

[37 FR 10857, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 46 FR 61263, Dec. 16, 1981]

§ 52.472 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves the District of Columbia's plan for the attainment and maintenance of the national standards.

(b) With respect to the transportation control strategies submitted on April 19, July 9, and July 16, 1973, the Administrator approves the measures for parking surcharge, car pool locator, vehicle inspection, express bus lanes, increased bus fleet and service, elimination of free parking by private employers, with exceptions set forth in §§ 52.476, 52.483, 52.486, and 52.479.

(c) With the exceptions set forth in this subpart, the Administrator approves the District of Columbia's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977.

(d) Section 710 of title 20 of the District of Columbia Regulations is approved with the following condition: Any alternative controls or exemptions under section 710.8 approved or granted by the District of Columbia are subject to a public notice and public hearing requirements and must be submitted to EPA as SIP revisions. Such alternatives or exemptions are not effective until approved as SIP revisions by EPA.

(e) [Reserved]

(f) Disapproval of revisions to the District of Columbia State Implementation Plan, District of Columbia Municipal Regulations (DCMR) Title 20, Sections 200, 201, 202, 204 and 299, pertaining to permitting of sources, and associated definitions in Section 199 submitted on June 21, 1985 and October 22, 1993 by the Mayor of the District of Columbia (1985 submittal) and by the Administrator of the District of Columbia Environmental Regulation Administration (1993 submittal). The disapproved regulations include those applicable to major new and major modified sources wishing to locate in the District. A new source review program

for such major sources is required under sections 182 and 184 of the Clean Air Act. There are many deficiencies in the DCMR permitting regulations. Some of these deficiencies are the lack of public notice and comment procedures for new and modified sources applying for construction permits, the existence of a provision that allows the Mayor to grant indefinite 1-month temporary permits to those sources whose permits he/she determines have been delayed because of his/her office, the inclusion of a major source operating permit program, the inclusion of a minor source operating permit program that does not meet Part D requirements of the Act, the exemption of certain fuel burning (nitrogen oxide emitting) sources, incorrect citations of the Clean Air Act, a provision that allows circumvention of the offset requirement, and the lack of the de minimis special modification provisions required in serious and severe ozone non-attainment areas (section 182(c)(6) of the Clean Air Act).

[38 FR 33709, Dec. 6, 1973, as amended at 46 FR 61263, Dec. 16, 1981; 57 FR 34251, Aug. 4, 1992; 60 FR 5136, Jan. 26 1995; 60 FR 15486, Mar. 24, 1995; 61 FR 2936, Jan. 30, 1996]

§ 52.473 Conditional approval.

The District of Columbia's severe ozone nonattainment area SIP for the Metropolitan Washington area, which includes the 1996-1999 portion of the rate-of-progress plan submitted on November 3, 1997, and May 25, 1999 and the transportation control measures in Appendix H of the May 25, 1999 submittal, and the severe ozone attainment demonstration submitted on April 24, 1998, October 27, 1998, February 16, 2000 and section 9.1.1.2 of the March 22, 2000 submittal, is conditionally approved contingent on the District submitting a revised SIP by April 17, 2004 that satisfies certain conditions. This conditional approval also establishes motor vehicle emissions budgets for 2005 of 101.8 tons per day of volatile organic compounds (VOC) and 161.8 tons per day of nitrogen oxides (NO_x) to be used in transportation conformity in the Metropolitan Washington, DC serious

ozone nonattainment area until revised budgets based upon the MOBILE6 model are submitted and found adequate. The District must submit a revised SIP by April 17, 2004 that satisfies the following conditions.

(1) Revises the 1996-1999 portion of the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the required 9 percent rate-of-progress reductions by November 15, 1999.

(2) Revises the 1999-2005 portion of the severe area rate-of-progress plan to provide MOBILE6-based mobile source emission budgets and adopted measures sufficient to achieve emission reductions of ozone precursors of at least 3 percent per year from November 15, 1999 to the November 15, 2005 severe ozone attainment date.

(3) Revises the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the ROP reductions required for the post-1999 period.

(4) Revises the Washington area severe attainment demonstration to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented for the failure of the Washington area to attain the one-hour ozone standard for serious areas by November 15, 1999.

(5) Revises the Washington area severe attainment demonstration to reflect revised MOBILE6-based motor vehicle emissions budgets, including revisions to the attainment modeling/weight of evidence demonstration and adopted control measures, as necessary, to show that the SIP continues to demonstrate attainment by November 15, 2005.

(6) Revises the Washington area severe attainment demonstration to include a contingency plan containing those measures to be implemented if the Washington area does not attain the one-hour ozone standard by November 15, 2005.

(7) Revises the Washington area severe attainment demonstration to include a revised RACM analysis and any revisions to the attainment demonstration including adopted control measures, as necessitated by such analysis.

(8) Revises the major stationary source threshold to 25 tons per year.

(9) Revises Reasonably Available Control Technology (RACT) rules to include the lower major source applicability threshold.

(10) Revises new source review offset requirement to require an offset ratio of at least 1.3 to 1.

(11) Includes a fee requirement for major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_x) should the area fail to attain by November 15, 2005.

(12) Includes a revision that identifies and adopts specific enforceable transportation control strategies and transportation control measures to offset any growth in emissions from growth in vehicle miles traveled or number of vehicle trips and to attain reductions in motor vehicle emissions as necessary, in combination with other emission reduction requirements in the Washington area, to comply with the rate-of-progress requirements for severe areas. Measures specified in section 108(f) of the Clean Air Act will be considered and implemented as necessary to demonstrate attainment.

[68 FR 19131, Apr. 17, 2003]

EFFECTIVE DATE NOTE: At 69 FR 19937, Apr. 15, 2004, § 52.473 was stayed indefinitely.

§ 52.474 1990 Base Year Emission Inventory.

(a) EPA approves as a revision to the District of Columbia Implementation Plan the 1990 base year emission inventory for the Washington Metropolitan Statistical Area, submitted by Director, District of Columbia Consumer and Regulatory Affairs, on January 13, 1994 and October 12, 1995. This submittal consist of the 1990 base year stationary, area and off-road mobile and on-road mobile emission inventories in the Washington Statistical Area for the pollutant, carbon monoxide (CO).

(b) EPA approves as a revision to the District of Columbia State Implementation Plan the 1990 base year emission inventory for the District's portion of