(bm) as published in the (Wisconsin) Register, May 2007, No. 617, effective June 1, 2007.

(118) On March 28, 2008, Wisconsin submitted for EPA approval into the Wisconsin SIP a revision to repeal NR 407.02(6)(b)4 to 7; to renumber NR 400.02(162)(a)49; to amend NR 406.04(2m)(b), 406.15(3)(a), 407.02(4)(b)27, 407.10(4)(a)2, and 410.03(4); to create NR 400.02(162)(a)49, 406.04(2m)(b)(note), 407.02(3e), and 407.10(4)(a)2(note), Wis. Admin. Code, effective May 1, 2008. These revisions revise Wisconsin's rules to incorporate Federal regulations into the Wisconsin Administrative Code, to clarify construction permit requirements under general permits, revise portable source relocation requirements, and to amend rule language to streamline the minor revision permit process to allow construction permits to be issued concurrently with operation permits. EPA has determined that this revision is approvable under the Act.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference:

(A) NR 400.02 Definitions. NR 400.02(162)(a)49 and NR 400.02(162)(a)50, as published in the Wisconsin Administrative Register, April 30, 2008, No. 628, effective May 1, 2008.

(B) NR 406.04 Direct sources exempt from construction permit requirements. NR 406.04(2m)(b) and NR 406.04(2m)(b)(note), as published in the Wisconsin Administrative Register, April 30, 2008, No. 628, effective May 1, 2008.

(C) NR 406.15 Relocation of portable sources. NR 406.15(3)(a), as published in the Wisconsin Administrative Register, April 30, 2008, No. 628, effective May 1, 2008.

(D) NR 407.02 Definitions. NR 407.02(3e), and NR 407.02(4)(b)27, as published in the Wisconsin Administrative Register, April 30, 2008, No. 628, effective May 1, 2008.

(E) NR 407.10 General operation permits. NR 407.10(4)(a)2 and NR 407.10(4)(a)2(note), as published in the Wisconsin Administrative Register, April 30, 2008, No. 628, effective May 1, 2008.

(F) NR 410.03 Application fee. NR 410.03(4), as published in the Wisconsin Administrative Register, April 30, 2008, No. 628, effective May 1, 2008.

(119) On May 25, 2006, Wisconsin submitted for EPA approval into the Wisconsin SIP a revision relating to changes to chs. NR 405 and 408 for incorporation of Federal changes to the air permitting program. The rule revision being approved in this action has been created to approve rule AM–06–04, the NSR Reform provisions that were not vacated by the DC Circuit Court in *New York* v. *EPA*, 413 F.3d 3 (DC Cir. 2005). The rule revision also repeals NR 405.02(1)(d), (24m), (27)(a)8., 17 and 18 and 408.02(27). EPA has determined that this revision is approvable under the Clean Air Act.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference:

(A) NR 405.01 Applicability; purpose. NR 405.01(1) and (2), as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(B) NR 405.02 Definitions. NR 405.02(1), (2m), (8), (11), (11c), (11e), (11j), (12), (20m), (21), (24), (24j), (25b), (25d), (25e), (25f), (25i), and (27m) as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(C) NR 405.025 Methods for calculation of increases in actual emissions, as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(D) NR 405.16 Source obligation. NR 405.16(3) and (4) as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(E) NR 405.18 Plant-wide applicability limitations (PALs), as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(F) NR 408.02 Definitions. NR 408.02(1), (2m), (4), (5), (11), (11e), (11m), (11s), (13), (13m), (20), (21)(a)1.(intro), (23), (24m), (25s), (28e), (28j), (28m), (28s), (29m), and (32m) as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(G) NR 408.025 Methods for calculation of increases in actual emissions, as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(H) NR 408.06 Emissions offsets. NR 408.06(10), as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(I) NR 408.10 Source obligation. NR 408.10(5) and (6), as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(J) NR 408.11 Plant-wide applicability limitations (PALs), as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(ii) Additional material.

(A) NR 484.04 Code of federal regulations appendices. NR 484.04(21), and (27m) as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(120) On May 25, 2006, Wisconsin submitted for EPA approval into the Wisconsin SIP a revision to renumber and amend NR 410.03(1)(b); to amend 410.03(intro.) and to create NR 406.035, 406.04(1f) and (1k), 406.07(3), 406.11(1m), 410.03(1)(a)8. to 10. and (b)(intro.) and 2. to 4. relating to changes to chs. NR 406 and 410, the state air permitting programs, with Federal changes to air permitting program and affecting small business. The rule revision being approved in this action has been created to update Wisconsin's minor NSR construction permit program to include changes to implement some of the new elements of the Federal NSR Reform rules for sources that meet certain requirements within the new major NSR permitting requirements. EPA has determined that this revision is approvable under the Act.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference:

(A) NR 406.035 Establishment or distribution of plant-wide applicability limitations, as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(B) NR 406.04 Direct sources exempt from construction permit requirements. NR 406.04(1f) and NR 406.04(1k), as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(C) NR 406.07 Scope of permit exemption. NR 406.07(3), as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(D) NR 406.11 Construction permit revision, suspension and revocation. NR 406.11(1m), as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(E) NR 410.03 Application fee. NR 410.03(intro.), NR 410.03(1)(a) 8 to 10, NR 410.03(1)(b), as published in the Wisconsin Administrative Register, June 30, 2007, No. 618, effective July 1, 2007.

(121) On September 11, 2009, the Wisconsin Department of Natural Resources submitted a State Implementation Plan revision request. The State's ambient air quality standards were revised by adding fine particulate matter, $PM_{2.5}$, standards and revising the coarse particulate matter, $PM_{10}$, standards. Wisconsin added annual and 24-hour $PM_{2.5}$ standards. It also revoked the annual $PM_{10}$ ambient air quality standard while retaining the 24-hour $PM_{10}$ standard.

(i) *Incorporation by reference.* The following sections of the Wisconsin Administrative Code are incorporated by reference:

(A) NR 404.02 Definitions. NR 404.02(4e) ''$PM_{2.5}$'' as published in the Wisconsin Administrative Register, on September 30, 2009, No. 645, effective October 1, 2009.

(B) NR 404.04 Ambient Air Quality Standards. NR 404.04 (8) ''$PM_{10}$: PRIMARY AND SECONDARY STANDARDS.'' and NR 404.04(9) ''$PM_{2.5}$: PRIMARY AND SECONDARY STANDARDS'' as published in the Wisconsin Administrative Register, on September 30, 2009, No. 645, effective October 1, 2009.

(ii) *Additional material.*

(A) NR 484.03 Code of Federal Regulations. NR 484.03(5) in Table 1 as published in the Wisconsin Administrative Register, on September 30, 2009, No. 645, effective October 1, 2009.

(B) NR 484.04 Code of Federal Regulations appendices. NR 484.04 (6), (6g), and (6r) in Table 2, as published in the Wisconsin Administrative Register, on

September 30, 2009, No. 645, effective October 1, 2009.

(122) On June 12, 2007, the Wisconsin Department of Natural Resources submitted a State Implementation Plan revision request for the state's nitrogen oxides ($NO_X$) reasonably available control technology (RACT) rules. This request was supplemented on September 14, 2009. The state adopted $NO_X$ RACT rules to satisfy section 182(f) of the Clean Air Act for the Milwaukee-Racine and Sheboygan County areas that were designated as nonattainment for the 1997 8-hour ozone standard and classified as moderate under that standard.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference:

(A) NR 428.02 Definitions.

(1) NR 428.02(7e) ''Maximum theoretical emissions'' published in the Wisconsin Administrative Register, on August 30, 2009, No. 644, effective September 1, 2009.

(2) NR 428.02(7m)''Process heater'' as published in the Wisconsin Administrative Register, on July 30, 2007, No. 619, effective August 1, 2007.

(B) NR 428.04 Requirements and performance standards for new or modified sources.

(1) NR 428.04(1) and NR 428.04(3)(b) as published in the Wisconsin Administrative Register, on August 30, 2009, No. 644, effective September 1, 2009.

(2) NR 428.04(2)(h)1. and NR 428.04(2)(h)2. as published in the Wisconsin Administrative Register, on July 30, 2007, No. 619, effective August 1, 2007.

(C) NR 428.05 Requirements and performance standards for existing sources.

(1) NR 428.05(1) and NR 428.05(4)(b)2. as published in the Wisconsin Administrative Register, on August 30, 2009, No. 644, effective September 1, 2009.

(2) NR 428.05(3)(e)1. to 4. as published in the Wisconsin Administrative Register, on July 30, 2007, No. 619, effective August 1, 2007.

(D) NR 428.07 General Requirements. NR 428.07(intro.), NR 428.07(1)(a), NR428.07(1)(b)1., NR 428.07(1)(b)3., NR 428.07(3), NR 428.07(4)(c) as published in the Wisconsin Administrative Register, on August 30, 2009, No. 644, effective September 1, 2009.

(E) NR 428.08 Specific provisions for monitoring $NO_X$ and heat input for the purpose of calculating $NO_X$ emissions. NR 428.08(title), NR 428.08(2)(title) and NR 428.08(2)(f) as published in the Wisconsin Administrative Register, on August 30, 2009, No. 644, effective September 1, 2009.

(F) NR 428.09 Quarterly reports. NR 428.09(2)(a) as published in the Wisconsin Administrative Register, on August 30, 2009, No. 644, effective September 1, 2009.

(G) NR 428.12 Alternative monitoring, recordkeeping. NR 428.12 as published in the Wisconsin Administrative Register, on August 30, 2009, No. 644, effective September 1, 2009.

(H) NR 428.20 Applicability and purpose.

(1) NR 428.20(1) as published in the Wisconsin Administrative Register, on August 30, 2009, No. 644, effective September 1, 2009.

(2) NR 428.20(2) as published in the Wisconsin Administrative Register, on July 30, 2007, No. 619, effective August 1, 2007.

(I) NR 428.21 Emissions unit exemptions. NR 428.21 as published in the Wisconsin Administrative Register, on July 30, 2007, No. 619, effective August 1, 2007.

(J) NR 428.22 Emission limitation requirements.

(1) NR 428.22(1)(intro), NR 428.22(1)(a) to (c), NR 428.22(1)(e) to (i), NR 428.22(2)(a) to (b) as published in the Wisconsin Administrative Register, on July 30, 2007, No. 619, effective August 1, 2007.

(2) NR 428.22(1)(d) and NR 428.22(2)(intro) as published in the Wisconsin Administrative Register

on August 30, 2009, No. 644, effective September 1, 2009.

(K) NR 428.23 Demonstrating compliance with mission limitations.

(1) NR 428.23(intro), NR 428.23(1)(a), NR 428(1)(b)2. to 8., and NR 428.23(2) as published in the Wisconsin Administrative Register, on July 30, 2007, No. 619, effective August 1, 2007.

(2) NR 428.23(1)(b)1. and NR 428.23(1)(b)9. as published in the Wisconsin Administrative Register on August 30, 2009, No. 644, effective September 1, 2009.

(L) NR 428.24 Recordkeeping and reporting.

(1) NR 428.24(1)(intro), NR 428.24(1)(a), NR 428.24(1)(b)1. to 3., and NR 428.24(2) to (4) as published in the Wisconsin Administrative Register, on July 30, 2007, No. 619, effective August 1, 2007.

(2) NR 428.24(1)(b)(intro) as published in the Wisconsin Administrative Register on August 30, 2009, No. 644, effective September 1, 2009.

(M) NR 428.25 Alternative compliance methods and approaches.

(1) NR 428.25(1)(intro), NR 428.25(1)(a)1.b., NR 428.25(1)(a)2. to 4., NR 428.25(1)(b) to (d), NR 428.25(2), NR 428.25(3)(a), and NR 428.25(3)(c) as published in the Wisconsin Administrative Register, on July 30, 2007, No. 619, effective August 1, 2007.

(2) NR 428.25(1)(a)1.a. and c. and (3)(b) as published in the Wisconsin Administrative Register on August 30, 2009, No. 644, effective September 1, 2009.

(N) NR 428.26 Utility reliability waiver. NR 428.26 as published in the Wisconsin Administrative Register, on July 30, 2007, No. 619, effective August 1, 2007.

(ii) Additional material.

(A) NR 484.04 Code of federal regulations appendices. NR 428.04(13), (15m), (16m), (21m), (26m)(bm), (26m)(d) and (27) as published in the Wisconsin Administrative Register, on July 30, 2007, No. 619, effective August 1, 2007.

[37 FR 10902, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2570, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2571 Classification of regions.

The Wisconsin plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|---|---|---|---|---|---|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Duluth (Minnesota)-Superior (Wisconsin) Interstate | I | II | III | III | III |
| North Central Wisconsin Intrastate | II | III | III | III | III |
| Lake Michigan Intrastate | II | III | III | III | III |
| Southeast Minnesota-La Crosse (Wisconsin) Interstate | II | IA | III | III | III |
| Southern Wisconsin Intrastate | II | III | III | III | III |
| Southeastern Wisconsin Intrastate | I | II | III | III | I |
| Rockford (Illinois)-Jamesville-Beloit (Wisconsin) Interstate | II | III | III | III | III |
| Metropolitan Dubuque Interstate | I | III | III | III | III |

[37 FR 10902, May 31, 1972, as amended at 39 FR 16348, May 8, 1974; 45 FR 2322, Jan. 11, 1980]

### § 52.2572 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Wisconsin's plans 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 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 State Implementation Plan depends on the adoption and submittal of RACT requirements on:

(1) Group III Control Techniques Guideline sources within 1 year after January 1st following the issuance of each Group III control technique guideline; and

(2) Major (actual emissions equal or greater than 100 tons VOC per year) non-control technique guideline sources in accordance with the State's schedule contained in the 1982 Ozone SIP revision for Southeastern Wisconsin.

(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 will have the potential to emit 75,000 tpy $CO_2e$ 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 $CO_2e$ 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 $CO_2e$; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy $CO_2e$, 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 $CO_2e$ 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 ($CO_2e$) 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 $CO_2e$.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in NR 405.025 of Wisconsin's Administrative Code) and a significant net emissions increase (as defined in NR 405.02, paragraphs (24), (27)(a), and (27m) of Wisconsin's Administrative Code) occur. For the pollutant GHGs, an emissions increase shall be based on tpy $CO_2e$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy $CO_2e$ instead of applying the value in NR 405.02(27)(c) of Wisconsin's Administrative Code.

[ 75 FR 82563, Dec. 30, 2010]

### § 52.2573 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met since the plan does not provide for public availability of emission data.

(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 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–June 30 and July 1-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.

[37 FR 10902, May 31, 1972, as amended at 40 FR 55334, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

### § 52.2574 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met since section 144.33 of the Wisconsin Air Law will preclude the release of emission data in certain situations.

[37 FR 10902, May 31, 1972, as amended at 51 FR 40676, Nov. 7, 1986]

### § 52.2575 Control strategy: Sulfur dioxide.

(a) Part D—Approval—With the exceptions set forth in this subpart, the Administrator approved the Wisconsin sulfur dioxide control plan.

(1) Part D—No action—USEPA takes no action on the Wisconsin sulfur dioxide rules NR 154.12 (1), (2) and (3).

(b) Sulfur dioxide maintenance plan.

(1) An $SO_2$ maintenance plan was submitted by the State of Wisconsin on June 9, 1992, for the City of Madison, Dane County.

(2) An $SO_2$ maintenance plan was submitted by the State of Wisconsin on June 12, 1992, for the City of Milwaukee, Milwaukee County.

(3) An $SO_2$ maintenance plan was submitted by the State of Wisconsin on November 5, 1999, for the City of Rhinelander, Oneida County.

(4) An $SO_2$ maintenance plan was submitted by the State of Wisconsin on November 17, 2000, for the villages of Rothschild and Weston and the Township of Rib Mountain, all located in central Marathon County.

[46 FR 21168, Apr. 9, 1981, as amended at 58 FR 29786 and 29790, May 24, 1993; 65 FR 68904, Nov. 15, 2000; 67 FR 37331, May 29, 2002]

### § 52.2576 [Reserved]

### § 52.2577 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 Wisconsin's plan, except where noted.

| Air Quality Control Region | Pollutant | | | | | | |
|---|---|---|---|---|---|---|---|
| | TSP | | $SO_2$ | | $NO_2$ | CO | $O_3$ |
| | Primary | Secondary | Primary | Secondary | | | |
| Duluth (Minnesota)-Superior (Wisconsin Interstate (AQCR 129): | | | | | | | |
| a. Primary/Secondary non-attainment areas. | a | f | b | a | c | c | c. |
| b. Remainder of AQCR | b | c | c | c | c | c | c. |
| North Central Wisconsin Intrastate (AQCR 238): | | | | | | | |
| a. Primary/Secondary non-attainment areas. | b | f | d | c | c | c | d. |
| b. Remainder of AQCR | b | c | c | c | c | c | c. |
| Lake Michigan Intrastate (AQCR 237): | | | | | | | |
| a. Primary/Secondary non-attainment areas. | b | f | c | c | c | c | d. |
| b. Remainder of AQCR | b | c | c | c | c | c | c. |

| Air Quality Control Region | Pollutant | | | | | | |
|---|---|---|---|---|---|---|---|
| | TSP | | $SO_2$ | | $NO_2$ | CO | $O_3$ |
| | Primary | Secondary | Primary | Secondary | | | |
| Southeast Minnesota-LaCrosse (Wisconsin) Interstate (AQCR 128): | | | | | | | |
| a. Primary/Secondary nonattainment areas. | b | c | a | a | c | c | c. |
| b. Remainder of AQCR | b | c | c | c | c | c | c. |
| Southern Wisconsin Intrastate (AQCR 240): | | | | | | | |
| a. Primary/Secondary nonattainment areas. | g | f | d | c | c | c | d. |
| b. Remainder of AQCR | b | c | c | c | c | c | c. |
| Southeastern Wisconsin Intrastate (AQCR 239): | | | | | | | |
| a. Primary/Secondary nonattainment areas. | d | d | b | a | c | e | e. |
| b. Remainder of AQCR | b | c | c | c | c | c | c. |
| Rockford (Illinois)-Janesville-Beloit (Wisconsin) Interstate (AQCR 73) (Wisconsin portion): | | | | | | | |
| a. Primary/Secondary nonattainment areas. | d | d | c | c | c | c | c. |
| b. Remainder of AQCR | b | c | c | c | c | c | c. |
| Metropolitan Dubuque Interstate (AQCR 68): | | | | | | | |
| a. Primary/Secondary nonattainment areas. | a | a | c | c | c | c | c. |
| b. Remainder of AQCR | b | c | c | c | c | c | c. |

a. July, 1975.
b. Air quality levels presently below primary standard or are unclassifiable.
c. Air quality levels presently below secondary standard or are unclassifiable.
d. December 31, 1982.
e. December 31, 1987.
f. 18-Month extension granted for plan submission and identification of attainment date.
g. No attainment plan was submitted.

NOTE: Sources subject to the plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2577(1978).

For actual nonattainment designations refer to 40 CFR part 81.

Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

[48 FR 9862, Mar. 9, 1983]

## § 52.2578 Compliance schedules.

(a) [Reserved]

(b) 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.

(c) *Federal compliance schedules.* (1) Except as provided in paragraph (c)(3) of this section, the owner or operator of any stationary source in the Southeast Wisconsin AQCR subject to the following emission limiting regulation in the Wisconsin implementation plan shall comply with the applicable compliance schedule in paragraph (c)(2) of this section: Wisconsin Air Pollution Control Regulation NR 154.13.

(2) (i) *Compliance schedules.* The owner or operator of any stationary source in the Southeast Wisconsin AQCR subject to NR 154.13 shall notify the Administrator no later than October 1, 1973, of his intent either to install necessary control systems per Wisconsin Air Pollution Control Regulation NR 154.13(2) or to switch to an exempt solvent per Wisconsin Air Pollution Control Regulation NR 154.13(3) to comply with the requirements of Wisconsin Air Pollution Control Regulation NR 154.13.

(ii) Any owner or operator of a stationary source subject to paragraph (c)(2)(i) of this section who elects to comply with the requirements of NR 154.13 by installing a control system shall take the following actions with respect to the source no later than the specified dates.

(*a*) November 1, 1973—Advertise for bids for purchase and/or construction of control system or purchase of requisite material for process modification sufficient to control hydrocarbon emissions from the source.

(*b*) December 15, 1973—Award contracts or issued order for purchase and/or construction of control system or purchase of requisite material for process modification sufficient to control hydrocarbon emissions from the source.

(*c*) April 15, 1974—Initiate onsite construction or installation of control system or process modification.

(*d*) November 1, 1974—Complete onsite construction or installation of control system or process modification.

(*e*) January 1, 1975—Achieve final compliance with Wisconsin Air Pollution Control Regulation NR 154.13.

(iii) Any owner or operator of a stationary source subject to paragraph (c)(2)(i) of this section, who elects to comply with the requirements of Wisconsin Air Pollution Control Regulation NR 154.13 by switching to an exempt solvent, shall take the following actions with respect to the source no later than the dates specified.

(*a*) April 1, 1974—Begin testing exempt solvents.

(*b*) June 1, 1974—Issue purchase orders for exempt solvents.

(*c*) December 1, 1974—Convert to complete use of exempt solvent.

(*d*) January 1, 1975—Achieve full compliance with Wisconsin Air Pollution Control Regulation NR 154.13.

(iv) 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 schedule in paragraph (c)(2) of this section fails to satisfy the requirements of §§ 51.261 and 51.262(a) of this chapter.

