
40 C.F.R. § 52.233

Review of new sources and modifications.

(a) The following regulations are disapproved because they are not consistent with Clean Air Act requirements.

(1) [Reserved]

(2) Monterey Bay Unified APCD.

(i) Subparagraph B.5. of Rule 207, *Standards for Permit to Construct*, submitted March 17, 1980.

(3) South Coast AQMD.

(i) In Rule 1306(a)(i), submitted on April 3, 1980, sentence 3 is disapproved.

(ii) In Rule 1306(d)(1)(B)(ii), submitted on April 3, 1980, the following portion of the rule is disapproved: “Which have occurred during the highest three years of the last five year period, divided by three, provided the applicant demonstrates that such permit units have been operated at least 90 days during each of such three years.”

(iii) In Rule 1307(a) submitted on April 3, 1980, the following portion of the rule is disapproved: “Greater than 68 kilograms (150 pounds) per day except carbon monoxide, for which the value is an increase greater than 340 kilograms (750 pounds) per day.”

(4) Kern County APCD.

(i) Those portions of paragraph (3)(E) of Rule 210.1, submitted on April 15, 1980, which allow new sources and modifications to be exempt from LAER.

(b) [Reserved]

(c) The requirements of § 51.160(a) of this chapter are not met in the following Air Pollution Control Districts since the regulations of the APCD's do not provide the means to prevent construction of sources which would violate applicable portions of the control strategy or would interfere with the attainment or maintenance of a national standard.

(1) Mariposa County APCD.

(2) Santa Barbara County APCD.

(d) The requirements of § 51.160(a) of this chapter are not met in the following Air Pollution Control Districts since the regulations of the APCD's do not include a means to prevent construction or modification if such construction or modification would interfere with the attainment or maintenance of a national standard.

(1) Amador County APCD.

- (2) Calaveras County APCD.
 - (3) El Dorado County APCD (Mountain Counties Intrastate portion).
 - (4) [Reserved]
 - (5) Glenn County APCD.
 - (6) Humboldt County APCD.
 - (7)-(8) [Reserved]
 - (9) Lake County APCD.
 - (10) Lassen County APCD.
 - (11) [Reserved]
 - (12) [Reserved]
 - (13) [Reserved]
 - (14) Modoc County APCD.
 - (15) Monterey Bay Unified APCD.
 - (16) Nevada County APCD.
 - (17) [Reserved]
 - (18) [Reserved]
 - (19) Plumas County APCD.
 - (20) [Reserved]
 - (21) Shasta County APCD.
 - (22) Sierra County APCD.
 - (23) Siskiyou County APCD.
 - (24) [Reserved]
 - (25) Sutter County APCD.
 - (26) [Reserved]
 - (27) Tuolumne County APCD.
 - (e) [Reserved]
 - (f) *Regulation for review of new sources and modifications.* (1) The requirements of this paragraph are applicable to:
 - (i) Any stationary source in the APCD's listed below, the construction or modification of which is commenced
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after the effective date of this regulation.

(a) Mariposa County APCD.

(b) [Reserved]

(c) Santa Barbara County APCD.

(ii) Any stationary source subject to the requirements of §§ 52.226(c), 52.227(c), 52.228(b), or 52.230(b), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of a stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will be operated without causing a violation of any local, State, or Federal regulations which are part of the applicable plan.

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4)

(i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (f)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.

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