

40 C.F.R. § 52.2370

Identification of plan.

- (a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for Vermont 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 in paragraph (c) and (d) of this section with an EPA approval date prior to February 10, 2006, 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 is 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 February 10, 2006, 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 in the SIP compilation 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 February 10, 2006.
- (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, Air Docket (Mail Code 6102T), Room B-108, 1301 Constitution Avenue, NW., Washington, DC 20460 and the National Archives and Records Administration. 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.*

EPA-Approved Vermont Regulations

State citation	Title/subject	State effective date	EPA approval date	Explanations
Chapter 5—Air Pollution Control				
Subchapter I. Definitions				
Section 5-101	Definitions	12/15/16	3/19/18, 83 FR 11885	Approving revisions made to definition for “significant” to include emissions of ozone precursors.
Subchapter II. Prohibitions				

Section 5-201	Open burning prohibited	07/22/98	4/22/98, 63 FR 19825	
Section 5-202	Permissible open burning	1/25/78	12/21/78, 43 FR 59496	
Section 5-203	Procedures for local authorities to burn natural wood	1/25/78	12/21/78, 43 FR 59496	
Section 5-211	Prohibition of visible air contaminants	8/12/78	4/16/82, 47 FR 16331	Except Section 5-211(3).
Section 5-221	Prohibition of potentially polluting materials in fuel	10/14/2011	5/22/2012, 77 FR 30212	Approve revised Section 5-221(1).
Section 5-231	Prohibition of particular matter	12/15/16	3/19/18, 83 FR 11885	Approving revisions to prohibit a process and other specified operations without taking reasonable precautions to prevent particulate matter from becoming airborne, and updating terminology for consistency with industry practice.
Section 5-241	Prohibition of nuisance and odor	1/25/78	12/21/78, 43 FR 59496	
Section 5-251	Control of nitrogen oxides emissions	2/8/2011	8/1/2016, 81 FR 50347	Revised the applicability section.
Section 5-252	Control of sulfur dioxide emissions	2/8/2011	8/1/2016, 81 FR 50347	Revised the applicability section.
Section 5-253.2	Bulk Gasoline Terminals	12/29/14	4/20/16, 81 FR 23167	
Section 5-253.3	Bulk Gasoline Plants	12/29/14	4/20/16, 81 FR 23167	
Section 5-253.4	Gasoline tank trucks	10/29/92	4/22/98, 63 FR 19825	

Section 5-253.5	Stage I Vapor Recovery Controls at Gasoline Dispensing Facilities	12/29/14	4/20/16, 81 FR 23167	
Section 5-253.8	Industrial Adhesives	9/15/2018	11/26/2019, 84 FR 65011	
Section 5-253.9	Offset Lithographic and Letterpress Printing	9/15/2018	11/26/2019, 84 FR 65011	
Section 5-253.10	Paper coating	10/29/92	4/22/98, 63 FR 19825	
Section 5-253.12	Coating of Flat Wood Paneling	9/15/2018	11/26/2019, 84 FR 65011	
Section 5-253.13	Coating of Miscellaneous Metal and Plastic Parts	9/15/2018	11/26/2019, 84 FR 65011	
Section 5-253.14	Solvent metal cleaning	7/29/93	4/22/98, 63 FR 19825	
Section 5-253.15	Cutback and emulsified asphalt	8/2/94	4/22/98, 63 FR 19825	
Section 5-253.16	Wood Furniture Manufacturing	12/15/16	3/19/18, 83 FR 11885	Approving revisions for consistency with underlying federal regulations.
Section 5-253.17	Industrial Solvent Cleaning	9/15/2018	11/26/2019, 84 FR 65011	
Section 5-253.20	Other sources that emit volatile organic compounds	7/5/2014	8/1/2016, 81 FR 50347	Removed the exemption for surface coating of wood.

