Environmental Protection Agency

§ 52.200

State of Arkansas and for which requirements are set forth under the TR NOₓ Ozone Season Trading Program in subpart BBBBBB 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 Arkansas' State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under §52.38(b), 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 Arkansas' SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR NOₓ Ozone Season allowances under subpart BBBBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NOₓ Ozone Season 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 48361, Aug. 8, 2011]

§ 52.200 Original identification of plan section.

(a) This section identifies the original "Arkansas Plan for Implementation for Air Pollution Control" and all revisions submitted by Arkansas 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. A certification that the public hearings on the plan were held was submitted by the State Department of Pollution Control and Ecology on January 25, 1972. (Non-regulatory)

2. Revisions to sections 3 (i.e., 3.(a), (b), (k), (l), (n), (o), (z), (bb), (dd), (ee), (ff), and (gg)), section 4 (i.e., 4.1(b), 4.2(a), 4.5(a)(1), 4.5(a)(2), 4.6(c), and 4.6(d)), and section 5 (i.e., 5.4 and 5.5) were adopted by the Arkansas Commission on Pollution Control and Ecology on September 26, 1980 and submitted by the Governor on October 10, 1980.
(13) Revisions to section 3 (i.e., 3.(ii) through 3.(nn)), section 4 (i.e., 4.1, 4.5(a)(1), 4.5(a)(2), and 4.6(e)), and section 5 (i.e., 5.6) of the Arkansas Regulations for the Control of Volatile Organic Compounds were adopted by the Arkansas Commission on Pollution Control and Ecology on April 10, 1981 and submitted by the Governor on April 23, 1981.

(14) A variance to Regulation 8 for Weyerhaeuser Gypsum Plant in Nashville, Arkansas was submitted by the Governor on June 29, 1981.


(16) On September 11, 1981, the Governor submitted a revision to section 8 of the Regulations of the Arkansas Plan of Implementation for Air Pollution Control which implements an emission limit for Energy Systems Company of El Dorado, Arkansas.

(17) The Arkansas State Implementation Plan for lead was submitted to EPA on December 10, 1979, by the Governor of Arkansas as adopted by the Arkansas Department of Pollution Control and Ecology on November 16, 1979. A letter of clarification dated January 5, 1982, also was submitted.

(18) Revisions to the plan for intergovernmental consultation, interstate pollution abatement, and composition of the Arkansas Commission on Pollution Control and Ecology were submitted to EPA by the Arkansas Department of Pollution Control and Ecology on January 9, 1980.

(19) Revision to the plan for maintenance of employee pay was submitted to EPA by the Arkansas Department of Pollution Control and Ecology on January 9, 1980.

(20) On April 24, 1980, the Governor submitted final revisions to the ambient monitoring portion of the plan.

(21) On December 10, 1979, the Governor submitted a revision to Section 5.1(a) of the Regulation of the Arkansas Plan of Implementation for Air Pollution Control, which controls VOC emissions. This revision was adopted by the Arkansas Commission on Pollution Control and Ecology on November 16, 1979.

(22) On July 12, 1985, the Governor submitted a revision entitled, “Protection of Visibility in Mandatory Class I Federal Areas, May 6, 1985.” This submittal included new source review regulations and visibility monitoring strategy as adopted by the Arkansas Commission on Pollution Control and Ecology on May 24, 1985.

(i) Incorporation by reference. (A) New source review regulations include amendments to rules and regulations of the Arkansas Department of Pollution Control and Ecology entitled, “Prevention of Significant Deterioration Supplement to the Arkansas Plan of Implementation for Air Pollution Control.” Sections 1 through 6, adopted on May 24, 1985.

(B) Arkansas Department of Pollution Control and Ecology Minute Order No. 85–12, adopted May 24, 1985.

(ii) Additional material. (A) Narrative submittal, including introduction, and visibility monitoring strategy.

(23) A revision to the Arkansas Plan of Implementation of Air Pollution Control was submitted by the Governor on November 25, 1985.


(24) A revision to the Arkansas Plan of Implementation for Air Pollution Control was submitted by the Governor on December 16, 1985.

(i) Incorporation by reference. (A) Act 817 of 1983 (permit fees) adopted March 25, 1983. Act 817 of 1983 added sections 82–1916 thru 82–1921 to the Arkansas Statutes. (B) Arkansas Department of Pollution Control and Ecology Regulation No. 9 (Regulations for Development and Implementation of a Permit Fee System for Environmental Permits) adopted by the Arkansas Commission on Pollution Control and Ecology on November 16, 1984. Only those portions of Regulation No. 9 related to air permits are incorporated.

(25) Part II of the Visibility Protection Plan was submitted by the Governor on October 9, 1987.
205

Environmental Protection Agency § 52.200

(i) Incorporation by reference. (A) Revision entitled “Arkansas Plan of Implementation for Air Pollution Control—Revision: Protection of Visibility in Mandatory Class I Federal Areas: Part II—Long-Term Strategy, September 29, 1987”. This submittal includes a visibility long-term strategy and general plan provisions as adopted by the Arkansas Commission on Pollution Control and Ecology on September 25, 1987.

(B) Arkansas Department of Pollution Control and Ecology, Minute Order No. 87–24, adopted September 25, 1987.

(ii) Additional material. (A) None.

