

§ 52.876

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

(i) *Incorporation by reference.* (A) K.A.R. 28-19-79, Fuel Volatility, effective May 2, 1997.

(d) Plan revisions were submitted on April 17, 1974, and February 17, 1974.

[37 FR 10867, May 31, 1972. Redesignated at 64 FR 7097, Feb. 12, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.875, see the List of CFR Sections Affected, which appears in the Finding Aids sections of the printed volume and on GPO Access.

§ 52.876 Compliance schedules.

(a) The requirements of § 51.260 and of § 51.15(a)(2) of this chapter as of September 19, 1976 (40 FR 43216), are not met since the plan does not contain legally enforceable compliance schedules setting forth the dates by which all stationary sources or categories of such sources must be in compliance with applicable portions of the control strategy. Paragraphs C and D of Kansas Regulation 28-19-9 specify that all sources not in compliance must submit an acceptable compliance schedule within 120 days after receiving notification from the State. There are no assurances that all sources will be notified by the State in a timely manner, therefore, paragraphs C and D of Regulation 28-19-9 are disapproved.

(b) *Federal compliance schedule.* (1) Except as provided in paragraph (2) of this paragraph (b), the owner or operator of any stationary source subject to any emission regulation which is part of the approved plan shall be in compliance on or before January 31, 1974.

(i) Any owner or operator in compliance with any such applicable regulation on the effective date of this paragraph shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with any such applicable 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) An owner or operator of a stationary source subject to any emission regulation approved by the Administrator may no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with such regulation as expeditiously as practicable, but no later than July 31, 1975. 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: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control systems; performance tests; and submittal of performance test analysis and results.

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

(c) *State compliance schedules.* (1) [Reserved]

(2) The compliance schedules identified below are disapproved as not meeting the requirements of § 51.102 or subpart N of this chapter. All regulations cited are air pollution control regulations of the state, unless otherwise noted.

KANSAS

Source	Location	Regulation involved	Date adopted
Chanute Manufacturing Co., Inc.: sand blasting .....	Chanute .....	28-19-50 .....	Dec. 14, 1973.
Kansas City Power & Light, coal transfer houses .....	LaCygne .....	28-19-50 .....	Nov. 22, 1974.
Pence Food Center, incinerator .....	Chanute .....	28-19-40 .....	Do.
Rodney Milling Co.:			
"A" house gallery and tunnel system .....	Topeka .....	28-19-50 .....	Do.
"B" & "C" house gallery .....	.....do .....	28-19-50 .....	Do.
Western Alfalfa Corp., alfalfa dehydrator .....	Deerfield .....	28-19-20 .....	Do.
Do .....	Tice .....	28-19-20 .....	Do.

KANSAS—Continued

Source	Location	Regulation involved	Date adopted
Pence Food Center, incinerator .....	Humboldt .....	28-19-40 .....	Do.
Sherwin-Williams Chemicals, Ozark P.M. Mill .....	Coffeyville .....	28-19-50B .....	Oct. 8, 1974.
Continental Grain Co., rail car loading .....	Hutchinson .....	28-19-50 .....	Aug. 15, 1974.
Far-Mar-Co, Inc., headhouse cyclones .....	Topeka .....	28-19-50 .....	Sept. 5, 1974.
Do .....	Hutchinson .....	28-19-50 .....	Aug. 15, 1974.
Western Iron & Foundry, cupola .....	Wichita .....	28-19-20A, 28-19-50A .....	Oct. 4, 1974.
Kansas Army Ammunition Plant, open burning .....	Parsons .....	28-19-45 .....	Jan. 24, 1975.
Reid Grain, headhouse .....	Goodland .....	28-19-50 .....	Do.
Sherwin-Williams Chemicals, black ash kiln .....	Coffeyville .....	28-19-50A .....	Do.
Cooperative Farm Chemicals, No. 1 NH <sub>4</sub> NO <sub>3</sub> 99-percent evaporator and prilling tower .....	Lawrence .....	28-19-20 .....	Mar. 28, 1975.
Sherwin-Williams Chemical Co., oxide calciner exhaust .....	Coffeyville .....	28-19-50A .....	Do.
Kaw Dehydrating Co., alfalfa dehydrator .....	Lawrence .....	28-19-20 .....	Do.
Empire Dist. Electric Co.: Boilers Nos. 7 and 8 .....	Riverton .....	28-19-31C .....	May 23, 1975.
Gulf Oil Chemicals Co.: Coal-fired boiler .....	Pittsburg .....	28-19-31 .....	Do.
Kansas City Power & Light: Main boiler .....	La Cygne .....	28-19-31B .....	Do.
Mid-America Dairymen: Spray dryers Nos. 1 and 2 .....	Sabetha .....	28-19-20 .....	Do.
Tower Metal Products: Reverberatory furnace C .....	Fort Scott .....	28-19-50A .....	Do.
U.S. Steel—Universal Atlas Cement .....	Independence .....		
Clay storage bin .....		28-19-50A .....	Do.
Stone storage bin .....		28-19-50A .....	Do.
Krupp Ball Mill No. 2 .....		28-19-50A .....	Do.
Krupp Ball Mill No. 3 .....		28-19-50A .....	Do.

[37 FR 19809, Sept. 22, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.876, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§§ 52.877-52.880 [Reserved]

Subpart S—Kentucky

§ 52.881 PM<sub>10</sub> State implementation plan development in group II areas.

The state has submitted a committal SIP for Kansas City, Kansas. The committal SIP contains all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM<sub>10</sub> at 52 FR 24681, except the state will report the PM<sub>10</sub> data which exceed the standard within 60 days of the exceedance, rather than 45 days.

[55 FR 1423, Jan. 16, 1990]

§§ 52.882-52.883 [Reserved]

§ 52.884 Significant deterioration of air quality.

(a) The requirements of section 160 through 165 of the Clean Air Act, as amended are met; except that:

(1) EPA retains PSD permit authority for Indian lands in the State of Kansas.

[49 FR 48186, Dec. 11, 1984, as amended at 54 FR 15935, Apr. 20, 1989; 58 FR 3848, Jan. 12, 1993]

§ 52.919 Identification of plan-conditional approval.

EPA is conditionally approving Rule 401 KAR 50:080, "Regulatory Limit on Potential to Emit," effective January 15, 2001, into the Kentucky SIP contingent on the Commonwealth clarifying language in sections 2(3) and (4) according to a projected promulgation schedule committed to in a letter dated April 18, 2002, from the Commonwealth of Kentucky to EPA Region 4.

[67 FR 53314, Aug. 15, 2002]

§ 52.920 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for Kentucky 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) of this section with an EPA approval date prior to October 1, 2003, for the Commonwealth of Kentucky (Table 1) and