Environmental Protection Agency § 52.789

of paragraphs (c), (d), and (e) of this section.

(6) Any owner of a source subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(i) As an alternative to compliance with the schedule under paragraph (h) of this section:

(1) The owner of a source which is in compliance with the provisions of paragraph (c), (d), or (e) of this section, shall certify such compliance to the Administrator by October 1, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator may operate in conformity with such compliance schedule.

(3) The owner of a source may submit to the Administrator, by October 1, 1974, a proposed alternative compliance schedule. No such schedule may provide for compliance after March 1, 1976. Until promulgated by the Administrator, such source shall conform with applicable portions of paragraph (c), (d), (e), or (h) of this section. Upon promulgation of the compliance schedule by the Administrator, no person shall own or operate the source except in conformity with the promulgated schedule.

(j) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of §51.15 (b) and (c) of this chapter.

(k) Any new container, facility, or vessel subject to this regulation that is placed in operation after October 1, 1974, shall within 30 days of commencing operation submit a compliance schedule in conformity with paragraph (i) of this section and shall otherwise comply with this section. Any facility subject to this regulation that is placed in operation after March 1, 1976, shall comply with the applicable requirements of this section immediately upon commencing operation.


§ 52.788 Operating permits.

Emission limitations and other provisions contained in operating permits issued by the State in accordance with the provisions of the federally approved permit program shall be the applicable requirements of the federally approved State Implementation Plan (SIP) for Indiana for the purpose of sections 112(b) and 113 of the Clean Air Act and shall be enforceable by the United States Environmental Protection Agency (USEPA) and any person in the same manner as other requirements of the SIP. USEPA reserves the right to deem an operating permit not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the permit, permit approval procedures or permit requirements which do not conform with the operating permit program requirements or the requirements of USEPA’s underlying regulations.

[60 FR 43012, Aug. 18, 1995]

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

(a)(1) The owner and operator of each source and each unit located in the State of Indiana and for which requirements are set forth under the TR NOX Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Indiana’s State Implementation Plan (SIP) as correcting the SIP’s deficiency that is the basis for the TR Federal Implementation Plan under §52.38(a), except to the extent the Administrator’s approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if, at the time of the approval of Indiana’s SIP revision described in paragraph (a)(1) of this section, the Administrator
§ 52.790 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each source and each unit located in the State of Indiana and for which requirements are set forth under the TR SO\(_2\) Group 1 Trading Program in subpart CCCCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Indiana’s State Implementation Plan (SIP) as correcting the SIP’s deficiency that is the basis for the TR Federal Implementation Plan under §52.39 except to the extent the Administrator’s approval is partial or conditional.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Indiana’s SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO\(_2\) Group 1 allowances under subpart CCCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO\(_2\) Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State’s SIP revision.

(76 FR 48364, Aug. 8, 2011)

§ 52.791 Visibility protection.

(a) Regional Haze. The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Indiana on January 14, 2011, and supplemented on March 10, 2011, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO\(_X\) and SO\(_2\) from electric generating units. EPA has given limited approval and limited disapproval to the plan provisions addressing these requirements.

(b) Measures Addressing Limited Disapproval Associated with NO\(_X\). The deficiencies associated with NO\(_X\) identified in EPA’s limited disapproval of the regional haze plan submitted by Indiana on January 14, 2011, and supplemented on March 10, 2011, do not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO\(_X\) and SO\(_2\) from electric generating units. EPA has given limited approval and limited disapproval to the plan provisions addressing these requirements.

(c) Measures Addressing Limited Disapproval Associated with SO\(_2\). The deficiencies associated with SO\(_2\) identified...