

- (vi) Missouri.
- (vii) North Carolina.
- (viii) Ohio.
- (ix) Tennessee.
- (x) Virginia.
- (xi) West Virginia.

(i) *Withdrawal of section 126 findings.*

Notwithstanding any other provision of this subpart, a finding under paragraphs (c), (e)(1) and (e)(2), (g), and (h)(1) and (h)(2) of this section as to a particular major source or group of stationary sources in a particular State will be deemed to be withdrawn, and the corresponding part of the relevant petition(s) denied, if the Administrator issues a final action putting in place implementation plan provisions that comply with the requirements of §§ 51.121 and 51.122 of this chapter for such State.

(j) *Section 126 control remedy.* The Federal NO<sub>x</sub> Budget Trading Program in part 97 of this chapter applies to the owner or operator of any new or existing large EGU or large non-EGU as to which the Administrator makes a finding under section 126(b) of the Clean Air Act pursuant to the provisions of paragraphs (c), (e)(1) and (e)(2), (g), and (h)(1) and (h)(2) of this section.

(k) *Stay of findings with respect to the 8-hour ozone standard.* Notwithstanding any other provisions of this subpart, the effectiveness of paragraphs (d), (e)(3) and (e)(4), (f), (h)(3) and (h)(4) of this section is stayed.

(l) *Temporary stay of rules.* Notwithstanding any other provisions of this subpart, the effectiveness of this section is stayed from July 26, 1999 until February 17, 2000.

[64 FR 28318, May 25, 1999, as amended at 64 FR 33961, June 24, 1999; 65 FR 2042, Jan. 13, 2000; 65 FR 2726, Jan. 18, 2000; 69 FR 31505, June 3, 2004]

**§ 52.35 What are the requirements of the Federal Implementation Plans (FIPs) for the Clean Air Interstate Rule relating to emissions of nitrogen oxides?**

The Federal CAIR NO<sub>x</sub> Annual Trading Program provisions of part 97 of this chapter constitute the Clean Air Interstate Rule Federal Implementation Plan provisions that relate to annual emissions of nitrogen oxides (NO<sub>x</sub>). These provisions apply to sources in each State that is described

in § 51.123(c)(1) and (2) of this chapter, Delaware, and New Jersey, each of which States is subject to a finding by the Administrator that the State failed to submit a State Implementation Plan (SIP) to satisfy the requirements of section 110(a)(2)(D)(I) of the Clean Air Act for the PM<sub>2.5</sub> NAAQS. The Federal CAIR NO<sub>x</sub> Ozone Season Trading Program provisions of part 97 of this chapter constitute the Clean Air Interstate Rule Federal Implementation Plan provisions for emissions of nitrogen oxides (NO<sub>x</sub>) during the ozone season, as defined in § 97.302 of this chapter. These provisions apply to sources in each State that is described in § 51.123(c)(1) and (3) of this chapter, each of which States is subject to a finding by the Administrator that the State failed to submit a State Implementation Plan (SIP) to satisfy the requirements of section 110(a)(2)(D)(I) of the Clean Air Act for the 8-hour ozone NAAQS. These provisions do not invalidate or otherwise affect the obligations of States, emissions sources, or other responsible entities with respect to all portions of plans approved or promulgated under this part, nor the obligations of States under the requirements of § 51.123 and 51.125 of this chapter.

[71 FR 25373, Apr. 28, 2006]

**§ 52.36 What are the requirements of the Clean Air Interstate Rule Federal Implementation Plans relating to emissions of sulfur dioxide?**

The Federal CAIR SO<sub>2</sub> Trading Program provisions of part 97 of this chapter constitute the Clean Air Interstate Rule Federal Implementation Plan provisions for emissions of sulfur dioxide (SO<sub>2</sub>). These provisions apply to sources in each State that is described in § 51.124(c) of this chapter, Delaware, and New Jersey, each of which States is subject to an EPA finding that the State failed to submit a State Implementation Plan (SIP) to satisfy the requirements of section 110(a)(2)(D)(I) of the Clean Air Act for the PM<sub>2.5</sub> NAAQS. These provisions do not invalidate or otherwise affect the obligations of States, emissions sources, or other responsible entities with respect to all

**Environmental Protection Agency**

**§ 52.50**

portions of plans approved or promulgated under this part, nor the obligations of States under the requirements of §§ 51.124 and 51.125 of this chapter.

[71 FR 25373, Apr. 28, 2006]

**Subpart B—Alabama**

**§ 52.50 Identification of plan.**

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

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) and (d) of this section with an EPA approval date prior to January 1, 2003, 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 January 1, 2003, will be in-

corporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 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 promulgated State rules/regulations which have been approved as part of the State implementation plan as of January 1, 2003.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the EPA, Office of Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, (Mail Code 6102T) NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). 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 Alabama regulations.

**EPA APPROVED ALABAMA REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>Chapter No. 335-3-1 General Provision</b>				
Section 335-3-1-.01	Purpose	06/22/89	03/19/90 55 FR 10062	
Section 335-3-1-.02	Definitions	12/12/05	10/11/06 71 FR 59676	
Section 335-3-1-.03	Ambient Air Quality Standards	10/13/98	03/01/99 64 FR 9918	
Section 335-3-1-.04	Monitoring, Records, and Reporting	10/15/96	06/06/97 62 FR 30991	
Section 335-3-1-.05	Sampling and Test Methods	06/22/89	03/19/90 55 FR 10062	
Section 335-3-1-.06	Compliance Schedule	10/15/96	06/06/97 62 FR 30991	
Section 335-3-1-.07	Maintenance and Malfunctioning of Equipment; Reporting.	10/15/89	03/19/90 55 FR 10062	
Section 335-3-1-.08	Prohibition of Air Pollution	08/10/00	12/08/00 65 FR 76940	
Section 335-3-1-.09	Variances	10/15/96	06/06/97 62 FR 30991	
Section 335-3-1-.10	Circumvention	06/22/89	03/19/90 55 FR 10062	
Section 335-3-1-.11	Severability	10/15/96	06/06/97 62 FR 30991	
Section 335-3-1-.12	Bubble Provision	06/22/89	03/19/90 55 FR 10062	
Section 335-3-1-.13	Credible Evidence	04/13/99	11/03/99 64 FR 59633	
Section 335-3-1-.14	Emissions Reporting Requirements Relating to Budgets for NO <sub>x</sub> Emissions.	04/06/01	07/16/01 66 FR 36921	