

**§ 52.2351**

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

**§ 52.2351 Area-wide nitrogen oxides (NO<sub>x</sub>) exemption.**

On May 2, 1997, Ursula Trueman, Director, Division of Air Quality, Utah Department of Environmental Quality, submitted, on behalf of the State of Utah and pursuant to section 182(f)(2)(A) of the Clean Air Act as amended in 1990, a section 182(f)(2) NO<sub>x</sub> Reasonably Available Control Technology (RACT) exemption request for major stationary sources of NO<sub>x</sub> in the Salt Lake and Davis Counties ozone nonattainment area other than the Pacificorp Gadsby and Kennecott Utah Copper Utah Power Plants. The exemption request was based on ambient air quality monitoring data which demonstrated that the ozone National Ambient Air Quality Standard (NAAQS) had been attained in the Salt Lake and Davis Counties ozone nonattainment area for the years 1990 through 1996. EPA approved this NO<sub>x</sub> RACT exemption request on July 2, 1997.

[62 FR 38217, July 17, 1997]

**§ 52.2352 Change to approved plan.**

(a) Utah Air Conservation Regulation R307-18-1, New Source Performance Standards, is removed from the approved plan. On June 10, 2002, we issued a letter delegating responsibility for all sources located, or to be located, in the State of Utah subject to the NSPS in 40 CFR part 60. See the table in 40 CFR 60.4 for the status of NSPS delegated to the state of Utah.

(b) Utah Administrative Code (UAC) rule R307-1-8, Asbestos Work Practices, Contractor Certification, AHERA Accreditation and AHERA Implementation, is removed from Utah's approved State Implementation Plan (SIP). This rule language pertains to the regulation of asbestos and is generally not related to attainment of the National Ambient Air Quality Standards (NAAQS) and therefore it is not appropriate to be in Utah's SIP.

(c) Utah Administrative Code (UAC) rule R307-1-4.12, National Emission Standards for Hazardous Air Pollutants (NESHAPs), is removed from Utah's approved State Implementation Plan (SIP). Utah has delegation of authority for NESHAPs in 40 CFR part 61

(49 FR 36368), pursuant to 110(k)(6) of the Act.

(d) Utah Administrative Code (UAC) rule R307-1-6, Eligibility of Pollution Control Expenditures for Sales Tax Exemption, is removed from Utah's approved State Implementation Plan (SIP). This rule language pertains to State Sales Tax Exemptions for Pollution Control Expenditures and is not generally related to attainment of the National Ambient Air Quality Standards (NAAQS) and is therefore not appropriate to be in Utah's SIP.

(e) Utah Administrative Code (UAC) rule R307-102-3, Administrative Procedures and Hearings, and R307-414-3, Request for Review, are removed from Utah's approved State Implementation Plan (SIP). These provisions are not required by the CAA and are, therefore, not required to be in Utah's SIP. These provisions were last approved in 40 CFR 52.2320(c)(59)(i)(A).

(f) Utah Administrative Code (UAC) rule R307-1-4.06, Continuous Emission Monitoring Systems Program (CEMSP), is removed from Utah's approved State Implementation Plan (SIP). This rule has been superseded and replaced by rule R307-170, Continuous Emission Monitoring Program.

[67 FR 59000, Sept. 19, 2002, as amended at 71 FR 7682, Feb. 14, 2006; 72 FR 4645, Feb. 1, 2007; 72 FR 19385, Apr. 18, 2007]

**§ 52.2353 Control strategy: Carbon monoxide.**

Determination. EPA has determined that the Provo carbon monoxide "moderate" nonattainment area attained the carbon monoxide national ambient air quality standard by December 31, 1995. This determination is based on air quality monitoring data from 1994 and 1995.

[67 FR 59168, Sept. 20, 2002]

**Subpart UU—Vermont**

**§ 52.2370 Identification of plan.**

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for Vermont under section 110 of the Clean Air Act, 42 U.S.C. 7401-7671q and 40 CFR part 51 to meet national ambient air quality standards.

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(b) *Incorporation by reference.* (1) Material listed in paragraph (c) and (d) of this section with an EPA approval date prior to February 10, 2006, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after February 10, 2006, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially pro-

mulgated state rules/regulations which have been approved as part of the State Implementation Plan as of February 10, 2006.