(26) A revision to the Arkansas Plan of Implementation for Air Pollution Control, as adopted by the Arkansas Commission on Pollution Control and Ecology on May 22, 1987, was submitted by the Governor of Arkansas on July 1, 1987. This revision adds the definitions and dispersion technique regulations required to implement the Federal stack height regulations.

(i) Incorporation by reference. (A) Sections 3(r), 3(s), 3(t), 3(u), 3(v), 3(w), 3(x), 3(y), 5(f), and 5(g) of the Arkansas Plan of Implementation for Air Pollution Control as adopted by the Arkansas Commission on Pollution Control and Ecology on May 22, 1987.

(ii) Additional material. None.

(27) Revisions to the Arkansas State Implementation Plan for (1) the National Ambient Air Quality Standards and particulate matter definitions ( subsections (2) through (ff) of “Section 3. Definitions” ), (2) Prevention of Significant Deterioration of Air Quality and its Supplement, and (3) subsection f(ix) of “Section 4. Permits”, as promulgated on March 25, 1988, by the Arkansas Commission on Pollution Control and Ecology, were submitted by the Governor on June 3, 1988.

(i) Incorporation by reference. (A) Regulations of the Arkansas Plan of Implementation for Air Pollution Control “Section 4. Permits”, subsection f(ix), as promulgated on March 25, 1988.

(ii) Other material. None.

(28) Revisions to the Arkansas State Implementation Plan for Prevention of Significant Deterioration (PSD) of Air Quality Supplement Arkansas Plan of Implementation for Air Pollution Control (PSD nitrogen dioxide increments), as adopted on May 25, 1990, by the Arkansas Commission on Pollution Control and Ecology, were submitted by the Governor on June 19, 1990.

(i) Incorporation by reference. (A) Prevention of Significant Deterioration Supplement Arkansas Plan of Implementation For Air Pollution Control as amended on May 25, 1990.

(ii) Additional material. None.

(29)–(30) [Reserved]

(31) 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 6, 1992. This plan submittal, as adopted by the Arkansas Commission on Pollution Control and Ecology on November 5, 1992, was developed in accordance with section 507 of the Clean Air Act. On April 23, 1993, the Governor submitted Act 251 of 1993 which establishes the Compliance Advisory Panel (CAP) for the PROGRAM.

(i) Incorporation by reference. (A) Act 251 of 1993 approved by the Governor on February 26, 1993. Included in this Act are provisions creating a CAP, establishing membership of the CAP, and addressing the responsibilities and duties of the CAP.

(B) Arkansas Department of Pollution Control and Ecology, Minute Order No. 92–81, adopted November 5, 1992.


(B) Legal opinion letter dated November 5, 1992, from Steve Weaver, Chief Counsel, Arkansas Department of
§ 52.219  
Pollution Control and Ecology, regarding legality of Commission teleconference meeting.


EDITORIAL NOTE: For Federal Register citations affecting § 52.200, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

Subpart F—California

§ 52.219 Identification of plan—conditional approval.

The plan revision commitments listed in paragraph (a) of this section were submitted on the date specified.

(a) On November 13, 1992, California submitted a commitment to prepare a revision to the California State Implementation Plan (SIP) for the California ozone nonattainment areas to address the requirement in section 182(c)(4)(B) of the 1990 Clean Air Act Amendments that requires the States to develop a SIP revision for all ozone nonattainment areas classified as serious and above to opt-out of the Clean-Fuel Fleet Program by submitting for EPA approval a substitute program(s) resulting in as much or greater long-term reductions in ozone-producing and toxic air emissions. The State submitted an interim milestone to supply more accurate emission reduction data demonstrating equivalence no later than one year after the publication date of the Federal Register notice approving the State’s committal SIP revision. California is required to submit the final SIP revision by May 15, 1994. The California SIP revisions are met automatically when the SIP revision concerns a regulation previously adopted by the Board.

(b) The plan was officially submitted on February 21, 1972.

(1) Mendocino County APCD.

(i) Previously approved on May 31, 1972 and now deleted without replacement parts XI, XII, and part XIII.

(ii) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement. Part X, Paragraph 3.

(2) Placer County APCD.

(i) Previously approved on May 31, 1972 and now deleted without replacement Rule 42 (Mountain Counties Air Basin), Rules 40 and 42 (Lake Tahoe Air Basin).

(ii) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rules 40 and 42.

(iii) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement for implementation in the Lake Tahoe Air Basin, Rules 2–17, 2–18, 2–19, and 2–20.

(iv) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement for implementation in the Mountain Counties Air Basin, Rules 2–17, 2–18, 2–19, 2–20.

(3) Tehama County APCD.

(i) Previously approved on May 31, 1972 and now deleted without replacement Rule 5.1.


(4) San Bernardino County APCD.

(i) Previously approved on May 31, 1972 and now deleted without replacement Regulation VI, Rules 100 to 104, 109, 110, 120, and 130 to 137.

(ii) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Regulation 3, Rules 40, 42, 43, and 44.

(5) Ventura County Air Pollution Control District.

(i) Previously approved on September 22, 1972 and now deleted without replacement Rule 18.

(6) Lassen County APCD.

(i) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rules 1.4, 3.2, 3.3 (Schedules 1–6), 3.4, and 3.5.

(7) Nevada County APCD.