Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Miscellaneous Amendments

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards. Since that date, the Administrator and many of the States have acted to correct the plan deficiencies identified in the publication and to clarify and revise the information presented there.

On June 14, 1972 (37 FR 11826), and July 27, 1972 (37 FR 15094), and September 22, 1972 (37 FR 19829), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the plans for 40 States. The Administrator has subsequently taken action (excluding promulgation of nitrogen oxides emission-limiting regulations) on 30 of these States. This publication sets forth action on 6 of the remaining 10 States; the remaining 3 States will be dealt with in a future publication. One of these States, Oklahoma, submitted supplemental information which demonstrated that all deficiencies in regulatory provisions had been corrected; therefore, no further rulemaking action will be taken with respect to Oklahoma. Regulations are promulgated below for three States (Indiana, Nebraska, and Wisconsin).

On July 27, 1972 (37 FR 15094), the Administrator proposed amendments to Subpart A—General Provisions, setting forth certain definitions. No comment was received on this proposal and they are promulgated below as proposed.

Section 110(a)(2)(F)(iv) of the Clean Air Act and 40 CFR 51.10(e) require that State implementation plans include procedures for making emission data as correlated with applicable emission limitations, available to the public. The regulations promulgated below for the States of Nebraska and Wisconsin provide for the Administrator's carrying out this program. This is necessary because these States do not have the necessary legal authority to assure that such procedures will be carried out.

Section 110(a)(2)(B) of the Clean Air Act and 40 CFR 51.15 require that State implementation plans contain legally enforceable compliance schedules and that any such compliance schedule that extends beyond January 31, 1974, shall contain periodic increments of progress toward compliance. The regulations promulgated below provide the Administrator with a means of obtaining the necessary compliance schedules from sources in the State of Nebraska. This promulgation is necessary because the requirement for sources to submit compliance schedules for all the State's emission limitations is contingent upon the issuance of a notice of violation by the State. There is no assurance that sources will be notified; therefore, there is no assurance that compliance schedules will be obtained. Regulations promulgated below for Nebraska require sources to submit schedules for compliance with the particulate matter emission limitations being promulgated by the Agency in the Lincoln-Beatric-Fairbury Intrastate Region. This regulation is necessary because the State cannot prescribe compliance schedules for the affected sources.

Section 110(a)(2) of the Clean Air Act and 40 CFR 51.18 require that State implementation plans provide for legally enforceable procedures that will enable the States to prevent construction of new sources or modification of existing sources if such construction or modification: (1) Will result in violation of the applicable portion of the State's control strategy; or (2) will interfere with attainment or maintenance of a national ambient air quality standard. The regulations promulgated below provide the Administrator with such procedures for action under (2) above with respect to stationary sources in Nebraska which are subject to the jurisdiction of the City of Omaha Permits and Inspection Division. The regulations also provide procedures for preventing construction of new or modified sources in Lancaster County, Nebr., and of other new or modified sources in Nebraska which are not subject to part 60 of this chapter, if any such source would violate any portion of the applicable control strategy or would interfere with the attainment or maintenance of a national standard. Equivalent regulations are also promulgated for the State of Indiana. The plans for these two States did not provide adequate procedures to prevent construction or modification of sources in the circumstances noted.

Section 110(a)(2)(F)(iii) of the Clean Air Act and 40 CFR 51.19(a) require that State implementation plans include procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report to the State information on, the nature and amount of emissions and other information necessary to determine whether such sources are in compliance with applicable portions of the control strategy. The regulations promulgated below for sources in Nebraska, except for sources subject to the jurisdiction of the City of Omaha Permits and Inspection Division, provide for the Administrator's carrying out this program.

Because ambient air quality concentrations in the Lincoln-Beatrice-Fairbury Intrastate Region in Nebraska exceed the national standards for particulate matter, the Administrator proposed on July 27, 1972 (37 FR 15094), particulate matter emission limitations applicable to process sources and a ban on certain open burning operations in all counties in this region except Lancaster County. Local emission limitations are in effect in Lancaster County; however, it is not clear that they are part of the applicable State plant. Pending clarification of the status of the local regulations EPA is promulgating particulate emission limitations only for the other counties. A particulate matter emission reduction of 1,250 tons pear year is necessary to attain and maintain the secondary standards for particulate matter in this region. The emission limitations for process sources and the regulation for open burning promulgated below together with the local emission limitations in Lancaster County, will reduce emissions by 1,270 tons per year by 1975, thus providing for attainment and maintenance of the secondary standards for particulate matter. The growth factors presented in the State's plan were utilized in the above calculations. To provide a mechanism for enforcement of the emission limitation for process sources, a visible emission regulation is also promulgated below which is applicable only to such process sources.

Public hearings on the proposed regulations were held by the Environmental Protection Agency in most affected States. Interested parties presented their comments at these hearings and through the mail. Consideration of this information and further review of the proposed regulations led to only minor revisions:

(1) The Administrator will specify at least one location in each of the affected States where he will make emission data obtained by the Agency available to the public. It should be noted that these data will not be generally available before July 1, 1973, because the Administrator must notify sources of their reporting requirements, insure that valid data are collected, and correlate reported emissions with allowed emissions.

(2) The date for submission of compliance schedules to EPA has been changed from December 31, 1972, to "120 days from the effective date of the compliance schedule regulation." Since it has not been possible to promulgate regulations for correcting plan deficiencies for all States at once, this change allows all sources subject to Federal regulations for compliance schedules an equal amount of time to submit such schedules to the Administrator.

(3) The proposed regulations for compliance schedule "increments of progress" was modified to clarify the definition of "increments of progress".

(4) The procedures for review of new and modified sources have been changed to allow the Administrator to waive requirements for performance tests after the new or modified source commences operation. It is recognized that compliance with applicable emission limitations can be determined in certain circumstances without the need for performance testing. Also, the list of sources exempt from the new source review requirements is expanded to cover additional sources of minor pollutant contribution. The emissions from the additional sources exempted are similar in magnitude to those sources already exempted and are considered to have an insignificant effect on air quality.

In this publication, the Administrator prescribes the latest date by which certain of the national ambient air quality standards are to be attained in

Alaska, Illinois, Nebraska, Oklahoma, Virginia, and Wisconsin. The dates are equivalent to those proposed on June 14, 1972 (37 FR 11826) and July 27, 1972 (37 FR 15094). The dates proposed on June 14 and July 27, 1972, were expressed in terms of "years from plan approval or promulgation" as specified in sections 110(a)(2)(A)(i) and 110(e) of the act. Because of the various dates on which the Agency has taken action involving these States, the above notation could lead to confusion concerning the intended attainment date. Consequently, the appropriate footnotes have been changed to specify the month and year. The dates indicated are consistent with the intent of the act.

This specification of the latest dates for attainment of the national standards is also extended, where appropriate, to States for which the Agency has completed all necessary action. Thus, this publication includes revisions to the attainment date tables for the following States: Arkansas, Colorado, Florida, Georgia, Hawaii, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, New Jersey, Rhode Island, South Dakota, and Tennessee.

Consistent with the approach discussed above, the attainment dates for certain of the national ambient air quality standards in Maine have been changed from "three years from plan approval or promulgation" to "June 1975," since this was the date specified in the Maine plan.

The regulations described above, with the exception of regulations providing for the review of new sources and modifications, are effective on the date of their publication in the FEDERAL REGISTER. The Agency finds that good cause exists for making such regulations effective upon publication because section 110(e) of the Clean Air Act calls for promulgation of such regulations by the Administrator, and the prescribed date for such promulgation has passed.

The regulations providing for review of new sources and modifications [§§ 52.780(d) and 52.1428 (d) and (e)] are effective June 13, 1973.

This publication also contains amendments to the Administrator's approval/disapprovals pertinent to nine States. For Indiana, Nebraska, Pennsylvania, Oklahoma, and Virginia, certain disapprovals are revoked because the States submitted supplemental information which corrected some or all plan deficiencies.

On May 31, 1972, the Administrator disapproved that portion of Indiana's plan pertaining to public availability of emission data. Supplemental information submitted by the State on July 24 and August 17, 1972, details the legal authority, locations of the data and procedures for making the data available to the public. The Administrator finds this submission approvable and revokes the disapproval below.

