

since these regulations make all approved emission limiting regulations potentially unenforceable.

(b) Paragraph E of regulation 7-1-1.3 (R9-3-103) (Air Pollution Prohibited) prohibits any person from causing ground level concentrations to exceed ambient standards outside the boundaries of this operation. This regulation could allow violations of ambient air quality standards to occur in areas to which the public has access, contrary to the requirements of section 110(a)(1) of the Clean Air Act. Therefore, paragraph E of regulation 7-1-1.3 (R9-3-103) of the Arizona Rules and Regulations for Air Pollution Control is disapproved.

(c) The requirements of subpart G and § 51.281 of this chapter are not met since the plan does not provide any enforceable regulations and a demonstration that such regulations will cause the attainment and maintenance of national ambient air quality standards in Graham and Greenlee Counties.

(d) Section 3, regulation 4 (Ground Level Concentrations) of the Mohave County Air Pollution Control Regulations, paragraph E of regulation 8-1-1.3 (Air Pollution Prohibited) of the Yuma County Air Pollution Control Regulations, and paragraph C of regulation 7-1-1.3 (Air Pollution Prohibited) of the Rules and Regulations for Pinal-Gila Counties Air Quality Control District prohibits any person from causing ground level concentrations to exceed ambient standards outside the boundaries of his operation. These regulations could allow violations of ambient air quality standards to occur in areas to which the general public has access, contrary to the requirements of section 110(a)(1) of the Clean Air Act. Therefore, these regulations are disapproved.

(e) Rule R18-2-702 of the Arizona Department of Environmental Quality Rules and Regulations sets an opacity standard for emissions from stationary sources of PM-10. The standard does not fulfill the RACM/RACT requirements of section 189(a) of the CAA. The rule also does not comply with enforceability requirements of section 110(a) and SIP relaxation requirements of sections 110(l) and 193. Therefore, Rule R18-2-702 submitted on July 15, 1998 is disapproved.

(f) Rules 1-3-130 and 3-1-020 submitted on November 27, 1995 of the Pinal County Air Quality Control District regulations have limited enforceability because they reference rules not contained in the Arizona State Implementation Plan. Therefore, these rules are removed from the Arizona State Implementation Plan.

(g) Rules 1-2-110, 1-3-130, 3-1-020, and 4-1-010 submitted on October 7, 1998 of the Pinal County Air Quality Control District regulations have limited enforceability because they reference rules not contained in the Arizona State Implementation Plan. Therefore, these rules are disapproved.

[37 FR 15082, July 27, 1972, as amended at 43 FR 33247, July 31, 1978; 43 FR 53035, Nov. 15, 1978; 51 FR 40676, 40677, Nov. 7, 1986; 67 FR 59460, Sept. 23, 2002; 67 FR 68767, Nov. 13, 2002]

#### § 52.134 Compliance schedules.

(a) *Federal compliance schedule.* (1) Except as provided in paragraph (a)(2) of this section, the owner or operator of any stationary source subject to § 52.126(b) shall comply with such regulation on or before January 31, 1974. The owner or operator of the source subject to § 52.125(c) shall comply with such regulation at initial start-up of such source unless a compliance schedule has been submitted pursuant to paragraph (a)(2) of this section.

(i) Any owner or operator in compliance with § 52.126(b) on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who achieves compliance with § 52.125(c) or § 52.126(b) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of the stationary source subject to § 52.125(c) and paragraph (a)(1) of this section may, no later than July 23, 1973, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.125(c) as expeditiously as practicable but not later than July 31, 1977. Any owner or operator of a stationary source subject to § 52.126(b) and paragraph (a)(1) of this

section may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.126(b) as expeditiously as practicable but not later than July 31, 1975.

(i) 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: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(ii) Any compliance schedule for the stationary source subject to § 52.125(c) which extends beyond July 31, 1975, shall apply any reasonable interim measures of control designed to reduce the impact of such source on public health.

(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.

[38 FR 12705, May 14, 1973, as amended at 39 FR 10584, Mar. 21, 1974; 39 FR 43277, Dec. 12, 1974; 40 FR 3994, Jan. 27, 1975; 54 FR 25258, June 14, 1989]

#### § 52.135 Resources.

(a) The requirements of § 51.280 of this chapter are not met because the transportation control plan does not contain a sufficient description of resources available to the State and local agencies and of additional resources needed to carry out the plan during the 5-year period following submittal.

[38 FR 16564, June 22, 1973, as amended at 51 FR 40677, Nov. 7, 1986]

#### § 52.136 Control strategy for ozone: Oxides of nitrogen.

EPA is approving an exemption request submitted by the State of Arizona on April 13, 1994 for the Maricopa County ozone nonattainment area from the NO<sub>x</sub> RACT requirements contained in section 182(f) of the Clean Air Act. This approval exempts the Phoenix area from implementing the NO<sub>x</sub> requirements for RACT, new source review (NSR), and the applicable general and transportation conformity and inspection and maintenance (I/M) requirements of the CAA. The exemption is based on Urban Airshed Modeling as lasts for only as long as the area's modeling continues to demonstrate attainment without NO<sub>x</sub> reductions from major stationary sources.

[60 FR 19515, Apr. 19, 1995]

#### § 52.137 [Reserved]

#### § 52.138 Conformity procedures.

(a) *Purpose.* The purpose of this regulation is to provide procedures as part of the Arizona carbon monoxide implementation plans for metropolitan transportation planning organizations (MPOs) to use when determining conformity of transportation plans, programs, and projects. Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) prohibits MPOs from approving any project, program, or plan which does not conform to an implementation plan approved or promulgated under section 110.

##### (b) *Definitions.*

(1) *Applicable implementation plan or applicable plan* means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under section 110 of the Clean Air Act, 42 U.S.C. 7410, or promulgated under section 110(c) of the CAA, 42 U.S.C. 7410(c).

(2) *Carbon monoxide national ambient air quality standard (CO NAAQS)* means the standards for carbon monoxide promulgated by the Administrator under section 109, 42 U.S.C. 7409, of the Clean Air Act and found in 40 CFR 50.8

(3) *Cause* means resulting in a violation of the CO NAAQS in an area which previously did not have ambient CO concentrations above the CO NAAQS.