

Environmental Protection Agency

§ 52.2024

(e) The Administrator hereby extends the dates for attainment of the national ambient air quality standard for carbon monoxide to December 31, 1987 in Philadelphia County and to December 31, 1985 in Allegheny County.

[37 FR 10889, May 31, 1972, as amended at 38 FR 32893, Nov. 28, 1973; 45 FR 33627, May 20, 1980; 46 FR 43141, Aug 27, 1981; 50 FR 7777, Feb. 26, 1985]

§ 52.2023 Approval status.

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

(b) With the exceptions set forth in this subpart, the Administrator approves Pennsylvania's plan for the attainment and maintenance of the national ambient air quality 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, except as noted below.

(c) The Allegheny County Bureau of Air Pollution Control (BAPC) Article XX, section 534 at paragraph D, does not fulfill its 1982 ozone SIP commitment to adopt all applicable control technique guidelines published by EPA. These regulations establish and require reasonable available control technology to control fugitive volatile organic compounds emissions (VOC) from synthetic organic chemical and polymer manufacturing-fugitive sources and associated test method required to determine compliance, but provide the Director of the Bureau authority to approve an alternative VOC emission reduction system and/or alternative monitoring procedure. The approval of any such alternatives by the Director of the BAPC cannot and would not amend the SIP. Only the Administrator of the United States Environmental Protection Agency (EPA) has the authority to approve an alternative VOC emission reduction system and/or the use of an alternative monitoring procedure as a revision to the SIP. Air Pollution Article XX, section 534 at paragraph D of the SIP will remain inadequate until this language providing for Director discretion is corrected to require that

any such alternatives approved by the Director of BAPC must also be approved by EPA. The amended version of Article XX, section 534, paragraph D must be adopted by the Commonwealth, submitted to EPA and approved as a SIP revision to correct this deficiency in the Pennsylvania SIP.

(d) Limited approval/limited disapproval of revisions to the Pennsylvania Regulations, Chapter 129.82 pertaining to Stage II Vapor Recovery and the associated definition of gasoline dispensing facilities in Chapter 121.1 submitted on March 4, 1992, by the Pennsylvania Department of Environmental Resources. The Pennsylvania Stage II regulation is deficient in that it does not include the testing and certification procedures contained in EPA's October 1991 Stage II guidance documents (EPA-450/3-91-022a and EPA-450/3-91-022b).

(e) Disapproval of the April 19, 1995 NO_x RACT proposal for Pennsylvania Power Company—New Castle plant located in Lawrence County, Pennsylvania.

(f)-(i) [Reserved]

(j) The conditionally approved Pennsylvania enhanced I/M SIP revision (59 FR 44936) submitted on November 3, 1993 by the Pennsylvania Department of Environmental Resources was converted to a disapproval by an April 13, 1995 letter from EPA to Pennsylvania.

(k) Conditional limited approval of revisions to the Pennsylvania Regulations, Chapter 129.91 through 129.95, pertaining to VOC and NO_x RACT submitted on February 4, 1994 and amended on May 3, 1994 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection).

[38 FR 32893, Nov. 28, 1973, as amended at 45 FR 33627, May 20, 1980; 51 FR 18440, May 20, 1986; 53 FR 31330, Aug. 18, 1988; 59 FR 6220, Feb. 10, 1994; 59 FR 30304, June 13, 1994; 60 FR 47085, Sept. 11, 1995; 61 FR 16062, Apr. 11, 1996; 63 FR 13794, Mar. 23, 1998; 63 FR 23673, Apr. 30, 1998]

§ 52.2024 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

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(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations, which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional 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.

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

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other

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locations in the state designated by the Regional Administrator.

[39 FR 34537, Sept. 26, 1974, as amended at 40 FR 55333, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

§ 52.2025 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since section 5-1104 of the Philadelphia Home Rule Charter could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 5-1104 is disapproved.

[40 FR 55333, Nov. 28, 1975, as amended at 51 FR 40676, Nov. 7, 1986]

§ 52.2026 Conditional approval.

The Commonwealth of Pennsylvania's March 27, 1996 submittal of its enhanced motor vehicle emissions inspection and maintenance (I/M) program; as amended on June 27, 1996, July 29, 1996, November 1, 1996, November 13, 1997, February 24, 1998, and August 21, 1998; is conditionally approved pending satisfaction of paragraph (a)(2) of this subsection.

(a) If the Commonwealth fails to start its program according to the schedule it provided (i.e., by no later than November 15, 1997 for the five-county Philadelphia area and no later than November 15, 1999 for the remaining sixteen counties), this conditional approval will convert to a disapproval after EPA sends a letter to the state. If the Commonwealth fails to satisfy the following conditions per the deadlines listed within each condition, this conditional approval will automatically convert to a disapproval as explained under section 110(k) of the Clean Air Act. The conditions for approvability are as follows:

(1) [Reserved]

(2) The Commonwealth must submit to EPA as a SIP amendment, by November 30, 1998, the final Pennsylvania I/M program evaluation plan requiring an approved alternative sound evaluation methodology to be performed on a minimum of 0.1 percent of the subject fleet each year as per 40 CFR 51.353(c)(3) and which meets the program evaluation elements as specified in 40 CFR 51.353(c). The Commonwealth submitted, in a November 13, 1997 SIP