(d) [Reserved]

(e) 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.

| Source | Location | Regulation involved | Date schedule adopted |
|---|---|---|---|
| DOUGLAS COUNTY | | | |
| M&O Elevators Inc. (c) Units 12–17 | Superior | NR154.11(4)(b) | Sept. 25, 1973. |
| MARATHON COUNTY | | | |
| Mosinee Paper Co | Mosinee | NR154.11(4), (5) | May 19, 1973. |

[38 FR 16170, June 20, 1973, as amended at 38 FR 22752, Aug. 23, 1973; 38 FR 24832, Sept. 7, 1973; 39 FR 28159, Aug. 5, 1974; 39 FR 32608, Sept. 10, 1974; 43 FR 53440, Nov. 16, 1978; 51 FR 40675, 40676, 40677, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

**§§ 52.2579–52.2580 [Reserved]**

**§ 52.2581 Significant deterioration of air quality.**

(a)–(c) [Reserved]

(d) The requirements of sections 160 through 165 of the Clean Air Act are met, except for sources seeking permits to locate in Indian country within the State of Wisconsin.

(e) Regulations for the prevention of the 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 Wisconsin for sources wishing to locate in Indian country; and sources constructed under permits issued by EPA.

(f) Forest County Potawatomi Community Reservation.

(1) The provisions for prevention of significant deterioration of air quality at 40 CFR 52.21 are applicable to the Forest County Potawatomi Community Reservation, pursuant to § 52.21(a).

(2) In accordance with section 164 of the Clean Air Act and the provisions of 40 CFR 52.21(g), those parcels of the Forest County Potawatomi Community's land 80 acres and over in size which are located in Forest County are designated as a Class I area for the purposes of prevention of significant deterioration of air quality. For clarity, the individual parcels are described below, all consisting of a description from the Fourth Principal Meridian, with a baseline that is the Illinois-Wisconsin border:

(i) Section 14 of Township 36 north (T36N), range 13 east (R13E).

(ii) Section 26 of T36N R13E.

(iii) The west half (W½) of the east half (E½) of Section 27 of T36N R13E.

(iv) E½ of SW¼ of Section 27 of T36N R13E.

(v) N½ of N½ of Section 34 of T36N R13E.

(vi) S½ of NW¼ of Section 35 of T36N R13E.

(vii) Section 36 of T36N R13E.

(viii) Section 2 of T35N R13E.

(ix) W½ of Section 2 of T34N R15E.

(x) Section 10 of T34N R15E.

(xi) S½ of NW¼ of Section 16 of T34N R15E.

(xii) N½ of SE¼ of Section 20 of T34N R15E.

(xiii) NW¼ of Section 28 of T34N R15E.

(xiv) W½ of NE¼ of Section 28 of T34N R15E.

(xv) W½ of SW¼ of Section 28 of T34N R15E.

(xvi) W½ of NE¼ of Section 30 of T34N R15E.

(xvii) SW¼ of Section 2 of T34N R16E.

(xviii) W½ of NE¼ of Section 12 of T34N R16E.

(xix) SE¼ of Section 12 of T34N R16E.

(xx) E½ of SW¼ of Section 12 of T34N R16E.

(xxi) N½ of Section 14 of T34N R16E.

(xxii) SE¼ of Section 14 of T34N R16E.

(xxiii) E½ of Section 16 of T34N R16E.

(xxiv) NE¼ of Section 20 of T34N R16E.

(xxv) NE¼ of Section 24 of T34N R16E.

(xxvi) N½ of Section 22 of T35N R15E.

(xxvii) SE¼ of Section 22 of T35N R15E.

(xxviii) N½ of SW¼ of Section 24 of T35N R15E.

(xxix) NW¼ of Section 26 of T35N R15E.

(xxx) E½ of Section 28 of T35N R15E.

(xxxi) E½ of NW¼ of Section 28 of T35N R15E.

(xxxii) SW¼ of Section 32 of T35N R15E.

(xxxiii) E½ of NW¼ of Section 32 of T35N R15E.

(xxxiv) W½ of NE¼ of Section 32 of T35N R15E.

(xxxv) NW¼ of Section 34 of T35N R15E.

(xxxvi) N½ of SW¼ of Section 34 of T35N R15E.

(xxxvii) W½ of NE¼ of Section 34 of T35N R15E.

(xxxviii) E½ of Section 36 of T35N R15E.

(xxix) SW¼ of Section 36 of T35N R15E.

(xl) S½ of NW¼ of Section 36 of T35N R15E.

(xli) S½ of Section 24 of T35N R16E.

(xlii) N½ of Section 26 of T35N R16E.

(xliii) SW¼ of Section 26 of T35N R16E.

(xliv) W½ of SE¼ of Section 26 of T35N R16E.

(xlv) E½ of SW¼ of Section 30 of T35N R16E.

(xlvi) W½ of SE¼ of Section 30 of T35N R16E.

(xlvii) N½ of Section 34 of T35N R16E.

[45 FR 52741, Aug. 7, 1980, as amended at 46 FR 9585, Jan. 29, 1981; 64 FR 28748, May 27, 1999; 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003; 72 FR 18394, Apr. 12, 2007; 73 FR 23101, May 29, 2008]

### §§ 52.2582–52.2583 [Reserved]

### § 52.2584 Control strategy; Particulate matter.

(a) Part D—Disapproval—USEPA disapproves Regulation NR 154.11(7)(b) of Wisconsin Administrative Code (RACT Requirements for Coking Operations), which is part of the control strategy to attain and maintain the standards for particulate matter, because it does not contain an enforceable RACT-level numerical visible emission limitation for charging operations.

(b) Approval—On April 30, 1988 and March 30, 1990, the State of Wisconsin 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 the Cities of DePere, Madison, Milwaukee, Superior, and Waukesha. This committal SIP meets all of the requirements identified in the July 1, 1987, promulgation of the SIP requirements for $PM_{10}$.

[48 FR 9862, Mar. 9, 1983, as amended at 55 FR 33120, Aug. 14, 1990]

### § 52.2585 Control strategy: Ozone.

(a) Disapproval—On November 6, 1986, the Wisconsin Department of Natural Resources submitted as a proposed revision to the State's ozone State Implementation Plan a site-specific reasonably available control technology determination for a miscellaneous metal parts and products dip coating line. This line is located at the Gehl facility in Washington County, Wisconsin. In a May 31, 1988 (53 FR 19806), notice of proposed rulemaking, United States Environmental Protection Agency proposed to disapprove this site-specific revision to the Wisconsin State Implementation Plan for ozone.

(b) Disapproval—On August 22, 1986, the Wisconsin Department of Natural Resources submitted a proposed revision to its ozone State Implementation Plan consisting of a site-specific reasonably available control technology determination for two miscellaneous metal parts and products spray coatings lines. These operations are located at the General Electric Company, Medical Systems facility in Milwaukee, Wisconsin, an area which has been designated as nonattainment for ozone, pursuant to section 107 of the Clean Air Act and 40 Code of Federal Regulations, part 81, § 81.350.

(c) [Reserved]

(d) Approval—On November 15, 1992, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan. The submittal pertained to the development of a process for assessing conformity of any federally-funded transportation and other federally funded projects in the nonattainment area.

(e) Approval—On January 15, 1993, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan for the 1990 base year inventory. The inventory was submitted by the State of Wisconsin to satisfy Federal requirements under section 182(a)(1) of the Clean Air Act as amended in 1990 (the Act), as a revision to the ozone State Implementation Plan (SIP) for all areas in Wisconsin designated nonattainment, classified marginal to extreme. These areas include counties of Walworth, Door, Kewaunee, Manitowoc, Sheboygan, and the six county Milwaukee area (counties of Washington, Ozaukee, Waukesha, Milwaukee, Racine, and Kenosha).

(f) Approval—The Administrator approves the incorporation of the photochemical assessment ambient monitoring system submitted by Wisconsin on November 15, 1993, into the Wisconsin 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).

(g) Approval—On November 15, 1993, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan. The submittal pertained to a plan for forecasting VMT in the severe ozone nonattainment area of southeastern Wisconsin and demonstrated that Transportation Control Measures would not

be necessary to offset growth in emissions.

(h) Approval—On November 15, 1993, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan. The submittal pertained to a plan for forecasting VMT in the severe ozone nonattainment area of southeastern Wisconsin and demonstrated that Transportation Control Measures would not be necessary to meet the 15 percent Rate-of-Progress milestone.

(i) Approval—EPA is approving the section 182(f) oxides of nitrogen ($NO_X$) reasonably available control technology (RACT), new source review (NSR), vehicle inspection/maintenance (I/M), and general conformity exemptions for the moderate and above ozone nonattainment areas within Wisconsin as requested by the States of Illinois, Indiana, Michigan, and Wisconsin in a July 13, 1994 submittal. This approval also covers the exemption of transportation and general conformity requirements of section 176(c) for the Door and Walworth marginal ozone nonattainment areas. 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 $NO_X$ emission controls are needed in any of the nonattainment areas to attain the ozone standard in the Lake Michigan Ozone Study modeling domain.

(j) Approval—On June 14, 1995, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan. The submittal pertained to a plan for the implementation and enforcement of the Federal transportation conformity requirements at the State or local level 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.

(k) Approval—On December 15, 1995, and May 15, 1996, the Wisconsin Department of Natural Resources submitted requests to redesignate Walworth County and Sheboygan and Kewaunee Counties, respectively, from nonattainment to attainment for ozone. The State also submitted maintenance plans as required by section 175A of the Clean Air Act, 42 U.S.C. 7505a. Elements of the section 175A maintenance plans include attainment emission inventories for $NO_X$ and VOC, demonstrations of maintenance of the ozone NAAQS with projected emission inventories to the year 2007 for $NO_X$ and VOC, plans to verify continued attainment, and contingency plans. If a violation of the ozone NAAQS, determined to be caused by local sources is monitored, Wisconsin will implement one or more appropriate contingency measure(s) contained in the contingency plan. Once a violation of the ozone NAAQS is recorded, the State will notify EPA and review the data for quality assurance. A plan to analyze the violation, including an analysis of meteorological conditions, will be submitted within 60 days to EPA-Region 5 for approval. Within 14 months of the violation, Wisconsin will complete and public notice the analysis and submit it to EPA-Region 5 for review. If the analysis shows that local sources caused the violation, Wisconsin will implement the contingency measures within 24 months after the violation. The contingency measures to be implemented in Walworth County are Stage II vapor recovery and non-Control Technology Guideline (non-CTG) Reasonably available control technology (RACT) limits. Contingency measures to be implemented in either Kewaunee or Sheboygan County are lower major source applicability thresholds for industrial sources and new gasoline standards which will lower VOC emissions. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) and 175A of the Act, respectively.

(l) Wisconsin's November 15, 1994 request for a temporary delay of the ozone attainment date for Manitowoc County from 1996 to 2007 and suspension of the automatic reclassification of Manitowoc County to serious nonattainment for ozone is approved, based on Wisconsin's demonstration through photochemical grid modeling that transport from upwind areas

makes it ''practicably impossible'' for the County to attain the ozone National Ambient Air Quality Standard by its original attainment date.

(m) Approval—On July 10, 1996, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan. The submittal pertained to a request to waive the Oxide of Nitrogen requirements for transportation conformity in the Milwaukee and Manitowoc ozone nonattainment areas.

(n) Approval—On September 8, 2000, Wisconsin submitted a revision to the ozone maintenance plan for the Walworth County area. The revision consists of allocating a portion of the Walworth County area's Volatile Organic Compounds (VOC) safety margin to the transportation conformity Motor Vehicle Emission Budget (MVEB). The MVEB for transportation conformity purposes for the Walworth County area are now: 5.39 tons per day of VOC emissions and 7.20 tons per day of oxides of nitrogen emissions for the year 2007. This approval only changes the VOC transportation conformity MVEB for Walworth County.

(o) Approval—On December 11, 1997, Wisconsin submitted a post-1996 Rate Of Progress plan for the Milwaukee-Racine ozone nonattainment area as a requested revision to the Wisconsin State Implementation Plan. Supplements to the December 11, 1997 plan were submitted on August 5, 1999, January 31, 2000, March 3, 2000, and February 21, 2001 establishing the post-1996 ROP plan for the Milwaukee-Racine ozone nonattainment area. This plan reduces ozone precursor emissions by 9 percent from 1990 baseline emissions by November 15, 1999.

(p) Approval—On December 27, 2000, Wisconsin submitted a one-hour ozone attainment demonstration plan as a revision to the Wisconsin State Implementation Plan (SIP). Supplements to the December 27, 2001 plan were submitted on May 28, 2001, June 6, 2001, and August 29, 2001. This plan includes a modeled demonstration of attainment, rules for the reduction of ozone precursor emissions, a plan to reduce ozone precursor emissions by three percent per year from 2000 to 2007, an analysis of reasonably achievable control measures, an analysis of transportation conformity budgets, a revision of the waiver for emission of oxides of nitrogen, and commitments to conduct a mid-course review of the area's attainment status and to use the new MOBILE6 emissions model.

(q) Approval—On January 28, 2003, the Wisconsin Department of Natural Resources submitted a request to redesignate Manitowoc and Door Counties to attainment. Additional information was submitted on February 5, 2003 and February 27, 2003. As part of the redesignation request, the State submitted a maintenance plan as required by section 175A of the Clean Air Act, as amended in 1990. 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 2013 motor vehicle emission budgets for Door County are 0.74 tons of volatile organic compounds (VOC) per day and 1.17 tons of oxides of nitrogen ($NO_X$) per day. The 2013 motor vehicle emission budgets for Manitowoc County are 1.89 tons of VOC per day and 3.59 tons of $NO_X$ per day.

(r) Approval—On January 28, 2003, the Wisconsin Department of Natural Resources submitted a 1999 periodic emissions inventory for the Milwaukee-Racine area. Additional information was submitted on February 5, 2003 and February 27, 2003. The inventory meets the requirement of section 182(2)(3)(A) of the Clean Air Act as amended in 1990.

(s) Approval—On January 31, 2003, Wisconsin submitted a revision to the ozone attainment plan for the Milwaukee severe ozone area and maintenance plan for Sheboygan County. These plans revised 2007 motor vehicle emission inventories and 2007 Motor Vehicle Emissions Budgets (MVEB) recalculated using the emissions factor model MOBILE6. The plan also included a new 2012 projected MVEB for the Sheboygan County. The following table outlines the MVEB for transportation conformity purposes for the Milwaukee severe ozone area and the Sheboygan ozone maintenance area:

2007 AND 2012 MOTOR VEHICLE EMISSIONS BUDGETS

| Area | 2007 | | 2012 | |
|---|---|---|---|---|
| | VOC (tpd) | $NO_X$ (tpd) | VOC (tpd) | $NO_X$ (tpd) |
| Milwaukee Severe Area | 32.20 | 71.40 | na | na |
| Sheboygan Maintenance | 3.24 | 6.40 | 1.99 | 3.97 |

na means not applicable

(t) Approval—On January 28, 2003, Wisconsin submitted a request to update the ozone maintenance plan for Kewaunee County. Additional information was submitted on February 5, 2003 and February 27, 2003. As part of the request, the state submitted a maintenance plan as required by section 175A of the Clean Air Act, as amended in 1990. Elements of the section 175 maintenance plan include a contingency plan and Motor Vehicle Emissions Budgets (MVEB) for 2007 and 2012. The following table outlines the MVEB for transportation conformity purposes for the Kewaunee ozone maintenance area.

KEWAUNEE MOBILE VEHICLE EMISSIONS BUDGETS

[Tons/day]

| Year | VOC | $NO_X$ |
|---|---|---|
| 2007 | 0.61 | 0.97 |
| 2012 | 0.41 | 0.63 |

(u) Approval—On June 12, 2007, Wisconsin submitted a request to redesignate Kewaunee County to attainment of the 8-hour ozone 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 ozone maintenance plan establishes 2012 motor vehicle emissions budgets for Kewaunee County of 0.43 tons per day of volatile organic compounds (VOC) and 0.80 tons per day of nitrogen oxIdes ($NO_X$) and 2018 motor vehicle emissions budgets for Kewaunee County of 0.32 tons per day of VOCs and 0.47 tons per day of $NO_X$.

(v) On July 28, 2008, the Wisconsin Department of Natural Resources requested that EPA find that the Milwaukee-Racine, WI nonattainment area, attained the revoked 1-hour ozone National Ambient Air Quality Standard (NAAQS). After review of this submission, EPA approves this request.

(w) Approval—On June 12, 2007, Wisconsin submitted 2005 VOC and $NO_X$ base year emissions inventories for the Manitowoc County and Door County areas. Wisconsin's 2005 inventories satisfy the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Manitowoc County and Door County areas under the 1997 8-hour ozone standard.

(x) Approval—On September 11, 2009, Wisconsin submitted requests to redesignate the Manitowoc County and Door County areas to attainment of the 1997 8-hour ozone standard. 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 plans include contingency plans and an obligation to submit subsequent maintenance plan revisions in 8 years as required by the Clean Air Act. The ozone maintenance plans also establish 2012 and 2020 Motor Vehicle Emission Budgets (MVEBs) for the areas. The 2012 MVEBs for the Manitowoc County and Door County areas are 1.76 tons per day (tpd) for VOC and 3.76 tpd for $NO_X$, and 0.78 tpd for VOC and 1.55 tpd for $NO_X$, respectively. The 2020 MVEBs for the Manitowoc County and Door County areas are 1.25 tpd for VOC and 1.86 tpd for $NO_X$, and 0.53 tpd for VOC and 0.74 tpd for $NO_X$, respectively.

(y) *Determination of attainment.* EPA has determined, as of March 1, 2011 that the Milwaukee-Racine, WI and Sheboygan, WI areas have attained the 1997 8-hour ozone standard. These determinations suspend the requirements for these areas to submit attainment demonstrations and associated reasonably available control measures (RACM), reasonable further progress plans (RFP), contingency measures, and other State Implementation Plan

(SIP) revisions related to attainment of the standard for as long as the areas continue to attain the 1997 8-hour ozone standard. These determinations also stay the requirement for EPA to promulgate attainment demonstration and RFP Federal Implementation Plans (FIPs) for these areas.

[54 FR 29557, July 13, 1989]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2585, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2586 Small business stationary source technical and environmental compliance assistance program.

The Wisconsin small business stationary source technical and environmental compliance assistance program submitted on November 18, 1992 and January 21, 1993, satisfies the requirements of Section 507 of the Clean Air Act.

[59 FR 40826, Aug. 10, 1994]

### § 52.2587 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 Wisconsin 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 Wisconsin 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 authorizing 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 Wisconsin 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 Wisconsin 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 62356, Nov. 2, 2007]

### § 52.2588 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

The owner and operator of each $SO_2$ source located within the State of Wisconsin 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 Wisconsin 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.

[72 FR 62357, Nov. 2, 2007]

### § 52.2589 Wisconsin construction permit permanency revision.

This plan was originally submitted as Wis. Stat. 144.396 by Wisconsin on July 12, 1979 and approved into Wisconsin's SIP on June 25, 1986 (51 FR 23056). Wis. Stat. 144.396 was renumbered Wis. Stat. 285.66 in 1995 Wisconsin Act 227, effective January 1, 1997. On December 8, 2005, Wisconsin submitted for EPA approval into the Wisconsin SIP a revision to Wis. Stats. 285.66(1), as amended in 2005 Wisconsin Act 25, effective July 26, 2005. This revision makes all conditions in Wisconsin's construction permits permanent. EPA has determined that this statutory revision is approvable under the Act.

[71 FR 9936, Feb. 28, 2006]

### § 52.2590 Operating permits.

For any permitting program located in the State, insofar as the permitting threshold provisions in Chapter NR 407 of the Wisconsin Administrative Code 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]

## Subpart ZZ—Wyoming

### § 52.2620 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for Wyoming 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 August 31, 2006 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 August 31, 2006, 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 August 31, 2006.

(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; the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 1200 Pennsylvania Ave., NW., Washington, DC 20460; 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.*

(1) State of Wyoming Regulations

| State citation | Title/subject | State adopted and effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| **Chapter 1** | | | | |
| Section 2 | Authority | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 3 | Definitions | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 4 | Prevention of significant deterioration | 7/27/06, 10/6/06 | 7/16/08, 73 FR 47050. | |
| Section 5 | Unavoidable Equipment Malfunction | 11/16/05, 1/30/06 | 4/16/10, 75 FR 19886. | |
| Section 6 | Credible Evidence | 10/23/00, 12/8/00 | 4/16/10, 75 FR 19886. | |
| **Chapter 2** | | | | |
| Section 2 | Ambient standards for particulate matter. | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 3 | Ambient standards for nitrogen oxides | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 4 | Ambient standards for sulfur oxides | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 5 | Ambient standards for carbon monoxide. | 9/13/99, 10/29/00 | 7/28/04, 69 FR 44965. | |
| Section 6 | Ambient standards for ozone | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 8 | Ambient standards for suspended sulfates. | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 10 | Ambient standards for lead | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| **Chapter 3** | | | | |
| Section 2 | Emission standards for particulate matter. | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 3 | Emission standards for nitrogen oxides. | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 4 | Emission standards for sulfur oxides | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 5 | Emission standards for carbon monoxide. | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 6 | Emission standards for volatile organic compounds. | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| **Chapter 4** | | | | |
| Section 2 | Existing sulfuric acid production units | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 3 | Existing nitric acid manufacturing plants. | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| **Chapter 6** | | | | |
| Section 2 | Permit requirements for construction, modification, and operation. | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 4 | Prevention of significant deterioration | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| **Chapter 7** | | | | |
| Section 2 | Continuous monitoring requirements for existing sources. | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| **Chapter 8** | | | | |
| Section 2 | Sweetwater County particulate matter regulations. | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 3 | Conformity of general federal actions to state implementation plans. | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |

| State citation | Title/subject | State adopted and effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| **Chapter 9** | | | | |
| Section 2 | Visibility | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| **Chapter 10** | | | | |
| Section 2 | Open burning restrictions | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| Section 3 | Wood waste burners | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| **Chapter 12** | | | | |
| Section 2 | Air pollution emergency episodes | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |
| **Chapter 13** | | | | |
| Section 2 | Motor vehicle pollution control | 9/13/99, 10/29/99 | 7/28/04, 69 FR 44965. | |

[1] In order to determine the EPA effective date for a specific provision that is listed in this table, consult the FEDERAL REGISTER cited in this column for that particular provision.