The original Indiana plan did not provide for hydrocarbon emission reductions sufficient to attain the national standard for photochemical oxidants. On September 15, 1972, Indiana submitted an amended hydrocarbon control regulation (APC–15) which provides sufficient emission reduction and, accordingly, the disapproval is revoked below. The September 15, 1972, submission also contained an amendment to APC–13, which as amended provides for compliance schedules for sources of sulfur oxides and amends wording which previously made the regulation unenforceable. Accordingly, the pertinent disapprovals are revoked.

Supplemental information submitted on May 17, 1972, by Indiana specified the design basis of the air quality surveillance network, the State's analytical capability, and data handling and analysis procedures. This action cures deficiencies which necessitated Agency disapprovals, which are revoked below.

The legal authority and general provisions portions of the Pennsylvania plan were disapproved in part on May 31, 1972, since the local agencies in Philadelphia and Allegheny County lacked the authority to release emission data to the public. An amendment to the Allegheny County ordinances removed the deficiencies and the Philadelphia authority, upon further legal review, has been determined to be adequate. Also, due to enactment of new legislation by the State, the legal authority deficiency regarding State enforcement against a source located in the jurisdiction of an approved local agency has been corrected. Therefore, §§ 52.2024 and 52.2025 are revoked below.

Supplemental information submitted on November 3, 1972, contained amended particulate matter emission regulations for the city of Philadelphia which will provide the degree of control necessary to attain and maintain the national standards. Accordingly, disapprovals applicable to those regulations are revoked below.

Amendments to the source surveillance procedures submitted by Allegheny County and Philadelphia on August 14 and November 3, 1972, enable the Administrator to revoke the disapprovals in § 52.2030(a), (b)(3), and (c) below. The Governor of Pennsylvania also submitted a statement on November 3, 1972, which commits the State to transmit to the States of Maryland, New York, and West Virginia, any data about factors which may affect the air quality in those States. Thus, § 52.2032 is revoked below.

Virginia supplemented its plan on July 26, 1972, to provide for periodic testing of stationary sources, thereby enabling the Administrator to revoke his disapproval in § 52.2427(a).

The new and modified source review procedures in Oklahoma's plan were originally disapproved in part because they did not take effect until January 1, 1973. The State corrected this deficiency by submission of an amendment effective on October 15, 1972, and the Agency's disapproval is revoked below.

A revision is made to the compliance schedule disapproval for California involving rule 66(c) of the Los Angeles County Air Pollution Control District. The compliance date for this regulation extends beyond January 31, 1974, but does not provide increments of progress as required by 40 CFR 51.15(c). The earlier disapproval inadvertently omitted this action.

For Connecticut, Washington, and Wisconsin dates for submission of supplemental information were previously listed incorrectly; the correct dates are set forth below.

The 9-month time period for Indiana's submission of a plan for attainment and maintenance of the secondary standards for sulfur oxides in the Metropolitan Indianapolis intrastate region is extended to 13 months. The State had assumed that the 9-month extension granted on May 31, 1972 (37 FR 10842) began on the date the extension was approved in the FEDERAL REGISTER. As specified in section 110(b) of the act, extensions of the date for submission of a plan for attainment and maintenance of secondary standards begin "from the date otherwise required for submission of the plan" (i.e. January 30, 1972). Since the State's plan development efforts are designed to meet a submission date of February 28, 1973, the extension period is revised to coincide with that date. Although this date has already passed, this action is being taken to maintain a correct record of all actions on this plan. The table specifying the latest dates for attainment of the national standards is also revised accordingly. This revision is consistent with section 110(b) of the act, which permits such extensions "not to exceed 18 months."

These amendments for the 10 States are effective May 14, 1973. The Agency finds that good cause exists for not publishing these amendments as a notice of proposed rulemaking and for making them effective immediately upon publication, for the following reasons:

(1) The implementation plans were prepared, adopted, and submitted by the States, and reviewed and evaluated by the Administrator pursuant to 40 CFR part 51, which, prior to promulgation, had been published as a notice of proposed rulemaking for comment by interested persons,

(2) The approved implementation plan provisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice, public hearings, and time for comments, and further public participation is unnecessary and impracticable, and

(3) The Administrator is required by law to promulgate substitute provisions for any regulatory portion of a plan for which no approval is in effect, and a deferred effective date would necessitate promulgation of Federal regulations for State regulations already judged approvable.

Authority: 42 U.S.C. 1857c–5 and 9.

Date May 7, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart A—General Provisions

1. Section 52.01 is amended by adding paragraphs (g) and (h) as follows:

§ 52.01 Definitions.

* * * * *

(g) The term "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 fuels burned.

(h) The term "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, whichever is greater.

2. Subpart A is amended by adding § 52.18 as follows:

§ 52.18 Abbreviations.

Abbreviations used in this part shall be those set forth in part 60 of this chapter.

3. Subpart A is amended by adding § 52.19 as follows:

§ 52.19 Revision of plans by Administrator.

After notice and opportunity for hearing in each affected State, the Administrator may revise any provision of an applicable plan, including but not limited to provisions specifying compliance schedules, emission limitations, and dates for attainment of national standards; if:

(a) The provision was promulgated by the Administrator, and

(b) The plan, as revised, will be consistent with the act and with the requirements applicable to implementation plans under part 51 of this chapter.

Subpart F—California

4. In § 52.240, paragraph (a)(1) is amended by adding subdivision (vi) as follows:

§ 52.240 Compliance schedules.

(a) * * *

(1) * * *

(vi) Rule 66(c) of the Los Angeles County APCD.

* * * * *

Subpart H—Connecticut

5. In § 52.370, paragraph (c) is revised to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) Supplemental information was submitted on March 21, April 6, and August 10, 1972, by the Connecticut Department of Environmental Protection.

Subpart P—Indiana

6. In § 52.770, paragraph (c) is revised to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 16, May 17, July 24, and August 17, 1972, by the Indiana Air Pollution Control Board, and

(2) April 11, May 1, May 16, June 30, and September 15, 1972.

7. In § 52.772, paragraph (a) is revised to read as follows:

§ 52.772 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submission of Indiana's plan for attainment and maintenance of the secondary standards for sulfur oxides and particulate matter in the Indiana portion of the Metropolitan Chicago Interstate Region and for 13 months the statutory timetable for submission of the plan for attainment and maintenance of the secondary standards for sulfur oxides in the Metropolitan Indianapolis Intrastate Region.

§§ 52.774, 52.777 [Revoked]

8. Section 52.774 is revoked.

9. Section 52.777 is revoked.

10. In § 52.778, paragraph (a) is revised, as follows, and paragraph (b) is revoked.

§ 52.778 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since the compliance schedules for sources of nitrogen oxides extend over a period of more than 18 months and periodic increments of progress are not included.

§ 52.779 [Amended]

11. In § 52.779, paragraphs (a), (b), and (c) are revoked.

12. Section 52.780 is amended by adding paragraph (d), as follows:

§ 52.780 Review of new sources and modifications.

* * * * *

(d) *Replacement regulation for APC–1 of Indiana's "Air Pollution Control Regulations".*—(1) This requirement is applicable to any stationary source in the State of Indiana, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator,

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State, or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of a source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement of peerformance tests if the owner or operator of a source has demonstrated by other means to the Adminis-

trator's satisfaction that the source is being operated in compliance with all local, State, and Federal regulations which are part of the applicable plan.

(9) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 grain H_2S per 100 $stdft^3$ (5.7 g/100 $stdm^3$); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analysis.

(vi) Other sources of minor significance as specified by the Administrator.

(10) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

13. In § 52.781, paragraphs (c) and (d) are revoked and paragraph (b) is revised. As amended, § 52.781 reads as follows:

§ 52.781 Rules and regulations.

* * * * *

(b) A part of the second sentence in section 3, APC–17, which states "Where there is a violation or potential violation of ambient air quality standards, existing emission sources or any existing air pollution control equipment shall comply with this regulation * * *", is disapproved since it makes the regulation unenforceable by the State agency.

(c) [Revoked]

(d) [Revoked]

14. In § 52.783, footnote "f" is revised to read as follows:

§ 52.783 Attainment dates for national standards.

* * * * *

(f) Thirteen-month extension granted.

Subpart CC—Nebraska

15. In § 52.1420, paragraph (c) is revised to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 16, April 25, June 9, September 26, September 27, and October 2, 1972, by the Nebraska Department of Environmental Control, and

(2) January 24, June 9, and June 29, 1972.

