

(16) Trinity County APCD.

(17) Ventura County APCD.

(b) The requirements of § 51.212 of this chapter are not met since the plan does not adequately provide for periodic testing and inspection of stationary sources within the Bay Area Air Pollution Control District portion of the San Francisco Bay Area Intrastate Region.

(c) The requirements of § 51.212 of this chapter are not met since the system for detecting violations through enforcement of visible emission regulations and complaint handling is not adequately described.

(d) *Regulation for source recordkeeping and reporting.* (1) The owner or operator of any stationary source in the State of California, except for those APCD's specified in paragraph (a) of this section, shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(e) The requirements of § 51.214 of this chapter are not met in the following air pollution control districts (APCD's) since all of the applicable requirements of Appendix P of part 51 are not included in the district regulations.

(1) Amador County APCD.

(2) Bay Area AQMD

(3) Calaveras County APCD.

(4) El Dorado County APCD.

(5) Imperial County APCD.

(6) Kern County APCD.

(7) Kings County APCD.

(8) Los Angeles County APCD.

(9) Mariposa County APCD.

(10) Monterey Bay Unified APCD.

(11) Nevada County APCD.

(12) Placer County APCD.

(13) Plumas County APCD.

(14) San Bernardino County Desert APCD.

(15) San Diego County APCD.

(16) San Joaquin County APCD.

(17) San Luis Obispo County APCD.

(18) Santa Barbara County APCD.

(19) Sierra County APCD.

(20) South Coast AQMD.

(21) Stanislaus County APCD.

(22) Tulare County APCD.

(23) Ventura County APCD.

[37 FR 10850, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.234, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 52.235 Control strategy for ozone: Oxides of nitrogen.

EPA is approving an exemption request submitted by the Monterey Bay Unified Air Pollution Control District on April 26, 1994 for the Monterey Bay ozone nonattainment area from the NO_x RACT requirements contained in section 182(f) of the Clean Air Act. This approval exempts the area from implementing the oxides of nitrogen (NO_x) requirements for reasonably available control technology (RACT), new source review (NSR), the related requirements of general and transportation conformity regulations, and applicable inspection and maintenance (I/M). The exemption is based on ambient air monitoring data and lasts for only as long as the area's monitoring efforts continue to demonstrate attainment without NO_x reductions from major stationary sources.

[60 FR 20237, Apr. 25, 1995]

§ 52.236 Rules and regulations.

(a) Since the following Air Pollution Control District (APCD) rules do not define the term "agricultural operations," the rules are disapproved because they could render certain emission limitations rules unenforceable.

- (1) Imperial County APCD.
- (i) Rule 114.5, submitted on November 10, 1976.
- (ii) Rule 148.D(3), submitted on November 10, 1976.
- (b) The following Air Pollution Control District (APCD) rules are disapproved because they contain the term “agricultural operations” and/or the term “other equipment in agricultural operations,” both of which are either undefined or inadequately defined, thus rendering certain emission control rules unenforceable:
- (1) San Luis Obispo County APCD.
- (i) Rules 401(B)(4) and 401(B)(6), submitted on November 10, 1976.
- (2) Sacramento County APCD.
- (i) Rule 7(b)(5), submitted on November 4, 1977.
- (3) Glenn County APCD.
- (i) Section 77(e), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).
- (4) Mariposa County APCD.
- (i) Rule 203(G), submitted on June 6, 1977.
- (5) Kern County APCD.
- (i) Rules 402(c) and 402(e), submitted on November 10, 1976.
- (6) Fresno County APCD.
- (i) Rules 402(c) and 402(e), submitted on October 23, 1974.
- (ii) Rules 402(c) and 402(e), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).
- (7) Tulare County APCD.
- (i) Section 402(c), submitted on November 10, 1976, and previously approved under 40 CFR 52.223 (42 FR 47556).
- (8) Madera County APCD.
- (i) Rules 402(c) and 402(e), submitted on January 10, 1975, and previously approved under 40 CFR 52.223 (42 FR 42219).
- (9) Amador County APCD.
- (i) Rules 203(G), submitted on October 15, 1979, and 205(G), submitted on June 30, 1972.
- (c) Since the following Air Pollution Control Districts have deleted definitions which could allow a relaxation of emission limitations, the deletions are disapproved:
- (1) Merced County APCD.
- (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

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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 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_x 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.