

for the calendar year pursuant to the regulations § 370.4 of this chapter. In addition, a Noncommercial Educational Webcaster that unexpectedly exceeded 80,000 total ATH on one or more channels or stations for more than one month during the immediately preceding calendar year may elect to pay the Proxy Fee and receive the reporting waiver described in paragraph (g)(1) of this section during a calendar year, if it implements measures reasonably calculated to ensure that it will not make Eligible Transmissions exceeding 80,000 total ATH during any month of that calendar year. The Proxy Fee is intended to defray the Collective's costs associated with this reporting waiver, including development of proxy usage data. The Proxy Fee shall be paid by the date specified in paragraph (c) of this section for paying the Minimum Fee for the applicable calendar year and shall be accompanied by a certification on a form provided by the Collective, signed by a duly authorized representative of the applicable educational institution, stating that the Noncommercial Educational Webcaster is eligible for the Proxy Fee option because of its past and expected future usage and, if applicable, has implemented measures to ensure that it will not make excess Eligible Transmissions in the future.

* * * * *

(3) *Census-basis reports.* If any of the following three conditions is satisfied, a Noncommercial Educational Webcaster must report pursuant to paragraph (g)(3) of this section:

- (i) The Noncommercial Educational Webcaster exceeded 159,140 total ATH for any individual channel or station for more than one calendar month in the immediately preceding calendar year;
- (ii) The Noncommercial Educational Webcaster expects to exceed 159,140 total ATH for any individual channel or station for any calendar month in the applicable calendar year; or
- (iii) The Noncommercial Educational Webcaster otherwise does not elect to be subject to paragraph (g)(1) or (2) of this section.

A Noncommercial Educational Webcaster required to report pursuant to paragraph (g)(3) of this section shall provide reports of use to the Collective quarterly on a census reporting basis in accordance with § 370.4 of this chapter, except that, notwithstanding § 370.4(d)(2), such a Noncommercial Educational Webcaster shall not be required to include ATH or actual total performances, and may in lieu thereof provide channel or station name and play frequency, during the first calendar

year it reports in accordance with paragraph (g)(3) of this section. For the avoidance of doubt, after a Noncommercial Educational Webcaster has been required to report in accordance with paragraph (g)(3) of this section for a full calendar year, it must thereafter include ATH or actual total performances in its reports of use. All reports of use under paragraph (g)(3) of this section shall be submitted to the Collective no later than the 45th day after the end of each calendar quarter.

* * * * *

Dated: August 3, 2015.
Jesse M. Feder,
Copyright Royalty Judge.
 Approved by:
James H. Billington,
Librarian of Congress.
 [FR Doc. 2015-24506 Filed 9-25-15; 8:45 am]
BILLING CODE 1410-72-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2015-0149; FRL-9931-73-Region 8]

Air Plan Approval; CO; Revised Format for Material Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is revising the format of materials submitted by the state of Colorado that are incorporated by reference (IBR) into its State Implementation Plan (SIP). The regulations affected by this format change have all been previously submitted by Colorado and approved by the EPA.

DATES: This action is effective September 28, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket Identification Number EPA-R08-OAR-2015-0149. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in the hard copy form. Publicly available docket materials are available either

electronically through <http://www.regulations.gov> or in hard copy at EPA Region 8, Office of Partnership and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado, 80202-1129. The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. An electronic copy of the state's SIP compilation is also available at <http://www.epa.gov/region8/air/sip.html>.

FOR FURTHER INFORMATION CONTACT:
 Kathy Ayala, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6142, ayala.kathy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Change in IBR Format

This format revision will affect the "Identification of plan" section of 40 CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the National Archives and Records Administration (NARA); the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the EPA Region 8 Office.

A. Description of a SIP

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS) and achieve certain other Clean Air Act (Act) requirements (*e.g.*, visibility requirements, prevention of significant deterioration). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring network descriptions, attainment demonstrations, and enforcement mechanisms.