16. Section 52.1423 is amended by adding paragraph (b) as follows:

§ 52.1423 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.*—Emission data obtained from owners or operators of stationary sources pursuant to § 52.1429(f) will be correlated with applicable emission limitations and other control measures. All such emission data and correlations will be available during normal business hours at the regional office (region VII). The Administrator will designate one or more places in Nebraska where such emission data and correlations will be available for public inspection.

§ 52.1424 [Amended]

17. In § 52.1424, paragraph (b)(1) is revoked.

18. Section 52.1425 is amended by adding paragraph (b) as follows:

§ 52.1425 Compliance schedules.

* * * * *

(b) *Federal compliance schedule.*—(1) Except as provided in paragraph (b)(2) of this section, any owner or operator of a source subject to rules 12, 13, 14, 16, 18, 20, or 21 of "Rules and Regulations Implementing Nebraska Ambient Air Quality Standards," or § 52.1432(b) shall comply with such rule or regulation on or before January 31, 1974.

(i) Any owner or operator in compliance with such rule or regulation on the effective date of this paragraph shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who achieves compliance with such rule or regulation after the effective date of this paragraph shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section may, 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 any rule or regulation specified in paragraph (b)(1) 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 change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation or emission control equipment or process change; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(3) Any owner or operator who submits 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) The owner or operator of a stationary source subject to § 52.1429(g) shall comply with such regulation on the date such owner or operator is required under this paragraph to comply with § 52.1432(b).

(5) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

§ 52.1426 [Revoked]

19. Section 52.1426 is revoked.

20. Section 52.1428 is amended by adding paragraphs (d) and (e) as follows:

§ 52.1428 Review of new sources and modifications.

* * * * *

(d) *Regulations for review of new sources and modifications.*—(1) This requirement is applicable to any stationary source specified as follows, the construction or modification of which is commenced after the effective date of this regulation:

(i) All sources in the State of Nebraska not subject to the provisions of part 60 of this chapter and not subject to the jurisdiction of the City of Omaha Permits and Inspection Division.

(ii) All sources in Lancaster County.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State, or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of the source not more than 60 days or less than 30 days prior to such date,

(ii) A notification of the actual date of initial startup of the source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirements for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with local, State, and Federal regulations which are part of the applicable plan.

(9) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 grain H_2S per 100 $stdft^3$ (5.7 g/100 $stdm^3$); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analysis.

(vi) Other sources of minor significance specified by the Administrator.

(10) Approval to construct or modify a source shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

(e) *Regulation for review of new sources and modifications (city of Omaha).*—(1) The requirements of this paragraph are applicable to any stationary source in the Nebraska portion of the Metropolitan Omaha-Council Bluffs Interstate Region (40 CFR 81.50) subject to the jurisdiction of the City of Omaha Permits and Inspection Division, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emission. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (e) (3) of this section.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with the attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with any local, State, and Federal regulation which is part of the applicable plan.

21. In § 52.1429, paragraphs (b) and (d) are revoked and paragraphs (f) and (g) are added. As amended, § 52.1429 reads as follows:

§ 52.1429 Source surveillance.

* * * * *

(b) [Revoked]

* * * * *

(d) [Revoked]

* * * * *

(f) *Regulation for source recordkeeping and reporting.*—(1) The owner or operator of any stationary source in the State of Nebraska, except those sources subject to the jurisdiction of the City of Omaha Permits and Inspection Division, shall upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the 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, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(g) *Regulation for control of visible emissions.*—(1) Except as provided under paragraph (g) (2) of this section, no owner or operator of any process source subject to the provisions of § 52.1432(b) shall emit or cause the emission of air pollutants of a shade or density equal to or darker than that designated as No. 1 of the Ringelmann chart or 20-percent opacity.

(2) An owner or operator subject to subparagraph (1) of this paragraph may emit or cause the emission of air pollutants of a shade or density not darker than that designated as No. 3 on the Ringelmann chart or 60-percent opacity for a period or periods aggregating not more than 3 minutes in any 60 minutes.

(3) Compliance with this paragraph shall be in accordance with the provisions of § 52.1425(b) (4).

(4) The procedures used to determine compliance with this paragraph are prescribed in method 9 in the appendix to part 60 of this chapter.

22. Section 52.1432 is amended by adding paragraphs (b) and (c) as follows:

§ 52.1432 Control strategy: Particulate matter.

(a) * * *

(b) *Regulation for process industries (Jefferson, Gage, and Thayer Coun-*

ties).—(1) No owner or operator of any process source in Jefferson, Gage, or Thayer County in the Lincoln-Beatrice-Fairbury Intrastate Region (40 CFR 81.226) shall discharge or cause the discharge of particulate matter into the atmosphere from such source in excess of the hourly rate shown in the following table for the process weight rate identified for such source:

Process weight rate (pounds per hour)	Emission rate (pounds per hour)	Process weight rate (pounds per hour)	Emission rate (pounds per hour)
100	0.551	60,000	40.00
200	0.877	80,000	42.50
600	1.83	120,000	46.30
1,000	2.58	160,000	49.00
5,000	7.58	200,000	51.20
10,000	12.00	1,000,000	63.00
20,000	19.2	2,000,000	77.00

(i) Interpolation of the data in the table for process weight rates up to 60,000 lb/h shall be accomplished by the use of the equation:

$$E=4.10\ P^{0.67} \qquad P\leq 30 \text{ tons/h}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/h shall be accomplished by use of the equation:

$$E=55.0\ P^{0.11}-40 \qquad P>30 \text{ tons/h}$$

Where: E=Emission in pounds per hour.
P=Process weight in tons per hour.

(ii) Process weight is 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. 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 by the number of hours for a given period of time by the number of hours in that period.

(iii) For purposes of this regulation, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter from a process source.

(2) Compliance with this paragraph shall be in accordance with the provisions of § 52.1425(b).

(3) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods referenced are prescribed in the appendix to part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using method 5. Traversing during sampling by method 5 shall be according to method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft^3, corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using method 2. Gas analysis shall be performed using the integrated sample technique of method 3, and moisture content shall be determined by the condenser technique of method 5.

(iii) All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(c) *Regulation for open burning (Jefferson, Gage, and Thayer Counties).*—(1) No person in Jefferson, Gage, or Thayer County in the Lincoln-Beatrice-Fairbury Intrastate Region (40 CFR 81.226) shall ignite, permit to be ignited, or maintain any open fire except as follows:

(i) Open fires for the cooking of food for human consumption;

(ii) Open fires for recreational or ceremonial purposes;

(iii) Open fires to abate a fire hazard, providing such hazard is so declared by the fire department of fire district having jurisdiction;

(iv) Open fires for prevention or control of disease or pests;

(v) Open fires for training personnel in the methods of fighting fires;

(vi) Open fires for the disposal of dangerous materials, where there is no alternate method of disposal and burning is approved in advance by the Administrator;

(vii) Open fires set in operation of smokeless stacks for combustion of waste gases, provided they satisfy the requirements of § 52.1429(g) (1) and (2):

(viii) Open fires set for land clearing for roads or other construction;

(ix) Open fires set in an agricultural operation;

(x) Open fires set on residential premises in areas where no provision is made for public collection of refuse, provided that such open fire is for disposal of ordinary household trash originating on the premises. Public collection of refuse shall mean the service provided by any governmental agency or commercial enterprise for the pickup on a regularly scheduled basis of refuse from groups of individual homes, businesses, apartment buildings, or other establishments.

(2) Compliance with this paragraph shall be no later than July 1, 1973.

Subpart LL—Oklahoma

23. In § 52.1920, paragraph (c) is revised to read as follows:

§ 52.1920 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 15, February 25, May 4, and October 16, 1972, by the Oklahoma State Department of Health, and

(2) July 14 and October 4, 1972.

24. Section 52.1922 is revised to read as follows:

§ 52.1922 Approval status.

The Administrator approves Oklahoma's plan for the attainment and maintenance of the national standards.

§§ 52.1923, 52.1924 [Revoked]

25. Section 52.1923 is revoked.

26. Section 52.1924 is revoked.

Subpart NN—Pennsylvania

27. In § 52.2020, paragraph (c) is revised to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 17, March 27, May 4, June 20, and August 14, 1972, by the Bureau of Air Quality and Noise Control, Pennsylvania Department of Environmental Resources, and

(2) May 5, June 6, and November 3, 1972.

