

§ 52.1878

Ohio plan does not provide for the attainment and maintenance of the national standard for photochemical oxidants (hydrocarbons) in the Metropolitan Cincinnati interstate region by May 31, 1975.

(b) The requirements of § 52.14 are not met by Rule 3745-21-09(N)(3) (a) and (e); Rule 3745-21-09(Z)(1)(a); Rule 3745-21-10, Section G; and Rule 3745-21-10, Section H, because these Ohio Rules do not provide for attainment and maintenance of the photochemical oxidant (hydrocarbon) standards throughout Ohio.

(1) USEPA is disapproving new exemptions for the use of cutback asphalt [Rule 3745-21-09(N)(3) (a) and (e)], because Ohio did not provide documentation regarding the temperature ranges in the additional two months that the State permits the use of cutback asphalts, and a lack of training is not sufficient reason for the 1000 gallons exemptions.

(2) USEPA is disapproving Section V [Rule 3745-21-09(V)], because it contains an alternative leak testing procedure for gasoline tank trucks which USEPA finds to be unapprovable.

(3) USEPA is disapproving exclusion of the external floating roof (crude oil) storage tanks from the secondary seal requirement [Rule 3745-21-09(Z)(1)(a)], because Ohio has not demonstrated that the relaxation would not interfere with the timely attainment and maintenance of the NAAQS for ozone.

(4) USEPA is disapproving compliance test method Section G, [Rule 3745-21-10] as an alternative leak testing procedure for gasoline tank trucks, because such action on Section G, is consistent with USEPA's action on Rule 3745-21-09(V), which USEPA finds to be unapprovable.

(5) USEPA is disapproving compliance test method Section H, [Rule 3745-21-10], which involves a pressure test of only the vapor recovery lines and associated equipment. Compliance test method Section H is inconsistent with USEPA's control technique guidances and with tank truck certification regulations that are in effect in 19 other States. In addition, OEPA has presented no acceptable evidence dem-

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onstrating why this rule constitutes RACT.

[38 FR 30974, Nov. 8, 1973, as amended at 39 FR 13542, Apr. 15, 1974; 51 FR 40676, Nov. 7, 1986; 54 FR 1940, Jan. 18, 1989]

§ 52.1878 [Reserved]

§ 52.1879 Review of new sources and modifications.

(a) The requirements of sections 172, 173, 182, and 189 for permitting of major new sources and major modifications in nonattainment areas for ozone, particulate matter, sulfur dioxide, and carbon monoxide are not met, because Ohio's regulations exempt source categories which may not be exempted and because the State has not adopted the new permitting requirements of the Clean Air Act Amendments of 1990 in a clear or enforceable manner.

(b) [Reserved]

(c) The requirements of § 51.161 of this chapter are not met because the State failed to submit procedures providing for public comment on review of new or modified stationary sources.

(d) Regulation providing for public comment. (1) For purposes of this paragraph, *Director* shall mean the *Director of the Ohio Environmental Protection Agency*.

(2) Prior to approval or disapproval of the construction or modification of a stationary source, the Director shall:

(i) Make a preliminary determination whether construction or modification of the stationary source should be approved, approved with conditions or disapproved;

(ii) Make available in at least one location in the region in which the proposed stationary source would be constructed or modified, a copy of all materials submitted by the owner or operator, a copy of the Director's preliminary determination, and a copy or summary of other materials, if any, considered by the Director in making his preliminary determination; and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the region in which the proposed stationary source would be constructed or modified, of the opportunity for public comment on the information submitted by the owner or

operator and the Director's preliminary determination on the approvability of the new or modified stationary source.

(3) A copy of the notice required pursuant to this paragraph shall be sent to the Administrator through the appropriate regional office and to all other State and local air pollution control agencies having jurisdiction within the region where the stationary source will be constructed or modified.

(4) Public comments submitted in writing within 30 days of the date such information is made available shall be considered by the Director in making his final decision on the application.

(e) Approval—EPA is approving requests submitted by the State of Ohio on March 18, November 1, and November 15, 1994, for exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts the following counties in Ohio from the NO_x related general and transportation conformity provisions and nonattainment area NSR for new sources and modifications that are major for NO_x: Clinton, Columbiana, Delaware, Franklin, Jefferson, Licking, Mahoning, Preble, Stark, and Trumbull. This approval also exempts the following counties in Ohio from the NO_x related general conformity provisions; nonattainment area NSR for new sources and modifications that are major for NO_x; NO_x RACT; and a demonstration of compliance with the enhanced I/M performance standard for NO_x: Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit.

(f) Approval—USEPA is approving two exemption requests submitted by the Ohio Environmental Protection Agency on September 20, 1993, and November 8, 1993, for the Toledo and Dayton ozone nonattainment areas, respectively, from the requirements contained in Section 182(f) of the Clean Air Act. This approval exempts the Lucas, Wood, Clark, Greene, Miami, and Montgomery Counties from the requirements to implement reasonably available control technology (RACT) for major sources of nitrogen oxides (NO_x), nonattainment area new source review (NSR) for new sources and modifications that are major for NO_x, and the

NO_x-related requirements of the general and transportation conformity provisions. For the Dayton ozone nonattainment area, the Dayton local area has opted for an enhanced inspection and maintenance (I/M) programs. Upon final approval of this exemption, the Clark, Greene, Miami, and Montgomery Counties shall not be required to demonstrate compliance with the enhanced I/M performance standard for NO_x. If a violation of the ozone NAAQS is monitored in the Toledo or Dayton area(s), the exemptions from the requirements of Section 182(f) of the Act in the applicable area(s) shall no longer apply.

(g) Approval—EPA is approving an exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts Butler, Clermont, Hamilton, and Warren counties in Ohio from nonattainment NSR for new sources and modifications that are major for NO_x.

[39 FR 13542, Apr. 15, 1974, as amended at 45 FR 72122, Oct. 31, 1980; 45 FR 82927, Dec. 17, 1980; 51 FR 40677, Nov. 7, 1986; 58 FR 47214, Sept. 8, 1993; 59 FR 48395, Sept. 21, 1994; 60 FR 3766, Jan. 19, 1995; 60 FR 36060, July 13, 1995; 65 FR 37899, June 19, 2000]

§ 52.1880 Control strategy: Particulate matter.

(a) The requirements of subpart G of this chapter are not met because the Ohio plan does not provide for attainment and maintenance of the secondary standards for particulate matter in the Greater Metropolitan Cleveland Intrastate Region and the Ohio portions of the Northwest Pennsylvania-Youngstown and the Steubenville-Weirton-Wheeling Interstate Regions.

(b) In Pickaway County, Columbus and Southern Ohio Electric Company, or any subsequent owner or operator of the Picway Generating Station, shall not operate simultaneously Units 3 and 4 (boilers 7 and 8) at any time. These units will terminate operation no later than October 1, 1980.

(c) Ohio Regulation EP-12 (open burning) is disapproved insofar as EP-12-03(D)(1) and EP-12-04(D)(1) allow open burning of hazardous or toxic materials.

(d)-(f) [Reserved]