

**Environmental Protection Agency**

**§ 52.2381**

**§ 52.2381 EPA-approved Vermont State regulations.**

The following table identifies the state regulations which have been submitted to and adopted by EPA as revisions to the Vermont State Implementation Plan. This table is for informa-

tional purposes only and does not have any independent regulatory effect. To determine regulatory requirements for a specific situation consult the plan identified in §52.2370. To the extent that this table conflicts with §§ 52.2370, 52.2370 governs.

**TABLE 52.2381—EPA-APPROVED REGULATIONS**  
[Vermont SIP regulations 1972 to present]

State citation, title and subject	Date adopted by State	Date Approved by EPA	FEDERAL REGISTER Citation	Section 52.2370	Comments and unapproved sections
<b>Chapter 5 Air Pollution Control</b>					
<b>Subchapter I Definitions</b>					
Section 5–101 Definitions .....	12/10/72	5/31/72	37 FR 10899 .....	(b) .....	All of 5–101 (1–42) approved. Related to wood-fired boilers. Related to PSD. All of 5–101 (1–62) approved. Related to visibility in Class I areas. 5–101(3), (14), (21), (59), and (76) approved. Adds definition of reasonably available control technology (RACT). Add definitions associated with VOC RACT rules.
	12/10/72	5/14/73	38 FR 12713 .....	(c)(3) .....	
	11/19/73	3/22/76	41 FR 11819 .....	(c)(5) .....	
	12/16/74	1/21/76	41 FR 3085 .....	(c)(4) .....	
	1/25/78	12/21/78	43 FR 59496 .....	(c)(8) .....	
	8/12/78	4/16/82	47 FR 16331 .....	(c)(16) .....	
	3/24/79	1/30/80	45 FR 6781 .....	(c)(9) .....	
	11/4/79	2/19/80	45 FR 10775 .....	(c)(10) .....	
	11/3/81	2/10/82	47 FR 6014 .....	(c)(15) .....	
	9/17/86	7/17/87	52 FR 26982 .....	(c)(19) .....	
	7/9/93	4/9/97	62 FR 17087 .....	(c)(22) .....	
	10/29/92	4/22/98	63 FR 19828 .....	(c)(25) .....	
	7/29/93				
<b>Subchapter II Prohibitions</b>					
Section 5–201 Open burning prohibited .....	12/10/72	5/31/72	37 FR 10899 .....	(b) .....	5–211 (1)(2) approved. 5–211 (3) not approved. Except 5–221(c) (i) and (ii). Includes Moran Sta. Bubble Approval. Regarding incinerators. Regarding combustion contaminants. Regarding incinerators asphalt plants. Regarding wood processing plants.
	1/25/78	12/21/78	43 FR 59496 .....	(c)(8) .....	
Section 5–202 Permissible open burning ...	12/10/72	5/31/72	37 FR 10899 .....	(b) .....	
	1/25/78	12/21/78	43 FR 59496 .....	(c)(8) .....	
Section 5–203 Procedures for local authorities to burn natural wood.	12/10/72	5/31/72	37 FR 10899 .....	(b) .....	
	1/25/78	12/21/78	43 FR 59496 .....	(c)(8) .....	
Section 5–211 Prohibition of visible air contaminants.	12/10/72	5/31/72	37 FR 10899 .....	(b) .....	
	1/25/78	12/21/78	43 FR 59496 .....	(c)(8) .....	
	8/12/78	4/16/82	47 FR 16331 .....	(c)(16) .....	
Section 5–221 Prohibition of potentially polluting materials in fuel.	12/10/72	5/31/72	37 FR 10899 .....	(b) .....	
	3/16/75	1/8/82	47 FR 948 .....	(c)(14) .....	
	7/12/76	2/4/77	42 FR 6811 .....	(c)(6) .....	
	1/25/78	12/21/78	43 FR 59496 .....	(c)(8) .....	
Section 5–231 Prohibition of particulate matter.	12/10/72	5/31/72	37 FR 10899 .....	(b) .....	
	12/10/72	5/14/73	38 FR 12713 .....	(c)(3) .....	
	11/19/73	3/22/76	41 FR 11819 .....	(c)(5) .....	
	12/16/74	1/21/76	41 FR 3085 .....	(c)(4) .....	
	7/12/76	2/4/77	42 FR 6811 .....	(c)(6) .....	
	3/14/77	8/2/78	43 FR 33918 .....	(c)(7) .....	