§§ 52.2024, 52.2025, 52.2026, 52.2028 [Revoked]

28. Section 52.2024 is revoked.

29. Section 52.2025 is revoked.

30. Section 52.2026 is revoked.

31. Section 52.2028 is revoked.

32. In § 52.2030, paragraphs (a) and (b)(3) are revoked and paragraph (b)(2) is revised. As revised, § 52.2030 reads as follows:

§ 52.2030 Source surveillance.

(a) Revoked.

(b) * * *

(2) The plan does not provide for stationary sources to be periodically inspected in the jurisdiction of the Allegheny County Health Department.

(3) Revoked.

§ 52.2032 [Revoked]

33. Section 52.2032 is revoked.

Subpart VV—Virginia

34. In § 52.2420, paragraph (c) is revised to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) May 4, 1972, by the Virginia Air Pollution Control Board, and

(2) June 30 and July 26, 1972.

§ 52.2427 [Amended]

35. Section 52.2427(a) is revoked.

36. In order to correct the citations in 37 FR 15080 at 15091 (July 27, 1972), the references to §§ 54.2424, 54.2425, and 54.2427(b) are changed to read respectively, §§ 52.2424, 52.2425, and 52.2427(b), and the references to § 54.2429 are changed to read § 52.2429.

Subpart WW—Washington

37. In § 52.2470, paragraph (c) is revised to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) January 28, May 5, and September 11, 1972, and

(2) July 18, 1972, by the State of Washington Department of Ecology.

Subpart YY—Wisconsin

38. In § 52.2570, paragraph (c) is revised to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) Supplemental information was submitted on February 15, March 3, March 16, and April 7, 1972, by the Bureau of Air Pollution Control and Solid Waste Disposal.

39. Section 52.2573 is amended by adding paragraph (b) as follows:

§ 52.2573 General requirements.

* * * * *

(b) *Regulation for public availability of emissions data.*—(1) The owner or operator of any stationary source in the State of Wisconsin shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the 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, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the 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 and will be available to the public during normal business hours at the regional office (region V). The Administrator will designate one or more places in Wisconsin where such emission data and correlations will be available for public inspection.

40. In subparts B, C, E, G, H, K, L, M, P, Q, R, S, T, V, X, Y, AA, CC, FF, KK, LL, NN, OO, QQ, RR, VV, and YY, footnote (a) beneath the tables setting forth dates of attainment of national standards is amended to read as follows: "a. July 1975."

41. In subpart U, footnote (a) beneath the table setting forth dates of attainment of national standards is amended to read as follows: "a. June 1975."

42. In subparts P, CC, LL, NN, VV, and YY, the note beneath the tables setting forth dates of attainment of national standards is amended by replacing the word "proposed" with the word "prescribed." As amended, the note reads: "Note.—Dates or footnotes which are underlined are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable."

[FR Doc.73-9331 Filed 5-11-73;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

State Implementation Plans

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards. Since that date, the Administrator and many of the States have acted to correct the plan deficiencies identified in the publication and to clarify and revise the information presented there.

On June 14, 1972 (37 FR 11826), July 27, 1972 (37 FR 15094), and September 22, 1972 (37 FR 19829), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the plans for 40 States. On July 27, 1972 (37 FR 15080), September 22, 1972 (37 FR 19806), and October 28, 1972 (37 FR 23085), the Administrator took final action (excluding promulgation of nitrogen oxides emission-limiting regulations) on 24 of these States. On March 23, 1973 (38 FR 7554) the Administrator took final action on the regulations proposed on July 27, 1972, affecting powerplants in Arizona, New Mexico, and Utah. This publication sets forth Agency action on Arizona, California, Idaho, Nevada, New Mexico, and Utah, but does not correct all remaining deficiencies in the plans for four of these States (Arizona, California, Idaho, and Utah); the remaining deficiencies will be dealt with in a future publication.

Section 110(a) (2) (F) (iv) of the Clean Air Act and 40 CFR 51.10(e) require that State implementation plans include procedures for making emission data, as correlated with applicable emission limitations, available to the public. The regulations promulgated below for the States of California, Nevada, and Utah provide for the Administrator's carrying out this program, since the plans lacked such procedures.

Section 110(a) (2) (B) of the Clean Air Act and 40 CFR 51.15 require that State implementation plans contain legally enforceable compliance schedules and that any such compliance schedule that extends beyond January 31, 1974, shall contain periodic increments of progress toward compliance. The regulations promulgated below provide the Administrator with a means of obtaining the necessary compliance schedules from sources in New Mexico. This promulgation is necessary because the compliance dates for certain of the State's emission limitations extend beyond January 31, 1974, and increments of progress are not specified. Regulations promulgated below for Arizona and Utah require sources to submit schedules for compliance with the emission limitations being promulgated by the Agency. These regulations are necessary because the States could not prescribe compliance schedules for the affected sources.

Section 110(a) (2) of the Clean Air Act and 40 CFR 51.18 require that State implementation plans provide for legally enforceable procedures that will enable the States to prevent construction of new sources or modification of existing sources if such construction or modification: (1) Will result in violation of the applicable portion of the State's control strategy; or (2) will interfere with attainment or maintenance of a national ambient air quality standard. The regulations promulgated below provide the Administrator with such procedures for action under (2) above with respect to stationary sources in Pima County, Ariz.; Washoe County, Nev.; and 37 counties in California. Regulations are also promulgated below four other counties in California to provide the Administrator with procedures for action under both (1) and (2) above in four other California counties. The plans for these three States did not provide adequate procedures to prevent construction or modification of sources in the circumstances noted. The Administrator is aware that some of the counties in California have acted to correct these deficiencies; however, the State has not submitted the new local regulations to the Administrator for inclusion in the implementation plan. Upon official submission, the regulations promulgated below may be revoked for certain of the California counties.

Procedures also are promulgated below to prevent construction or modification of sources in Arizona and Utah which are subject to the regulations promulgated below for control of particulate matter emissions, if any such source would result in violation of any provision of the regulations. Such procedures are necessary because the State cannot prevent construction of sources which would violate provisions of federally promulgated regulations.

Section 110(a) (2) (F) (iii) of the Clean Air Act and 40 CFR 51.19(a) require that the State implementation plans include procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report to the State information on, the nature and amount of emissions and other information necessary to determine whether such sources are in compliance with applicable portions of the control strategy in the State implementation plan. The regulations promulgated below for sources in Arizona, California, and Nevada provide for the Administrator's carrying out this program, since the State's plans did not contain adequate procedures.

The Arizona plan was not adequate to attain the primary standards for particulate matter in the Phoenix-Tucson Intrastate Region. The emission inventory indicated that the problem is a result of emissions from stationary sources (mainly process sources) and fugitive dust sources. Accordingly, control of both these source categories is necessary to attain the national particulate matter standards. Since additional stationary source control beyond that required by the State's regulations could be obtained

by applying reasonably available control technology to process sources, the emission limitations for process sources in the plan were disapproved on May 31, 1972 (37 FR 10842).

On July 27, 1972 (37 FR 15094), the Agency proposed substitute regulations for process sources equivalent to reasonable available control technology. These regulations are promulgated below essentially as proposed, except that a specific regulation has been developed for portland cement plants. It was pointed out at the public hearing that the proposed process weight regulation would require portland cement plants above a certain size to control emissions below that specified in 40 CFR 60.60 (New Source Performance Standards.) Since the new source performance standard represents the best available control technology for new portland cement plants, the Agency has determined that it would be unreasonable to impose more stringent control requirements. However, testing and inspection of existing portland cement plants as well as other analysis associated with the development of the new source standards demonstrated to the Agency's satisfaction that the control technology is available to control the large plants in question to the same degree as required for new plants under 40 CFR 60.60. Controls for fugitive dust sources in Arizona will be proposed by the Administrator in a separate FEDERAL REGISTER notice.

