

40 C.F.R. §52.2070

Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Rhode Island under section 110 of the Clean Air Act, 42 U.S.C. 7401-7671q and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.*

(1) Material listed as incorporated by reference in paragraphs (c) and (d) of this section was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the Federal Register. Entries in paragraphs (c) and (d) of this section with EPA approval dates after October 15, 2008, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 certifies that the rules/regulations provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of October 15, 2008.

(3) Copies of the materials incorporated by reference may be inspected at the New England Regional Office of EPA at 5 Post Office Square—Suite 100, Boston, MA 02109-3912; the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration [NARA]. If you wish to obtain materials from a docket in the EPA Regional Office, please call telephone number (617) 918-1668; for material from a docket in EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number (202) 566-1742. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(c) *EPA Approved regulations.*

State citation	Title/subject	State effective date	EPA approval date	Explanations
Air Pollution Control General Definitions Regulation	General Definitions	2/9/2018	9/3/2020, 85 FR 54926	Excluding 0.2 Application section.

Air Pollution Control Regulation 1	Visible Emissions	7/19/2007	7/22/2016, 81 FR 47712	All of Air Pollution Control Regulation 1 is approved with the exception of section 1.5.3 of the General Provisions which was formally withdrawn from consideration as part of the SIP revision.
Air Pollution Control Regulation 2	Handling of soft coal	2/22/1977	5/7/1981, 46 FR 25446	
Air Pollution Control Regulation 3	Particulate Emissions from Industrial Processes	7/19/2007	7/22/2016, 81 FR 47712	All of Air Pollution Control Regulation 3 is approved with the exception of section 3.4.3 of the General Provisions and the “director discretion” provisions in section 3.3(a), which were formally withdrawn from consideration as part of the SIP revision.
Air Pollution Control Regulation 4	Open Fires	7/19/2007	7/22/2016, 81 FR 47712	All of Air Pollution Control Regulation 4 is approved with the exception of section 4.5.3 of the General Provisions which was formally withdrawn from consideration as part of the SIP revision.
Air Pollution Control Regulation 5	Fugitive dust	2/22/1977	5/7/1981, 46 FR 25446	
Air Pollution Control Regulation 6	Continuous Emission Monitors	7/19/2007	7/22/2016, 81 FR 47712	All of Air Pollution Control Regulation 6 is approved with the exception of section 6.4.3 of the General Provisions which was formally withdrawn from consideration as part of the SIP revision.
Air Pollution Control Regulation 7	Emission of Air Contaminants Detrimental to Persons or Property	7/19/2007	7/22/2016, 81 FR 47712	All of Air Pollution Control Regulation 7 is approved with the exception of section 7.5.3 of the General Provisions and the air toxics provisions in sections 7.4.1(b), (c), and (d), which were formally withdrawn from consideration as part of the SIP revision.
Air Pollution Control Regulation 8	Sulfur Content of Fuels	1/9/2017	8/13/2018, 83 FR 39889	Excluding sections 8.7 and 8.8.3 which were not submitted by the State.
Air Pollution Control Part 9	Air pollution control permits	4/5/2018	10/2/2019, 84 FR 52366	Amend definitions in Section 9.5: “Baseline concentration”; “Increment”; “Major Source Baseline Date”; “Major Stationary Source”; “Minor Source Baseline Date”; “Regulated NSR Pollutant”; “Subject to Regulation”
				Replace Section 9.5.3.(a) with new language codified as Section 9.9.2.
				Replace Section 9.5.3(c)(5)c with new language codified as Section 9.9.2.A.5.e(3).

				Replace the table at Section 5.5 with a new table codified as Section 9.9.4.A.
Air Pollution Control Regulation 10	Air pollution episodes	2/22/1977	5/7/1981, 46 FR 25446	
Air Pollution Control Regulation 11	Petroleum Liquids Marketing and Storage	2/9/2018	9/3/2020, 85 FR 54926	Excluding 11.2 Application section.
Air Pollution Control Regulation 12	Incinerators	7/19/2007	7/22/2016, 81 FR 47712	All of Air Pollution Control Regulation 12 is approved with the exception of section 12.8.3 of the General Provisions and the “director discretion” provisions in sections 12.5(a) and (c), which were formally withdrawn from consideration as part of the SIP revision.
Air Pollution Control Revisions to Regulation 13	Particulate emissions from fossil fuel fired steam or hot water generating units	10/5/1982	3/29/1983, 48 FR 13026	
Air Pollution Control Regulation 14	Recordkeeping and Reporting	7/19/2007	7/22/2016, 81 FR 47712	All of Air Pollution Control Regulation 14 is approved with the exception of section 14.4.3 of the General Provisions which was formally withdrawn from consideration as part of the SIP revision.
Air Pollution Control Regulation 15	Control of organic solvent emissions	4/8/1996	12/2/1999, 64 FR 67495	Limited approval. Applicability threshold decreased to 50 tpy. Definition of VOC revised. All of No. 15 is approved with the exception of 15.2.2 which Rhode Island did not submit as part of the SIP revision.
Air Pollution Control Regulation 15	Control of Organic Solvent Emissions	2/9/2018	9/3/2020, 85 FR 54926	Excluding 15.2 Application section.
Air Pollution Control Regulation 16	Operation of air pollution control system	2/22/1977	5/7/1981, 46 FR 25446	
Air Pollution Control Regulation 18	Control of Emissions from Organic Solvent Cleaning	Withdrawn	12/2/1999, 64 FR 67495	No. 18 is superseded by No. 36.
Air Pollution Control Regulation 19	Control of Volatile Organic Compounds from Surface Coating Operations	2/9/2018	9/3/2020, 85 FR 54926	Excluding 19.2 Application section.
Air Pollution Control Regulation 21	Control of Volatile Organic Compounds from Printing Operations	2/9/2018	9/3/2020, 85 FR 54926	Excluding 21.2 Application section.