(3) Copies of the materials incorporated by reference may be inspected at the New England Regional Office of EPA at One Congress Street, Suite 1100, Boston, MA 02114-2023; the EPA, Air and Radiation Docket and Information Center, Air Docket (Mail Code 6102T), Room B-108, 1301 Constitution Avenue, NW., Washington, DC 20460 and the National Archives and Records Administration. For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) EPA approved regulations.

**EPA-APPROVED VERMONT REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Explanations
<b>Chapter 5—Air Pollution Control</b>				
<b>Subchapter I. Definitions</b>				
Section 5–101 .....	Definitions .....	07/29/93	04/22/98, 63 FR 19825 .....	Definitions IBR'd into the Vermont SIP are numbered consecutively by EPA, and do not necessarily correspond to the State's assigned definition number in the Vermont State Regulation, which are re-numbered whenever definitions are added or deleted from the State Regulation.
<b>Subchapter II. Prohibitions</b>				
Section 5–201 .....	Open burning prohibited	07/22/98	04/22/98, 63 FR 19825 .....	
Section 5–202 .....	Permissible open burning	01/25/78	12/21/78, 43 FR 59496 .....	
Section 5–203 .....	Procedures for local authorities to burn natural wood.	01/25/78	12/21/78, 43 FR 59496 .....	
Section 5–211 .....	Prohibition of visible air contaminants.	08/12/78	04/16/82, 47 FR 16331 .....	Except Section 5–211(3).
Section 5–221 .....	Prohibition of pollution potential materials in fuel.	01/25/78	12/21/78, 43 FR 59496 .....	Except Section 5–221(1)(c)(i) and Section 5–221(1)(c)(ii).
Section 5–231 .....	Prohibition of particulate matter.	11/13/81	02/26/85, 50 FR 7767 .....	Requires RACT for major stationary sources of NO <sub>x</sub> .
Section 5–241 .....	Prohibition of nuisance and odor.	01/25/78	12/21/78, 43 FR 59496 .....	
Section 5–251 .....	Control of nitrogen oxides emissions.	01/04/95	04/09/97, 62 FR 17084 .....	
Section 5–252 .....	Control of sulfur dioxide emissions.	11/04/79	02/19/80, 45 FR 10775 .....	
Section 5–253.1 ...	Petroleum liquid storage in fixed roof Tanks.	10/29/92	04/22/98, 63 FR 19825 .....	
Section 5–253.2 ...	Bulk gasoline terminals ..	10/29/92	04/22/98, 63 FR 19825 .....	