(d) *EPA-approved source-specific requirements.*

| Name of source | Nature of requirement | State submittal and effective date | EPA approval date and citation [2] | Explanations |
|---|---|---|---|---|
| FMC Corporation | Order containing schedule for compliance, interim requirements, and monitoring and reporting requirements. | 1/25/79, 4/25/79 | 7/2/79, 44 FR 38473. | |
| Black Hills Power and Light. | Order containing schedule for compliance, interim requirements, and monitoring and reporting requirements. | 1/25/79, 4/25/79 | 7/2/79, 44 FR 38473. | |

[2] In order to determine the EPA effective date for a specific provision that is listed in this table, consult the FEDERAL REGISTER cited in this column for that particular provision.

(e) *EPA-approved nonregulatory provisions.*

| Name of nonregulatory SIP provision | Applicable geographic or non-attainment area | State submittal date/adopted date | EPA approval date and citation [3] | Explanations |
|---|---|---|---|---|
| I. Implementation Plan for the State of Wyoming<br>I. Introduction<br>II. Legal Authority<br>III. Control Strategy<br>IV. Compliance Schedule<br>V. Emergency Plan<br>VI. Air Quality Surveillance<br>VII. Review of New Sources and Modifications<br>VIII. Source Surveillance<br>IX. Resources<br>X. Intergovernmental Cooperation<br>IX. Reports and Revisions<br>Appendices | Statewide | Submitted: 1/28/72, Adopted: 1/22/72, Additional letters submitted on 3/28/72 and 5/3/72. | 5/31/72, 37 FR 10842. | Excluding: (1) the Wyoming Air Quality Act of 1967 and Wyoming Air Quality Standards and Regulations contained in Appendix E (more recent versions of these documents have been approved in the SIP); (2) Section III, paragraph following table I and Section IV, paragraph G (revisions to these paragraphs have subsequently been approved). (See II below.) |
| II. Revisions to Sections III (paragraph following Table I and IV (paragraph G) of the SIP | Statewide | Submitted: 5/29/73 | 7/3/74, 39 FR 24504. | |

| Name of nonregulatory SIP provision | Applicable geographic or non-attainment area | State submittal date/adopted date | EPA approval date and citation [3] | Explanations |
|---|---|---|---|---|
| III. Inclusion of the Wyoming Environmental Quality Act, 1973, with amendments incorporated by the 1975 Wyoming State Legislature | Statewide | Submitted: 2/19/76 | 8/31/76, 41 FR 36652. | |
| IV. Revisions to Implementation Plan for Air Quality Control Plan State of Wyoming: addition of sections for Implementation Plan Reviews: Added to Air Quality Surveillance Chapter—Public Notification of Air Quality; and added to Intergovernmental Cooperation Chapter—Consultation | Statewide | Submitted: 1/25/79 | 7/2/79, 44 FR 38473. | |
| V. SIP for Total Suspended Particulate (TSP) Trona Area of Sweetwater County nonattainment area | Trona area of Sweetwater County. | Submitted: 1/25/79 | 7/2/79, 44 FR 38473. | SIP also contained source specific regulations that are now in Chapter 8, Section 2. |
| VI. Revision to Implementation Plan for Air Quality Control Plan State of Wyoming: Addition of section to Control Strategy Chapter for Implementation Plan Reviews | Statewide | 4/30/91 | 4/19/83, 48 FR 16682. | |
| VII. SIP to meet Air Quality Monitoring 40 CFR part 58 | Statewide | Submitted: 8/26/81 | 2/9/82, 47 FR 5892. | |
| VIII. Emergency Episode Contingency Plan | Statewide | Submitted: 8/26/81 | 2/9/82, 47 FR 5892. | |
| IX. Implementation Plan for Lead | Statewide | Submitted: 8/30/84 | 10/11/84, 49 FR 39843. | |
| X. Implementation Plan for Class I Visibility Protection | Statewide | Submitted: 9/6/88 | 2/15/89, 54 FR 6912. | |
| XI. Commitment to conduct stack height evaluations in accordance with the ''Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulations),'' EPA 450/4–80–023R, June, 1985. | Statewide | Submitted: 12/9/88 | 3/17/89, 54 FR 11186. | |
| XII. Stack Height Demonstration Analyses | Statewide | Submitted: 8/5/86 | 6/7/89, 54 FR 24334. | |
| XIII. Implementation Plan on Air Quality Surveillance for Inhalable Particulate Matter (PM10) | Statewide | Submitted: 3/14/89, Adopted: 12/13/88. | 7/10/89 55 FR 28197. | |
| XIV. $NO_X$ Increment Implementation | Statewide | Submitted: 11/20/90. | 5/24/91, 56 FR 23811. | |
| XV. Small Business Program | Statewide | Submitted: 11/1/93 | 6/20/94, 59 FR 31548. | |
| XVI. Implementation Plan for PM–10 Control Strategies Sheridan, Wyoming (includes City of Sheridan—Air Quality Maintenance Plan) | Sheridan | Submitted: 8/28/89, Adopted: 7/17/89. | 6/23/94, 59 FR 32360. | Approval does not include sections 2 and 3, Voluntary Curtailment of Solid Fuel Combustion and Industrial Sources. |
| XVII. Memorandum of Agreement on Procedures for Protecting PM10 NAAQS in the Powder River Basin | Powder River Basin | Signed: 12/22/93 | 9/12/95, 60 FR 47290. | |
| XVIII. Interstate Transport. Wyoming Interstate Transport SIP satisfying the requirement of Section 110(a)(2)(D)(i) of the CAA for the 1997 8-hour ozone and $PM_{2.5}$ standards | Statewide | Submitted: 5/3/07<br>Adopted: 4/15/07 | 5/8/08, 73 FR 26019.. | |

[3] In order to determine the EPA effective date for a specific provision that is listed in this table, consult the FEDERAL REGISTER cited in this column for that particular provision.

[71 FR 64462, Nov. 2, 2006, as amended at 73 FR 26025, May 8, 2008; 73 FR 40752, July 16, 2008; 75 FR 19890, Apr. 16, 2010]

### § 52.2621 Classification of regions.

The Wyoming 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) |
| Cheyenne Intrastate | II | III | III | III | III |
| Casper Intrastate | II | III | III | III | III |
| Wyoming Intrastate | III | III | III | III | III |

[37 FR 10904, May 31, 1972]

### § 52.2622 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Wyoming's plans as meeting the requirements of section 110 of the Clean Air Act, as amended in 1977. Furthermore, the Administrator finds that the plans satisfy the requirements of Part D, Title I, of the Clean Air Act.

[44 FR 38475, July 2, 1979]

### §§ 52.2623–52.2624 [Reserved]

### § 52.2625 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of Subpart N of this chapter. All regulations cited are found in the ''Wyoming Air Quality Standards and Regulations, 1975.''

WYOMING

| Source | Location | Regulations involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Pacific Power & Light | Glenrock | 14 (b), (e), (h) | Feb. 26, 1973 | Immediately | Sept. 1, 1976. |
| Montana-Dakota Utilities | Sheridan | 14 (b), (e), (h) | do | do | Dec. 31, 1976. |
| Utah Power & Light | Kemmerer | 14 (b), (e), (h) | do | do | Do. |
| Black Hills Power & Light | Wyodak | 14 (b), (e), (h) | do | do | May 1, 1978. |
| Do | Osage | 14 (b), (e) | do | do | May 15, 1977. |
| American Oil | Casper | 14 (b), (e), (h) | Jan. 26, 1973 | do | Jan. 31, 1974. |
| Basins Engineering | Wheatland | 14 (b), (e), (f), (g). | June 6, 1974 | do | Apr. 5, 1974. |
| Stauffer Chemical Co | Green River | 14 (b), (e), (f), (g). | do | do | Oct. 31, 1973. |
| Do | Leefe | 14 (b), (e), (f), (g). | Feb. 26, 1973 | do | Nov. 1, 1976. |
| Barold Division of National Lead | Osage | 14 (b), (e), (f), (g). | Jan. 26, 1973 | do | Dec. 31, 1975. |
| Do | Colony | 14 (b), (e), (f), (g). | June 6, 1973 | do | Mar. 1, 1974. |
| Holly Sugar | Torrington | 14 (b), (e), (f), (g). | do | do | Oct. 31, 1976. |
| Do | Worland | 14 (b), (d), (f), (g). | do | do | Do. |
| Reeves Concrete | Gillette | 14 (b), (e), (f), (g). | Jan. 26, 1973 | do | Dec. 1, 1973. |
| Do | Sheridan | 14 (b), (e), (f), (g). | do | do | Do. |
| Do | Buffalo | 14 (b), (e), (f), (g). | do | do | Do. |
| American Colloid | Lovell | 14 (b), (e), (f), (g). | June 6, 1974 | do | Apr, 30, 1974. |
| Star Valley Swiss Cheese | Thayne | 14 (b), (e), (h) | Jan. 26, 1973 | do | Dec. 31, 1973. |
| Sheridan Commercial | Sheridan | 14 (b), (e), (f), (g). | do | do | Do. |
| Federal Bentonite | Upton | 14 (b), (e), (f), (g). | June 6, 1973 | do | June 30, 1974. |

WYOMING—Continued

| Source | Location | Regulations involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Do | Lovell | 14 (b), (e), (f), (g). | .....do | .....do | Do. |
| Wyo-Ben Products | Greybull | 14 (b), (e), (f), (g). | Jan. 26, 1973 | .....do | Jan. 30, 1974. |
| Do | Lovell | 14 (b), (e), (f), (g). | June 6, 1974 | .....do | Do. |
| FMC | Kemmerer | 14 (e), (f), (g), (i). | Jan. 26, 1973 | .....do | Dec. 31, 1976. |
| Do | Green River | 14 (b), (e), (f), (g). | June 6, 1974 | .....do | Oct. 31, 1974. |
| Gunn-Quealy Coal | Rock Springs | 14 (b), (e), (f), (g). | .....do | .....do | Mar. 31, 1974. |
| Allied Chemical | Green River | 14 (b), (e), (f), (g). | .....do | .....do | Aug. 1, 1976. |
| IMC Corp | Colony | 14 (b), (e), (f), (g). | .....do | .....do | Oct. 31, 1974. |
| Wyodak Resources Develop | Gillette | 14 (b), (e), (f), (g). | .....do | .....do | Feb. 28, 1974. |
| Church and Dwight | Green River | 14 (b), (e), (f), (g). | .....do | .....do | Nov. 1, 1973. |
| Wycon Chemical | Cheyenne | 14 (b), (e), (f), (g). | Sept. 11, 1975 | .....do | June 1, 1976. |
| Dresser Minerals | Greybull | 14 (b), (e), (f), (g). | .....do | .....do | Feb. 15, 1976. |
| Town of Byron | Byron | 13 | Jan. 26, 1973 | .....do | July 1, 1974. |
| Town of Chugwater | Chugwater | 13 | .....do | .....do | Do. |
| Town of Cowley | Cowley | 13 | .....do | .....do | Do. |
| Town of Lovell | Lovell | 13 | May 24, 1973 | .....do | Do. |
| Big Horn County | Big Horn County. | 13 | Jan. 26, 1973 | .....do | Do. |

[41 FR 36653, Aug. 31, 1976, as amended at 51 FR 40676, Nov. 7, 1986]

### §§ 52.2626–52.2629 [Reserved]

### § 52.2630 Prevention of significant deterioration of air quality.

(a) The Wyoming plan, as submitted, is approved as meeting the requirements of Part C of the Clean Air Act except that designation of the Savage Run Wilderness Area, as established in Pub. L. 95–237, from Class II to Class I is disapproved.

(b) Regulation for preventing significant deterioration of air quality. The Wyoming plan, as submitted, does not apply to certain sources in the State. Therefore, the provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the State implementation plan for the State of Wyoming and are applicable to the following proposed major stationary sources or major modifications:

(1) Sources proposing to construct on Indian Reservations in Wyoming; and

(2) Sources that received an air quality permit from the Wyoming State Department of Environmental Quality prior to September 6, 1979.

(c) The State of Wyoming has clarified the generalized language contained in section 24 of the Wyoming Air Quality Standards and Regulations on the use of the ''Guidelines for Air Quality Models.'' In a letter to Douglas M. Skie, EPA, dated May 18, 1989, Charles A. Collins, Administrator of the Air Quality Divisions stated:

> * * * The Division, will, as a matter of practice, utilize the ''Guideline on Air Quality Models'' as revised, including Supplement A, in all PSD permit application reviews. The Division will utilize any future revisions to the Guideline in PSD permitting reviews as revisions become effective.

[44 FR 51979, Sept. 6, 1979, as amended at 54 FR 27881, July 3, 1989; 68 FR 11324, Mar. 10, 2003; 68 FR 74491, Dec. 24, 2003]

### § 52.2631 [Reserved]

### § 52.2632 Visibility protection. [Reserved]

### § 52.2633 Stack height regulations.

In a letter dated December 9, 1988, to Douglas M. Skie, EPA, from Charles A. Collins, Administrator of The Air Quality Division, the State committed to conduct stack height evaluations in accordance with the ''Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulations)'', EPA 450/4–80–023R, June 1985.

[54 FR 11188, Mar. 17, 1989]

### § 52.2634 Correction of approved plan.

The following rules of the Wyoming Air Quality Standards and Regulations have been removed from the approved plan pursuant to section 110(k)(6) of the Clean Air Act (as amended in 1990): Section 7, Hydrogen Sulfide; Section 11, Fluorides; and Section 16, Odors.

[61 FR 47059, Sept. 6, 1996]

### § 52.2635 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Wyoming'' and all revisions submitted by Wyoming that were federally approved prior to August 31, 2006.

(b) The plan was officially submitted on January 26, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Compliance schedule information in three plants submitted March 28, 1972, by the Department of Health and Social Services (DHSS). (Non-regulatory.)

(2) Procedural clarification to emergency episodes plan submitted May 3, 1972, by DHSS.

(3) Particulate compliance schedules submitted February 9, 1973, by DHSS.

(4) Emergency episode plan submitted February 27, 1973, by DHSS. (Non-regulatory).

(5) Compliance schedules submitted on March 1, 1973, by DHSS.

(6) Revision of Wyoming's Standards and Regulations (Chapter I, Section 1–20) submitted April 18, 1973, by DHSS.

(7) Revision of particulate control strategy to require compliance with particulate standards not later than January 31, 1974, except where approved by EPA and compliance schedule portions of the plan submitted May 29, 1973, by DHSS.

(8) Compliance schedule revisions, legal authority additions, update of Wyoming's Air Quality Standards and Regulations, non-regulatory source surveillance and new source review procedures submitted on August 7, 1974, by the Governor.

(9) Legal authority additions and compliance schedule revisions submitted on February 19, 1976, by the Governor.

(10) Requirements for continuous opacity monitoring by all fossil fuel fired steam generators with heat inputs in excess of 250 million Btu per hour and other miscellaneous revisions to the State regulations as submitted by the Air Quality Division (AQD) on May 9, 1978.

(11) Provisions to meet the requirements of Parts C and D and sections 110, 126, and 127 of the Clean Air Act, as amended in 1977 were submitted on January 26, 1979.

(12) A revision to Section 14 of the Wyoming Air Quality Standards and Regulations was submitted on July 18, 1980, and October 27, 1980.

(13) On August 26, 1981 and August 27, 1981, Wyoming submitted revisions to the requirements for Prevention of Significant Deterioration, the Air Quality Monitoring Plan, revisions to the Emergency Episode Contingency Plan, and revisions to stationary source permitting regulations.

(14) Revisions to the new source permit requirements in Sections 21 and 24 of the Wyoming regulations were submitted on April 30, 1981, and February 8, 1982.

(15) On August 30, 1984, the State of Wyoming submitted a plan revision for lead.

(16) Revisions to the new source permit requirements in sections 21 and 24 of the Wyoming regulation for visibility protection were submitted on April 12, 1985.

(i) Incorporation by reference.

(A) Letter from Randolph Wood, Administrator, Wyoming Air Quality Division, dated April 12, 1985, submitting the Wyoming Visibility SIP and Regulations.

(B)(*1*) Wyoming Air Quality Standards and Regulations (WAQSR), Section 21.n. (1) and (2) adopted on January 22, 1985.

(*2*) WAQSR, Section 24.b.(1)(f) adopted on January 22, 1985.

(*3*) WAQSR, Section 24.b.(6) (a) and (b) revised and adopted on January 22, 1985.

(17) A revision to the SIP was submitted by the Administrator of the Wyoming Air Quality Division on September 6, 1988, for visibility general plan requirements, monitoring, and long-term strategies.

(i) Incorporation by reference.

(A) Letter dated September 6, 1988, Charles A. Collins, Administrator of the Wyoming Air Quality Division, submitting a SIP revision for visibility protection.

(B) The SIP revision for visibility protection, ''Section 28 *Visibility*'' of the Wyoming Air Quality Standards and Regulations, and ''Wyoming State Implementation Plan for Class I Visibility Protection'' was adopted by the Wyoming Environmental Quality Council on March 23, 1988, and became effective on May 10, 1988.

(18) On September 6, 1988, the Administrator of the Air Quality Division, as the Governor's designee, submitted a plan revising the stack height regulations, Wyoming Air Quality Standards and Regulations (WAQSR) section 21(d).

(i) Incorporation by reference.

(A) Revisions to the Wyoming Air Quality Standards and Regulation section 21(d), stack heights, were adopted and effective on May 10, 1988.

(19) In a letter dated August 5, 1986, the Administrator of the Air Quality Division of Wyoming, submitted the stack height demonstration analysis. EPA is approving the demonstration analysis for all of the stacks.

(i) Incorporation by reference.

(A) Stack height demonstration analysis submitted by the State in a letter dated August 5, 1986.

(20) A revision to the SIP was submitted by the Administrator of the Wyoming Air Quality Division on March 14, 1989, to address the Group III PM–10 SIP requirements and Group II PM–10 SIP requirements for Lander, Wyoming.

(i) Incorporation by reference.

(A) Amendments to the Wyoming Air Quality Standards and Regulations: section 2 (Definitions) (a)(xxx), section 3 (Ambient Standards for Particulate Matter) (a), section 20 (Air Pollution Emergency Episodes) (b)(ii), section 21 (Permit Requirements for Construction, Modification, and Operation) (c)(ii) and section 24 (Prevention of Significant Deterioration) (a)(xx)(A), (b)(i)(E)(VI)(1.)(c.)(f.)(h.) & (1.), (b)(iii), (b)(iv), (b)(viii), and (b)(xii)(D)(E)(F) & (G), effective February 13, 1989.

(B) March 14, 1989 letter from Charles A. Collins, Administrator of the Wyoming Air Quality Division to James J. Scherer, EPA Region VIII Regional Administrator, identifying the effective date of the above regulation amendments.

(21) On November 20, 1990, the Governor of Wyoming submitted revisions to the plan. The revisions include amendments to the prevention of significant deterioration of air quality (PSD) regulations to incorporate the nitrogen dioxide ($NO_2$) increments, revisions to the new source review requirements and PSD regulations to make them federally enforceable, and revisions to the PSD regulations to allow establishment of multiple baseline areas which may have different baseline dates and different baseline concentrations.

(i) Incorporation by reference.

(A) Revisions to the Wyoming Air Quality Standards and Regulations, Section 2, *Definitions*, Section 21, *Permit Requirements for Construction, Modification, and Operation*, and Section 24, *Prevention of Significant Deterioration*, effective October 30, 1990.

(ii) Additional material.

(A) November 5, 1990, letter from Douglas Skie, EPA, to Charles A. Collins, Administrator, Air Quality Division, Wyoming Department of Environmental Quality.

(22) On September 6, 1988, the Governor of Wyoming submitted revisions to Section 3 of the Wyoming Air Quality Standards and Regulations, adding

subsection (d) which defines ''ambient air'' for surface coal mines located in Wyoming's Powder River Basin.

(i) Incorporation by reference.

(A) Revisions to Section 3(d) of the Wyoming Air Quality Standards and Regulations, effective June 5, 1987.

(ii) Additional material.

(A) Memorandum of Agreement signed on December 22, 1993 by Dennis Hemmer, Director, Department of Environmental Quality, State of Wyoming, and on January 24, 1994 by Patricia D. Hull, Director, Air, Radiation and Toxics Division, EPA Region VIII.

(23) On November 1, 1993, the Governor of Wyoming submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the Wyoming State Implementation Plan as required by section 507 of the Clean air Act.

(i) Incorporation by reference.

(A) November 1, 1993, letter from the Governor of Wyoming submitting a Small Business Assistance Program plan to EPA.

(B) The State of Wyoming plan for the establishment and implementation of a Small Business Assistance Program, adopted September 16, 1993, by the Wyoming Environmental Quality Council.

(24) On August 28, 1989, the Governor of Wyoming submitted revisions to the Wyoming State implementation plan (SIP) for Sheridan, Wyoming. In addition to the original August 28 submittal, eight submittals containing information in response to EPA requests and to the new Clean Air Act Amendments were submitted. The August 28, 1989, submittal, in combination with the eight subsequent submittals, satisfy those moderate $PM_{10}$ nonattainment SIP requirements due on November 15, 1991. Included in the August 28, 1989, submittal were $PM_{10}$ contingency measures for Sheridan to satisfy the requirements of section 172(c)(9) of the Act that were due by November 15, 1993.

(i) Incorporation by reference.

