

**Environmental Protection Agency**

**§ 49.10410**

**§§ 49.10381–49.10400 [Reserved]**

**IMPLEMENTATION PLAN FOR THE NEZ PERCE TRIBE OF IDAHO**

SOURCE: 70 FR 18120, Apr. 8, 2005, unless otherwise noted.

**§ 49.10401 Identification of plan.**

This section and §§ 49.10402 through 49.10430 contain the implementation plan for the Nez Perce Tribe. This plan consists of a combination of Tribal rules and measures and Federal regulations and measures which apply within the Nez Perce Reservation, as described in the 1863 Nez Perce Treaty.

**§ 49.10402 Approval status.**

There are currently no EPA-approved Tribal rules or measures in the implementation plan for the Nez Perce Reservation.

**§ 49.10403 Legal authority. [Reserved]**

**§ 49.10404 Source surveillance. [Reserved]**

**§ 49.10405 Classification of regions for episode plans.**

The air quality control region which encompasses the Nez Perce Reservation is classified as follows for purposes of episode plans:

Pollutant	Classification
Carbon monoxide .....	III
Nitrogen dioxide .....	III
Ozone .....	III
Particulate matter (PM10) .....	I
Sulfur oxides .....	III

**§ 49.10406 Contents of implementation plan.**

The implementation plan for the Nez Perce Reservation consists of the following rules, regulations, and measures:

- (a) Section 49.123 General provisions.
- (b) Section 49.124 Rule for limiting visible emissions.
- (c) Section 49.125 Rule for limiting the emissions of particulate matter.
- (d) Section 49.126 Rule for limiting fugitive particulate matter emissions.
- (e) Section 49.127 Rule for woodwaste burners.

(f) Section 49.128 Rule for limiting particulate matter emissions from wood products industry sources.

(g) Section 49.129 Rule for limiting emissions of sulfur dioxides.

(h) Section 49.130 Rule for limiting sulfur in fuels.

(i) Section 49.131 General Rule for open burning.

(j) Section 49.132 Rule for general open burning permits.

(k) Section 49.133 Rule for agricultural burning permits.

(l) Section 49.134 Rule for forestry and silvicultural burning permits.

(m) Section 49.135 Rule for emissions detrimental to public health or welfare.

(n) Section 49.137 Rule for air pollution episodes.

(o) Section 49.138 Rule for the registration of air pollution sources and the reporting of emissions.

(p) Section 49.139 Rule for non-Title V operating permits.

**§ 49.10407 EPA-approved Tribal rules and plans. [Reserved]**

**§ 49.10408 Permits to construct.**

Permits to construct are required for new major stationary sources and major modifications to existing major stationary sources pursuant to 40 CFR 52.21.

**§ 49.10409 Permits to operate.**

Permits to operate are required for sources not subject to 40 CFR Part 71 in accordance with the requirements of § 49.139.

**§ 49.10410 Federally-promulgated regulations and Federal implementation plans.**

The following regulations are incorporated and made part of the implementation plan for the Nez Perce Reservation:

- (a) Section 49.123 General provisions.
- (b) Section 49.124 Rule for limiting visible emissions.
- (c) Section 49.125 Rule for limiting the emissions of particulate matter.
- (d) Section 49.126 Rule for limiting fugitive particulate matter emissions.
- (e) Section 49.127 Rule for woodwaste burners.

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- (f) Section 49.128 Rule for limiting particulate matter emissions from wood products industry sources.
- (g) Section 49.129 Rule for limiting emissions of sulfur dioxide.
- (h) Section 49.130 Rule for limiting sulfur in fuels.
- (i) Section 49.131 General rule for open burning.
- (j) Section 49.132 Rule for general open burning permits.
- (k) Section 49.133 Rule for agricultural burning permits.
- (l) Section 49.134 Rule for forestry and silvicultural burning permits.
- (m) Section 49.135 Rule for emissions detrimental to public health or welfare.
- (n) Section 49.137 Rule for air pollution episodes.
- (o) Section 49.138 Rule for the registration of air pollution sources and the reporting of emissions.
- (p) Section 49.139 Rule for non-Title V operating permits.

NOTE TO § 49.10410: EPA entered into a Partial Delegation of Administrative Authority Agreement with the Nez Perce Tribe on June 27, 2005 for the rules listed in paragraphs (b), (i), (j), (k), (l) and (n) of this section.

[70 FR 18120, Apr. 8, 2005, as amended at 70 FR 54639, Sept. 16, 2005]

**§ 49.10411 Permits for general open burning, agricultural burning, and forestry and silvicultural burning.**

- (a) Beginning June 7, 2005, a person must apply for and obtain a permit under § 49.132 Rule for general open burning permits.
- (b) Beginning June 7, 2005, a person must apply for and obtain approval of a permit under § 49.133 Rule for agricultural burning permits.
- (c) Beginning June 7, 2005, a person must apply for and obtain approval of a permit under § 49.134 Rule for forestry and silvicultural burning permits.

**§§ 49.10412-49.10430 [Reserved]**

IMPLEMENTATION PLAN FOR THE NISQUALLY INDIAN TRIBE OF THE NISQUALLY RESERVATION, WASHINGTON

SOURCE: 70 FR 18120, Apr. 8, 2005, unless otherwise noted.

**§ 49.10431 Identification of plan.**

This section and §§ 49.10432 through 49.10460 contain the implementation plan for the Nisqually Indian Tribe. This plan consists of a combination of Tribal rules and measures and Federal regulations and measures which apply within the Nisqually Reservation.

**§ 49.10432 Approval status.**

There are currently no EPA-approved Tribal rules or measures in the implementation plan for the Nisqually Reservation.

**§ 49.10433 Legal authority. [Reserved]**

**§ 49.10434 Source surveillance. [Reserved]**

**§ 49.10435 Classification of regions for episode plans.**

The air quality control region which encompasses the Nisqually Reservation is classified as follows for purposes of episode plans:

Pollutant	Classification
Carbon monoxide .....	III
Nitrogen dioxide .....	III
Ozone .....	III
Particulate matter (PM10) .....	II
Sulfur oxides .....	II

**§ 49.10436 Contents of implementation plan.**

The implementation plan for the Nisqually Reservation consists of the following rules, regulations, and measures:

- (a) Section 49.123 General provisions.
- (b) Section 49.124 Rule for limiting visible emissions.
- (c) Section 49.125 Rule for limiting the emissions of particulate matter.
- (d) Section 49.126 Rule for limiting fugitive particulate matter emissions.
- (e) Section 49.129 Rule for limiting emissions of sulfur dioxide.
- (f) Section 49.130 Rule for limiting sulfur in fuels.
- (g) Section 49.131 General rule for open burning.
- (h) Section 49.135 Rule for emissions detrimental to public health or welfare.
- (i) Section 49.137 Rule for air pollution episodes.