

Environmental Protection Agency

§ 52.239

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.