(A) ''The City of Sheridan, Air Quality Maintenance Plan,'' including the Street Winter Maintenance Plan and the contingency plan calling for the use of deicing chemicals on downtown streets, adopted on February 21, 1989.

(ii) Additional material.

(A) Letter dated November 21, 1989, from the Wyoming Department of Environmental Quality to EPA which includes a memorandum dated November 15, 1989 from the Wyoming Attorney General's Office to the Wyoming Department of Environmental Quality; the memorandum includes Wyoming Statute 35–11–201.

(25) On November 12, 1993, the Governor of Wyoming submitted revisions to the Wyoming State Implementation Plan (SIP). Specifically, the State submitted revisions to the Wyoming Air Quality Standards and Regulations (WAQSR), section 21 ''Permit requirements for construction, modification and operation.'' Among other things, these revisions were made to address the non-attainment New Source Review (NSR) provisions of part D of the Act for $PM_{10}$ nonattainment areas, which were due to EPA on June 30, 1992.

(i) Incorporation by reference.

(A) The following subsections of section 21 of the Wyoming Air Quality Standards and Regulations ''Permit requirements for construction, modification and operation,'' adopted on September 16, 1993 and effective October 26, 1993: subsections (a)(ii), (a)(iii), (a)(v), (c)(ii)(B), (k)(vii) and (o).

(ii) Additional material.

(A) Letter from Mary A. Throne, Assistant Attorney General, to the Governor of Wyoming, dated October 1, 1993, documenting the necessary legal authority under state law to adopt and implement the revised regulation.

(26) On March 14, 1995, the Governor of Wyoming submitted revisions to the prevention of significant deterioration permitting regulations in Section 24 of the Wyoming Air Quality Standards to incorporate changes in the Federal PSD permitting regulations for utility pollution control projects, PM–10 increments, and to make other minor changes.

(i) Incorporation by reference.

(A) Revisions to Section 24 of the Wyoming Air Quality Standards, subsections (a)(ix)(B), (a)(x)(H)–(K), (a)(xii)(D), (a)(xv), (a)(xix)(D) and (E), (a)(xxviii)–(xxxv), (b)(i)(A)(I),

(b)(i)(E)(VI)(1), (b)(viii), and (b)(xii)(I), effective 2/13/95.

(27) On September 15, 1982, the Administrator of the Wyoming Air Quality Division submitted clarifications and revisions to the particulate matter control requirements of Section 25 of the Wyoming Air Quality Standards and Regulations (WAQSR) for FMC Corporation in the Trona Industrial Area. In addition, on May 16, 1985, the Administrator of the Wyoming Air Quality Division submitted revisions to the construction permitting requirements in Section 21 of the WAQSR to specify guidelines for best available control technology for new large mining operations. The Governor of Wyoming submitted revisions to Section 21 of the WAQSR, ''Permit requirements for construction, modification, and operation,'' on November 12, 1993. Last, the Governor of Wyoming submitted revisions to Section 24 of the WAQSR, ''Prevention of Significant Deterioration,'' on March 14, 1995.

(i) Incorporation by reference.

(A) Revisions to Section 25 of the WAQSR, ''Sweetwater County Non-Attainment Area Particulate Matter Regulations,'' subsection c.(2), effective September 13, 1982.

(B) Revisions to Section 21 of the WAQSR, ''Permit requirements for construction, modification, and operation,'' subsection c.(5), effective May 10, 1985.

(C) Revisions to Section 21 of the WAQSR, ''Permit requirements for construction, modification, and operation,'' subsection (a)(iv), effective October 26, 1993.

(D) Revisions to Section 24 of the WAQSR, ''Prevention of Significant Deterioration,'' subsections (a)(xix), (b)(iv), and (b)(xii)(H), effective February 13, 1995.

(28) On March 14, 1995, the Governor of Wyoming submitted revisions to the SIP that incorporate the General Conformity requirements of 40 CFR part 93, Subpart B into State regulation.

(i) Incorporation by reference.

(A) Section 32 of the Wyoming Air Quality Standards, ''Conformity of General Federal Actions to State Implementation Plans,'' effective February 13, 1995.

(29) The Governor of Wyoming submitted revisions to sections 2, 4, 5, 8, 9, 10, 14, and 21 of the Wyoming Air Quality Standards and Regulations (WAQSR) on May 21, 1999.

(i) Incorporation by reference.

(A) Revisions to the WAQSR, section 2 Definitions, subsection 2(a)(xxx)(B) excluding the words ''or an equivalent or alternative method approved by the Administrator,'' effective October 15, 1998.

(B) Revisions to the WAQSR, section 4 Sulfur oxides, subsection 4(h) excluding the words ''or an equivalent method,'' effective October 15, 1998.

(C) Revisions to the WAQSR, section 5 Sulfuric acid mist excluding the words ''or an equivalent method,'' effective October 15, 1998.

(D) Revisions to the WAQSR, section 8 Ozone, effective October 15, 1998.

(E) Revisions to the WAQSR, section 9 Volatile organic compounds, effective October 15, 1998.

(F) Revisions to the WAQSR, section 10 Nitrogen oxides, subsections 10(b), 10(b)(vii), 10(b)(viii), and 10(b)(ix), excluding the words ''or by an equivalent method'' in subsection 10(b), effective October 15, 1998.

(G) Revisions to the WAQSR, section 14 Control of particulate emissions, subsection 14(h)(iv) excluding the sentence, ''Provided that the Administrator may require that variations to said methods be included or that entirely different methods be utilized if he determines that such variations or different methods are necessary in order for the test data to reflect the actual emission rate of particulate matter,'' effective October 15, 1998.

(H) Revisions to the WAQSR, section 21 Permit requirements for construction, modification and operation, subsections 21(a)(vi) and 21(h), effective October 15, 1998.

(ii) Additional material.

(A) September 1, 1998 letter from Dan Olson, Administrator, Wyoming Air Quality Division, to Richard R. Long, Director, Air and Radiation Program, EPA Region 8.

(B) June 23, 2000 letter from Dan Olson, Administrator, Wyoming Air Quality Division, to Richard R. Long, Program Manager, Air and Radiation, EPA Region VIII.

(30) On September 12, 2003, the Governor of Wyoming submitted a revision to the State Implementation Plan. The revision restructures the Wyoming Air Quality Standards and Regulations (WAQS&R) from a single chapter into thirteen separate chapters and renumbers the provisions within each chapter. The submitted revision contains no substantive changes to the existing SIP-approved regulations. The provisions listed in paragraph (c)(30)(i)(A) are approved into the SIP and supersede and replace the prior codification of the corresponding provisions of the SIP.

(i) Incorporation by reference.

(A) Wyoming Air Quality Standards and Regulations: Chapter 1: Section 2—Authority, Section 3—Definitions, Section 4—Diluting and concealing emissions, Section 5—Abnormal conditions and equipment malfunction; Chapter 2: Section 2—Ambient standards for particulate matter, paragraphs 2(a) and 2(c) only, Section 3—Ambient standards for nitrogen oxides, Section 4—Ambient standards for sulfur oxides, Section 5—Ambient standards for carbon monoxide, Section 6—Ambient standards for ozone, Section 8—Ambient standard for suspended sulfates, Section 10—Ambient standards for lead; Chapter 3: Section 2—Emission standards for particulate matter, Section 3—Emission standards for nitrogen oxides, Section 4—Emission standards for sulfur oxides, Section 5—Emission standards for carbon monoxide, Section 6—Emission standards for volatile organic compounds; Chapter 4: Section 2—Existing sulfuric acid production units, Section 3—Existing nitric acid manufacturing plants; Chapter 6: Section 2—Permit requirements for construction, modification and operation, Section 4—Prevention of significant deterioration; Chapter 7: Section 2—Continuous monitoring requirements for existing sources; Chapter 8: Section 2—Sweetwater County particulate matter regulations, Section 3—Conformity of general federal actions to state implementation plans; Chapter 9: Section 2—Visibility; Chapter 10: Section 2—Open burning restrictions, Section 3—Wood waste burners; Chapter 12: Section 2—Air pollution emergency episodes; Chapter 13: Section 2—Motor vehicle pollution control; all adopted September 13, 1999 and effective October 29, 1999.

(ii) Additional Material.

(A) Remainder of the September 12, 2003 State submittal.

(B) January 12, 2004 letter from Dan Olson, Wyoming Department of Environmental Quality (DEQ), to Richard Long, EPA Region VIII, to address typographical errors and incorrect cross references identified in the September 12, 2003 submittal.

(C) March 22, 2004 letter from Richard Long, EPA Region VIII, to John Corra, Wyoming DEQ, requesting clarification on the State's commitment to submit substantive SIP revisions following EPA's approval of the restructured and renumbered WAQS&R provisions. In this letter, EPA also asked DEQ to indicate time frames in which DEQ would submit substantive SIP revisions.

(D) March 29, 2004 letter from John Corra, Wyoming DEQ, to Richard Long, EPA Region VIII, addressing the concerns expressed in Mr. Long's March 22, 2004 letter.

[37 FR 10903, May 31, 1972. Redesignated at 71 FR 64462, Nov. 2, 2006]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2635, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

## Subpart AAA—Guam

### § 52.2670 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Guam 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 January 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 January 1, 2005, 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 January 1, 2005.

(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; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B108, 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/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA approved regulations.*

TABLE 52.2670—EPA APPROVED TERRITORY OF GUAM REGULATIONS

| State citation | Title/subject | Effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Air Pollution Control Standards and Regulations. | Table of Contents | 8/8/1973 | 12/19/1978 43 FR 48638. | |
| Chapter 01 | Definitions (1.1–1.17, 1.20–1.43) | 8/24/79 | 05/12/81, 46 FR 26303 | |
| Chapter 02.1–02.2 | Ambient Air Quality Standards | 8/8/73 | 12/19/78, 43 FR 48638 | |
| Chapter 02.3–02.4 | Ambient Air Quality Standards | 1/13/72 | 5/31/72, 37 FR 10842 | |
| Chapter 03.01–03.09 | Permits Required, etc. | 8/24/79 | 5/12/81, 46 FR 26303 | |
| Chapter 03.10, 3.11 and 03.13. | Responsibility of the Permit Holder, etc. (for complex sources only). | 8/08/73 | 12/19/78, 43 FR 48638 | |
| Section 1104.26 | Permit Compliance | 06/03/05 | 02/27/06, 71 FR 9716 | |
| Chapter 04.1–04.4 | Monitoring, Records and Reporting | 8/24/79 | 5/12/81, 46 FR 26303 | |
| Chapter 05.1–05.2 | Sampling and Testing Methods | 1/13/72 | 5/31/72, 37 FR 10842 | |
| Chapter 05.3 | Sampling and Testing Methods | 8/24/79 | 5/12/81, 46 FR 26303 | |
| Chapter 06.1 | Control of Open Burning | 1/13/72 | 5/31/72, 37 FR 10842 | |
| Chapter 06.2 | Exceptions | 8/24/79 | 5/12/81, 46 FR 26303 | |
| Chapter 06.3 | Outdoor Cooking Waiver | 1/13/72 | 5/31/72, 37 FR 10842 | |
| Chapter 07.1 | Control of Particulate Emissions from Process Industries. | 8/24/79 | 5/12/81, 46 FR 26303 | |
| Chapter 07.2–07.3 | Process Weight | 8/08/73 | 12/19/78, 43 FR 48638 | |
| Chapter 07.4–07.5 | Process Weight Table | 8/24/79 | 5/12/81, 46 FR 26303 | |
| Chapter 08.1–08.2 | Control of Fugitive Dust | 8/08/73 | 12/19/78, 43 FR 48638 | |
| Chapter 08.3–08.6 | Specific Requirements | 8/24/79 | 5/12/81, 46 FR 26303 | |
| Chapter 08.8–08.9 | Compliance Schedule | 8/08/73 | 12/19/78, 43 FR 48638 | |
| Chapter 09.1–09.9 | Control of Particulate Emission from Incinerator; Design and Operation. | 1/13/72 | 5/31/72, 37 FR 10842 | |
| Chapter 10.1–10.2 | Control of Visible Emission of Particulates for Stationary Sources. | 8/24/79 | 5/12/81, 46 FR 26303 | |
| Chapter 11.1–11.3 | Control of Odors in Ambient Air | 1/13/72 | 5/31/72, 37 FR 10842 | |
| Chapter 12.1; 12.2 & 12.4. | Air Pollution Emergencies | 8/24/79 | 5/12/81, 46 FR 26303 | |
| Chapter 13.1 | Control of Sulfur Dioxide Emissions | 8/24/79 | 5/12/81, 46 FR 26303 | For All Sources except Tanguisson Power Plant. |
| Chapter 13.1 | Addendum to 13.1 | 1/28/80 | 5/12/81, 46 FR 26303 | Compliance Order for Inductance. |
| Chapter 13.2 | Control of Sulfur Dioxide Emissions | 1/13/72 | 5/31/72, 37 FR 10842 | For Tanguisson Power Plant only. |
| Chapter 13.3 & 13.4 | Control of Sulfur Dioxide Emissions | 8/24/79 | 3/06/80, 45 FR 14559 | |
| Chapter 14.1–14.7 | Motor Vehicle Pollution Control | 8/24/79 | 5/12/81, 46 FR 26303 | |
| Chapter 17.1–17.4 | Appeal Procedures, Circumvention, Severability, and Effective Date. | 12/11/81 | 9/30/82, 47 FR 43054 | |

(d) *EPA approved State source specific requirements.*

| Name of source | Permit no. | Effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| none | | | | |

(e) [Reserved]

[70 FR 20475, Apr. 20, 2005; 70 FR 21496, Apr. 26, 2005, as amended at 71 FR 9719, Feb. 27, 2006]

### § 52.2671 Classification of regions.

The Guam 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) |
| Guam | III | II | III | III | III |

### § 52.2672 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Guam's plan for the attainment and maintenance of the National Standards.

[46 FR 25303, May 6, 1981]

### § 52.2673 Original identification of plan.

(a) This section identified the original ''Implementation Plan for Compliance With the Ambient Air Quality Standards for the Territory of Guam'' and all revisions submitted by the Territory of Guam that were federally approved prior to January 1, 2005.

(b) The plan was officially submitted on January 25, 1972.

(c) The plan revision listed below was submitted on the date specified.

(1) Revised implementation plan submitted on August 14, 1973, by the Governor.

Section I—Public hearing.
Section II—Introduction.
Section III—Legal authority (narrative).
Section IV—Ambient air quality standards and air pollution control regulations (narrative).
Section V—Emissions inventory.
Section VI—Air quality data.
Section VIII (B and C)—Control strategies.
Section IX—Complex sources (narrative).
Section X—Air quality surveillance network (narrative).
Section XI—Source surveillance system (narrative).
Section XIII—Compliance schedule.
Section XV—Resources.
Section XVI—Intergovernmental cooperation (narrative).
Appendix A—Notice and minutes of public hearing.
Appendix C—Pub. L. 11–191 (enacted on December 7, 1972).
Appendix E (Regulations):
Chapter 1, Definitions: 1.1–1.8, 1.10–1.14, 1.16, 1.19, and 1.21–1.32.
Chapter 2, Ambient Air Quality Standards: 2.1 and 2.2.
Chapter 3, Permits (for complex sources only): 3.1–3.13.
Chapter 4, Monitoring, Records, and Reporting: 4.2, and 4.4.
Chapter 5, Sampling and Testing: 5.3.
Chapter 6, Control of Open Burning: 6.2(g)(1–3).
Chapter 7, Control of Particulate Emission from Process Industries: 7.1–7.4 (7.1 and 7.6 deleted without replacement).
Chapter 8, Control of Fugitive Dust: 8.1–8.9.
Chapter 10, Control of Visible Emissions: 10.1(b) and the deletion of 10.1(c).
Chapter 14, Motor Vehicle Pollution Controls: 14.1–14.7.
Chapter 15, Appeal Procedures, Circumvention, Severability, and Effective Date: 15.1–15.4
Appendix F—Summary of air quality data.
Appendix G—Steam powerplant parameters.
Appendix H—Diffusion model computer printout.
Appendix J—Minutes and letters of public hearing on compliance schedules.
Appendix K—Emissions inventory data.

(2) Amendments to the Guam Air Pollution Control Standards and Regulation submitted on October 12, 1979 by the Governor's designee.

(i) Chapter 13—*Control of Sulfur Dioxide Emission*, 13.3, 13.4.

(ii) Deleted without replacement Rule 13.3 (submitted January 25, 1972).

(iii) Chapters 1 (except 1.18 and 1.19), 4, 10, 12 and 14; Rules 3.1–3.9, 5.3, 6.2, 7.1, 7.4, 7.5, 8.3–8.7, 13.1, 13.2 and 18.1–18.4; and deletion of Rules 3.12, 3.17 and 12.3.

(3) Amendments to the Guam Air Pollution Control Standards and Regulations submitted on April 1, 1980 by the Governor's designee.

(i) Addendum to 13.1—Compliance Order for the Guam Power Authority's Power Barge ''Inductance''.

(4) Amendments to the Guam Air Pollution Control Standards and Regulations submitted on January 6, 1982 by the Governor's designee.

(i) Chapter 17—Appeals Procedures, Circumvention, Severability, and Effective Date.

(5) Amendments to the Guam Air Pollution Control Standards and Regulations submitted on June 30, 1982 by the Governor's designee.

(i) ''Territory of Guam NAP for $SO_2$,'' consisting of the narrative or Control Strategy portion of the Piti NAP; Addendum B, ''Preliminary Results of $SO_2$ Dispersion Modeling;'' and ''Official Report of Public Hearing.'' The remaining portions of the addenda are for informational purposes only.

EDITORIAL NOTE: At 50 FR 2820, Jan. 22, 1985, the following paragraph (c)(5) was added to § 52.2670. Redesignated as § 52.2673, at 70 FR 20475, Apr. 20, 2005.

(5) Amendments to the Guam Air Pollution Standards and Regulations submitted on May 22, 1984.

(i) Section X. Air Quality Surveillance Network.

(6) The following amendments to the plan were submitted on November 24, 1982, by the Governor.

(i) Negative declaration indicating no Lead Sources in Guam.

[37 FR 10904, May 31, 1972, as amended at 41 FR 8968, Mar. 2, 1976; 43 FR 48639, Oct. 19, 1978; 43 FR 59067, Dec. 19, 1978; 45 FR 14560, Mar. 6, 1980; 46 FR 26303, May 12, 1981; 47 FR 43054, Sept. 30, 1982; 49 FR 20496, May 15, 1984; 50 FR 2820, Jan. 22, 1985; 50 FR 32698, Aug. 14, 1985. Redesignated and amended at 70 FR 20475, Apr. 20, 2005]

### §§ 52.2674–52.2675 [Reserved]

### § 52.2676 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 Guam.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11325, Mar. 10, 2003; 68 FR 74491, Dec. 24, 2003]

### § 52.2677 [Reserved]

### § 52.2678 Control strategy and regulations: Particulate matter.

(a) The requirements of § 51.110(a) and subpart G of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards.

(b) Chapter 6, Regulations 6.2(g)(1–3) of the ''Guam Air Pollution Control Standards and Regulations'' (control of open burning—agricultural crops) are disapproved since they do not provide criteria upon which to base the approval or denial of permit requests.

(c) The following rules are disapproved because they could allow an emissions increase, and a control strategy demonstration has not been submitted showing that any increased emissions would not interfere with the attainment or maintenance of the NAAQS.

(1) Rule 8.7, submitted on October 12, 1979.

[43 FR 59067, Dec. 19, 1978, as amended at 46 FR 26303, May 12, 1981; 51 FR 40676, Nov. 7, 1986]

### § 52.2679 Control strategy and regulations: Sulfur dioxide.

(a) Approvals of the following rules are limited to specific sources, since a control strategy demonstration has not been submitted showing that any increased emissions would not interfere with the attainment or maintenance of the NAAQS.

(1) Rule 13.1, submitted on October 12, 1979, for all applicable sources except the Tanguisson Power Plant.

(2) Rule 13.2, submitted on January 25, 1972, for the Tanguisson Power Plant.

(b) The following rules are disapproved because they are inconsistent with section 123(a)(2) of the Clean Air Act which requires continuous control strategies.

(1) Rule 13.2, submitted on October 12, 1979.

[46 FR 26304, May 6, 1981]

### §§ 52.2680–52.2681 [Reserved]

### § 52.2682 Air quality surveillance.

(a) The requirements of § 51.27(a)(2) of this chapter as of December 19, 1978 (43

FR 59067), are not met. In addition, Chapter 1, Regulation 1.8 and Chapter 5, Regulation 5.3 of the ''Guam Air Pollution Control Standards and Regulations'' (buffer zones—air quality sampling) are not in conformance with the intent of the Clean Air Act and the definition of ''ambient air'' promulgated at § 50.1(e) of this chapter. Regulations 1.8 and 5.3 are disapproved because they could prohibit ambient air quality sampling at places of expected maximum concentration and/or at places where the public has access.

[43 FR 59067, Dec. 19, 1978, as amended at 51 FR 40677, Nov. 7, 1986]

### § 52.2683 [Reserved]

### § 52.2684 Source surveillance.

(a) The requirements of § 51.214 and Appendix P of this chapter are not met since the plan does not contain sufficient regulations pertaining to continuous in-stack monitoring.

[43 FR 59067, Dec. 19, 1978, as amended at 51 FR 40677, Nov. 7, 1986]

### § 52.2685 [Reserved]

### § 52.2686 Upset-breakdown reporting.

(a) Chapter 4, Regulation 4.4 of the ''Guam Air Pollution Control Standards and Regulations'' (reporting of upsets and breakdowns) is disapproved since criteria for further enforcement action are not specified, thus permitting the Guam Administratorunlimited discretion.