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[Vermont SIP regulations 1972 to present]

State citation, title and subject	Date adopted by State	Date Approved by EPA	FEDERAL REGISTER Citation	Section 52.2370	Comments and un-approved sections
	1/25/78 8/12/78	12/21/78 4/16/82	43 FR 59496 ..... 47 FR 16331 .....	(c)(8) ..... (c)(16) ...	Except Cersosimo Lumber, Rutland Plywood, Moran Sta.
	11/13/81	2/10/82	47 FR 6014 .....	(c)(15) ...	Repealed 5-231 (4).
		8/23/83	48 FR 38235 .....	(c)(17) ...	Approved for Cersosimo Lumber.
		2/26/85	50 FR 7767 .....	(c)(18) ...	Approved for Rutland Plywood.
Section 5-241 Prohibition of nuisance and odor.	12/10/72 11/19/73	5/31/72 3/22/76	37 FR 10899 ..... 41 FR 11819 .....	(b) ..... (c)(5) .....	
Section 5-251 Control of nitrogen oxides emissions.	1/25/78 12/10/72 1/25/78 3/25/79 11/4/79 7/9/93	12/21/78 5/31/72 12/21/78 2/19/80 2/19/80 4/9/97	43 FR 59496 ..... 37 FR 10899 ..... 43 FR 59496 ..... 45 FR 10775 ..... 45 FR 10775 ..... 62 FR 17087 .....	(c)(8) ..... (b) ..... (c)(8) ..... (c)(10) ... (c)(10) ... (c)(22) ...	Requires RACT for major stationary sources of NO <sub>x</sub> .
	1/4/95	4/9/97	62 FR 17087 .....	(c)(22) ...	NO <sub>x</sub> RACT for Simpson Paper Company's Gilman facility.
Section 5-252 Control of sulfur dioxide emissions.	7/12/76 1/25/78 3/24/79 11/4/79	2/4/77 12/21/78 2/19/80 2/19/80	42 FR 6811 ..... 43 FR 59496 ..... 45 FR 10775 ..... 45 FR 10775 .....	(c)(6) ..... (c)(8) ..... (c)(10) ... (c)(10) ...	
Section 5-253 Control of volatile organic compounds.	7/9/93 1/4/95	4/9/97 4/9/97	62 FR 17087 .....	(c)(22) ... (c)(22) ...	Requires RACT at non-CTG VOC sources. Non-CTG VOC RACT for U.S. Samaica Corporation's Rutland facility.
Section 5-253.1 Petroleum Liquid Storage in Fixed Roof Tanks..	10/29/92	4/22/98	63 FR 19829 .....	(c)(25) ...	
Section 5-253.2 Bulk Gasoline Terminals	10/29/92	4/22/98	63 FR 19829 .....	(c)(25) ...	
Section 5-253.3 Bulk Gasoline Plants. ....	10/29/92	4/22/98	63 FR 19829 .....	(c)(25) ...	
Section 5-253.4 Gasoline Tank Trucks. ....	10/29/92	4/22/98	63 FR 19829 .....	(c)(25) ...	
Section 5-253.5 Stage I vapor recovery controls at gasoline dispensing facilities..	10/29/92	4/22/98	63 FR 19829 .....	(c)(25) ...	
Section 5-253.10 Paper Coating. ....	10/29/92	4/22/98	63 FR 19829 .....	(c)(25) ...	
Section 5-253.12 Coating of Flatwood Paneling..	10/29/92	4/22/98	63 FR 19829 .....	(c)(25) ...	
Section 5-253.13 Coating of Miscellaneous Metal Parts..	7/29/93	4/22/98	63 Fr 19829 .....	(c)(25) ...	
Section 5-253.14 Solvent Metal Cleaning.	7/29/93	4/22/98	63 FR 19829 .....	(c)(25) ...	
Section 5-253.15 Cutback and Emulsified Asphalt..	8/2/94	4/22/98	63 FR 19829 .....	(c)(25) ...	
Section 5-261 Control of hazardous air contaminants.	11/3/81	2/10/82	47 FR 6014 .....	(c)(15) ...	
Subchapter III Ambient Air Quality Stds					
Section 5-301 Scope .....	12/10/72 3/24/79 12/15/90	5/31/72 2/19/80 3/5/91	37 FR 10899 ..... 45 FR 10775 ..... 56 FR 9177 .....	(b) ..... (c)(10) ... (c)(20) ...	
Section 5-302 Sulfur dioxide primary .....	12/10/72 7/12/76 3/24/79	5/31/72 2/4/77 2/19/80	37 FR 10899 ..... 42 FR 6811 ..... 45 FR 10775 .....	(b) ..... (c)(6) ..... (c)(10) ...	
Section 5-303 Sulfur dioxide (secondary) ..	12/10/72 7/12/76 3/24/79	5/31/72 2/4/77 2/19/80	37 FR 10899 ..... 42 FR 6811 ..... 45 FR 10775 .....	(b) ..... (c)(6) ..... (c)(10) ...	