B. How EPA Enforces the SIP

Each SIP revision submitted by Colorado must be adopted at the state level after undergoing reasonable notice and public hearing. SIPs submitted to EPA to attain or maintain the NAAQS must include enforceable emission limitations and other control measures, schedules and timetables for compliance.

EPA evaluates submitted SIPs to determine if they meet the Act's requirements. If a SIP meets the Act's requirements, EPA will approve the SIP. EPA's notice of approval is published in the **Federal Register** and the approval is then codified at 40 CFR part 52. Once EPA approves a SIP, it is enforceable by

EPA and citizens in federal district court.

We do not reproduce in 40 CFR part 52 the full text of the Colorado regulations that we have approved. Instead, we incorporate them by reference or IBR. We approve a given state regulation with a specific effective date and then refer the public to the location(s) of the full text version of the state regulation(s) should they want to know which measures are contained in a given SIP (see I.F., *Where You Can Find a Copy of the SIP Compilation*).

C. How the State and EPA Update the SIP

The SIP is a dynamic document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations.

On May 22, 1997 (62 FR 27968), EPA announced revised procedures for IBR of federally approved SIPs. The procedures announced included: (1) A new process for IBR of material submitted by states into compilations and a process for updating those compilations on roughly an annual basis; (2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the compilations and the CFR; and, (3) a revised format for the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures.

D. How EPA Compiles the SIP

We have organized into a compilation the federally-approved regulations, source-specific requirements and nonregulatory provisions we have approved into the SIP. These compilations may be found at <http://www.epa.gov/region8/air/sip.html>. In addition, we maintain hard copies of the compilation which are updated periodically.

E. How EPA Organizes the SIP Compilation

Each compilation contains three parts. Part one contains the state regulations that have been approved, part two contains the source-specific requirements that have been approved as part of the SIP (if any), and part three contains non-regulatory provisions that have been approved. Each compilation contains a table of identifying information for each regulation, each source-specific requirement, and each nonregulatory provision. The state effective dates in the tables indicate the date of the most recent revision to a

particular approved regulation. The table of identifying information in the compilation corresponds to the table of contents published in 40 CFR part 52 for the state. The EPA Regional Offices have the primary responsibility for ensuring accuracy and updating the compilations.

F. Where You Can Find a Copy of the SIP Compilation

EPA Region 8 developed and will maintain the compilation for Colorado. An electronic copy of the compilation is contained at <http://www.epa.gov/region8/air/sip.html>. SIP Materials which are incorporated by reference into 40 CFR part 52 are also available for inspection at the following locations: Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460 or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

G. The Format of the New Identification of Plan Section

In order to better serve the public, EPA has revised the organization of the "Identification of plan" section in 40 CFR part 52 and included additional information to clarify the elements of the SIP.

The revised Identification of plan section for Colorado contains five subsections:

1. Purpose and scope (see 40 CFR 52.320(a));
2. Incorporation by reference (see 40 CFR 52.320(b));
3. EPA-approved regulations (see 40 CFR 52.320(c));
4. EPA-approved source-specific requirements (see 40 CFR 52.320(d)); and,
5. EPA-approved nonregulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc. (see 40 CFR 52.320(e)).

H. When a SIP Revision Becomes Federally Enforceable

All revisions to the applicable SIP are federally enforceable as of the effective date of EPA's approval of the respective revision. In general, SIP revisions become effective 30 to 60 days after publication of EPA's SIP approval action in the **Federal Register**. In specific cases, a SIP revision action may become effective less than 30 days or greater than 60 days after the **Federal**

Register publication date. In order to determine the effective date of EPA's approval for a specific Colorado SIP provision that is listed in 40 CFR 52.320(c), (d), or (e), consult the volume and page of the **Federal Register** cited in 40 CFR 52.320 for that particular provision.