EPA-APPROVED VERMONT REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Section 5-253.3 ...	Bulk gasoline plants .....	10/29/92	04/22/98, 63 FR 19825 .....	
Section 5-253.4 ...	Gasoline tank trucks .....	10/29/92	04/22/98, 63 FR 19825 .....	
Section 5-253.5 ...	Stage I vapor recovery controls at gasoline dispensing facilities.	10/29/92	04/22/98, 63 FR 19825 .....	
Section 5-253.10	Paper coating .....	10/29/92	04/22/98, 63 FR 19825 .....	
Section 5-253.12	Coating of flad wood paneling.	10/29/92	04/22/98, 63 FR 19825 .....	
Section 5-253.13	Coating of miscellaneous metal parts.	07/29/93	04/22/98, 63 FR 19825 .....	
Section 5-253.14	Solvent metal cleaning ...	07/29/93	04/22/98, 63 FR 19825 .....	
Section 5-253.15	Cutback and emulsified asphalt.	08/02/94	04/22/98, 63 FR 19825 .....	
Section 5-253.20	Other sources that emit volatile organic compounds.	08/03/93	04/09/97, 62 FR 17084 .....	
Section 5-261 .....	Control of hazardous air contaminants.	11/03/81	02/10/82, 47 FR 6014 .....	
<b>Subchapter III. Ambient Air Quality Standards</b>				
Section 5-301 .....	Scope .....	12/15/90	03/05/91, 56 FR 9175 .....	
Section 5-302 .....	Sulfur dioxide primary ...	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5-303 .....	Sulfur dioxide secondary	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5-306 .....	PM <sub>10</sub> primary and secondary standards.	11/01/90	08/01/97, 62 FR 41280 .....	Removal of the TSP standard (Section 5-304 and 5-305) and establishment of PM <sub>10</sub> standard (Section 5-306).
Section 5-307 .....	Carbon monoxide primary and secondary.	03/24/79	02/19/80, 45 FR 10775 .....	Formerly Section 5-306, renumbered to 5-307 when new Section 5-306 for PM <sub>10</sub> was created.
Section 5-308 .....	Ozone primary and secondary.	03/24/79	02/19/80, 45 FR 10775 .....	Formerly Section 5-307, renumbered to 5-308 when new Section 5-306 for PM <sub>10</sub> was created.
Section 5-309 .....	Lead primary and secondary.	11/13/81	02/10/82, 47 FR 6014 .....	Formerly Section 5-308, renumbered to 5-309 when new Section 5-306 for PM <sub>10</sub> was created.
Section 5-310 .....	Nitrogen dioxide primary and secondary.	12/15/90	03/05/91, 56 FR 9175 .....	Formerly Section 5-309, renumbered to 5-310 when new Section 5-306 for PM <sub>10</sub> was created.
<b>Subchapter IV. Operations and Procedures</b>				
Section 5-401 .....	Classification of air contaminant sources.	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5-402 .....	Written reports when requested.	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5-403 .....	Circumvention .....	12/10/72	05/31/72, 37 FR 10842 .....	
Section 5-404 .....	Methods for sampling and FR testing of sources.	03/24/78	02/19/80, 45 FR 10775 .....	
Section 5-405 .....	Required air monitoring ..	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5-406 .....	Required air modeling ...	03/24/79	02/19/80, 45 FR 10775 .....	
<b>Subchapter V. Review of New Air Contaminant Sources</b>				
Section 5-501 .....	Review of construction or modification of air contaminant sources.	09/17/86	07/17/87, 52 FR 26973 .....	

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**EPA-APPROVED VERMONT REGULATIONS—Continued**

State citation	Title/subject	State effective date	EPA approval date	Explanations
Section 5–502 .....	Major stationary sources and major modifications.	07/14/95	08/04/97, 62 FR 41867 .....	

**Subchapter VII. Motor Vehicle Emissions**

Section 5–701 .....	Removal of control devices.	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5–702 .....	Excessive smoke emissions from motor vehicles.	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5–801 .....	Effective date .....	03/24/79	01/30/80, 45 FR 6781 .....	

**Tables**

Table 1 .....	Table 1—Process weight standards.	01/25/78	12/21/78, 43 FR 59496 .....	
Table 2 .....	Table 2—PSD increments.	12/15/90	03/05/91, 56 FR 9175 .....	
Table 3 .....	Table 3—Levels of significant impact for non-attainment areas.	11/03/81	02/10/82, 47 FR 6014 .....	

**Subchapter VIII. Registration of Air Contaminant Sources**

Sections 5–801 ....	Definitions .....	04/20/88	01/10/95, 60 FR 2524 .....	
Sections 5–802 ....	Requirement for registration.	04/20/88	01/10/95, 60 FR 2524 .....	
Section 5–803 .....	Registration procedure ...	04/20/88	01/10/95, 60 FR 2524 .....	
Section 5–804 .....	False or misleading information.	04/20/88	01/10/95, 60 FR 2524 .....	
Section 5–805 .....	Commencement or re-commencement of operation.	04/20/88	01/10/95, 60 FR 2524 .....	
Section 5–806 .....	Transfer of Operation .....	04/20/88	01/10/95, 60 FR 2524 .....	

(d) EPA-approved State Source specific requirements.

**EPA-APPROVED VERMONT SOURCE SPECIFIC REQUIREMENTS**

Name of source	Permit number	State effective date	EPA approval date	Explanations
Simpson Paper Company, Centennial Mill in Gilman, Vermont.	Environmental Protection Regulations, Chapter 5, Air Pollution Control, Subchapter II. Section 5–251(2).	01/04/95	04/09/97, 45 FR 17084	Administrative orders for Simpson Paper Company, in Gilman, Vermont, adopted and effective on January 4, 1995.
U.S. Samaica Corporation, in Rutland, VT.	Environmental Protection Regulations, Chapter 5, Air Pollution Control, Subchapter II. Section 5–253.20.	01/04/95	04/09/97, 45 FR 17084	Administrative orders for U.S. Samaica Corporation, in Rutland, Vermont, adopted and effective on January 4, 1995.