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Section 5–304: PM10 Primary Standards .....	11/90	8/1/97	62 FR 41282 .....	(c)(23) ...	Removal of the TSP standard and establishment of the PM10 standard.
Section 5–305: PM10 Secondary Standards .....	11/90	8/1/97	62 FR 41282 .....	(c)(23) ...	
Section 5–306 Carbon monoxide primary/secondary.	12/10/72 11/19/73 3/24/79	5/31/72 3/22/76 2/19/80	37 FR 10899 .....	(b) .....	Removal of the TSP standard and establishment of the PM10 standard.
Section 5–307 Ozone primary/secondary ..	12/10/72 12/16/74 3/24/79	5/31/72 1/21/76 2/19/80	41 FR 11819 .....	(c)(5) .....	
Section 5–308 Lead (primary/secondary) ...	11/3/81	2/10/82	45 FR 10775 .....	(c)(10) ...	
Section 5–309 Nitrogen dioxide primary/secondary.	12/15/90	3/5/91	37 FR 10899 .....	(b) .....	
Subchapter IV Operations/Procedures			41 FR 11819 .....	(c)(5) .....	
Section 5–401 Classification of air contaminant sources.	3/24/79	2/19/80	41 FR 11819 .....	(c)(10) ...	
Section 5–402 Written reports when requested.	12/10/72 12/10/72 11/19/73 3/24/79	5/31/72 5/14/73 3/22/76 2/19/80	37 FR 10899 .....	(b) .....	
Section 5–403 Circumvention .....	12/10/72	5/31/72	38 FR 12713 .....	(c)(3) .....	
Section 5–404 Methods for sampling and testing of sources.	1/25/78 3/24/78	12/21/78 2/19/80	41 FR 11819 .....	(c)(5) .....	
Section 5–405 Required air monitoring .....	12/10/72	5/31/72	45 FR 10775 .....	(c)(10) ...	
Section 5–406 Required air modeling .....	3/24/79 3/24/79	1/30/80 2/19/80	37 FR 10899 .....	(b) .....	
Subchapter V Review of New Air Contaminant Sources			43 FR 59496 .....	(c)(8) .....	
Section 5–501 Review of construction or modification of air contaminant sources.	12/10/72 12/10/72 1/25/78 3/24/79 11/04/79 11/03/81 9/17/86	5/31/72 5/14/73 12/21/78 1/30/80 2/19/80 2/10/82 7/17/87	37 FR 10899 .....	(b) .....	
Section 5–502 Major stationary sources and major modifications.	3/24/79 11/04/79 11/03/81 9/17/86	1/30/80 2/19/80 2/10/82 7/17/87	38 FR 12713 .....	(c)(3) .....	
Subchapter VII Motor vehicle emissions			43 FR 59496 .....	(c)(8) .....	
Section 5–701 Removal of control devices	12/10/72 3/24/79	5/31/72 2/19/80	45 FR 6781 .....	(c)(9) .....	
Section 5–702 Excessive smoke emissions from motor vehicles.	12/10/72 3/24/79	5/31/72 2/19/80	45 FR 10775 .....	(c)(10) ...	
Section 5–801 Effective date .....	3/24/79	1/30/80	45 FR 10775 .....	(c)(10) ...	
Table 1—Process weight standards .....	12/10/72	5/31/72	45 FR 6781 .....	(c)(9) .....	
Figure 1—Fuel-burning equipment .....	1/25/78 12/10/72 7/12/76 1/25/78	12/21/78 5/31/72 2/4/77 12/21/78	37 FR 10899 .....	(b) .....	
Table 2—PSD increments .....	3/24/79	1/30/80	42 FR 6811 .....	(c)(6) .....	
			43 FR 59496 .....	(c)(8) .....	
			45 FR 6781 .....	(c)(9) .....	