Air Pollution Control Regulation 25	Control of VOC Emissions from Cutback and Emulsified Asphalt	2/9/2018	9/3/2020, 85 FR 54926	Excluding 25.2 Application section.
Air Pollution Control Regulation 26	Control of Organic Solvent Emissions from Manufacturers of Synthesized Pharmaceutical Products	2/9/2018	9/3/2020, 85 FR 54926	Excluding 26.2 Application section.
Air Pollution Control Regulation 27	Control of Nitrogen Oxides Emissions	2/9/2018	9/3/2020, 85 FR 54926	Excluding 27.2 Application section.
Air Pollution Control Regulation 29.3	Emissions Caps	4/28/1995	3/22/1996, 61 FR 11731	This rule limits a source's potential to emit, therefore avoiding RACT, Title V Operating Permit.
Air Pollution Control Regulation 30	Control of Volatile Organic Compounds from Automobile Refinishing Operations	7/19/2007		All of Air Pollution Control Regulation 30 is approved with the exception of section 30.9.3 of the General Provisions which was formally withdrawn from consideration as part of the SIP revision, and section 30.2.2 which was not submitted as part of the SIP revision.
Air Pollution Control Regulation 31	Control of VOCs from Commercial and Consumer Products	1/9/2017	4/1/2021, 86 FR 17072	All of APCR No. 31 is approved with the exception of 31.2 "Application" which the state did not submit as part of the SIP revision.
Air Pollution Control Regulation 32	Control of Volatile Organic Compounds from Marine Vessel Loading Operations	7/19/2007		All of Air Pollution Control Regulation 32 is approved with the exception of section 32.7.3 of the General Provisions which was formally withdrawn from consideration as part of the SIP revision, and section 32.2.2 which was not submitted as part of the SIP revision.
Air Pollution Control Regulation 33	Control of VOCs from Architectural Coatings and Industrial Maintenance Coatings	7/21/2020	4/1/2021, 86 FR 17072	All of APCR No. 33 is approved with the exception of 33.2 "Application" which the state did not submit as part of the SIP revision.
Air Pollution Control Regulation 34	Rhode Island Motor Vehicle Inspection/Maintenance Program	1/5/2009	5/25/2018, 83 FR 24225	Department of Environmental Management regulation containing I/M standards. Approving all sections except section 34.9.3 "Application" which was excluded from the SIP submittal.
Air Pollution Control Regulation 35	Control of Volatile Organic Compounds and Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations	2/9/2018	9/3/2020, 85 FR 54926	Excluding 35.2 Application section.

Air Pollution Control Regulation 36	Control of Emissions from Organic Solvent Cleaning	2/9/2018	9/3/2020, 85 FR 54926	Excluding 36.2 Application section.
Air Pollution Control Regulation 37	Rhode Island's Low Emission Vehicle Program	12/22/2005	8/19/2015, 80 FR 50205	Adopts California LEV II standards.
Air Pollution Control Regulation 38	Nitrogen Oxides Allowance Program	6/10/1998	6/2/1999, 64 FR 29567	
Air Pollution Control Regulation 44	Control of Volatile Organic Compounds from Adhesives and Sealants	2/9/2018	9/3/2020, 85 FR 54926	Excluding 44.2 Application section.
Air Pollution Control Regulation 45	Rhode Island Diesel Engine Anti-Idling Program	7/19/2007	3/27/2008, 73 FR 16203	Limits idling for diesel on-highway and non-road engines.
Air Pollution Control Regulation 49	Transportation Conformity	10/20/2011	3/10/2015, 80 FR 12564	
Air Pollution Control Regulation Part 51	Control of Volatile Organic Compound Emissions from Fiberglass Boat Manufacturing	2/9/2018	9/3/2020, 85 FR 54926	Excluding 51.2 Application section.
Rhode Island Motor Vehicle Safety and Emissions Control Regulation No. 1	Rhode Island Motor Vehicle Inspection/Maintenance Program	1/28/2009	5/25/2018, 83 FR 24225	Division of Motor Vehicles regulation for the light-duty vehicle I/M program. Approving all sections except section 1.12.2 "Penalties" and section 1.13 "Proceedings for Enforcement" which were excluded from the SIP submittal.
Rhode Island General Laws, Title 23, Chapter 23-23	Air Pollution	Submitted 1/2/2013 ¹	4/20/2016, 81 FR 23178	Section 23-23-5—Powers and duty of director. Section 23-23-16—Emergencies.
Rhode Island General Laws, Title 23, Chapter 23-23.1	Air Pollution Episode Control	Submitted 1/2/2013 ¹	4/20/2016, 81 FR 23178	Section 23-23.1-5—Proclamations of episodes and issuances of orders.
Rhode Island General Laws, Title 36, Chapter 36-14	Code of Ethics	Submitted 1/2/2013 ¹	4/20/2016, 81 FR 23178	Section 36-14-1—Declaration of policy. Section 36-14-2—Definitions.
				Section 36-14-3—Code of ethics.

				Section 36-14-4—Persons subject to the code of ethics.
				Section 36-14-5—Prohibited activities.
				Section 36-14-6—Statement of conflict of interest.
				Section 36-14-7—Interest in conflict with discharge of duties.

EPA-Approved Rhode Island Regulations

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