(e) Nonregulatory.

VERMONT NON-REGULATORY

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approval date	Explanation
Notice of public hearing ....	Statewide	Submitted 02/03/72.	06/15/72, 37 FR 11914	(c)(1) Vermont Agency of Environmental Conservation.
Miscellaneous non-regulatory revisions to the plan.	.....	Submitted 02/25/72.	5/31/72, 37 FR 10842 ...	(c)(2) Vermont Agency of Environmental Conservation.
Miscellaneous non-regulatory revisions to the plan.	.....	Submitted 03/03/75.	01/21/76, 41 FR 3085 ...	(c)(4) Vermont Agency of Environmental Conservation. Deletion of Winooski sampling site for particulates and sulfur dioxide.
Plans to meet various requirements of the Clean Air Act, including Part C.	.....	Submitted 03/21/79, and 11/21/79.	01/30/80, 45 FR 6781 ...	(c)(9) See Plans to attain below.
Attainment Plans to meet the requirements of Part D and the Clean Air Act, as amended in 1977.	.....	Submitted 03/21/79, 11/21/79, 11/27/79, and 12/19/79.	02/19/80, 45 FR 10775	(c)(10) Plans to attain. State of Vermont air quality and the implementation plan (March 1979). The secondary TSP standard for Barre City and a portion of the Champlain Valley Air Management Area, the carbon monoxide standard in the Champlain Valley Air Management Area and the ozone standard in Chittenden, Addison, and Windsor Counties. A program was also submitted for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas. Certain miscellaneous provisions were also included.
A plan to provide for public, local and state involvement in federally funded air pollution control activities.	.....	Submitted 03/28/80.	09/09/80, 45 FR 59314	(c)(11) A plan to provide for public, local and state involvement in federally funded air pollution control activities.
A plan to attain and maintain the National Ambient Air Quality Standard for lead.	.....	Submitted 06/24/80, and 11/07/80.	03/18/81, 45 FR 17192	(c)(12) A plan to attain and maintain the National Ambient Air Quality Standard for lead. A letter further explaining the state procedures for review of new major sources of lead emissions.
A revision to the quality monitoring network.	.....	Submitted 03/21/79.	10/08/80, 45 FR 66789, corrected by 03/16/81, 46 FR 16897.	(c)(13) meets the requirements of 40 CFR part 58
Narrative submittal "Implementation Plan for the Protection of Visibility in the State of Vermont" and "Appendices".	.....	Submitted 04/15/86.	07/17/87, 52 FR 26973	(c)(19) Describing procedures, notifications, and technical evaluations to fulfill the visibility protection requirements of 40 CFR part 51, subpart P.
State Implementation Plan narrative.	.....	Submitted 12/07/90, and 01/10/91.	03/05/91, 56 FR 9175 ...	(c)(20) State of Vermont Air Quality Implementation Plan dated November 1990.
State Implementation Plan narrative.	.....	Submitted 08/09/93.	01/10/95, 60 FR 2524 ...	(c)(21) State of Vermont Air Quality Implementation Plan dated February, 1993. To meet the emission statement requirement of the CAAA of 1990.
Revisions to the State Implementation Plan.	.....	Submitted 02/03/93, 08/09/93, and 08/10/94.	04/22/98, 63 FR 19825	(c)(25) State of the State Vermont: Air Quality Implementation Plan dated August 1993.
Revisions to the State Implementation Plan.	.....	Submitted 08/03/98.	07/10/00, 65 FR 42290	(c)(26) letter from VT Air Pollution Control Division dated July 28, 1998 stating a negative declaration for the aerospace coating operations CTG category.

[65 FR 54415, Sept. 8, 2000, as amended at 68 FR 34809, June 11, 2003; 71 FR 14390, Mar. 22, 2006]