I. The Historical Record of SIP Revision Approvals

To facilitate enforcement of previously approved SIP provisions and to provide a smooth transition to the new SIP processing system, we are retaining the original Identification of plan section (40 CFR 52.354). This section previously appeared at 40 CFR 52.320. After an initial two-year period, we will review our experience with the new table format and will decide whether to retain the original identification of plan section (40 CFR 52.354) for some further period.

II. What EPA is doing in this action?

This action constitutes a "housekeeping" exercise to reformat the codification of the EPA-approved Colorado SIP.

III. Good Cause Exemption

EPA has determined that this action falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon a finding of "good cause" authorizes agencies to dispense with public participation, and section 553(d)(3), which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This action simply reformats the codification of provisions which are already in effect as a matter of law.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Likewise, there is no purpose served by delaying the effective date of this action.

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Colorado regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available electronically through www.regulations.gov and/or in hard copy at the appropriate EPA office (see

the **ADDRESSES** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866. Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This rule does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA’s compliance with these statutes and Executive Orders for the

underlying rules are discussed in previous actions taken on the state’s rules.

B. Submission to Congress and the Comptroller General

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This action simply codifies provisions which are already in effect as a matter of law in federal and approved state programs. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding and established an effective date of September 28, 2015. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This change to the identification of plan for Colorado is not a “major rule” as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Colorado SIP compilation had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this “Identification of plan” reorganization action for Colorado.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 10, 2015.

Shaun L. McGrath,

Regional Administrator, Region 8.

40 CFR part 52 is amended to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart G—Colorado

§ 52.320 [Redesignated as § 52.354]

- 2. Section 52.320 is redesignated as § 52.354, and in newly redesignated § 52.354, revise the section heading and paragraph (a) to read as follows:

§ 52.354 Original identification of plan.

(a) This section identifies the original “Air Implementation Plan for the State of Colorado” and all revisions submitted by Colorado that were federally approved prior to June 1, 2015.

* * * * *

- 3. Add § 52.320 to read as follows:

§ 52.320 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for Colorado under section 110 of the Clean Air Act, 42 U.S.C. 7410 and 40 CFR part 51 to meet national ambient air quality standards or other requirements under the Clean Air Act.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to June 1, 2015, 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 submitted by the state to EPA, and notice of any change in the material will be published in the **Federal Register**. Entries for paragraphs (c) and (d) of this section with EPA approval dates after June 1, 2015, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 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 June 1, 2015.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental

Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202–1129; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, West Building, 1301 Constitution Ave. NW., Washington, DC 20460; and, the National Archives and Records

Administration (NARA). For information on the availability of materials from the docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) at (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to [http://](http://www.archives.gov/federal-register/cfr/ibr-locations.html)

www.archives.gov/federal-register/cfr/ibr-locations.html. Copies of the Colorado regulations we have approved are also available at <http://www.epa.gov/region8/air/sip.html>.
(c) EPA-approved regulations.