The Utah implementation plan included a regulation for control of particulate matter emissions (Code of Air Conservation Regulations, sec. 3.5), which was determined to be unenforceable because it is ambiguous as to the method for determining application of the requirement for 85 percent control of particulate matter emissions. This regulation was therefore disapproved on May 31, 1972. (37 FR 10842). Because a 42-percent reduction in emissions (18,080 tons per year) is required in the Wasatch Front Intrastate Region to attain and maintain the secondary standards for particulate matter ($60\mu g/m^3$, annual geometric mean), the Administrator proposed on July 27, 1972 (37 FR 15094), particulate matter emission limitations applicable to process sources (except byproduct coke ovens), fuel burning sources, and incinerators. The regulation promulgated below for fuel burning sources differs from the proposed regulation in that it has been modified to exclude waste heat boilers. This revision is in response to a statement at the public hearing by the affected source that its waste heat boiler would be subject to both the proposed fuel burning source regulation and the proposed process source regulation. The Agency has determined that since the particulate matter emitted from the waste heat boiler is in fact generated by a process source—a catalytic cracking unit—it is appropriate from a technological standpoint to apply only the process source emission limitation to this boiler. The requisite control will be achieved by the application of the limitation.

The Agency's proposed regulation for process sources exempted byproduct coke ovens; a separate visible emission regulation was proposed for these ovens. This approach reflects the Agency's determination that compliance with the emission limitations in the process weight regulation is not feasible for byproduct coke ovens. Particulate matter emissions from such ovens may be controlled, however, by proper "housekeeping" and operating practices, the visible emission limitation promulgated below, revised only slightly from the proposal, will require that these ovens be operated in a manner so as to substantially control emissions.

The Agency has determined that the emission limitations promulgated below will reduce emissions to 17,600 tons per year by mid-1975, thus providing for attainment of the secondary standards for particulate matter. The growth factors used in the calculations were determined from population and economic projections for Salt Lake City (Economic Projections for Air Quality Control Regions, U.S. Department of Commerce, 1970).

Public hearings on the proposed regulations were held by EPA in most affected States. Interested parties testified at the hearings and submitted written comments. Consideration of this information and further review of the proposed regulations led to only minor revisions:

(1) The Administrator will specify at least one location in each affected State where he will make emission data obtained by the Agency available to the public. These data generally will not be available before July 1, 1973, because EPA must notify sources of reporting requirements, insure that valid data are collected, and correlate reported emissions with allowed emissions.

(2) The date for submission of compliance schedules to EPA has been changed from December 31, 1972, to "120 days from the effective date of the compliance schedule regulation." This change allows all sources subject to Federal regulations an equal amount of time to submit compliance schedules.

(3) The proposed regulations for compliance schedule "increments of progress" has been modified to clarify the definition of "increments of progress".

(4) The procedures for review of new and modified sources have been modified to allow the Administrator to waive requirements for performance tests after a new or modified source commences operation. It is recognized that compliance with applicable emission limitations can be determined by other means in certain circumstances without the need for emission performance testing. Also, the list of sources exempt from the new source review requirements is expanded to cover additional sources of minor pollution contribution. The emissions from the additional sources exempted are similar in magnitude to those sources already exempt and are considered to have an insignificant effect on air quality.

In this publication, the Administrator prescribes the latest dates by which certain of the national ambient air quality standards are to be attained in Arizona, California, Idaho, Nevada, New Mexico, and Utah. The dates are equivalent to those proposed on July 27, 1972 (37 FR 15094). The dates proposed on July 27 were expressed in terms of "years from plan approval or promulgation" as specified in sections 110(a)(2)(A)(i) and 110(e) of the act. Because of the various dates on which the Agency has taken action involving these States, the above notation could lead to confusion concerning the intended attainment date. Consequently, the appropriate footnotes have changed to specify the month and year. The dates indicated are consistent with the intent of the act.

The regulations described above, with the exception of regulations providing for the review of new sources and modifications, are effective on the date of their publication in the FEDERAL REGISTER. The Agency finds that good cause exists for making such regulations effective upon publication because section 110(c) of the Clean Air Act calls for prompt promulgation of such regulations by the Administrator, and the date for such promulgation has passed.

The regulations providing for review of new sources and modifications [§§ 52.129 (c) and (d), 52.233 (f) and (g), 52.1478(b), 52.1628(a), and 52.2334 (a)] are effective on June 13, 1973.

This publication also contains amendments to the Administrator's approval/disapprovals pertinent to five States. A brief discussion of the details involved in correcting some of the plan deficiencies in the affected States is presented below.

The Arizona plan, as initially submitted, did not contain State emission limitations; however, the emission limitations of two county agencies were submitted. Since the local agency regulations were part of the control strategy, the State was required to have authority to enforce the local regulations. The State did not have such authority and thus the plan was disapproved in this area. This deficiency was subsequently rectified by the State's submittal of emission limitations which are essentially the same as the local regulations. The Agency's pertinent disapprovals are revoked below.

The Idaho plan did not provide the sulphur oxide emission reductions necessary for the attainment and maintenance of national ambient air quality standards in the Eastern Idaho Intrastate Air Quality Control Region. This deficiency was corrected when the State submitted a regulation limiting emissions from sulfuric acid plants. The regulation requires a sulphur oxides emission limitation of 28 lb/ton of 100-percent sulfuric acid produced. Based on the results of a diffusion modeling study, EPA concurs that this emission reduction will be adequate to attain and maintain the secondary sulfur oxides standards.

Idaho's plan also did not contain procedures for adequate review of new and modified sources, since the State's regulation exempted certain modified sources from review. The State procedures also did not provide that approval of con-

struction would not relieve source owners and operators from responsibility to comply with applicable portions of the control strategy. The State has subsequently revised its new source review procedures to correct these deficiencies and the Agency's disapproval is revoked below.

The Nevada plan required all abatement orders issued during air pollution emergency episodes to be subject to de novo judicial review, which would stay the enforcement of the orders. The legal opinion from the Office of the attorney general of the State of Nevada states that the filing of court appeal from an emergency order of the Control Officer, as affirmed by the State Environmental Protection Board, will not automatically stay the effect of the order. A court may, upon the filing of an appeal, stay the order but it is discretionary with the court. Accordingly, the Administrator has determined that the plan is not deficient in this area and revokes the original disapproval.

The Utah plan as originally submitted did not provide for the disapproval of construction of a new source or modification of an existing source which would interfere with the attainment or maintenance of a national standard. Also, the manpower program provided in the plan did not provide for adequate engineering activities. The State has submitted a revision to its regulations which will enable it to prevent construction or modification of a source if a national standard would be exceeded. The State also submitted a revised manpower distribution schedule which allocated sufficient resources to enforcement and engineering. Therefore, the deficiencies noted above have been corrected and accordingly, the appropriate disapprovals are revoked.

The New Mexico plan initially indicated that the local agency in Bernalillo County would be responsible for carrying out requirements for making emission data available to the public, for review of new or modified sources, and for source recordkeeping and reporting; however, the local agency procedures were inadequate in these areas. The State has adequate procedures in each of these areas and has subsequently indicated that it will assume reponsibility for implementing these procedures throughout the State. The appropriate disapprovals are revoked accordingly.

New Mexico has submitted supplemental information which permits the State agency to prevent construction of new or modified sources which would interfere with attainment or maintenance of any national standard. The previous disapproval is revoked below. The State also supplemented its plan by correcting deficiencies for dealing with air pollution emergency episodes and source recordkeeping and reporting, which enables the Agency to revoke below the disapprovals based upon those deficiencies.

The amendments for these five States are effective on the date of their publication in the FEDERAL REGISTER. The Agency finds that good cause exists for not publishing these amendments as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

(1) The implementation plans were prepared, adopted, and submitted by the States, and reviewed and evaluated by the Administrator pursuant to 40 CFR part 51, which, prior to promulgation, had been published as a notice of proposed rulemaking for comment by interested persons, and

(2) The approved implementation plan provisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice, public hearings, and time for comments, and consequently further public participation if unnecessary and impracticable.

(42 U.S.C. 1857c-5 and 9)

Dated: May 7, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart D—Arizona

§ 52.124 [Revoked]

1. Section 52.124 is revoked.

2. Section 52.126 is amended by adding paragraph (b) as follows:

§ 52.126 **Control strategy and regulations: Particulate matter.**

* * * * *

(b) *Replacement regulation for Regulation 7-1-3.6 of the Arizona Rules and Regulations for Air Pollution Control, Rule 31(E) of Regulation III of the Maricopa County Air Pollution Control Rules and Regulations, and Rule 2(B) of Regulation II of the Rules and Regulations of Pima County Air Pollution Control District (Phoenix-Tucson Intrastate Region).*—(1) No owner or operator of any stationary process source in the Phoenix-Tucson Intrastate Region (§ 81.36 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the hourly rate shown in the following table for the process weight rate identified for such source:

Process weight rate (pounds per hour)	Emission rate (pounds per hour)	Process weight rate (pounds per hour)	Emission rate (pounds per hour)
50	0.36	60,000	29.60
100	0.55	80,000	31.19
500	1.53	120,000	33.28
1,000	2.25	160,000	34.85
5,000	6.34	200,000	36.11
10,000	9.73	400,000	40.35
20,000	14.99	1,000,000	46.72

(i) Interpolation of the data in the table for process weight rates up to 60,000 lbs/hr shall be accomplished by use of the equation:

$$E=3.59\,P^{0.62} \quad P\leq 30 \text{ tons/h}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E=17.31\,P^{0.16} \quad P>30 \text{ tons/h}$$

Where: E=Emissions in pounds per hour
P=Process weight in tons per hour

(ii) Process weight is 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. 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 in one complete operation from the beginning of the 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 a given period of time by the number of hours in that period.

