

meet the NO<sub>x</sub> provisions of the Federal transportation and general conformity rule with respect to ozone. The exemption request was based on monitoring data which demonstrated that the National Ambient Air Quality Standard for ozone had been attained in this area for the 3 years prior to the petition. The EPA approved this exemption request on July 28, 1995.

[60 FR 40291, Aug. 8, 1995]

**§§ 52.327–52.328 [Reserved]**

**§ 52.329 Rules and regulations.**

(a) On January 14, 1993, the Governor of Colorado submitted revisions to the State's nonattainment new source review permitting regulations to bring the State's regulations up to date with the 1990 Amendments to the Clean Air Act. With these revisions, the State's regulations satisfy the part D new source review permitting requirements for the following nonattainment areas: the Canon City, Lamar, Pagosa Springs, Aspen, Telluride, and Steamboat Springs moderate PM<sub>10</sub> nonattainment areas, the Denver/Metro Boulder, Longmont, Colorado Springs, and Fort Collins moderate carbon monoxide nonattainment areas, the Greeley not classified carbon monoxide nonattainment area, and the Denver transitional ozone nonattainment area.

(b) On January 14, 1993 and on August 25, 1994, the Governor of Colorado submitted revisions to the State's nonattainment new source review permitting regulations to bring the State's regulations up to date with the 1990 Amendments to the Clean Air Act. With these revisions, the State's regulations satisfy the part D new source review permitting requirements for the Denver metropolitan moderate PM-10 nonattainment area.

(c) A revision to the State Implementation Plan was submitted by the State of Colorado on July 31, 2002. The submittal revises the Common Provisions regulation by adding affirmative defense provisions for source owners and operators for excess emissions during periods of startup and shutdown. The affirmative defense provisions are contained in section II.J. As indicated in 40 CFR 52.320(c)(109), EPA approved the affirmative defense provisions con-

tained in sections II.J.1 through II.J.4 of the Common Provisions regulation, adopted August 16, 2001 and effective September 30, 2001. Section II.J.5 of the Common Provisions regulation, adopted August 16, 2001 and effective September 30, 2001, is disapproved.

[59 FR 64336, Dec. 14, 1994, as amended at 62 FR 2914, Jan. 21, 1997; 62 FR 68195, Dec. 31, 1997; 71 FR 8961, Feb. 22, 2006]

**§ 52.330 Control strategy: Total suspended particulates.**

(a) *Part D—Conditional Approval:* The Pueblo plan is approved assuming the State demonstrates by December 31, 1981, through air quality modeling, attainment of the 24-hour and annual standards, while considering emissions from all sources in the nonattainment area. In addition, the State must repromulgate Regulation No. 1 to satisfy reasonably available control technology requirements in accordance with the following schedule:

(1) The Commission will consider and adopt for public hearing any changes or additions to Regulation No. 1 by February 15, 1981.

(2) The proposed regulations will be published in the Colorado Register by March 10, 1981.

(3) Public hearing will be held by May 14, 1981.

(4) Regulations will be approved with an effective date no later than July 1, 1981, and submitted to EPA by the same date.

[46 FR 26302, May 12, 1981]

**§ 52.331 Committal SIP for the Colorado Group II PM<sub>10</sub> areas.**

On April 14, 1989, the Governor submitted a Committal SIP for the Colorado Group II PM<sub>10</sub> areas. The SIP commits the State to continue to monitor for PM<sub>10</sub>, report data and to submit a full SIP if a violation of the PM<sub>10</sub> National Ambient Air Quality Standards is detected.

[54 FR 43178, Oct. 23, 1989]

**§ 52.332 Control strategy: Particulate matter.**

(a) On April 9, 1992, the Governor of Colorado submitted the moderate PM-10 nonattainment area plan for the Canon City area. The submittal was