Title	State effective date	EPA Effective date	Final rule citation/date	Comments
5 CCR 1001–01, Procedural Rules				
State Implementation Plan	3/30/1998	5/10/2012	77 FR 21451, 04/10/12.	
5 CCR 1001–02, Common Provisions Regulation				
I. Definitions, Statement of Intent, and General Provisions Applicable to all Emission Control Regulations adopted by the Colorado Air Quality Control Commission.	9/30/2002	4/29/2013	78 FR 19125, 03/29/13.	
II. General	9/30/2002	4/29/2013	78 FR 19125, 03/29/13.	
5 CCR 1001–03, Regulation Number 1, Emission Control for Particulate Matter, Smoke, Carbon Monoxide, and Sulfur Oxides				
Definitions	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
I. Applicability: Referenced Federal Regulations	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
II. Smoke and Opacity	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
III. Particulate Matter	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
IV. Continuous Emission Monitoring Requirements for New or Existing Sources.	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
V. Emission Standards for Existing Iron and Steel Plant Operations.	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
VI. Sulfur Dioxide Emission Regulations	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
VII. Emission Regulations for Certain Electric Generating Stations Owned and Operated by the Public Service Company of Colorado.	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
VIII. Restrictions on the Use of Oil as a Backup Fuel	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
IX. Emission Regulations Concerning Areas Which Are Nonattainment for Carbon Monoxide—Refinery Fluid Bed Catalytic Cracking Units:	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
Appendix A, Method of Measuring Opacity from Fugitive Particulate Emission Sources.	5/30/1982	1/2/1987	51 FR 43609, 12/03/86.	
Appendix B, Method of Measurement of Off-Property Transport of Fugitive Particulate Emissions.	5/30/1982	1/2/1987	51 FR 43609, 12/03/86.	
5 CCR 1001–05, Regulation Number 3, Part A, Concerning General Provisions Applicable to Reporting and Permitting				
I. Applicability	12/15/2010	5/27/2014	79 FR 22772, 04/24/14.	Except II.D.1.sss., II.D.1.ttt., II.D.1.xxx., II.D.1.fff. and Section VI.D.1.
II. Air Pollutant Emission Notice (APEN) Requirements.	4/30/2008	3/17/2014	79 FR 8632, 02/13/14	
III. Administrative Permit Amendment Procedures	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
IV. Operational Flexibility	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
V. Certification And Trading Of Emission Reduction Credits Offset And Netting Transactions.	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
VI. Fees	12/15/2010	5/27/2014	79 FR 22772, 04/24/14.	
VII. Confidential Information or Data Contained in Air Pollutant Emission Notices, Permit Applications, or Reports Submitted Pursuant to Part C, Section V.C.6.	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
VIII. Technical Modeling and Monitoring Requirements.	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
Appendix A, Method For Determining De Minimis Levels For Non-Criteria Reportable Pollutants.	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
Appendix B, Non-criteria Reportable Pollutants (Sorted by BIN).	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
5 CCR 1001–05, Regulation Number 3, Part B, Concerning Construction Permits				
I. Applicability	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
II. General Requirements For Construction Permits ...	12/15/2010	5/27/2014	79 FR 22772, 04/24/14.	
III. Construction Permit Review Procedures	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	

Title	State effective date	EPA Effective date	Final rule citation/date	Comments
5 CCR 1001–05, Regulation Number 3, Part D, Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration				
I. Applicability	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
II. Definitions	12/15/2010	5/27/2014	79 FR 22772, 04/24/14.	
III. Permit Review Procedures	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
IV. Public Comment Requirements	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
V. Requirements Applicable to Nonattainment Areas	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
VI. Requirements applicable to attainment and unclassifiable areas and pollutants implemented under Section 110 of the Federal Act (Prevention of Significant Deterioration Program).	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
VII. Negligibly Reactive Volatile Organic Compounds (NRVOCs).	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
VIII. Area Classifications	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
IX. Redesignation	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
X. Air Quality Limitations	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
XI. Exclusions From Increment Consumption	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
XII. Innovative Control Technology	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
XIII. Federal Class I Areas	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
XIV. Visibility	2/14/2011	1/30/2013	77 FR 76871, 12/31/12.	
XV. Actuals PALs	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
5 CCR 1001–05, Regulation Number 3, Part F, Regional Haze Limits—Best Available Retrofit Technology (BART) and Reasonable Progress (RP)				
VI. Regional Haze Determinations	2/14/2011	1/30/2013	77 FR 76871, 12/31/12.	
VII. Monitoring, Recordkeeping, and Reporting for Regional Haze Limits.	2/14/2011	1/30/2013	77 FR 76871, 12/31/12.	
5 CCR 1001–06, Regulation Number 4, New Wood Stoves and the Use of Certain Woodburning Appliances During High Pollution Days				
I. Definitions	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
II. Requirements for Sale and Installation of Wood Stoves.	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
III. Approval Procedure for Pellet Stoves	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
IV. Enforcement	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
V. List of Certified Wood Stoves	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
VI. High Pollution Days	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
VII. Requirements for Installation of Fireplaces	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
VIII. Implementation of Local Control Strategies	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
IX. References	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
5 CCR 1001–08, Regulation Number 6, Standards of Performance for New Stationary Sources				
IV. Standards of Performance for New Sources of Sulfur Dioxide.	3/30/1981	1/6/1982	46 FR 59536, 12/07/81.	
5 CCR 1001–09, Regulation Number 7, Control of Ozone Via Ozone Precursors (Emissions of Volatile Organic Compounds and Nitrogen Oxides)				
I. Applicability	1/30/2009	9/6/2011	76 FR 47443, 08/05/11 ...	Except sections I.A.1.b, I.B.1.b, I.B.2.b, I.B.2.d Except sections II.A.12, II.C.1, and II.D.
II. General Provisions	1/30/2009	9/6/2011	76 FR 47443, 08/05/11 ...	
III. General Requirements for Storage and Transfer of Volatile Organic Compounds.	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
IV. Storage of Highly Volatile Organic Compounds	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
V. Disposal of Volatile Organic Compounds	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
VI. Storage and Transfer of Petroleum Liquid	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
VII. Crude Oil	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
VIII. Petroleum Processing and Refining	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
IX. Surface Coating Operations	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
X. Use of Solvents for Degreasing and Cleaning	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
XI. Use of Cutback Asphalt	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
XII. Volatile Organic Compound Emissions From Oil and Gas Operations.	3/4/2007	3/4/2007	73 FR 8194, 02/13/08.	
XIII. Graphic Arts	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
XIV. Pharmaceutical Synthesis	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
XV. Control of Volatile Organic Compound Leaks from Vapor Collection Systems and Vapor Control Systems Located at Gasoline Terminals, Gasoline Bulk Plants, and Gasoline Dispensing Facilities.	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	