(iii) For purposes of this regulation, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

(2) Paragraph (b)(1) of this section shall not apply to incinerators, fuel burning installations, or Portland cement plants having a process weight rate in excess of 250,000 lb/h.

(3) No owner or operator of a Portland cement plant in the Phoenix-Tucson Intrastate Region (§ 81.36 of this chapter) with a process weight rate in excess of 250,000 lb/h shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the amount specified in § 60.62 of this chapter.

(4) Compliance with this paragraph shall be in accordance with the provisions of § 52.134(a).

(5) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods referenced are contained in the appendix to part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using method 5. Traversing during sampling by method 5 shall be according to method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft^3 (1.70 m^3), corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using method 2 and traversing according to method 1. Gas analysis shall be performed using the integrated sample technique of method 3, and moisture content shall be determined by the condenser technique of method 4.

(iii) All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

3. Section 52.129 is amended by adding paragraphs (c) and (d) as follows:

§ 52.129 Review of new sources and modifications.

* * * * *

(c) *Regulation for review of new sources and modifications.*—(1) The requirements of this paragraph are applicable to any stationary source in Pima County in the Phoenix-Tucson Intrastate Region (§ 81.36 of this chapter), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any new source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (c)(3) of this section.

(v) Any additional information, plans, specifications, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with any local, State or Federal regulation which is part of the applicable plan.

(d) *Regulation for review of new sources and modifications: Federal Regulations.*—(1) This requirement is applicable to any stationary source subject to the requirements of § 52.126(b), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation, without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will operate without causing a violation of § 52.126(b).

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require.

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with the methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and also may conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with the requirements of § 52.126(b).

(9) Approval to construct or modify shall not relieve the owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

4. Section 52.130 is amended by adding paragraph (c) as follows:

§ 52.130 Source surveillance.

* * * * *

(c) *Regulation for source recordkeeping and reporting.*—(1) The owner or operator of any stationary source in the counties of Gila, Pinal, and Santa Cruz in the Phoenix-Tucson Intrastate Region (§ 81.36 of this chapter); or the Arizona portions of the Four Corners, Clark-Mohave, or Arizona-New Mexico Southern Border Interstate Regions (§§ 81.121, 81.80, and 81.99 of this chapter), shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the 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, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the 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. All such emission data will be available during normal business hours at the regional office (region IX). The Administrator will designate one or more places in Arizona where such emission data and correlations will be available for public inspection.

5. In § 52.134, paragraph (a) is revised to read as follows:

§ 52.134 Compliance schedules.

(a) *Federal compliance schedule.*—(1) Except as provided in paragraph (a)(2) of this section, the owner or operator of any stationary source subject to § 52.126 (b) shall comply with such regulation on or before January 31, 1974. The owner or operator of the source subject to § 52.125(c) shall comply with such regulation at initial start-up of such source unless a compliance schedule has been submitted pursuant to paragraph (a)(2) of this section.

(i) Any owner or operator in compliance with § 52.126(b) on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who achieves compliance with § 52.125(c) or § 52.126(b) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of the stationary source subject to § 52.125(c) and paragraph (a)(1) of this section may, no later than July 23, 1973, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.125(c) as expeditiously as practicable but no later than March 15, 1976. Any owner or operator of a stationary source subject to § 52.126(b) and paragraph (a)(1) of this section may, 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 § 52.126(b) as expeditiously as practicable but not later than July 31, 1975.

(i) The compliance schedule shall provide for periodic increments of progress toward 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 change, or issuance of orders for the purchase of component parts to accomplish emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(ii) Any compliance schedule for the stationary source subject to § 52.125(c) which extends beyond July 31, 1975, shall apply any reasonable interim measures of control designed to reduce the impact of such source on public health.

(3) Any owner or operator who submits 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.

* * * * *

Subpart F—California

6. Section 52.224 is amended by adding paragraph (b), as follows:

§ 52.224 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.*—(1) The owner or operator of any stationary source in the Mendocino County and Lake County Air Pollution Control District portions of the North Coast Intrastate Region (§ 81.161 of this chapter) shall, upon notification from the Administrator maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the 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, except that the initial reporting period shall commence on the date the Administrator issues notification of recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the 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 pursuant to this paragraph and § 52.234(d) will be correlated with applicable emission limitations and other control measures. The Administrator will designate one or more places in California where such emission data and correlations will be available for public inspection.

7. Section 52.233 is amended by adding paragraphs (f) and (g), as follows:

§ 52.233 Review of new sources and modifications.

* * * * *

(f) *Regulation for review of new sources and modifications.*—(1) The requirements of this paragraph are applicable to:

(i) Any stationary source in the specified portions of the regions listed below, the construction or modification of which is commenced after the effective date of this regulation:

(*a*) Metropolitan Los Angeles Intrastate (§ 81.17 of this chapter):

(*i*) Ventura County Air Pollution Control District.

(*ii*) Santa Barbara County Air Pollution Control District.

(*b*) Sacramento Valley Intrastate (§ 81.163 of this chapter):

(*i*) Sacramento County Air Pollution Control District.

(*c*) San Joaquin Valley Intrastate (§ 81.167 of this chapter):

(*i*) Mariposa County Air Pollution Control District.

(*d*) South Central Coast Intrastate (§ 81.166 of this chapter):

(*i*) Santa Barbara County Air Pollution Control District.

(ii) Any stationary source subject to the requirements of §§ 52.226(c), 52.227(c), 52.228(b), or 52.230(b), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of a stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will be operated without causing a violation of any local, State, or Federal regulations which are part of the applicable plan.

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date or initial startup of the source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of the source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with all local, State and Federal regulations which are part of the applicable plan.

(9) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 grain H_2S per 100 $stdft^3$ (5.7 g/100 $stdm^3$); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(10) Approval to construct or modify shall not relieve any person of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

(g) *Regulation for review of new sources and modifications.*—(1) The requirements of this paragraph are applicable to any stationary source in the specified portions of the regions listed below, the construction or modification of which is commenced after the effective date of this regulation.

(i) Great Basin Valley Intrastate (§ 81.159 of this chapter):

(*a*) Alpine County Air Pollution Control District.

(*b*) Inyo County Air Pollution Control District.

(*c*) Mono County Air Pollution Control District.

(ii) Metropolitan Los Angeles Intrastate (§ 81.17 of this chapter):

(*a*) Los Angeles County Air Pollution Control District.

(*b*) Orange County Air Pollution Control District.

(*c*) Riverside County Air Pollution Control District.

(*d*) San Bernardino County Air Pollution Control District.

(iii) North Central Coast Intrastate (§ 81.160 of this chapter):

(*a*) Monterey-Santa Cruz Unified Air Pollution Control District.

(*b*) San Benito County Air Pollution Control District.

(iv) North Coast Intrastate (§ 81.161 of this chapter):

(*a*) Humboldt County Air Pollution Control District.

(*b*) Mendocino County Air Pollution Control District.

(*c*) Siskiyou County Air Pollution Control District.

(v) Northeast Plateau Intrastate (§ 81.162 of this chapter):

(*a*) Lassen County Air Pollution Control District.

(*b*) Siskiyou County Air Pollution Control District.

(*c*) Modoc County Air Pollution Control District.

(*d*) Shasta County Air Pollution Control District.

(vi) Sacramento Valley Intrastate (§ 81.163 of this chapter):

(*a*) El Dorado County Air Pollution Control District.

(*b*) Glenn County Air Pollution Control District.

(*c*) Nevada County Air Pollution Control District.

(*d*) Placer County Air Pollution Control District.