[43 FR 59067, Dec. 19, 1978]

## Subpart BBB—Puerto Rico

### § 52.2720 Identification of plan.

(a) Title of plan: ''Clean Air for Puerto Rico.''

(b) The plan was submitted on January 31, 1972.

(c) The plan revisions listed below were submitted on the date specified.

(1) Compliance schedules submitted on April 5, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(2) Compliance schedules submitted on April 9, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(3) Compliance schedules submitted on April 17, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(4) Compliance schedules submitted on May 30, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(5) Compliance schedules submitted on June 18, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(6) Compliance schedules submitted on September 10, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(7) Compliance schedules submitted December 6, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(8) Information on procedures followed in adoption of compliance schedules submitted on February 1, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(9) Compliance schedules submitted February 7, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(10) Compliance schedules submitted February 7, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(11) Information on procedures followed in adoption of compliance schedules submitted on February 12, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(12) Information on procedures followed in adoption of compliance schedules submitted on March 13, 1974, by the Puerto Rico Environmental Quality Board.

(13) Information on procedures followed in adoption of compliance schedules submitted on March 15, 1974, by the Puerto Rico Environmental Quality Board.

(14) Information on procedures followed in adoption of compliance schedules submitted on March 20, 1974, by the Puerto Rico Environmental Quality Board.

(15) AQMA designations were submitted on May 5, 1974, by the Governor of Puerto Rico.

(16) Compliance schedules submitted June 11, 1974, by the Commonwealth of

Puerto Rico Environmental Quality Board.

(17) Compliance schedules submitted on September 6, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(18) Revised Article 6 (Control of Sulfur Compound Emissions) was submitted on January 3, 1975, by the Governor of Puerto Rico.

(19) Public hearing information regarding revised Article 6 was submitted on January 17, 1975, by the Executive Director of the Environmental Quality Board.

(20) Information regarding Guayanilla and Aguirre Air Basins was submitted on February 14, 1975, by the Environmental Quality Board.

(21) Emission limitation for one source in the Ponce Air Basin was submitted on March 26, 1976, by the Environmental Quality Board.

(22) Predicted $SO_2$ concentrations for Aguirre Air Basin was submitted on May 8, 1975, by the Environmental Quality Board.

(23) Additional information regarding revised Article 6 was submitted on May 15, 1975, by the Environmental Quality Board.

(24) Predicted $SO_2$ ambient concentrations for Barceloneta and Ensenada submitted on June 2, 1975, by the Environmental Quality Board.

(25) Predicted $SO_2$ ambient concentrations for Barceloneta and Ensenada submitted on January 8, 1976, by the Environmental Quality Board.

(26) A document entitled, ''Clean Air for Puerto Rico,'' submitted, pursuant to requirements of Part D of the Clean Air Act, on June 29, 1979 by the Governor of the Commonwealth of Puerto Rico.

(27) Supplementary submittals of SIP revision material from the Puerto Rico Environmental Quality Board, dated:

(i) October 30, 1979, containing policy statements of EQB with regard to: Its objective to attain both the primary and secondary particulate matter air quality standards by December 31, 1982, assurances with regard to meeting the requirements of reasonable further progress, verification of the detail of its annual reporting effort, clarification of the operation of its offset program and correction of the related inventory and graphical presentations.

(ii) July 24, 1980, providing a comprehensive set of adopted regulations, entitled ''Regulation for the Control of Atmospheric Pollution.''

(iii) August 6, 1980, providing a commitment to submit ''external offsets'' as SIP revisions.

(28) A submittal by the Puerto Rico Environmental Quality Board entitled, ''Revised Provisions for SIP Air Quality Monitoring Plan,'' April 1980.

(29) Revision submitted by the Puerto Rico Environmental Quality Board on April 26, 1982, as modified by a July 8, 1982 letter, which grants a visible emissions standard variance to ovens ''A'' and ''B'' of the Owens-Illinois, Inc. Vega Alta plant. This variance remains in effect until November 2, 1985.

(30) Revision submitted on March 3, 1981 by the Commonwealth of Puerto Rico's Environmental Quality Board which establishes fuel oil sulfur content limitations (known as ''sulfur assignments'') applicable to the 110 sources. On October 20, 1983, 78 of these 110 sources had their sulfur assignments approved by EPA.

(31) Revision submitted on May 30, 1984 by the Commonwealth of Puerto Rico's Environmental Quality Board which establishes fuel oil sulfur content limitations (known as ''sulfur assignments'') applicable to the Bristol Alpha Corporation.

(32) An Implementation Plan for attainment of the lead standard was submitted on September 28, 1984 by the Chairman of the Puerto Rico Environmental Quality Board. On December 12, 1984, the Chairman submitted a schedule for establishing a program to review new sources of lead.

(33) Revision submitted by the Puerto Rico Environmental Quality Board on September 6, 1983, which grants a visible emissions variance from Commonwealth Rule 403, ''Visible Emissions,'' from 20 percent to 45 percent for the crude unit and from 20 percent to 35 percent for the hot oil/final lube unit located at the Yabucoa Sun Oil Company's plant in Yabucoa.

(34) Revision submitted by the Puerto Rico Environmental Quality Board on December 31, 1986, which grants a

visible emissions standard variance to Owen-Illinois, Inc. Vega Alta plant.

(i) Incorporation by reference. Resolution and notification announcing a Certificate of Renewal to Commonwealth of Puerto Rico Law 403 of the Regulation for Control of Atmospheric Pollution; adopted on July 9, 1986.

(ii) Additional material. Documents submitted on December 31, 1986 in support of the above resolution.

(35) A revision submitted on November 14, 1993 by the Chairman of the Puerto Rico Environmental Quality Board (EQB) for the Municipality of Guaynabo. The submittal was made to satisfy those moderate $PM_{10}$ nonattainment area SIP requirements due for the Municipality of Guaynabo as outlined in the Clean Air Act of 1990.

(i) Incorporation by reference:

(A) Regulations:

(*1*) Amendments to Part I, Rule 102, ''Definitions,'' of the Puerto Rico Regulations for the Control of Atmospheric Pollution, effective April 2, 1994.

(*2*) Amendments to Part II, Rule 201, ''Location Approval,'' Rule 202, ''Air Quality Impact Analysis,'' and Rule 203, ''Permit to Construct a Source,'' of the Puerto Rico Regulations for the Control of Atmospheric Pollution, effective April 2, 1994.

(*3*) Amendments to Part IV, Rule 401, ''Generic Prohibitions,'' Rule 402, ''Open Burning,'' Rule 403, ''Visible Emissions,'' Rule 404, ''Fugitive Dust,'' and Rule 423, ''Limitations for the Guaynabo $PM_{10}$ Nonattainment Area,'' of the Puerto Rico Regulations for the Control of Atmospheric Pollution, effective April 2, 1994.

(B) Memoranda of Understanding (MOU):

(*1*) MOU signed by the Chairman of EQB and the Executive Director of Puerto Rico Electrical Power Authority, San Juan plant, limiting the sulfur-in-fuel level, annual operation capacity, and requiring the submittal of monthly sampling reports of its fuel's sulfur content, effective January 31, 1994.

(*2*) MOU signed by the Chairman of EQB and the Secretary of Puerto Rico Department of Transportation and Public Works and the Executive Director of the Highway Authority to maintain and control the reconstruction of existing roads and the construction of new roads, effective July 2, 1993.

(*3*) MOU signed by the Chairman of EQB and the Mayor of the Municipality of Guaynabo to pave and maintain the streets, roads and parking areas located in the Municipality of Guaynabo, effective December 13, 1993.

(*4*) MOU signed by the Chairman of EQB and the Executive Director of the Puerto Rico Port Authority to pave and maintain the streets, roads, and parking areas that lead into the port area in Puerto Nuevo, Guaynabo and San Juan, effective October 14, 1993.

(36) Revisions to the Puerto Rico Regulations for the Control of Atmospheric Pollution (the Regulations) submitted on September 29, 1995 by the Puerto Rico Environmental Quality Board (EQB).

(i) Incorporation by reference.

(A) Regulations:

(*1*) Amendments to Part I, ''General Provisions'', Rules 102, 105, 106, 107, 109, 110, 111, 114, 117, and 121, effective September 28, 1995.

(*2*) Amendments to Part II, ''Approval and Permit'', Rules 201, 203, 204, 205, 206, and 209, effective September 28, 1995.

(*3*) Amendments to Part III, ''Variance'', Rule 301, effective September 28, 1995.

(*4*) Amendments to Part IV, ''Prohibitions'', Rules 401, 402, 403, 404, 405, 406, 408, 409, 410, 412, 413, 414, and 417, effective September 28, 1995.

(*5*) Amendments to Part V, ''Fees'', Rule 501, effective September 28, 1995.

(ii) Additional information.

(A) Request by EQB to remove Rules 411, 418, 419, 420 and 421 of Part IV, ''Prohibitions'' of the Regulations from the federally approved SIP dated September 29, 1995.

(B) An October 4, 1996 letter from EQB to EPA requesting that EPA delay approval of Rules 112 and 211.

(37) On March 31, 2009, the Puerto Rico Environmental Quality Board submitted a Particulate Matter ($PM_{10}$) Limited Maintenance Plan and requested the redesignation of the Municipality of Guaynabo $PM_{10}$ Nonattainment area to attainment for $PM_{10}$. EPA approves Puerto Rico's Limited Maintenance Plan including

the 2002 $PM_{10}$ attainment emissions inventory, attainment plan, maintenance demonstration, contingency measures, monitoring network, transportation conformity analysis and revisions to Rules 102 and 423 of the Puerto Rico Regulation for the Control of Atmospheric Pollution. On July 15, 2009, the Puerto Rico Environmental Quality Board submitted the official copy of the adopted revisions to Rules 102 and 423.

(i) Limited Maintenance Plan 24-Hour $PM_{10}$ National Ambient Air Quality Standards (NAAQS) for the Municipality of Guaynabo Moderate Nonattainment Area which includes amendments to Rules 102 and 423 of the Regulation for the Control of Atmospheric Pollution, approved by the Puerto Rico Environmental Quality Board March 5, 2009; filed with the Secretary of State April 28, 2009; effective May 28, 2009.

(A) Rule 102 Definitions, Guaynabo $PM_{10}$ Maintenance Area; filed with the Secretary of State April 28, 2009; effective May 28, 2009.

(B) Rule 423 Limitations for the Guaynabo $PM_{10}$ Maintenance Area; filed with the Secretary of State April 28, 2009; effective May 28, 2009.

[37 FR 10905, May 31, 1972, as amended at 41 FR 8968, Mar. 2, 1976; 41 FR 51017, Nov. 19, 1976; 45 FR 72658, Nov. 3, 1980; 46 FR 23417, Apr. 27, 1981; 48 FR 28271, June 21, 1983; 48 FR 48669, Oct, 20, 1983; 49 FR 38103, Sept. 27, 1984; 50 FR 7338, Feb. 22, 1985; 50 FR 15423, Apr. 18, 1985; 52 FR 38419, Oct. 16, 1987; 60 FR 28338, May 31, 1995; 62 FR 3213, Jan. 22, 1997; 75 FR 1546, Jan. 12, 2010]

## § 52.2721 Classification of regions.

The Puerto Rico 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) |
| Puerto Rico | IA | IA | III | III | III |

[37 FR 10905, May 31, 1972]

## § 52.2722 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Puerto Rico's plans for the attainment and maintenance of 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.

## § 52.2723 EPA-approved Puerto Rico regulations.

REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION

| Puerto Rico regulation | Commonwealth effective date | EPA approval date | Comments |
|---|---|---|---|
| **PART I, GENERAL PROVISIONS** | | | |
| Rule 101—Title | 9/28/95 | 1/22/97, 62 FR 3213 | |
| Rule 102, Definitions | 5/28/09 | 1/12/10, 75 FR 1543. | |
| Rule 103—Source Monitoring, Recordkeeping, Reporting, Sampling and Testing Methods. | 9/28/95 | .....do | |
| Rule 104—Emission Data Available to Public Participation. | 9/28/95 | .....do | |
| Rule 105—Malfunction | 9/28/95 | .....do | |
| Rule 106—Test Methods | 9/28/95 | .....do | |

REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION—Continued

| Puerto Rico regulation | Commonwealth effective date | EPA approval date | Comments |
|---|---|---|---|
| Rule 107—Air Pollution Emergencies | 9/28/95 | .....do | |
| Rule 108—Air Pollution Control Equipment | 9/28/95 | .....do | |
| Rule 109—Notice of Violation | 9/28/95 | .....do | |
| Rule 110—Revision of Applicable Rules and Regulations. | 9/28/95 | .....do | |
| Rule 111—Applications, Hearings, Public Notice | 9/28/95 | .....do | |
| Rule 113—Closure of a Source | 9/28/95 | .....do | |
| Rule 114—Compulsory and Optional Hearing | 9/28/95 | .....do | |
| Rule 115—Punishment | 9/28/95 | .....do | |
| Rule 116—Public Nuisance | 9/28/95 | .....do | |
| Rule 117—Overlapping or Contradictory Provisions. | 9/28/95 | .....do | |
| Rule 118—Segregation and Combination of Emissions. | 9/28/95 | .....do | |
| Rule 119—Derogation | 9/28/95 | .....do | |
| Rule 120—Separability Clause | 9/28/95 | .....do | |
| Rule 121—Effectiveness | 9/28/95 | .....do | |
| **PART II, APPROVAL AND PERMIT** | | | |
| Rule 201—Location Approval | 9/28/95 | .....do | |
| Rule 202—Air Quality Impact Analysis | 9/28/95 | .....do | |
| Rule 203—Permit to Construct a Source | 9/28/95 | .....do | |
| Rule 204—Permit to Operate a Source | 9/28/95 | .....do | |
| Rule 205—Compliance Plan for Existing Emission Sources. | 9/28/95 | .....do | |
| Rule 206—Exemptions | 9/28/95 | .....do | |
| Rule 207—Continuing Responsibility for Compliance. | 9/28/95 | .....do | |
| Rule 208—Agricultural Burning Authorized | 9/28/95 | .....do | |
| Rule 209—Modification of the Allowed Sulfur-in-Fuel Percentage. | 9/28/95 | .....do | |
| Rule 210—(Reserved) Part III, ''Variance''. | | | |
| **PART III, VARIANCE** | | | |
| Rule 301—Variances Authorized | 9/28/95 | .....do | |
| Rule 302—Emergency Variances | 9/28/95 | .....do | |
| **PART IV, PROHIBITIONS** | | | |
| Rule 401—Generic Prohibitions | 9/28/95 | .....do | |
| Rule 402—Open Burning | 9/28/95 | .....do | |
| Rule 403—Visible Emissions | 9/28/95 | .....do | |
| Rule 404—Fugitive Emissions | 9/28/95 | .....do | |
| Rule 405—Incineration | 9/28/95 | .....do | |
| Rule 406—Fuel Burning Equipment | 9/28/95 | .....do | |
| Rule 407—Process Sources | 9/28/95 | .....do | |
| Rule 408—Asphaltic Concrete Batching Plants | 9/28/95 | .....do | |
| Rule 409—Non-Process Sources | 9/28/95 | .....do | |
| Rule 410—Maximum Sulfur Content in Fuels | 9/28/95 | .....do | |
| Rule 412—Sulfur Dioxide Emissions: General | 9/28/95 | .....do | |
| Rule 413—Sulfuric Acid Plants | 9/28/95 | .....do | |
| Rule 414—Sulfur Recovery Plants | 9/28/95 | .....do | |
| Rule 415—Non-Ferrous Smelters | 9/28/95 | .....do | |
| Rule 416—Sulfite Pulp Mills | 9/28/95 | .....do | |
| Rule 417—Storage of Volatile Organic Compounds. | 9/28/95 | .....do | |
| Rule 423, Limitations for the Guaynabo $PM_{10}$ Maintenance Area. | 5/28/09 | 1/12/10, 75 FR 1543. | |
| **PART V, FEES** | | | |
| Rule 501—Permit Fees | 9/28/95 | 1/22/97; 62 FR 3213. | |
| Rule 502—Excess Emission Fees | 9/28/95 | .....do | |
| Rule 503—Test Fees | 9/28/95 | .....do | |
| Rule 504—Modification | 9/28/95 | .....do | |

[62 FR 3213, Jan. 22, 1997; 62 FR 6619, Feb. 12, 1997, as amended at 75 FR 1546, Jan. 12, 2010]

### § 52.2724 [Reserved]

### § 52.2725 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met, since section 2.4 of the Puerto Rico Regulation for Control of Atmospheric Pollution could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 2.4 is disapproved.

(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 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.

[39 FR 34537, Sept. 26, 1974, as amended at 40 FR 55334, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

### § 52.2726 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since Article 17 of Puerto Rico Act 9 could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, Article 17 is disapproved.

[39 FR 34537, Sept. 26, 1974, as amended at 51 FR 40676, Nov. 7, 1986]

### §§ 52.2727–52.2728 [Reserved]

### § 52.2729 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 Puerto Rico.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11325, Mar. 10, 2003; 68 FR 74491, Dec. 24, 2003]

### § 52.2730 [Reserved]

### § 52.2731 Control strategy and regulations: Sulfur oxides.

(a) The requirements of subpart G of this chapter are not met since the Puerto Rico plan does not provide for attainment and maintenance of the national standards for sulfur oxides in the areas of Aguirre, Barceloneta, Trujillo Alto-Dorado and Ensenada.

(b) Article 6, as submitted to EPA on January 3, 1975, of the Puerto Rico Regulations for Control of Atmospheric Pollution, as it applies to those areas listed in paragraph (a) of this section is disapproved for the following facilities: Puerto RicoWater Resources Authority—Aguirre Complex, Abbott, Merck and Company, Bristol Meyers, Pfizer, Union Carbide, Upjohn, located in the Barceloneta air basin, and Central Guanica, located in the Aquada air basin. Accordingly, these sources, with the exception of the Puerto Rico Water Resources Authority—Aguirre Complex, are required to conform to the sulfur in fuel limitations contained in Article 6 of the Puerto Rico implementation plan as submitted to EPA on January 31, 1972.

(c) On and after the effective date of this paragraph, the maximum allowable sulfur in fuel limitation, by weight, for the Puerto Rico Water Resources Authority Aguirre complex shall be 2.5 percent.

(d) The requirements of section 110 of the Clean Air Act are not met since Article 6 of the Puerto Rico Regulation for Control of Atmospheric Pollution would permit the use of stack height increases in lieu of available methods for emission reduction. Therefore, Section H of Appendix A of Article 6 of the Puerto Rico Regulation for Control of Atmospheric Pollution is disapproved to the extent that it would permit increases in stack height in lieu of available methods of emission reduction.

[40 FR 42194, Sept. 11, 1975. Correctly designated at 41 FR 24586, June 17, 1976, and amended at 51 FR 40676, Nov. 7, 1986]

### § 52.2732 Small business technical and environmental compliance assistance program.

On November 16, 1992, the Puerto Rico Environmental Quality Board submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the Puerto Rico state implementation plan. This plan meets the requirements of section 507 of the Clean Air Act, and Puerto Rico must implement the plan as approved by EPA.

[59 FR 34386, July 5, 1994]

## Subpart CCC—Virgin Islands

SOURCE: 37 FR 10905, May 31, 1972, unless otherwise noted.

### § 52.2770 Identification of plan.

(a) Title of plan: ''Air Quality Implementation Plan for the U.S. Virgin Islands.''

(b) The plan was officially submitted on January 31, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Procedures for making emission data available to the public submitted April 26, 1972, by the Division of Environmental Health, Virgin Islands Department of Health.

(2) Revision to construction permit regulation, Rule 12, section 206–26(a) of the Virgin Islands Rules and Regulations, submitted on August 17, 1972, by the Governor.

(3) Sections 206–30 (Review of new sources and modifications) and 206–31 (Review of new or modified indirect sources) were submitted on February 12, 1974, by the Governor of Virgin Islands.

(4) Additional information on sections 206–30 and 206–31 was submitted on April 10, 1975, by the Governor of the Virgin Islands.

(5) Exemption of the St. John Municipal Incinerator from the requirements of section 204–23, paragraph (c)(2) of the Virgin Islands Air Pollution Control Code submitted on July 9, 1975, by the Governor.

(6) Revised Section 204–26 (Sulfur Compounds Emissions Control) submitted on January 21, 1976 by the Governor of the Virgin Islands, as it applies to the islands of St. Thomas and St. John.

(7) Amended revised Section 204–26 submitted on June 3, 1976 by the Governor of the Virgin Islands, as it applies to the islands of St. Thomas and St. John.

(8) As it applies to the island of St. Croix, per an August 16, 1976 request from the Virgin Islands, revised 12 V.I.R. & R. 9:204–26 (Sulfur Compounds Emission Control) excluding subsection (a)(2), as submitted on January 21, 1976 by the Governor of the Virgin Islands.

(9) Revision submitted on August 29, 1977, by the Governor of the Virgin Islands which allows, under provisions of 12 V.I.R. & R. 9:204–26, the relaxation of the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, for the Virgin Islands Water and Power Authority's Christiansted Power Plant.

(10) Revision submitted on February 9, 1980 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an ''administrative order'' under Title 12 V.I.C. section 211 and Title 12 V.I.R. & R. sections 204–26(d). This ''administrative order'' relaxes, until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of St. Croix.

(11) A document entitled ''Air Monitoring Plan,'' November 1979, submitted on February 23, 1981, by the Virgin Islands Department of Conservation and Cultural Affairs.

(12) Revision submitted on April 9, 1981 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an ''administrative order'' under Title 12 V.I.C. section 211 and Title 12 V.I.R. and R. sections 204–26(d). This ''administrative order'' relaxes, until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of St. Croix.