Title	State effective date	EPA Effective date	Final rule citation/date	Comments
XVI. Control of Emissions from Stationary and Portable Engines in the 8-Hour Ozone Control Area.	1/30/2009	9/6/2011	70 FR 48652, 08/05/11.	
XVII.E.3.a., (Regional Haze SIP) Rich Burn Reciprocating Internal Combustion Engines.	2/14/2011	1/30/2013	77 FR 76871, 12/31/12.	
Appendix A. Criteria for Control of Vapors from Gasoline Transfer to Storage Tanks.	10/30/1989	6/29/1995	60 FR 28055, 05/30/95.	
Appendix B. Criteria for Control of Vapors from Gasoline Transfer at Bulk Plants (Vapor Balance System).	10/30/1989	6/20/1995	60 FR 28055, 05/30/95.	
Appendix C. Minimum Cooling Capacities for Refrigerated Freeboard Chillers on Vapor Degreasers.	5/22/1980	4/13/1981	46 FR 16687, 03/13/81.	
Appendix D. Test Procedures for Annual Pressure/Vacuum Testing of Gasoline Transport Tanks.	10/30/1989	6/29/1995	60 FR 28055, 05/30/95.	
Appendix E. Emission Limit Conversion Procedure ...	10/30/1989	6/29/1995	60 FR 28055, 05/30/95.	

5 CCR 1001–12, Regulation Number 10, Criteria for Analysis of Conformity

I. Requirement to Comply with the Federal Rule	1/30/2012	4/3/2014	79 FR 12079, 03/04/14.	
II. Definitions	1/30/2012	4/3/2014	79 FR 12079, 03/04/14.	
III. Interagency Consultation	1/30/2012	4/3/2014	79 FR 12079, 03/04/14.	
IV. Emission reduction credit for certain control measures.	1/30/2012	4/3/2014	79 FR 12079, 03/04/14.	
V. Enforceability of design concept and scope and project-level mitigation and control measures.	1/30/2012	4/3/2014	79 FR 12079, 03/04/14.	