(*e*) Plumas County Air Pollution Control District.

(*f*) Shasta County Air Pollution Control District.

(*g*) Sierra County Air Pollution Control District.

(*h*) Sutter County Air Pollution Control District.

(*i*) Yolo-Solano Unified Air Pollution Control District.

(vii) San Diego Intrastate (§ 81.164 of this chapter):

(*a*) San Diego Intrastate Air Pollution Control District.

(viii) San Joaquin Intrastate (§ 81.167 of this chapter):

(*a*) Amador County Air Pollution Control District.

(*b*) Tuolumne County Air Pollution Control District.

(*c*) Calaveras County Air Pollution Control District.

(*d*) Fresno County Air Pollution Control District.

(*e*) Kern County Air Pollution Control District.

(*f*) Kings County Air Pollution Control District.

(*g*) Madera County Air Pollution Control District.

(*h*) Merced County Air Pollution Control District.

(*i*) San Joaquin County Air Pollution Control District.

(*j*) Stanislaus County Air Pollution Control District.

(*k*) Tulare County Air Pollution Control District.

(ix) Southeast Desert Intrastate (§ 81.167 of this chapter):

(*a*) Los Angeles County Air Pollution Control District.

(*b*) Riverside County Air Pollution Control District.

(*c*) San Bernardino County Air Pollution Control District.

(*d*) San Diego County Air Pollution Control District.

(*e*) Kern County Air Polution Control District.

(x) San Francisco Bay Area Intrastate (§ 81.21 of this chapter):

(*a*) Yolo-Solano Unified Air Pollution Control District.

(2) No owner or operator shall commence construction or modification of any new source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (g) (3) of this section.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and notify the applicant in writing of his approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

8. Section 52.234 is amended by adding paragraph (d) as follows:

§ 52.234 Source surveillance.

* * * * *

(d) *Regulation for source recordkeeping and reporting.*—(1) The owner or operator of any stationary source in the State of California, except in the Mendocino County Air Pollution Control District and Lake County Air Pollution Control District portions of the North Coast Intrastate Region (§ 81.161 of this chapter), shall, upon notification from the Administrator maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the

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, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

9. Section 52.240 is amended by adding paragraphs (c) and (d), as follows:

* * * * *

§ 52.240 Compliance schedules.

(c) *Federal compliance schedule.*—(1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to rule 68.a of the Orange County Air Pollution Control District shall comply with such rule or regulation on or before January 31, 1974.

(i) Any owner or operator in compliance with this rule on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who achieves compliance with such rule or regulation after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (c) (1) of this section may, not 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 rules and regulations specified in paragraph (c) (1) of this section as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: submittal of 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 modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(3) Any owner or operator who submits 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.

(d) *Regulation for increments of progress.*—(1) The requirements of this paragraph are applicable to any stationary source in the following regions subject to the indicated regulations.

(i) Metropolitan Los Angeles Intrastate:

(*a*) Rules 50–A, 52–A, 53–A(a), 53–A (b), 53–A(c), 53.2, 53.3, 54.A, 58.A, 62.1, 68, 69, 70, and 71 of the San Bernardino County APCD

(*b*) Rules 53, 72.1, and 72.2 of the Riverside County APCD

(*c*) Rules 53 and 66.c of the Orange County APCD

(*d*) Rule 39.1 of the Santa Barbara County APCD

(*e*) Rule 59 of the Ventura County APCD

(*f*) Rule 66(c) of the Los Angeles County APCD

(ii) Northeast Plateau Intrastate:

(*a*) Rule 4.5 of the Siskiyou County APCD

(iii) San Francisco Bay Area Intrastate:

(*a*) Rule 64(c) of the Sonoma County APCD

(iv) Southeast Desert Intrastate:

(*a*) Rules 50–A, 52–A, 53–A(a), 53–A (b), 53–A(c), 53.2, 53.3, 54.A, 58.A, 62.1, 68, 69, 70, and 71 of the San Bernardino County APCD

(*b*) Rules 53, 72.1, and 72.2 of the Riverside County APCD

(v) San Joaquin Valley Intrastate:

(*a*) Rule 409 of the Tulare County APCD

(vi) North Coast Intrastate:

(*a*) Rule 4.5 of the Siskiyou County APCD

(2) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source 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 applicable regulations as expeditiously as practicable but no later than the final compliance date specified by such applicable regulation. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: submittal of 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 modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(3) 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.

(4) Any owner or operator who submits 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.

(5) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

Subpart N—Idaho

10. In § 52.670, paragraph (c) is revised to read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 23 and April 12, 1972, by the Idaho Air Pollution Control Commission, and

(2) March 2, May 5, and June 9, 1972, and February 15, 1973.

§ 52.675 [Revoked]

11. Section 52.675 is revoked.

§ 52.679 [Revoked]

12. Section 52.679 is revoked.

Subpart DD—Nevada

13. In § 52.1470, paragraph (c) is revised to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) Supplemental information was submitted on June 12, July 14, and November 17, 1972, and January 19, 1973.

14. In § 52.1473, the first sentence in paragraph (a) is revised and paragraph (b) is added. As amended, § 52.1473 reads as follows:

§ 52.1473 General requirements.

(a) The requirements of § 51.10(c) of this chapter are not met except in Clark County, since the plan does not provide procedures for making emission data, as correlated with allowable emissions, available to the public. * * *.

(b) *Regulation for public availability of emission data.*—Emission data obtained from owners or operators of stationary sources pursuant to § 52.1479(c) will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the regional office (region IX). The Administrator will designate one or more places in Nevada where such emission data and correlations will be available for public inspection.

§ 52.1474 [Revoked]

15. Section 52.1474 is revoked.

16. In § 52.1477, paragraph (a) is revised and paragraph (b) is revoked. As amended, § 52.1477 reads as follows:

§ 52.1477 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(b) (3) of this chapter are not met, except in Clark and Washoe Counties, since the emission control actions in the plan do not prohibit open burning during episode stages.

(b) [Revoked]

17. In § 52.1478, paragraph (a) is revised and paragraph (b) is added. As amended, § 52.1478 reads as follows:

§ 52.1478 Review of new sources and modifications.

(a) The requirements of § 51.18(c) of this chapter are not met since the regulations for Washoe County in the Northwest Nevada Intrastate Region do not include legally enforceable means of disapproving construction or modification of a source if it will interfere with attainment or maintenance of a national standard.

(b) *Regulation for review of new sources and modifications (Washoe County):*

(1) This regulation is applicable to any stationary source, the construction or modification of which is commenced after the effective date of this regulation, which is subject to review under chapter 030.005 of the "Air Pollution Control Regulations" of the District Board of Health of Reno, Sparks, and Washoe County in the Northwest Nevada Intrastate Region (§ 81.115 of this chapter).

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to the requirements of subparagraph (3) of this paragraph.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

18. In § 52.1479, paragraph (a) is revised and paragraph (c) is added. As amended, § 52.1479 reads as follows:

§ 52.1479 Source surveillance.

(a) The requirements of § 51.19(a) 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.

* * * * *

(c) Regulation for source recordkeeping and reporting:

(1) The requirements of this paragraph are applicable to stationary sources in the State of Nevada, except those in Clark County.

(2) The owner or operator of any stationary source to which this paragraph is applicable, shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(3) The information recorded shall be summarized and reported to the Administrator on forms furnished by the 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, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(4) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

Subpart GG—New Mexico

19. In § 52.1620, paragraph (c) is revised to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 7 and September 4, 1972, and January 3 and January 18, 1973, by the New Mexico Environmental Improvement Agency, and (2) May 9, and July 31, 1972.

§ 52.1623 [Revoked]

20. Section 52.1623 is revoked.

21. Section 52.1626 is amended by adding paragraph (d) as follows:

§ 52.1626 Compliance schedules.

* * * * *

(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 subject to regulations 504.D, 506.B, 603.B, 604.B, or 652.A of New Mexico's "Air Quality Control Regulations" shall submit to the Administrator no later than 120 days following the effective date of this paragraph, a proposed compliance schedule that demonstrates compliance with the applicable regulations as expeditiously as practicable but no later than the dates specified in the applicable regulations. 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 final control plan to the Administrator; letting of necessary contracts for construction or process charges 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 modification; 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 who submits 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.