(13) Revision submitted on January 12, 1983 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an ''administrative order'' under Title 12 V.I.C. section 211 and Title 12 V.I.R. and R. sections 204–26(d). This ''administrative order'' relaxes, until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of Saint Croix.

(14) An Implementation Plan for attainment of the lead standard was submitted by the Governor of the U.S. Virgin Islands on November 16, 1984.

(15) Revision submitted on December 1, 1983 by the Virgin Islands Department of Environmental Conservation and Cultural Affairs which grants a variance establishing, for one year from February 26, 1985, a maximum sulfur-in-fuel-oil limitation of 1.5 percent, by weight, for the Hess Oil Virgin Islands Corporation and the Martin Marietta Aluminum Properties, Inc. facilities located on the Island of Saint Croix.

(16) Revision submitted on February 11, 1986 by the Virgin Islands Department of Environmental Conservation and Cultural Affairs which grants a variance establishing, for one year from April 14, 1987, a maximum sulfur-in-fuel-oil limitation of 1.5 percent, by weight, for the Hess Oil Virgin Islands Corporation and the Martin Marietta Properties facilities located on the Island of St. Croix.

(17) Comprehensive revisions to Virgin Islands air pollution control regulations submitted on March 20, 1987, by the Virgin Islands Department of Planning and Natural Resources.

(i) Incorporation by reference:

(A) Revised sections 20 through 23, 25, 26, 28, 29, 33, 35 through 41, and 45 of subchapter 204, chapter 9, title 12 of the Virgin Islands Code, effective January 15, 1987.

(B) Revised sections 20 through 31 of subchapter 206, chapter 9, title 12 of the Virgin Islands Code, effective January 15, 1987.

(ii) Additional material:

(A) July 1988 Modeling Analysis for CEC Energy Co., Inc.

(B) July 11, 1989, letter from Ted Helfgott, Amerada Hess Corporation to Raymond Werner, U.S. Environmental Protection Agency, Region II, New York.

(C) December 28, 1992, Prevention of Significant Deterioration of Air Quality permit for Virgin Islands Water and

Power Authority at St. Croix's north shore facility.

[37 FR 10905, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2770, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### § 52.2771 Classification of regions.

The U.S. Virgin Islands 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) |
| U.S. Virgin Islands | IA | IA | III | III | III |

### § 52.2772 Approval status.

With the exceptions set forth in this subpart, the Administrator approves the U.S. Virgin Islands plan for attainment and maintenance of the national standards.

### § 52.2773 EPA-approved Virgin Islands regulations.

| Territory regulation | Effective date | EPA approval date | Comments |
|---|---|---|---|
| Section 204–20, "Definitions" | 1/15/87 | 4/18/94, 59 FR 18309 | "Fugitive emissions" will be defined as at 40 CFR 52.21(b)(20). |
| Section 204–21, "Regulations to Control Open Burning". | 1/15/87 | .....do. | |
| Section 204–22, "Regulations to Control Emission of Visible Air Contaminants". | 1/15/87 | .....do. | |
| Section 204–23, "Regulations Governing Emission of Particulate Matter". | 1/15/87 | .....do. | |
| Section 204–24, "Storage of Petroleum or Other Volatile Products". | 3/2/71 | 5/31/72, 37 FR 10905. | |
| Section 204–25, "Fugitive Emissions". | 1/15/87 | 4/18/94, 59 FR 18309. | |
| Section 204–26, "Sulfur Compounds Emission Control". | 1/15/87 | .....do | Subsection 204–26(a)(2) is disapproved for three Martin Marietta (VI Alumina Corp), St. Croix, sources. For applicable limits, refer to PSD permit for the facility. |
| Section 204–27, "Air Pollution Nuisances Prohibited". | 3/2/71 | 5/31/72, 37 FR 10905. | |
| Section 204–28, "Internal Combustion Engine Limits". | 1/15/87 | 4/18/94, 59 FR 18309. | |
| Section 204–29, "Upset, Breakdown or Scheduled Maintenance". | 1/15/87 | .....do. | |
| Section 204–30, "Circumvention" | 3/2/71 | 5/31/72, 37 FR 10905. | |
| Section 204–31, "Duty to Report Discontinuance or Dismantlement". | 3/2/71 | 5/31/72, 37 FR 10905. | |
| Section 204–32, "Variance Clauses" | 3/2/71 | 5/31/72, 37 FR 10905. | |
| Section 204–33, "Air Pollution Emergencies". | 1/15/87 | 4/18/94, 59 FR 18309. | |
| Section 204–35, "Continuous Emission Monitoring". | 1/15/87 | .....do. | |
| Section 204–36, "Eligibility to Burn Waste Fuel A". | 1/15/87 | .....do. | |
| Section 204–37, "Eligibility to Burn Waste Fuels A and B". | 1/15/87 | .....do. | |

| Territory regulation | Effective date | EPA approval date | Comments |
|---|---|---|---|
| Section 204–38, ''Permit and/or Certificate Requirement for Waste Oil Facilities''. | 1/15/87 | .....do. | |
| Section 204–39, ''Sale or Use of Waste Fuels A and B''. | 1/15/87 | .....do | Reference to Table 1 in this subsection refers to Table 1 found in Section 204–20. |
| Section 204–40, ''Reports, Sampling and Analysis of Waste Fuels A and B''. | 1/15/87 | .....do | Variances adopted pursuant to subsection 204–40(e) become applicable only if approved by EPA as SIP revisions. |
| Section 204–41, ''Existing Air Contamination Sources for Waste Fuel''. | 1/15/87 | .....do. | |
| Section 204–45, ''Standards of Performance for Sulfur Recovery Units at Petroleum Refineries''. | 1/15/87 | .....do. | |
| Section 206–20, ''Permits Required'' | 1/15/87 | .....do. | |
| Section 206–21, ''Transfer'' | 1/15/87 | .....do. | |
| Section 206–22, ''Applications'' | 1/15/87 | .....do. | |
| Section 206–23, ''Application and Permit Fees''. | 1/15/87 | .....do. | |
| Section 206–24, ''Cancellation of Applications''. | 1/15/87 | .....do. | |
| Section 206–25, ''Test Methods'' | 1/15/87 | .....do | Variances adopted pursuant to subsection 206–25(c) become applicable only if approved by EPA as SIP revisions. |
| Section 206–26, ''Permits to Construct''. | 1/15/87 | .....do. | |
| Section 206–27, ''Permits to Operate''. | 1/15/87 | .....do. | |
| Section 206–28, ''Permit Modifications, Suspensions or Revocations and Denials''. | 1/15/87 | .....do. | |
| Section 206–29, ''Further Information''. | 1/15/87 | .....do. | |
| Section 206–30, ''Appeals'' | 1/15/87 | .....do. | |
| Section 206–30, ''Review of New Sources and Modifications''. | 10/11/73 | 8/10/75, 40 FR 42013 | Subsection 206–30(f)(6) is disapproved since sources of minor significance are not identified in Section 206–30. A federally promulgated regulation (40 CFR 52.2775(g)), correcting this deficiency and a public participation deficiency, is applicable. Two separate subsections are numbered 206–30 and are listed here with their separate titles. |
| Section 206–31, ''Review of New or Modified Indirect Sources''. | 10/11/73 | 8/10/75, 40 FR 42013. | |

[59 FR 18309, Apr. 18, 1994]

## § 52.2774 [Reserved]

## § 52.2775 Review of new sources and modifications.

(a)–(d) [Reserved]

(e) The requirements of 40 CFR 51.18(h) are not met since section 206–30 of Chapter 9, Title 12 of the Virgin Islands' Code does not provide that information submitted by the owner or operator and the agency's analysis including its proposed approval/disapproval decision, be made available for public comment for a period of 30 days prior to final action.

(f) Subsection 206–30(f)(6) of section 206–30 of Chapter 9, Title 12 of the Virgin Islands' Code is disapproved since sources of minor significance are not identified in the regulation. Accordingly, all sources not listed in subsection 206–30 (f)(1) through (f)(5) will be subject to review in accordance with the requirements of section 206–30.

(g) Regulation for review of new sources and modifications.

(1) This requirement is applicable to any stationary source subject to review under section 206–30 of Chapter 9, Title 12 of the Virgin Islands' Code or 40 CFR 52.2775(f).

(2) Within 30 days after receipt of an application, the Commissioner of the Department of Conservation and Cultural Affairs, will notify the public, by prominent advertisement in the local news media, of the opportunity for public comment on the information submitted by the owner or operator.

(i) Such information, together with the Commissioner's analysis of the effect of the construction or modification on air quality including the Commissioner's proposed approval or disapproval, will be available in at least one location in the affected region.

(ii) Written public comments submitted within 30 days of the date such information is made available will be considered by the Commissioner in making his final decision on the application.

(iii) The Commissioner will make a final decision on the application within 30 days after the close of the public comment period. The Commissioner will notify the applicant in writing of his approval, conditional approval, or disapproval of the application and will set forth his reasons for conditional approval or disapproval.

(iv) A copy of the notice required by paragraph (h)(2) of this section shall also be sent to the Administrator through the appropriate regional office, and to all other State and local air pollution control agencies having jurisdiction in the region in which such new or modified installation will be located. The notice shall also be sent to any other agency in the region having responsibility for implementing the procedures required under this section.

[37 FR 10905, May 31, 1972, as amended at 40 FR 42013, Sept. 10, 1975]

### §§ 52.2776–52.2778 [Reserved]

### § 52.2779 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 Virgin Islands.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11325, Mar. 10, 2003; 68 FR 74491, Dec. 24, 2003]

### § 52.2780 Control strategy for sulfur oxides.

(a) The requirements of subpart G of this chapter are not met since there has not been a satisfactory demonstration that the Virgin Islands plan provides for the attainment and maintenance of the national ambient air quality standards for sulfur oxides on the island of St. Croix.

(b) The following parts of regulation 12 V.I.R. and R. 9:204–26, ''Sulfur Compounds Emission Control,'' as submitted to EPA on January 21, 1976 and as amended and resubmitted to EPA on June 3, 1976 are approved:

(1) The entire regulation as it applies to the islands of St. Thomas and St. John.

(2) The entire regulation as it applies to the Virgin Islands Water and Power Authority's Christiansted Power Plant on the island of St. Croix.

(3) The entire regulation excluding subsection (a)(2) as it applies to the remaining sources on the island of St. Croix.

Subsection (a)(2) of the regulation is not approved as it applies to the remaining sources on St. Croix because of the inadequacy of the control strategy demonstration noted in paragraph (a) of this section. Accordingly, all sources on St. Croix with the exception of the Virgin Islands Water and Power Authority's Christiansted Power Plant are required to conform to the sulfur-in-fuel-oil limitations contained in 12 V.I.R. and R. 9:204–26 as originally submitted to EPA on January 31, 1972.

(c) Reference to ''Section (a)(2)'' in subsection (d) of 12 V.I.R. and R. 9:204–26, as submitted to EPA on January 21, 1976 and as amended and resubmitted to EPA on June 3, 1976, refers to the following approved limitations: (1) For the islands of St. Thomas and St. John,

subsection (a)(2) of section 204–26 as submitted to EPA on January 21, 1976 and as amended and resubmitted to EPA on June 3, 1976; (2) for the island of St. Croix, subsection (a)(2) of section 204–26 as originally submitted to EPA on January 31, 1972 and approved by EPA on May 31, 1972.

[41 FR 28493, July 12, 1976, as amended at 41 FR 55531, Dec. 21, 1976; 43 FR 4016, Jan. 31, 1978; 51 FR 40676, Nov. 7, 1986]

### § 52.2781 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) Regulation for visibility monitoring. The provisions of § 52.26 are hereby incorporated and made a part of the applicable plan for the Virgin Islands.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the Virgin Islands.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

### § 52.2782 Small business technical and environmental compliance assistance program.

On January 15, 1993, the Virgin Islands Department of Planning and Natural Resources submitted a plan to establish and implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the Virgin Islands state implementation plan. This plan meets the requirements of section 507 of the Clean Air Act, and the U.S. Virgin Islands must implement the program as approved by EPA.

[59 FR 34386, July 5, 1994]

## Subpart DDD—American Samoa

### § 52.2820 Identification of plan.

(a) *Purpose and scope*. This section sets forth the applicable State implementation plan for American Samoa 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 June 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 June 1, 2005, 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 June 1, 2005.

(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; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B108, 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/code_of_federal_regulations/ibr_locations.html*.

(c) *EPA approved regulations*.

TABLE 52.2820—EPA APPROVED TERRITORY OF AMERICAN SAMOA REGULATIONS

| State citation | Title/subject | Effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Air Pollution Control Rules and Regulations | | | | |
| Section 1.0 | Definitions (1.0.1–1.0.18) | 6/08/1972 | 3/02/1976, 41 FR 8956 | |

TABLE 52.2820—EPA APPROVED TERRITORY OF AMERICAN SAMOA REGULATIONS—Continued

| State citation | Title/subject | Effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Section 1.1 | Approval of New Sources: Permit to Operate (1.1.1–1.1.14). | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 1.2 | Source Monitoring, Record Keeping, and Reporting (1.2.1–1.2.2). | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 1.3 | Sampling and Testing Methods (1.3.1–1.3.2). | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 1.4 | Malfunction of Equipment; Reporting (1.4.1–1.4.2). | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 1.5 | Prohibition of Air Pollution | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 1.6 | Compliance Schedule (1.6.1, Existing Sources). | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 1.7 | Circumvention | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 1.8 | Severability | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 1.9 | Ambient Air Quality Standards (1.9.1–1.9.2). | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 2.1 | Control of Open Burning | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| | Control of Particulate Emissions | | | |
| Section 3.1 | Visible Emissions (3.1.1–3.1.2) | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 3.2 | Fugitive Dust (3.2.1–3.2.3) | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 3.3 | Incineration (3.3.1–3.3.4) | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 3.4 | Fuel Burning Equipment (3.4.1–3.4.2) | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 3.5 | Process Industries—General (3.5.1, 3.5.3–3.5.5). | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Table 1 | Particulate Emission Allowable Based on Process Weight. | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| Section 3.6 | Sampling Methods (3.6.1) | 6/08/1972 | 3/02/1976, 41 FR 8956 | |
| | Control of Sulfur Compound Emissions | | | |
| Section 4.1 | Fuel Combustion (4.1.1) | 6/08/1972 | 3/02/1976, 41 FR 8956 | |

(d) *EPA approved State source specific requirements.*

| Name of source | Permit No. | Effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| None | | | | |

(e) [Reserved]

[70 FR 53566, Sept. 9, 2005]

## § 52.2821 Classification of regions.

The American Samoa 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) |
| American Samoa | III | III | III | III | III |

[37 FR 10906, May 31, 1972]

## § 52.2822 Approval status.

With the exceptions set forth in this subpart, the Administrator approves American Samoa's plan for the attainment and maintenance of the national standards.

[39 FR 8617, Mar. 6, 1974]

## § 52.2823 Original identification of plan.

(a) This section identified the original ''Implementation Plan for Compliance With the Ambient Air Quality Standards for the Territory of American Samoa'' and all revisions submitted by the Territory of American

Samoa that were federally approved prior to June 1, 2005.

(b) The plan was officially submitted on January 27, 1972.

(1) Previously approved on May 31, 1972 and now deleted without replacement Chapter 35.01, Section 35.0113 of the Environmental Quality Act.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Revised legal authority submitted on March 9, 1972, by the Environmental Quality Commission.

(2) Letter indicating formal adoption of the implementation plan submitted on March 23, 1972, by the Environmental Quality Commission.

(3) Letter regarding comments on the plan and indicating intent to submit a revised plan submitted on April 28, 1972, by the Environmental Quality Commission.

(4) Formally adopted rules and regulations for the entire Territory submitted on June 8, 1972, by the Environmental Quality Commission.

(5) The following amendments to the plan were submitted on November 22, 1982, by the Governor.

(i) Negative declaration indicating no Lead sources in American Samoa.

[37 FR 10906, May 31, 1972, as amended at 41 FR 8969, Mar. 2, 1976; 50 FR 32698, Aug. 14, 1985; 62 FR 34648, June 27, 1997. Redesignated and amended at 70 FR 53566, Sept. 9, 2005]

### § 52.2824 Review of new sources and modifications.

(a) The requirements of subpart I of this chapter are not met since the Territory of American Samoa failed to submit a plan for review of new or modified indirect sources.

(b) 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 plan for the Territory of American Samoa.

[39 FR 8617, Mar. 6, 1974, as amended at 51 FR 40677, Nov. 7, 1986]

### §§ 52.2825–52.2826 [Reserved]

### § 52.2827 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 American Samoa.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11325, Mar. 10, 2003; 68 FR 74491, Dec. 24, 2003]

## Subpart EEE—Approval and Promulgation of Plans

### § 52.2850 Approval and promulgation of implementation plans.

State plans consisting of control strategies, rules, and regulations, and, in certain instances, compliance schedules, which the Administrator has determined meet the requirements of section 16 of the ''Clean Air Amendments of 1970'' have been approved as follows:

DELAWARE

An implementation plan for the State's portion of the Philadelphia Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on June 30, 1970. Supplemental information was received October 20, 1970. The Administrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedule pertaining thereto.

NEW JERSEY

An implementation plan for the State's portion of the Philadelphia Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 26, 1970. Supplemental information was submitted September 23, 1970. TheAdministrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedule pertaining thereto.

PENNSYLVANIA

An implementation plan for the State's portion of the Philadelphia Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 4, 1970. Supplemental information was received August 4, 1970. The Administrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations pertaining thereto.

KANSAS

An implementation plan for the State's portion of the Kansas City Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on November 19, 1970. The Administrator has determined that the State's control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedule pertaining thereto.

VIRGINIA

An implementation plan for the State's portion of the National Capital Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on April 29, 1970. Supplemental information was received August 10 and 14, 1970. The Administrator has determined that the State's control strategy for sulfur oxides and particulate matter, as set forth in this implementation plan, is adequate for attainment of the National primary and secondary ambient air quality standards for sulfur oxides and particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedules pertaining thereto.

MARYLAND

An implementation plan for the State's portion of the National Capital Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 28, 1970. Supplemental information was submitted August 7 and 21, 1970. The Administrator has determined that the State's control strategy for sulfur oxides and particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for sulfur oxides and particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations, as well as the compliance schedule pertaining to the sulfur oxides standards.

MARYLAND

An implementation plan for the Baltimore Intrastate Air Quality Control Region was submitted to the Environmental Protection Agency on December 23, 1970. The Administrator as determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. The Administrator has also determined that the State's control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for particulate matter. Therefore, the Administrator has approved such control strategies, together with specified rules and regulations, as well as the compliance schedule pertaining to the sulfur oxides standards.

COLORADO

An implementation plan for the Denver Intrastate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 12, 1970, and was amended by letter dated November 10, 1970. The Administrator has determined that the State's control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for particulate matter. The Administrator has also determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for maintaining the national secondary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategies, together with specified rules and regulations and the compliance schedules pertaining thereto.

MISSOURI

An implementation plan for the State's portion of the Kansas City Intrastate Air Quality Control Region was received by the Department of Health, Education, and Welfare on October 14, 1970. The Administrator has determined that the State's control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedules pertaining thereto.

DISTRICT OF COLUMBIA

An implementation plan for the District's portion of the National Capital Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 6, 1970. Supplemental information was received August 24, 1970. The Administrator has determined that the District's control strategy for sulfur oxides and particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for sulfur oxides and particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations pertaining thereto.

MASSACHUSETTS

An implementation plan for the Boston Intrastate Air Quality Control Region was received by the Department of Health, Education, and Welfare on September 16, 1970. The Administrator has determined that the State's control strategy for sulfur oxides,as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedules pertaining thereto.

[37 FR 2581, Feb. 2, 1972. Redesignated at 37 FR 10846, May 31, 1972]

## Subpart FFF—Commonwealth of the Northern Mariana Islands

### § 52.2900 Negative declaration.

(a) *Air Pollution Implementation Plan for the Commonwealth of the Northern Mariana Islands*. (1) Letter of December 15, 1982, from the Governor to EPA, which is a negative declaration indicating no major lead sources and continued attainment and maintenance of the National Standards for lead.

[51 FR 40799, Nov. 10, 1986]

### § 52.2920 Identification of plan.

(a) *Purpose and scope*. This section sets forth the applicable State implementation plan for the Commonwealth of the Northern Mariana Islands 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 June 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 June 1, 2005, 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 June 1, 2005.

(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; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B108, 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/code_of_federal_regulations/ibr_locations.html*.

(c) *EPA approved regulations*.

