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40 CFR Ch. I (7-1-08 Edition)

(i) Rule 102(hh), submitted on June 30, 1972, previously approved under 40 CFR 52.223, and deleted by the August 2, 1976 submittal, is retained.

(2) El Dorado County APCD.

(i) Rule 102(LL), submitted on November 4, 1977, previously approved at 43 FR 51632, and deleted by the May 23, 1979 submittal, is retained.

(d) The following rules or portions of rules are disapproved since they contain provisions which are inconsistent with 40 CFR part 58, Ambient Air Quality Surveillance.

(1) Lake County APCD.

(i) Section 224, *Equivalent Method*, and Table V, *Table of Standards, Applicable Statewide*, submitted on February 10, 1977.

(ii) Table V, *Concentrations and Methods*, submitted on January 2, 1979, and Table V, submitted on February 10, 1976 and previously approved at 42 FR 42224.

(e) Since the following air pollution control districts have revised definitions so as to render the associated emission control requirements less stringent without a control strategy demonstration, the revisions are disapproved.

(1) Mendocino County APCD.

(i) Rule 130(p4), submitted on November 10, 1976. (Part III-49, previously submitted on February 21, 1972, and approved in 40 CFR 52.223, is retained).

(ii) Rule 130(s3), submitted on November 10, 1976. (Part III-55, previously submitted on February 21, 1972, and approved in 40 CFR 52.233, is retained).

(2) Shasta County APCD.

(i) The definition of "modification" in Rule 1:2, *Definitions*, submitted on October 13, 1977, is disapproved.

(3) San Bernardino County Desert APCD.

(i) Rule 103, *Definition of Terms*, submitted on November 4, 1977, is disapproved with respect to the deletion of the following terms: "Distilling type heater", "Noncomplying orchard heater", "Pipe line systems", and "Return stack heater". (Rule 2, *Definitions*, submitted on February 21, 1972 and approved in 40 CFR 52.223, is retained for the above terms.)

(4) Southeast Desert Intrastate Region.

(i) San Bernardino County Desert APCD.

(A) Rule 102, *Definition of Terms*, submitted November 4, 1977 is disapproved with respect to the deletion of the following terms: Distilling type heater, Non-complying orchard heater, Pipe line systems, and Return stack heater. Rule 2, *Definitions*, submitted February 21, 1972 and approved in 40 CFR 52.223, is retained for the above terms.

(f) The following APCD rules are disapproved because they exempt some portions of the districts from the existing air pollution control regulations without setting forth substitute rules for the exempted areas.

(1) El Dorado County APCD.

(i) Rule 201, submitted on November 4, 1977, is disapproved. (The previously approved Rule 49, submitted on June 30, 1972, is retained for Federal enforcement purposes.)

(g) The following Air Pollution Control District (APCD) rules are disapproved pursuant to section 110(a)(2)(K) of the Clean Air Act because they could allow recovery of legal expenses associated with permit enforcement actions.

(1) Monterey Bay Unified APCD.

(i) Rule 300 (i)(1), *Permit Fee*, submitted on December 17, 1979.

(2) El Dorado County APCD.

(i) Rule 104, submitted on May 23, 1979.

[42 FR 39664, Aug. 5, 1977]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.236, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 52.237 Part D disapproval.

(a) The following portions of the California SIP are disapproved because they do not meet the requirements of Part D of the Clean Air Act.

(1) The ozone and CO attainment demonstrations for the South Coast Air Basin. No major stationary source, or major modification of a stationary source, of carbon monoxide or volatile organic compounds may be constructed in the South Coast Air Basin unless the construction permit application is complete on or before August 30, 1988.

(2) The ozone attainment demonstration for Ventura County. No major stationary source, or major modification

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of a stationary source, of volatile organic compounds may be constructed in the Ventura County nonattainment area unless the construction permit application is complete on or before November 4, 1988.

(3) The ozone attainment demonstration for the Sacramento AQMA. No major stationary source, or major modification of a stationary source, of volatile organic compounds may be constructed in the Sacramento nonattainment area unless the construction permit application is complete on or before January 3, 1989.

(4) The ozone attainment demonstration for the Fresno County APCD.

(5) The ozone attainment demonstration for the Kern County APCD.

(6) The attainment assessment, motor vehicle emissions budgets, and Reasonably Available Control Measure (RACM) portions of the San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard, June 1999.

[46 FR 5979, Jan. 21, 1981, as amended at 48 FR 53118, Nov. 25, 1983; 50 FR 35798; Sept. 4, 1985; 53 FR 1781, Jan. 22, 1988; 53 FR 39088, Oct. 5, 1988; 53 FR 48537, Dec. 1, 1988; 55 FR 9878, 9880, Mar. 16, 1990; 56 FR 2853, Jan. 25, 1991; 66 FR 48347, Sept. 20, 2001]

### § 52.238 Commitment to undertake rulemaking.

(a) The Administrator shall undertake rulemaking, after the South Coast mobile source public consultative process, to promulgate any VOC and NO<sub>x</sub> mobile source controls which are determined to be appropriate for EPA and needed for ozone attainment in the Los Angeles-South Coast Air Basin Area.

(b) [Reserved]

[62 FR 1187, Jan. 8, 1997]

### § 52.239 Alternate compliance plans.

(a) Alternative compliance plans (bubble plans) developed under the District rules listed below must be submitted to EPA by the State of California as SIP revisions. The emission limits contained in the District rule will continue to be enforceable by EPA and private citizens under sections 113 and 304(a) of the Act until the alternative compliance plans are approved by EPA for inclusion in the SIP.

(1) Bay Area AQMD.

(i) Rule 4 of Regulation 8, submitted on February 7, 1980.

(b) Alternative compliance plans (bubble plans) developed under the District rules listed below are considered the applicable requirements in the SIP which are enforceable by EPA and private citizens under section 113 and 304(a) of the Act. Alternative compliance plans must be submitted to EPA after their approval by the District. The District rules do not apply to or supersede the conditions that a source must meet under nonattainment or PSD permit programs, new source performance standards, or national emission standards for hazardous air pollutants.

(1) Bay Area AQMD.

(i) Rules 11, 13 and 19 of Regulation 8, submitted on February 7, 1980.

[47 FR 11870, Mar. 19, 1982]

### § 52.240 Compliance schedules.

(a) The requirements of § 51.262(a) of this chapter are not met in the following Air Pollution Control Districts since the regulations cited do not provide increments to progress toward compliance.

(1) Rules 50-A, 52-A, 53-A(a), 53-A(b), 53-A(c), 53.2, 53.3, 54.A, 58.A, 62.1, 68, 69, 70, and 71 of the San Bernardino County APCD.

(2) Rules 53, 72.1, and 72.2 of the Riverside County APCD.

(3) Rules 53, 66.c, and 68.a of the Orange County APCD.

(4) Rule 39.1 of the Santa Barbara County APCD.

(5) Rule 59 of the Ventura County APCD.

(6) Rule 66(c) of the Los Angeles County APCD.

(7) Rule 4.5 of the Siskiyou County APCD.

(8) Rule 64(c) of the Northern Sonoma County APCD.

(9) Rule 409 of the Tulare County APCD.

(b) The requirements of § 51.261 are not met since Rule 68.a of the Orange County Air Pollution Control District does not provide for compliance within 3 years after the Administrator's approval of the plan.

(c) Federal compliance schedule. (1) Except as provided in paragraph (c)(2) of this section, the owner or operator