5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part A, General Provisions, Area of Applicability, Schedules for Obtaining Certification of Emissions Control, Definitions, Exemptions, and Clean Screening/Remote Sensing

I. Applicability	1/30/2006	10/16/2007	72 FR 46148, 08/17/07.	
II. Definitions	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
III. Exemption from Section 42–4–314, C.R.S. for Department of Defense Personnel Participating in the Privately Owned Vehicle Import Control Program.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IV. Clean Screen/Remote Emissions Sensing	1/30/2006	10/16/2007	72 FR 46148, 08/17/07.	

5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part B, Standards and Procedures for the Approval, Operation, Gas Span Adjustment, Calibration and Certification of the Division Approved Test Analyzer Systems for Use in the Basic and Enhanced Areas and Test Analyzer Systems for Licensed Dealers in the Enhanced Area

I. Approval of the Colo '94 Test Analyzer Systems	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
II. Application for Approval of Colo '94 Test Analyzer Systems Equipment Manufacturers.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
III. Performance and Design Specification for the Colo '94 Exhaust Gas Analyzers.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IV. Span Gases For Use With Colo '94 Test Analyzer Systems.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
V. Documentation, Logistics, and Warranty Requirements.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VI. Calibration of Colorado '94 Test Analyzer Systems.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VII. Approval of the Colorado Automobile Dealers Transient Mode Test Analyzer System.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VIII. Applications for Approval of the Colorado Automobile Dealers Transient Mode Test Analyzer System.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IX. Requests for Approval of Clean Screen Test Analyzer Systems.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	

5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part C, Inspection Procedures and Requirements for Exhaust Emissions, Fuel Evaporation Control, Visible Smoke Emissions, Emissions Control Systems, Chlorofluorocarbon Leak Detection; and Practices to Ensure Proper Emissions Related Adjustments and Repairs

I. Pre-inspection Requirements	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
II. Exhaust Emissions Inspection Procedures	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
III. Emissions Control Systems Inspection Procedures.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IV. Evaporative Fuel Control Inspection Procedures ..	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
V. Detection of Chlorofluorocarbons	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VI. Free Reinspection	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VII. Repair Information	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VIII. Certification of Emissions Control	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IX. Adjustment Procedures	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
X. Emissions Related Repairs	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	

Title	State effective date	EPA Effective date	Final rule citation/date	Comments
XI. Engine Changes	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
XII. Clean Screen Inspection Program Procedures	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	

5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part D, Qualification and Licensing of Emissions Mechanics, Emissions Inspectors and Clean Screen Inspectors; Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleets, Motor Vehicle Dealer Test Facilities and Enhanced Inspection Centers; Qualification of Clean Screen Inspection Sites; and Registration of Emissions Related Repair Facilities and Technicians

I. Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Enhanced Inspection Centers, Fleet Inspection Stations and Motor Vehicle Dealer Test Facilities.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
II. Qualification and Licensing of Emission Mechanics, and Emissions Inspectors.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
III. Registration of Emissions Related Repair Facilities.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IV. Requirements for Clean Screen/Remote Sensing Sites.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
V. Qualification of Clean Screen Emissions Inspectors.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VI. Requalification Requirements for all Clean Screen Emissions Inspectors.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VII. Transmittal of Letters of Qualification and Issuance of Clean Screen Inspector Licenses.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VIII. Lapse of Certificate of Qualification for Clean Screen Inspector.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IX. Program License Application Performance Review Criteria.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	

5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part E, Prohibited Acts and Penalties to Ensure Proper Inspection Procedures, Adherence to Prescribed Procedures and Effective Emissions Related Repairs

I. The Grounds Upon Which The License Of An Emissions Mechanic, Emissions Inspector Or Any Type Of AIR Program Inspection Business May Be Suspended, For A Period Of Time Not Less Than Six Months, Or Revoked.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
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5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part F, Maximum Allowable Emissions Limits for Motor Vehicle Exhaust, Evaporative and Visible Emissions for Light-Duty and Heavy-Duty Vehicles