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	12/15/90	3/5/91	56 FR 9177 .....	(c)(20) ...	Addition of NO <sub>2</sub> increments for Class I, II, and III areas.
Table 3—Levels of significant impact for non-attainment areas.	3/24/79	2/19/80	45 FR 10775 .....	(c)(10) ...	
	11/4/79	2/19/80	45 FR 10775 .....	(c)(10) ...	
	11/3/81	2/10/82	47 FR 6014 .....	(c)(15) ...	
Definitions .....	4/20/88	1/10/95	60 FR 2527 .....	(c)(21) ...	
Section 5-802, Requirement for Registration	4/20/88	1/10/95	60 FR 2527 .....	(c)(21) ...	
Section 5-803, Registration Procedure .....	4/20/88	1/10/95	60 FR 2527 .....	(c)(21) ...	
Section 5-804, False or Misleading Information.	4/20/88	1/10/95	60 FR 2527 .....	(c)(21) ...	
Section 5-805, Commencement or Re- commencement of Operation.	4/20/88	1/10/95	60 FR 2527 .....	(c)(21) ...	
Sections 5-806, Transfer of Operation .....	4/20/88	1/10/95	60 FR 2527 .....	(c)(21) ...	

[49 FR 46142, Nov. 23, 1984, as amended at 50 FR 7768, Feb. 26, 1985; 50 FR 23810, June 6, 1985; 52 FR 26982, July 17, 1987; 56 FR 9177, Mar. 5, 1991; 60 FR 2527, Jan. 10, 1995; 62 FR 17087, Apr. 9, 1997; 62 FR 41282, Aug. 1, 1997; 62 FR 41870, Aug. 4, 1997; 63 FR 19828, Apr. 22, 1998; 63 FR 23501, Apr. 29, 1998]

**§ 52.2382 Rules and regulations.**

(a) *Non-Part D—No Action.* EPA is neither approving or disapproving the following elements of the revisions:

- (1) Permit fees.
- (2) Intergovernmental consultation.
- (3) Stack height requirements.
- (4) Interstate pollution notification requirements.
- (5) Conflict of interest requirements.

(b) *Regulation for visibility monitoring and new source review.* The provisions of §§ 52.26 and 52.27 are hereby incorporated and made a part of the applicable plan for the State of Vermont.

[45 FR 10782, Feb. 19, 1980, as amended at 45 FR 59315, Sept. 9, 1980; 46 FR 66789, Oct. 8, 1980; 46 FR 16897, Mar. 16, 1981; 50 FR 28553, July 12, 1985]

**§ 52.2383 Visibility protection.**

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.27 are hereby

incorporated and made part of the applicable plan for the State of Vermont.

[51 FR 5505, Feb. 13, 1986]

**§ 52.2384 Stack height review.**

The State of Vermont has declared to the satisfaction of EPA that no existing emission limitations have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion techniques as defined in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on March 21, 1986. The State has further declared in a letter from Harold T. Garabedian, dated March 21, 1986, that, "[T]he State concludes that our present rule 5-502(4)(d) is adequate to insure that new emission sources will not be able to use credits from modeling ambient impacts at greater than 'good engineering practice' stack height or from using 'other dispersion techniques.'" Thus, Vermont has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

[52 FR 49407, Dec. 31, 1987]