Section 5-261	Control of hazardous air contaminants	11/03/81	02/10/82, 47 FR 6014.	
Subchapter III. Ambient Air Quality Standards				
Section 5-301	Scope	7/5/2014	8/1/2016, 81 FR 50347	The air quality standard for sulfates is not part of the SIP.
Section 5-302	Sulfur oxides (sulfur dioxide)	7/5/2014	8/1/2016, 81 FR 50347	Revision addresses the SO ₂ NAAQS adopted in 2010.
Section 5-303	Reserved	7/5/2014	8/1/2016, 81 FR 50347	The secondary standard for SO ₂ is now contained in Section 5-302.
Section 5-304	Particulate matter PM _{2.5}	7/5/2014	8/1/2016, 81 FR 50347	New section addresses the 2006 primary and secondary 24-hr standard and the 2013 primary annual standard for the PM _{2.5} NAAQS.
Section 5-306	Particulate matter PM ₁₀	7/5/2014	8/1/2016, 81 FR 50347	Removed the annual standard to be consistent with the 2006 PM ₁₀ NAAQS.
Section 5-307	Carbon monoxide	7/5/2014	8/1/2016, 81 FR 50347	Clarified language to be consistent with EPA.
Section 5-308	Ozone	7/5/2014	8/1/2016, 81 FR 50347	Revision addresses the Ozone NAAQS adopted in 2008.
Section 5-309	Nitrogen Dioxide	7/5/2014	/8/1/16, 81 FR 50347	Revision addresses the NO ₂ NAAQS adopted in 2010.
Section 5-310	Lead	7/5/2014	8/1/2016, 81 FR 50347	Revision addresses the Lead NAAQS adopted in 2008.
Subchapter IV. Operations and Procedures				
Section 5-401	Classification of air contaminant sources	2/8/2011	8/1/2016, 81 FR 50347	Amended the source category for asphalt batch plants.
Section 5-402	Written reports when requested	2/8/2011	8/1/2016, 81 FR 50347	

Section 5-403	Circumvention	12/10/72	05/31/72, 37 FR 10842	
Section 5-404	Methods for sampling and testing of sources	12/15/16	3/19/18, 83 FR 11885	Approving revisions to provide required methods that must be followed when conducting a stack test.
Section 5-405	Required air monitoring	03/24/79	02/19/80, 45 FR 10775	
Section 5-406	Required air modeling	7/5/2014	8/1/2016, 81 FR 50347	Clarified air dispersion modeling must be done in accordance with 40 CFR part 51, Appendix W.
Subchapter V. Review of New Air Contaminant Sources				
Section 5-501	Review of construction or modification of air contaminant sources	December 15, 2016	3/19/18, 83 FR 11885	Approving revisions to Section 5-501(9) to clarify applicability of local, state, or federal law.
Section 5-502	Major stationary sources and major modifications	12/15/16	3/19/18, 83 FR 11885	Approving revisions to Section 5-502(4)(c) and 5-502(5)(a) and (b) to provide process for PSD increment review demonstration and to determine increment; Approving revisions to Section 5-502(9) to provide requirement for alternative site analysis if: A source is major for ozone and/or major for precursors to ozone; or (2) a source or modification that is major is proposed to be constructed in a nonattainment area.
Subchapter VII. Motor Vehicle Emissions				
Section 5-701	Removal of control devices	03/24/79	02/19/80, 45 FR 10775	
Section 5-702	Excessive smoke emissions from motor vehicles	03/24/79	02/19/80, 45 FR 10775	
Section 5-801	Effective date	03/24/79	1/30/80, 45 FR 6781	
Tables				
Table 1	Table 1—Process weight standards	1/25/78	12/21/78, 43 FR 59496	

Table 2	Table 2—PSD increments	7/5/2014	9/14/2016, 81 FR 63104	Added increment thresholds for PM _{2.5} .
Table 3	Table 3—Levels of significant impact	7/5/2014	9/14/2016, 81 FR 63104	Added levels for PM _{2.5} .
Subchapter VIII. Registration of Air Contaminant Sources				
Sections 5-801	Definitions	4/20/88	1/10/95, 60 FR 2524	
Sections 5-802	Requirement for registration	4/20/88	1/10/95, 60 FR 2524	
Section 5-803	Registration procedure	4/20/88	1/10/95, 60 FR 2524	
Section 5-804	False or misleading information	4/20/88	1/10/95, 60 FR 2524	
Section 5-805	Commencement or recommencement of operation	4/20/88	1/10/95, 60 FR 2524	
Section 5-806	Transfer of Operation	4/20/88	1/10/95, 60 FR 2524	
Statutes and Executive Orders				
10 V.S.A. section 554 of the Vermont Statutes	Powers	11/02/2015	6/27/2017, 82 FR 29007	Provides the Secretary of ANR with power to adopt, amend and repeal rules, implementing provisions of 10 VSA Chapter 23, Air Pollution Control.
10 V.S.A. section 563 of the Vermont Statutes	Confidential records; penalty	11/21/2016	6/27/2017, 82 FR 29007	Confidential records furnished to or obtained by the secretary concerning air contaminant sources are for confidential use of the secretary, with penalties for violation.
Vermont Executive Order 19-17	Executive Code of Ethics	12/4/2017	6/4/2020, 85 FR 34358	Prohibits all Vermont executive branch appointees (including the ANR Secretary) from taking “any action in any matter in which he or she has either a Conflict of Interest or the appearance of a Conflict of Interest, until the Conflict is resolved.” Submitted and approved as part of 2015 Ozone infrastructure SIP.

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