TABLE 52.2920—EPA APPROVED COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS REGULATIONS

| State citation | Title/subject | Effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Air Pollution Control Regulations: | | | | |
| Part I | Authority | 01/19/1987 | 11/13/1987, 52 FR 43574 | |
| Part II | Purpose and Policy | 01/19/1987 | 11/13/1987, 52 FR 43574 | |

TABLE 52.2920—EPA APPROVED COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS REGULATIONS—Continued

| State citation | Title/subject | Effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| Part III | Policy | 01/19/1987 | 11/13/1987, 52 FR 43574 | |
| Part IV | Definitions (a—www) | 01/19/1987 | 11/13/1987, 52 FR 43574 | |
| Part V | Permitting of New Sources And Modifications (A—M). | 01/19/1987 | 11/13/1987, 52 FR 43574 | |
| Part VI | Registration of Existing Sources (A—D) | 01/19/1987 | 11/13/1987, 52 FR 43574 | |
| Part VII | Sampling, Testing and Reporting Methods (A—D). | 01/19/1987 | 11/13/1987, 52 FR 43574 | |
| Part VIII | Prohibition of Air Pollution | 01/19/1987 | 11/13/1987, 52 FR 43574 | |
| Paragraph A. | Control of Open Burning | | | |
| Paragraph B. | Control of Visible Emissions | | | |
| Paragraph C. | Control of Emissions from Motor Vehicles | | | |
| Paragraph D. | Control of Fugitive Dust and Other Particulate Matter | | | |
| Paragraph E. | Control of Incineration | | | |
| Paragraph F. | Control of Process Industries | | | |
| Table VIII–1. | Process Weight Rate | | | |
| Paragraph G. | Control of Sulfur Oxides From Fuel Combustion | | | |
| Paragraph H. | Variances to Prohibition of Air Pollution | | | |
| Part IX | Fees (A—B) | 01/19/1987 | 11/13/1987, 52 FR 43574 | |
| Part X | Public Participation (A-E) | 01/19/1987 | 11/13/1987, 52 FR 43574 | |
| Part XI | Enforcement (A-E) | 01/19/1987 | 11/13/1987, 52 FR 43574 | |
| Part XII | Severability | 01/19/1987 | 11/13/1987, 52 FR 43574 | |
| Part XIII | Effective Date | 01/19/1987 | 11/13/1987, 52 FR 43574 | |
| Part XIV | Certification | 01/19/1987 | 11/13/1987, 52 FR 43574 | |

(d) *EPA approved State source specific requirements.*

| Name of source | Permit number | Effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| None | | | | |

(e) [Reserved]

[70 FR 44480, Aug. 3, 2005]

## § 52.2921 Original identification of plan.

(a) This section identified the original ''Implementation Plan for Compliance With the Ambient Air Quality Standards for the Commonwealth of the Northern Mariana Islands' and all revisions submitted by the Commonwealth of the Northern Mariana Islands that were federally approved prior to June 1, 2005.

(b) [Reserved]

(c) The plan revisions described below were officially submitted on the dates specified.

(1) On February 19, 1987 the Governor's representative submitted regulations adopted as signed on December 15, 1986 and published in the *Commonwealth Register*, Volume 9, Number 1, pages 4862–94, on January 19, 1987, as follows:

(i) *Incorporation by reference.*

(A) ''CNMI AIR POLLUTION CONTROL REGULATIONS'' pertaining to the preconstruction review of new and modified major sources of lead, as follows.

Part I—Authority
Part II—Purpose and Policy
Part III—Policy
Part IV—Definitions
Part V—Permitting of New Sources and Modifications
Part VI—Registration of Existing Sources

Part VII—Sampling, Testing and Reporting Methods
Part IX—Fees
Part X—Public Participation
Part XI—Enforcement
Part XII—Severability
Part XIII—Effective Date
Part XIV—Certification

[52 FR 43574, Nov. 13, 1987. Redesignated and amended at 70 FR 44480, Aug. 3, 2005]

## APPENDIXES A–C TO PART 52 [RESERVED]

## APPENDIX D TO PART 52—DETERMINATION OF SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES BY CONTINUOUS MONITORS

1. *Definitions.*

1.1 *Concentration Measurement System.* The total equipment required for the continuous determination of $SO_2$ gas concentration in a given source effluent.

1.2 *Span.* The value of sulfur dioxide concentration at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set at the expected maximum sulfur dioxide concentration except as specified under section 5.2, Field Test for Accuracy.

1.3 *Accuracy* (*Relative*). The degree of correctness with which the measurement system yields the value of gas concentration of a sample relative to the value given by a defined reference method. This accuracy is expressed in terms of error which is the difference between the paired concentration measurements expressed as a percentage of the mean reference value.

1.4 *Calibration Error.* The difference between the pollutant concentration indicated by the measurement system and the known concentration of the test gas mixture.

1.5 *Zero Drift.* The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time for the measurement is zero.

1.6 *Calibration Drift.* The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time of the measurement is the same known upscale value.

1.7 *Response Time.* The time interval from a step change in pollutant concentration at the input to the measurement system to the time at which 95 percent of the corresponding final value is reached as displayed on the measurement system data presentation device.

1.8 *Operational Period.* A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair or adjustment.

1.9 *Reference Method.* The reference method for determination of $SO_2$ emissions shall be Method 8 as delineated in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide, as well as isokinetic sampling, may be omitted from the overall test procedure.

2. *Principle and Applicability.*

2.1 *Principle.* Gases are continuously sampled in the stack emissions and analyzed for sulfur dioxide by a continuously operating emission measurement system. Performance specifications for the continuous measurement systems are given. Test procedures are given to determine the capability of the measurement systems to conform to the performance specifications. Sampling may include either the extractive or nonextractive (in-situ) approach.

2.2 *Applicability.* The performance specifications are given for continuous sulfur dioxide measurement systems applied to nonferrous smelters.

3. *Apparatus.*

3.1 *Calibration Gas Mixture.* Mixture of a known concentrations of sulfur dioxide in oxygen-free nitrogen. Nominal volumetric concentrations of 50 percent and 90 percent of span are recommended. The mixture of 90 percent of span is to be used to set and to check the span and is referred to as the span gas. The gas mixtures shall be analyzed by the Reference Method at least two weeks prior to use or demonstrated to be accurate and stable by an alternate method subject to approval of the Administrator.

3.2 *Zero Gas.* A gas containing less than 1 ppm sulfur dioxide.

3.3 Equipment for measurement of sulfur dioxide concentration using the Reference Method.

3.4 *Chart Record.* Analog chart recorder, input voltage range compatible with analyzer system output.

3.5 Continuous measurement system for sulfur dioxide.

4. *Measurement System Performance Specifications.*

The following performance specifications shall be met in order that a measurement system shall be considered acceptable under this method.

TABLE I—PERFORMANCE SPECIFICATIONS

| Parameter [a] | Specification |
|---|---|
| 1. Accuracy [a] | ≤20 percent of reference mean value. |

TABLE I—PERFORMANCE SPECIFICATIONS—Continued

| Parameter[a] | Specification |
|---|---|
| 2. Calibration Error[a] | ≤5 percent of each (50%, and 30%) calibration gas mixture. |
| 3. Zero Drift (2-hours)[a] | ≤2 percent of emission standard. |
| 4. Zero Drift (24-hours)[a] | ≤4 percent of emission standard. |
| 5. Calibration Drift (2-hours)[a] | ≤2 percent of emission standard. |
| 6. Calibration Drift (24-hours)[a] | ≤5 percent of emission standard. |
| 7. Response Time | ≤5 minutes maximum. |
| 8. Operational Period | ≤168 hours minimum. |

[a] Expressed as sum of absolute mean value plus 95 percent confidence interval of a series of tests.

5. *Performance Specification Test Procedures.* The following test procedures shall be used to determine compliance with the requirements of paragraph 4:

5.1 *Calibration test.*

5.1.1 Analyze each calibration gas mixture (50 percent, 90 percent) for sulfur dioxide by the Reference method and record the results on the example sheet shown in Figure D–1. This step may be omitted for nonextractive monitors where dynamic calibration gas mixtures are not used (see section 5.1.2).

5.1.2 Set up and calibrate the complete measurement system according to the manufacturer's written instructions. This may be accomplished either in the laboratory or in the field. Make a series of five nonconsecutive readings with span gas mixtures alternately at each concentration (example, 50 percent, 90 percent, 50 percent, 90 percent, 50 percent). For nonextractive measurement systems, this test may be performed using procedures specified by the manufacturer and two or more calibration gases whose concentrations are certified by the manufacturer and differ by a factor of two or more. Convert the measurement system output readings to ppm and record the results on the example sheet shown in Figure D–2.

5.2 *Field Test for Accuracy (Relative), Zero Drift and Calibration Drift.* Install and operate the measurement system in accordance with the manufacturer's written instructions and drawings as follows:

5.2.1 *Conditioning Period.* Offset the zero setting at least 10 percent of span so that negative zero drift may be quantified. Operate the system for an initial 168-hour conditioning period. During this period the system should measure the $SO_2$ content of the effluent in a normal operational manner.

5.2.2 *Operational Test Period.* Operate the system for an additional 168-hour period. The system shall be monitoring the source effluent at all times when not being zeroed, calibrated or backpurged.

5.2.2.1 *Field Test for Accuracy (Relative).* The analyzer output for the following test shall be maintained between 20 percent and 90 percent of span. It is recommended that a calibrated gas mixture be used to verify the span setting utilized. During this 168-hour test period, make a minimum of nine (9) $SO_2$ concentration measurements using the Reference Method with a sampling period of one hour. If a measurement system operates across the stack or a portion of it, the Reference Method test shall make a four-point traverse over the measurement system operating path. Isokinetic sampling and analysis for $SO_3$ and $H_2SO_4$ mist are not required. For measurement systems employing extractive sampling, place the measurement system and the Reference Method probe tips adjacent to each other in the duct. One test will consist of two simultaneous samples with not less than two analyses on each sample. Record the test data and measurement system concentrations on the example sheet shown in Figure D–3.

5.2.2.2 *Field Test for Zero Drift and Calibration Drift.* Determine the values given by zero and span gas $SO_2$ concentrations at 2-hour intervals until 15 sets of data are obtained. Alternatively, for nonextractive measurement systems, determine the values given by an electrically or mechanically produced zero condition, and by inserting a certified calibration gas concentration equivalent to not less than 20 percent of span, into the measurement system. Record these readings on the example sheet shown in Figure D–4. These 2-hour periods need not be consecutive but may not overlap. If the analyzer span is set at the expected maximum concentration for the tests performed under section 5.2.2, then the zero and span determinations to be made under this paragraph may be made concurrent with the tests under section 5.2.2.1. Zero and calibration corrections and adjustments are allowed only at 24-hour intervals (except as required under section 5.2.2) or at such shorter intervals as the manufacturer's written instructions specify. Automatic corrections made by the measurement system without operator intervention or initiation are allowable at any time. During the entire 168-hour test period, record the values given by zero and span gas $SO_2$ concentrations before and after adjustment at 24-hour intervals in the example sheet shown in Figure D–5.

5.3 *Field Test for Response Time.*

5.3.1 This test shall be accomplished using the entire measurement system as installed including sample transport lines if used.

Flow rates, line diameters, pumping rates, pressures (do not allow the pressurized calibration gas to change the normal operating pressure in the sample line), etc., shall be at the nominal values for normal operation as specified in the manufacturer's written instructions. In the case of cyclic analyzers, the response time test shall include one cycle.

5.3.2 Introduce a zero concentration of $SO_2$ into the measurement system sampling interface or as close to the sampling interface as possible. When the system output reading has stabilized, switch quickly to a known concentration of $SO_2$ at 70 to 90 percent of span. Record the time from concentration switching to final stable response. After the system response has stabilized at the upper level, switch quickly to a zero concentration of $SO_2$. Record the time from concentration switching to final stable response. Alternatively, for nonextractive monitors, a calibration gas concentration equivalent to 20 percent of span or more may be switched into and out of the sample path and response times recorded. Perform this test sequence three (3) times. For each test record the results on the example sheet shown in Figure D–6.

6. *Calculations, Data Analysis and Reporting.*

6.1 Procedure for determination of mean values and confidence intervals.

6.1.1 The mean value of a data set is calculated according to equation D–1.

$$\overline{X}\ \frac{\sum_{i=1}^{n} x_i}{n} \qquad \text{Equation D-1}$$

Where:

$x_i$=individual values.
Σ=sum of the individual values.
$x$=mean value.
$n$=number of data points.

6.1.2 The 95 percent confidence interval (two-sided) is calculated according to equation D–2.

$$\text{C.I.}_{95} = \frac{t_{.975}}{n\sqrt{n-1}}\sqrt{n\left(\sum \chi_i^{\,2}\right)-\left(\sum \chi_i\right)^2} \qquad \text{Equation D-2}$$

Where:

$\Sigma x_i$=sum of all data points.
$t_{.975}$ = $t_{1-\alpha/2}$, and
C.I.$_{95}$=95 percent confidence interval estimated of the average mean value.

TYPICAL VALUES FOR $T_{1-\alpha/2}$

| n | t.975 | n | t.975 | n | t.975 |
|---|---|---|---|---|---|
| 2 | 12.706 | 7 | 2.447 | 12 | 2.201 |
| 3 | 4.303 | 8 | 2.365 | 13 | 2.179 |
| 4 | 3.182 | 9 | 2.306 | 14 | 2.160 |
| 5 | 2.776 | 10 | 2.262 | 15 | 2.145 |
| 6 | 2.571 | 11 | 2.228 | 16 | 2.131 |

The values in this table are already corrected for $n$–1 degrees of freedom. Use *n equal to the number of samples* as data points.

6.2 *Data Analysis and Reporting.*

6.2.1 *Accuracy* (*Relative*). For each of the nine reference method testing periods, determine the average sulfur dioxide concentration reported by the continuous measurement system. These average concentrations shall be determined from the measurement system data recorded under section 5.2.2.1 by integrating the pollutant concentrations over each of the time intervals concurrent with each reference method test, then dividing by the cumulative time of each applicable reference method testing period. Before proceeding to the next step, determine the basis (wet or dry) of the measurement system data and reference method test data concentrations.

If the bases are not consistent, apply a moisture correction to either the referenced method concentrations or the measurement system concentrations, as appropriate. Determine the correction factor by moisture tests concurrent with the reference method testing periods. Report the moisture test method and the correction procedure employed. For each of the nine test runs, subtract the Reference Method test concentrations from the continuous monitoring system average concentrations. Using these data, compute the mean difference and the 95 percent confidence interval using equations D–1 and D–2. Accuracy is reported as the sum of the absolute value of the mean difference and the 95 percent confidence interval expressed as a percentage of the mean reference method value. Use the example sheet shown in Figure D–3.

6.2.2 *Calibration Error*. Using the data from section 5.1 of this appendix, subtract the measured $SO_2$ value determined under section 5.1.1 (Figure D–1) from the value shown by the measurement system for each of the 5 readings at each concentration measured under section 5.1.2 (Figure D–2). Calculate the mean of these difference values and the 95 percent confidence intervals according to equations D–1 and D–2. The calibration error is reported as the sum of absolute value of the mean difference and the 95 percent confidence interval as a percentage of each respective calibration gas concentration. Use example sheet shown in Figure D–2.

6.2.3 *Zero Drift* (*2-hour*). Using the zero concentration values measured each two

hours during the field test, calculate the differences between *consecutive* two-hour readings expressed in ppm. Calculate the mean difference and the confidence interval using Equations D–1 and D–2. Report the zero drift as the sum of the absolute mean value and the confidence interval as a percentage of the emission standard. Use example sheet shown in Figure D–4.

6.2.4 *Zero Drift* (*24-hour*). Using the zero concentration values measured every 24 hours during the field test, calculate the differences between the zero point after zero adjustment and the zero value 24 hours later just prior to zero adjustment. Calculate the mean value of these points and the confidence interval using Equations D–1 and D–2. Report the zero drift as the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use example sheet shown in Figure D–5.

6.2.5 *Calibration Drift* (*2-hour*). Using the calibration values obtained at two-hour intervals during the field test, calculate the differences between *consecutive* two-hour readings expressed as ppm. These values should be corrected for the corresponding zero drift during that two-hour period. Calculate the mean and confidence interval of these corrected difference values using Equations D–1 and D–2. Do not use the differences between non-consecutive readings. Report the calibration drift as the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use the example sheet shown in Figure D–4.

6.2.6 *Calibration Drift* (*24-hour*). Using the calibration values measured every 24 hours during the field test, calculate the differences between the calibration concentration reading after zero and calibration adjustment and the calibration concentration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations D–1 and D–2. Report the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use the example sheet shown in Figure D–5.

6.2.7 *Response Time*. Using the charts from section 5.3 of this Appendix, calculate the time interval from concentration switching to 95 percent to the final stable value for all upscale and downscale tests. Report the mean of the three upscale test times and the mean of the three downscale test times. For nonextractive instruments using a calibration gas cell to determine response time, the observed times shall be extrapolated to 90 percent of full scale response time. For example, if the observed time for a 20 percent of span gas cell is one minute, this would be equivalent to a 4½-minute response time when extrapolated to 90 percent of span. The two average times should not differ by more than 15 percent of the slower time. Report the slower time as the system response time. Use the example sheet shown in Figure D–6.

6.2.8 *Operational Period*. During the 168-hour performance and operational test period, the measurement system shall not require any corrective maintenance, repair, replacement, or adjustment other than that clearly specified as required in the operation and maintenance manuals as routine and expected during a one-week period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than specified above, during the 168-hour test period, the operational period will be successfully concluded. Failure of the measurement to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the one-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

6.2.9 *Performance Specifications Testing Frequency*. In the event that significant repair work is performed in the system, the company shall demonstrate to the Administrator that the system still meets the performance specifications listed in Table I of this appendix. The Administrator may require a performance test at any time he determines that such test is necessary to verify the performance of the measurement system.

7. *References*.

7.1 *Monitoring Instrumentation for the Measurement of Sulfur Dioxide in Stationary Source Emissions*, Environmental Protection Agency, Research Triangle Park, N.C., February 1973.

7.2 *Instrumentation for the Determination of Nitrogen Oxides Content of Stationary Source Emissions*, Environmental Protection Agency, Research Triangle Park, N.C., APTD 0847, Vol. I, October 1971; APTD 0942, Vol. II, January 1972.

7.3 *Experimental Statistics*, Department of Commerce, Handbook 91, 1963, p. 3–31, paragraphs 3–3.1.4.

7.4 *Performance Specifications for Stationary-Source Monitoring Systems for Gases, and Visible Emissions*, Environmental Protection Agency, Research Triangle Park, N.C., EPA–650/2–74–013, January 1974.

FIGURE D–1—ANALYSIS OF CALIBRATION GAS MIXTURES

Date _____ Reference Method Used _____

Mid Range Calibration Gas Mixture

| | |
|---|---|
| Sample 1 | ppm |
| Sample 2 | ppm |
| Sample 3 | ppm |
| Average | ppm |

FIGURE D–1—ANALYSIS OF CALIBRATION GAS MIXTURES—Continued

Date _____ Reference Method Used _____

High Range (span) Calibration Gas Mixture

Sample 1 ..... ppm

FIGURE D–1—ANALYSIS OF CALIBRATION GAS MIXTURES—Continued

Date _____ Reference Method Used _____

Sample 2 ..... ppm
Sample 3 ..... ppm
Average ..... ppm

FIGURE D–2—CALIBRATION ERROR DETERMINATION

Calibration gas mixture data (from fig. D–1): Mid (50 percent) average ____ p/m, high (90 percent) average ____ p/m

[See footnotes at end of table]

| Run No. | Calibration gas concentration [1] | Measurement system reading, p/m | Differences, p/m [2] |
|---|---|---|---|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 1 | | | |
| 11 | | | |
| 12 | | | |
| 13 | | | |
| 14 | | | |
| 15 | | | |

| | Percent of full scale reading | |
|---|---|---|
| | 50% mid | 90% high |
| Mean difference ..... | ..... | ..... |
| Confidence interval ..... | ±..... | ±..... |
| Calibration error=Mean difference [3] + C.I. / Average calibration gas concentration × 100 ..... | %..... | %..... |

[1] Mid or high.
[2] Calibration gas concentration—measurement system reading.
[3] Absolute value.

FIGURE D–3—ACCURACY

| Date and time | Test No. | Reference method samples | Analyzer 1-hour average [1] (p/m) | Difference [2] (p/m) |
|---|---|---|---|---|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |
| 7. | | | | |

FIGURE D–3—ACCURACY—Continued

| Date and time | Test No. | Reference method samples | Analyzer 1-hour average [1] (p/m) | Difference [2] (p/m) |
|---|---|---|---|---|
| 8. | | | | |
| 9. | | | | |

Mean difference= _____p/m.
95 percent confidence interval=+ _____p/m.
Mean Reference method value= _____p/m.
Accuracy=Mean difference (absolute value)+95 percent confidence interval/Mean reference method value×100_____percent

[1] Explain method used to determine average.
[2] Difference=the 1-h average minus the reference method average.

FIGURE D–4—ZERO AND CALIBRATION DRIFT (2 H)

| Date | Time | | Date set No. | Zero reading | Zero drift (Δ zero) | Span reading | (Δ span) | Calibration drift (Δ span-Δ zero) |
|---|---|---|---|---|---|---|---|---|
| | Begin | End | | | | | | |
| | | | 1 | | | | | |
| | | | 2 | | | | | |
| | | | 3 | | | | | |
| | | | 4 | | | | | |
| | | | 5 | | | | | |
| | | | 6 | | | | | |
| | | | 7 | | | | | |
| | | | 8 | | | | | |
| | | | 9 | | | | | |
| | | | 10 | | | | | |
| | | | 11 | | | | | |
| | | | 12 | | | | | |
| | | | 13 | | | | | |
| | | | 14 | | | | | |
| | | | 15 | | | | | |

Zero drift=[mean zero drift [1] _____ + CI (zero) _____ ÷emission standard]×100= _____.
Calibration drift=[mean span drift [1] _____ CI + CI (span) _____ ÷emission standard]×100= _____.

[1] Absolute value.

FIGURE D–5—ZERO AND CALIBRATION DRIFT (24 HR)

| Date and time | Zero reading | Zero drift (Δ zero) | Span reading (after zero adjustment) | Calibration drift (Δ span) |
|---|---|---|---|---|
| | | | | |

Zero drift=[mean zero drift [1] _____ + CI (zero) _____ ÷emission standard]×100= _____.
Calibration drift=[mean span drift [1] _____ + CI (span) _____ ÷emission standard]×100= _____.

[1] Absolute value.

FIGURE D–6—RESPONSE TIME

Date of Test _____.
Span Gas Concentration _____ ppm.
Analyzer Span Setting _____ ppm.
Upscale:

1 _____ seconds.
2 _____ seconds.
3 _____ seconds.

Average upscale response _____ seconds.
Downscale:

1 _____ seconds.
2 _____ seconds.
3 _____ seconds.