§§ 52.1627–52.1629 [Revoked]

22. Section 52.1627 is revoked.

23. Section 52.1628 is revoked.

24. Section 52.1629 is revoked.

Subpart TT—Utah

25. In § 52.2320, paragraph (c) is revised to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) Supplemental information was submitted on May 18 and September 13, 1972.

26. Section 52.2324 is amended by adding paragraph (b) as follows:

§ 52.2324 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.*—(1) The owner or operator of any stationary source in the State of Utah shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the 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, except that the initial report-

ing period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the 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 and will be available to the public during normal business hours at the regional office (region VIII). The Administrator will designate one or more places in Utah where such emission data and correlations will be available for public inspection.

27. In § 52.2327, paragraph (b) is revised to read as follows:

§ 52.2327 Compliance schedules.

* * * * *

(b) *Federal compliance schedule.*—(1) Except as provided in paragraph (b)(2) of this section, the owner or operator of any stationary source subject to § 52.2330(c) shall comply with such regulation on or before January 31, 1974. The owner or operator of the source subject to §§ 52.2325(c) or 52.2330(b) of this chapter shall comply with such regulation at initial startup of such source unless a compliance schedule has been submitted pursuant to paragraph (b)(2) of this section.

(i) Any owner or operator in compliance with § 52.2330(c) on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who achieves compliance with § 52.2325(c) or § 52.2330 (b) or (c) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section may, 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 § 52.2330 (b) or (c) as expeditiously as practicable but no later than July 31, 1975, or with § 52.2325(c) as expeditiously as practicable but no later than March 15, 1976.

(i) The compliance schedule shall provide for periodic increments of progress toward 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 change, 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 modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(ii) Any compliance schedule for any stationary source subject to § 52.2325(c) which extends beyond July 31, 1975, shall apply any available interim measures of control designed to reduce the impact of emissions from such source on public health.

(3) Any owner or operator who submits 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.

§§ 52.2328, 52.2329 [Revoked]

28. Section 52.2328 is revoked.

29. Section 52.2329 is revoked.

30. Section 52.2330 is amended by adding paragraph (c) as follows:

§ 52.2330 Rules and regulations: Particulate matter.

* * * * *

(c) *Replacement for section 3.5 (Wasatch Front Instrastate Region).*—(1) Process sources.—No owner or operator of any process source, except byproduct coke ovens, in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the hourly rate shown in the following table for the process weight rate identified for each source:

Process weight rate (pounds per hour)	Emission rate (pounds per hour)	Process weight rate (pounds per hour)	Emission rate (pounds per hour)
100	0.551	60,000	40.00
200	0.877	80,000	42.50
600	1.83	120,000	46.30
1,000	2.58	160,000	49.00
5,000	7.58	200,000	51.20
10,000	12.00	1,000,000	69.00
20,000	19.20	2,000,000	77.60

(i) Interpolation of the data in the table for process weight rates up to 60,000 lb/h shall be accomplished by use of the equation:

$$E=4.10P^{0.67}, \text{ for } P\leq 30 \text{ tons/h}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/h shall be accomplished by use of the equation:

$$E=55.0P^{0.11}-40, \text{ for } P>30 \text{ tons/h}$$

Where: E=Emissions in pounds per hour.
P=Process weight in tons per hour.

(ii) Process weight is 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. 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 in one complete operation 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 a given period of time by the number of hours in that period.

(2) Fuel burning sources: No owner or operator of any stationary source in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere from fuel-burning equipment, with the exception of carbon monoxide waste heat boilers, in excess of the rate set forth in the following table:

Total rated capacity (10^6 *Btu/h*)	*Maximum allowable emissions of particulate matter* (*lb/*10^6 *Btu*)
10 or less	0.60
100	0.42
1,000	0.29
10,000 or more	0.20

The allowable emission rate for equipment having an intermediate total rated capacity between 10 MBtu and 10,000 MBtu/h may be determined by the formula:

$$A=0.87C^{-0.19}$$

Where: A=The allowable emission rate in lb/10^6 Btu
C=The total rated capacity in 10^6 Btu/h

(3) Incinerators: No person in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere in excess of 0.16 lb (72.6 g) per 100 pounds (45.4 kg) of refuse charged, from any incinerator with a waste burning capacity equal to or in excess of 10,000 lb (4,500 kg) per hour.

(i) Emission tests shall be conducted at the maximum burning capacity of the incinerator.

(4) Byproduct coke ovens: No owner or operator of byproduct coke ovens in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall operate a battery of coke ovens during the pushing and charging operations in such a manner as to cause, permit or allow the emissions of particulate matter of a shade or density equal to or darker than that designated as No. 1 on the Ringlemann Chart or 20-percent opacity, except that emisions of particulate matter of a shade or density darker than that designated as No. 1 on the Ringlemann Chart or 20-percent opacity shall be allowed for a period or periods aggregating no more than 3 minutes in any consecutive 60-minute period.

(i) No owner or operator of a coke oven identified in paragraph (c)(4) of this section shall discharge or cause the discharge into the atmosphere of any visible emissions from any opening on the top side of a battery of coke ovens, except for periods when a battery of coke ovens is being charged, except that emissions of particulate matter of a shade or density not darker than that designated as No. 2 on the Ringelmann Chart or 40-percent opacity shall be allowed for a period or periods aggregating no more than 3 minutes in any consecutive 60-minute period.

(ii) No owner or operator of a coke oven identified in paragraph (c) (4) of this section shall discharge or cause the discharge into the atmosphere of any visible emissions, except nonsmoking flame, from more than 10 percent of the coke ovens in any battery at any time except as provided in paragraph (c) (4) (i) of this section.

(iii) The owner or operator of coke ovens identified in paragraph (c) (4) of this section shall maintain equipment in good condition. Self-sealing coke oven doors found to be discharging visible emission into the atmosphere 30 minutes or more after an oven is charged shall be adjusted, repaired, or replaced prior to the next coking cycle. Luted doors found to be discharging visible emissions into the atmosphere shall be reluted immediately.

(iv) No owner or operator of coke ovens identified in paragraph (c) (4) of this section shall operate a coke quenching tower unless such quenching tower is equipped with interior baffles.

(5) The test methods and procedures used to determine compliance with paragraph (c) (1) of this section are set forth below. The methods referenced are contained in the appendix to part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using method 5. Traversing during sampling by method 5 shall be according to method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft^3 (1.70 m^3) corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using method 2. Gas analysis shall be performed using the integrated sample technique of method 3, and moisture content shall be determined by the condenser technique of method 4.

(iii) All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(6) The test methods and procedures used to determine compliance with paragraph (c) (2) of this section shall be those prescribed for particulate matter in § 60.46 of this chapter.

(7) The test methods and procedures used to determine compliance with paragraph (c) (3) of this section shall be those in § 60.54 of this chapter.

(8) The procedures used to determine compliance with this paragraph are prescribed in method 9 in the appendix to part 60 of this chapter.

(9) Compliance with this paragraph shall be in accordance with § 52.2327(b).

31. In subpart TT, § 52.2334 is added as follows:

§ 52.2334 Review of new sources and modifications.

(a) *Regulation for review of new sources and modifications: Federal Regulation.*—(1) This requirement is applicable to any stationary source subject to the requirements of § 52.2330, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will operate without causing a violation of § 52.2330.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with the methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and also may conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with the requirements of § 52.2330.

(9) Approval to construct or modify shall not relieve the owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

32. In subparts D, F, N, DD, GG, and TT, footnote (a) beneath the table setting forth dates of attainment of national standards is amended to read as follows: "a. July 1975."

33. In subparts D, F, N, GG, DD, and TT, the note beneath the table setting forth dates of attainment of national standards is amended by replacing the word "proposed" with the word "prescribed." As amended, the note reads: "Note.—Dates or footnotes which are underlined are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable."

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PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Miscellaneous Amendments

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards for the States of Hawaii, Michigan, New Hampshire, New Jersey, Ohio, Rhode Island, Wyoming, Vermont, Wisconsin, and the Virgin Islands. On July 27, 1972 (37 FR 15080), and September 22, 1972 (37 FR 19306), the Administrator approved previously disapproved portions of the Ohio implementation plan based on supplemental information submitted by the State correcting the deficiencies identified on May 31. Also, on September 22, the Administrator promulgated regulations to correct deficiencies in the regulatory provisions of the Michigan, New Jersey, and the Virgin Islands implementation plans. This publication contains amendments to the previous actions involving these 10 States.