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40 CFR Ch. I (7-1-07 Edition)

SIP by April 17, 2004 that satisfies the following conditions.

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

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

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

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

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

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

(7) Revises the Washington area severe attainment demonstration to include a revised RACM analysis and any revisions to the attainment demonstra-

tion including adopted control measures, as necessitated by such analysis.

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

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

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

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

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

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

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

§ 52.1073 Approval status.

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

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

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the plan, as submitted January 19, 1979, satisfy the requirements of part D, title 1, of the Clean Air Act as amended in 1977.

In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980, for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

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

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

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

(e) Conditional limited approval of revisions to the Maryland State Implementation Plan, pertaining to Maryland's major VOC source RACT and minor VOC source requirements, COMAR 26.11.19.02G and COMAR 26.11.06.06, submitted on April 5, 1991, June 8, 1993, and July 12, 1995 by the Maryland Department of the Environment.

(f)-(g) [Reserved]

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

§ 52.1074 Legal authority.

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

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

§ 52.1075 1990 base year emission inventory.

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

(b) EPA approves as a revision to the Maryland Implementation Plan the 1990 base year emission inventory for the Washington Metropolitan Statistical Area, submitted by Secretary, Maryland Department of the Environment, on March 21, 1994 and October 12, 1995. This submittal consist of the 1990 base year stationary, area and off-road mobile and on-road mobile emission inventories in the Washington Statistical Area for the pollutant, carbon monoxide (CO).

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

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