Average downscale response _____ seconds.
System response time=slower time ____ seconds.

Percent deviation from slowest time = average upscale − average downscale × 100% / slower time

[40 FR 5517, Feb. 6, 1975]

## APPENDIX E TO PART 52—PERFORMANCE SPECIFICATIONS AND, SPECIFICATION TEST PROCEDURES FOR MONITORING SYSTEMS FOR EFFLUENT STREAM GAS VOLUMETRIC FLOW RATE

1. *Principle and applicability.*

1.1 *Principle.* Effluent stream gas volumetric flow rates are sampled and analyzed by a continuous measurement system. To verify the measurement system performance, values obtained from the measurement system are compared against simultaneous values obtained using the reference method. These comparison tests will be performed to determine the relative accuracy, and drift of the measurement system over the range of operating conditions expected to occur during normal operation of the source. If the measurement system is such that the specified tests in section 5.1 for drift do not apply, those test procedures shall be disregarded.

1.2 *Applicability.* This method is applicable to subparts which require continuous gas volumetric flow rate measurement. Specifications are given in terms of performance. Test procedures are given for determining compliance with performance specifications.

2. *Apparatus.*

2.1 Continuous measurement system for determining stack gas volumetric flow rate.

2.2 Equipment for measurement of stack gas volumetric flow rate as specified in the reference method.

3. *Definitions.*

3.1 *Measurement system.* The total equipment required for the determination of the gas volumetric flow rate in a duct or stack. The system consists of three major subsystems:

3.1.1 *Sampling interface.* That portion of the measurement system that performs one or more of the following operations: Delineation, acquisition, transportation, and conditioning of a signal from the stack gas and protection of the analyzer from any hostile aspects of the source environment.

3.1.2 *Analyzer.* That portion of the measurement system which senses the stack gas flow rate or velocity pressure and generates a signal output that is a function of the flow rate or velocity of the gases.

3.1.3 *Data presentation.* That portion of the measurement system that provides a display of the output signal in terms of volumetric flow rate units, or other units which are convertible to volumetric flow rate units.

3.2 *Span.* The value of gas volumetric flow rate at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set at 1.5 times the maximum volumetric flow rate expected under varying operating conditions of the source.

3.3 *Zero drift.* The change in measurement system output over a stated period of time of normal continuous operation when gas volumetric flow rate at the time of the measurements is zero.

3.4 *Calibration drift.* The change in measurement system output over a stated time period of normal continuous operation when the gas volumetric flow rate at the time of the measurement is 67 percent of the span value.

3.5 *Operation period.* A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair, or adjustment.

3.6 *Orientation sensitivity.* The angular tolerance to which the sensor can be misaligned from its correct orientation to measure the flow rate vector before a specified error occurs in the indicated flow rate compared to the reference flow rate.

3.7 *Reference method.* Method 2 as delineated in 40 CFR Part 60.

4. *Measurement system performance specifications.* A measurement system must meet the performance specifications in Table E–1 to be considered acceptable under this method.

TABLE E–1

| Parameter | Specifications |
|---|---|
| Accuracy (relative) | <10 percent of mean reference value (paragraph 6.3.1). |
| Zero drift (24 hours) | <3 percent of span (paragraph 6.3.2). |
| Calibration drift (24 hours) | <3 percent of span (paragraph 6.3.3). |
| Operational period | <168 hours minimum. |

5. *Test procedures.*

5.1 Field test for accuracy, zero drift, calibration drift, and operation period.

5.1.1 *System conditioning.* Set up and operate the measurement system in accordance with the manufacturer's written instructions and drawings. Offset the zero point of the chart recorder so that negative values up to 5 percent of the span value may be registered. Operate the system for an initial 168-hour conditioning period. During this initial period, the system should measure the gas

stream volumetric flow rate in a normal operational manner. After completion of this conditioning period, the formal 168-hour performance and operational test period shall begin.

5.1.2 *Field test for accuracy and operational period.* During the 168-hour test period, the system should be continuously measuring gas volumetric flow rate at all times. During this period make a series of 14 volumetric flow rate determinations simultaneously using the reference method and the measurement system. The 14 determinations can be made at any time interval at least one hour apart during the 168-hour period except that at least one determination on five different days must be made with one determination on the last day of such period. The determinations shall be conducted over the range of volumetric flow rates expected to occur during normal operation of the source. The measurement system volumetric flow rate reading corresponding to the period of time during which each reference method run was made may be obtained by continuous integration of the measurement system signal over the test interval. Integration may be by use of mechanical integration of electrical units on the chart recorder or use of a planimeter on the strip chart recorder. The location and orientation of the reference method measurement device and the measurement system should be as close as practical without interference, but no closer than 1.3 cm (0.5 inch) to each other and shall be such that dilution air or other interferences cannot be interjected into the stack or duct between the pitot tube and the measurement system. Be careful not to locate the reference method pitot tube directly up or down stream of the measurement system sensor.

5.1.3 *Field test for calibration drift and zero drift.* At 24-hour intervals, but more frequently if recommended by the manufacturer, subject the measurement system to the manufacturer's specified zero and calibration procedures, if appropriate. Record the measurement system output readings before and after adjustment. Automatic corrections made by the system without operator intervention are allowable at anytime.

5.1.4 *Field test for orientation sensitivity.* If a velocity measurement system is either a single point measurement device or a pressure sensor or any other device such as pitot tube which uses the flow direction of the test gas, then the following test shall be followed and a performance specification of ±10 degrees device orientation sensitivity for ±4 percent flow rate determination accuracy must be met in order for the measurement system to be considered acceptable under this method. This is in addition to the performance specifications given in paragraph 4 of this appendix. During a period of relatively steady state gas flow, perform the following orientation test using the measurement system. The system should be continuously measuring gas velocity at all times. Rotate the measurement 10° on each side of the direction of flow in increments of 5°. Perform this test three times each at:

(1) Maximum operating velocity (±15 percent);

(2) 67 percent ±7.5 percent of the maximum operating velocity; and

(3) 33 percent ±7.5 percent of the maximum operating velocity if (2) and (3) are normal operating practices.

6. *Calculations data analysis and reporting.*

6.1 *Procedure for determination of stack gas volumetric flow rate.* Calculate the reference stack gas velocity and corresponding stack gas volumetric flow rate with the calibrated type S pitot tube measurements by the reference method. Calculate the measurement system stack gas volumetric flow rate as specified by the manufacturer's written instructions. Record the volumetric flow rates for each in the appropriate tables.

6.2 *Procedure for determination of mean values and 95 percent confidence intervals.*

6.2.1 *Mean value.* The mean value of a data set is calculated according to Equation E–1.

EQUATION E–1

$$\overline{\chi} = \frac{1}{n}\sum_{i=1}\chi_i$$

Where:

$x_i$=individual values.
Σ=sum of the individual values.
$x$=mean value.
$n$=data points.

6.2.2 *95 percent confidence level.* The 95 percent confidence level (two sided) is calculated according to Equation E–2.

EQUATION E–2

$$C.I._{95} = \frac{t_{.975}}{n\sqrt{n-1}}\sqrt{n\left(\sum \chi_i 2\right)-\left(\sum \chi_i\right)^2}$$

Where:

$\Sigma x_i$=sum of all data points.
$(\Sigma x_i)$=sum of squares of all data points.
$C.I._{95}$=95 percent confidence interval estimate of the average mean value.

VALUES FOR *t*.975

| *n* | *t*.975 | *n* | *t*.975 | *n* | *t*.975 |
|---|---|---|---|---|---|
| 2 | 12.706 | 7 | 2.447 | 12 | 2.201 |
| 3 | 4.303 | 8 | 2.365 | 13 | 2.179 |
| 4 | 3.182 | 9 | 2.306 | 14 | 2.160 |
| 5 | 2.776 | 10 | 2.262 | 15 | 2.145 |
| 6 | 2.571 | 11 | 2.228 | 16 | 2.131 |

The values in this table are already corrected for $n$–1 degrees of freedom. Use $n$

equal to the number of samples as data points.

6.3 *Data analysis and reporting.*

6.3.1 *Accuracy* (*relative*). First, calculate the mean reference value (Equation E–1) of the 14 average volumetric flow rates calculated by the reference method. Second, from the 14 pairs of average volumetric flow rates calculated by the reference method and measurement system volumetric flow rate readings, calculate the mean value (Equation E–1) of the differences of the 14 paired readings. Calculate the 95 percent confidence interval (Equation E–2) using the differences of fourteen paired readings. To calculate the values in the second part of this section substitute $d_i$ for $x_i$ and $d$ for $x$ in Equations E–1 and E–2 where $d_i$ equals the difference of each paired reading and $d$ equals the mean value of the fourteen paired differences. Third, report the sum of the absolute mean value of the differences of the fourteen paired readings and the 95 percent confidence interval of the differences of value calculated in the first part of the section. Divide this total by the mean reference value and report the result as a percentage. This percentage is the relative accuracy.

6.3.2 *Zero drift* (*24 hour*). From the zero values measured each 24 hours during the field test, calculate the differences between successive readings expressed in volumetric flow rate units. Calculate the mean value of these differences and the confidence interval of these differences using Equations E–1 and E–2. Report the sum of the absolute value of the mean difference and the confidence interval as a percentage of the measurement system span. This percentage is the zero drift.

6.3.3 *Calibration drift* (*24 hour*). From the calibration values measured every 24 hours during the field test calculate the differences between: (1) The calibration reading after zero and calibration adjustment, and (2) the calibration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using Equations E–1 and E–2. Report the sum of the absolute value of the mean difference and confidence interval as a percentage of the measurement system span. This percentage is the calibration drift.

6.3.4 *Operation period.* Other than that clearly specified as required in the operation and maintenance manual, the measurement system shall not require any corrective maintenance, repair, replacement or adjustment during the 168-hour performance and operational test period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than as specified above during the 168-hour test period, the operational period will be successfully concluded. Failure of the measurement to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test, except for the 168-hour field test period, which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the one-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

6.3.5 *Orientation sensitivity.* In the event the conditions of paragraph 5.1.4 of this appendix are required, the following calculations shall be performed. Calculate the ratio of each measurement system reading divided by the reference pitot tube readings. Graph the ratio vs. angle of deflection on each side of center. Report the points at which the ratio differs by more than ±4 percent from unity (1.00).

[40 FR 5521, Feb. 6, 1975]

## APPENDIX F TO PART 52—CLEAN AIR ACT SECTION 126 PETITIONS FROM EIGHT NORTHEASTERN STATES: NAMED SOURCE CATEGORIES AND GEOGRAPHIC COVERAGE

The table and figures in this appendix are cross-referenced in § 52.34.

TABLE F–1—NAMED SOURCE CATEGORIES IN SECTION 126 PETITIONS

| Petitioning state | Named source categories |
|---|---|
| Connecticut | Fossil fuel-fired boilers or other indirect heat exchangers with a maximum gross heat input rate of 250 mmBtu/hr or greater and electric utility generating facilities with a rated output of 15 MW or greater. |
| Maine | Electric utilities and steam-generating units with a heat input capacity of 250 mmBtu/hr or greater. |
| Massachusetts | Electricity generating plants. |
| New Hampshire | Fossil fuel-fired indirect heat exchange combustion units and fossil fuel-fired electric generating facilities which emit ten tons of $NO_X$ or more per day. |
| New York | Fossil fuel-fired boilers or indirect heat exchangers with a maximum heat input rate of 250 mmBtu/hr or greater and electric utility generating facilities with a rated output of 15 MW or greater. |

TABLE F–1—NAMED SOURCE CATEGORIES IN SECTION 126 PETITIONS—Continued

| Petitioning state | Named source categories |
|---|---|
| Pennsylvania | Fossil fuel-fired indirect heat exchange combustion units with a maximum rated heat input capacity of 250 mmBtu/hr or greater, and fossil fuel-fired electric generating facilities rated at 15 MW or greater. |
| Rhode Island | Electricity generating plants. |
| Vermont | Fossil fuel-fired electric utility generating facilities with a maximum gross heat input rate of 250 mmBtu/hr or greater and potentially other unidentified major sources. |

Figure F-1. Location of Ozone Transport Assessment Group (OTAG) Subregions

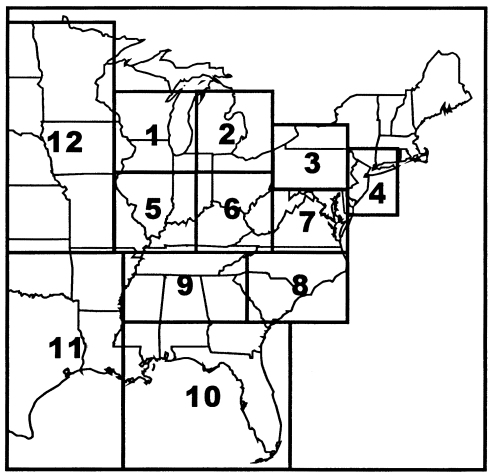



Figure F-2. Areas covered by the section 126 petition from Connecticut

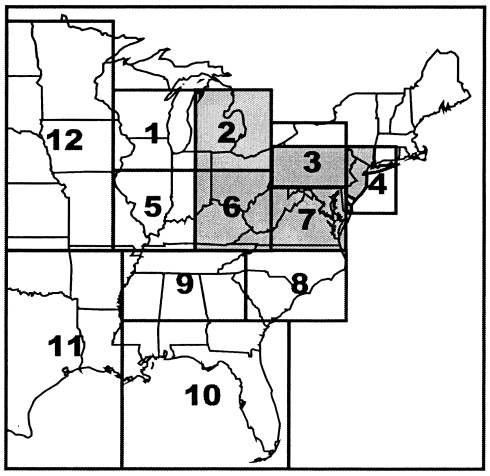


Figure F-3. Areas covered by the section 126 petition from Maine

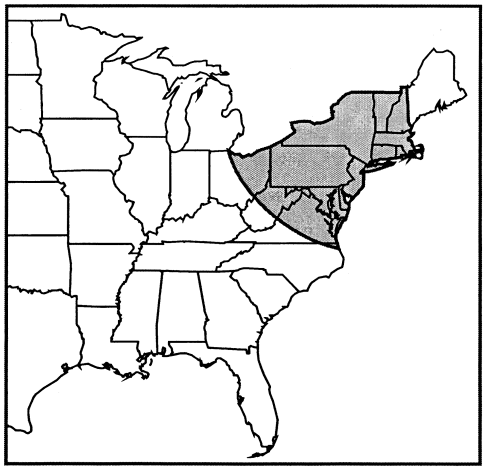


Figure F-4. Areas covered by the section 126 petition from Massachusetts

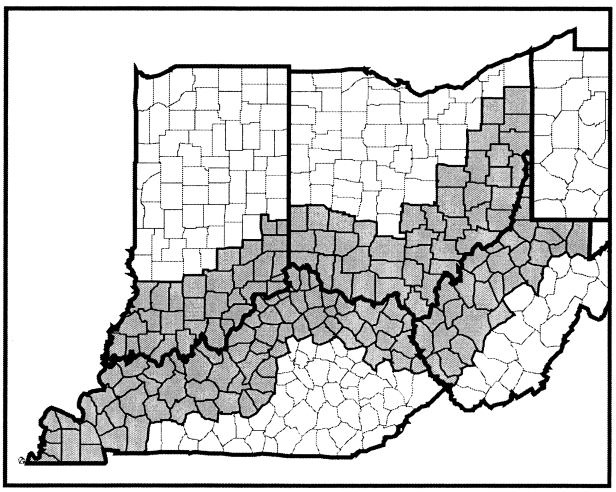


Figure F-5. Areas covered by the section 126 petition from New Hampshire

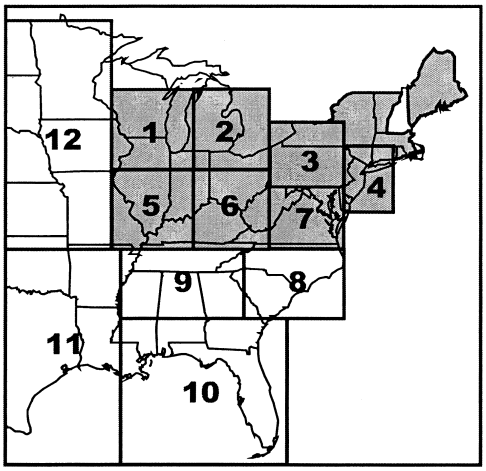



Figure F-6. Areas covered by the section 126 petition from New York

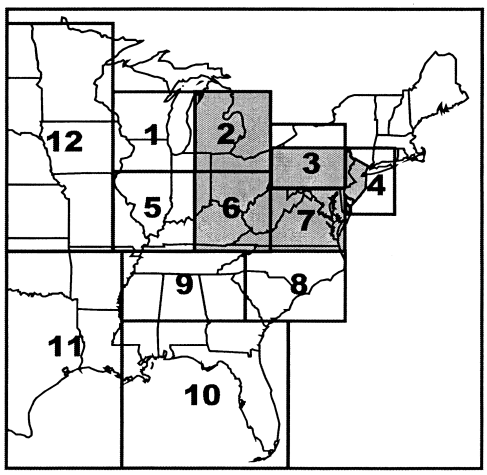


Figure F-7. Areas covered by the section 126 petition from Pennsylvania

Figure F-8. Areas covered by the section 126 petition from Rhode Island

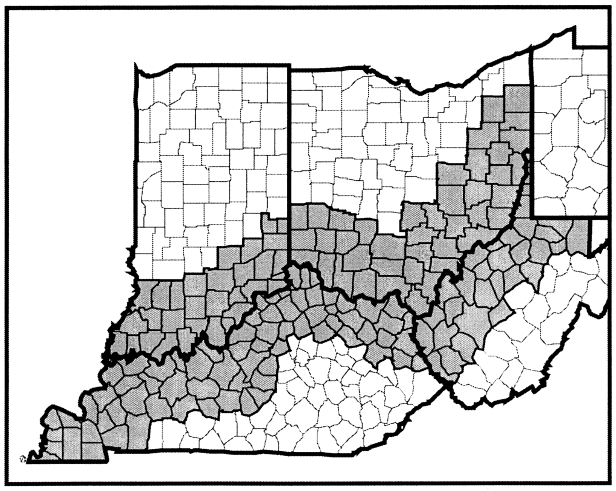


Figure F-9. Areas covered by the section 126 petition from Vermont

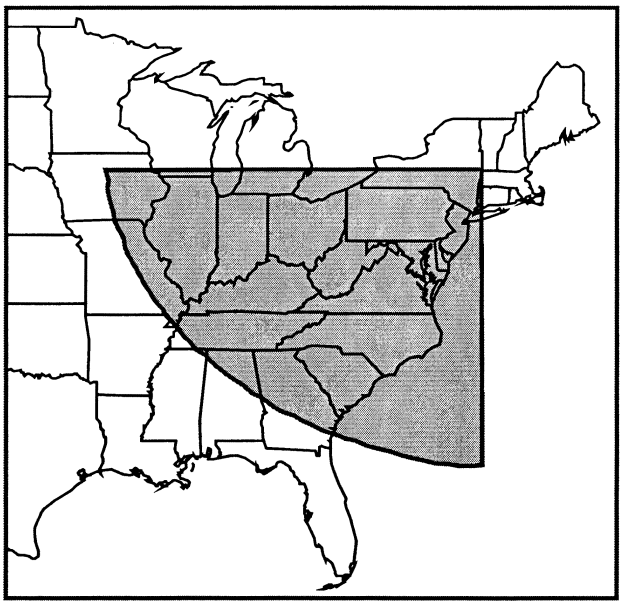
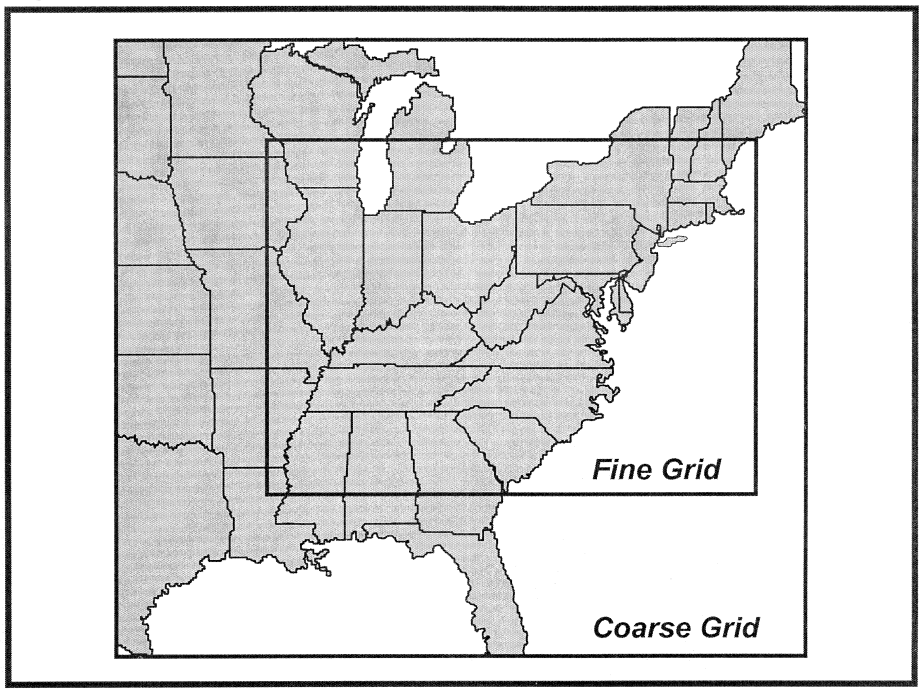


Figure F-10. Ozone Transport Assessment Group Modeling Domain




[64 FR 28323, May 25, 1999, as amended at 69 FR 31505, June 3, 2004]