I. The Idle Short Test Concentration Limits For Light-Duty Vehicles And Heavy-Duty Trucks Specified In Sections I (A) And II (A) Respectively Of This Part F Are Those Necessary To Comply With Emissions Reductions As The Program Matures.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
II. Heavy-Duty Vehicles (1978 and Earlier Greater Than 6000 lbs. GVWR) Subject to Idle Short Test(s).	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
III. Transient Test Mass Emissions Limits In Grams/Mile (GPM).	1/30/2006	1/22/2013	77 FR 75388, 12/20/12.	
IV. Evaporative Emissions Control Standards	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
V. Vehicles shall not exhibit any continuous gray, blue, blue-black, or black smoke of greater than 5% opacity from the engine crankcase and/or tailpipe(s) during any engine operating conditions of applicable inspection procedures.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VI. Clean Screen Program Maximum Allowable Emissions Limits.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	

5 CCR 1001–13, Regulation Number 11, Appendices

Appendix A, Specifications for Colorado 94 Analyzer	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
Appendix B, Standards and Specifications for the Suppliers of Span and Calibration Gases.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	

5 CCR 1001–14, Emission Budgets for Nonattainment Areas in the State of Colorado

Budgets	8/30/1995	4/30/1998	63 FR 15294, 03/31/98.	
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Title	State effective date	EPA Effective date	Final rule citation/date	Comments
5 CCR 1001–18, Regulation Number 16, Street Sanding Emissions				
I. Street Sanding Materials Specifications	4/19/2001	10/16/2002	67 FR 58335, 09/16/02.	
II. Street Sanding Requirements Specific to the Denver PM–10 Attainment/Maintenance Area.	4/19/2001	10/16/2002	67 FR 58335, 09/16/02.	
5 CCR 1001–20, Nonattainment-Attainment/Maintenance Areas				
I. Pagosa Springs Attainment/Maintenance Area	5/30/2000	8/14/2001	66 FR 32556, 06/15/01.	
II. Telluride Attainment/Maintenance Area	5/30/2000	8/14/2001	66 FR 32556, 06/15/01.	
III. Aspen/Pitkin County PM–10 Attainment/Maintenance Area.	2/28/2001	7/14/2003	68 FR 26212, 05/15/03.	
IV. Lamar Attainment/Maintenance Area	12/30/2001	11/25/2005	70 FR 61563, 10/25/05.	
V. Canon City PM–10 Nonattainment Area	12/30/1993	2/13/1995	59 FR 64332, 12/14/94.	
VIII. Steamboat Springs PM ₁₀ Attainment/Maintenance Area.	11/24/2004	12/30/2001	69 FR 62210, 10/25/04.	

(d) EPA-approved source-specific requirements.

Title	State effective date	EPA effective date	Final rule citation/date	Comments
Long-Term Strategy Review and Revision of Colorado’s State Implementation Plan for Class I Visibility Protection: Part I: Hayden Station Requirements.	8/15/1996	2/18/1997	62 FR 2305, 01/16/97.	
Revision of Colorado’s State Implementation Plan for Class I Visibility Protection Craig Station Units 1 and 2 Requirements.	4/19/2001	8/6/2001	66 FR 35374, 07/05/01.	

(e) EPA-approved nonregulatory provisions.

Title	State effective date	EPA effective date	Final rule citation/date	Comments
Legislation				
Concerning Air Pollution Control, and, in connection therewith, revising the Air Program to comply with requirements of the Federal “Clean Air Act Amendments of 1990”.	7/1/1993	12/8/1994	59 FR 55584, 11/08/94.	
Concerning Legislative Procedures for the Approval of State Implementation Plans and Regulations Related to Air Pollution.	5/31/1995	4/30/1998	63 FR 15294, 03/31/98.	
Maintenance Plans				
Aspen				
Revised PM ₁₀ Maintenance Plan for the Aspen Attainment/Maintenance Area.	12/16/2010	11/18/2013	78 FR 57496, 09/19/13.	
Canon City				
PM ₁₀ Maintenance Plan for Canon City	11/20/2008	9/9/2013	78 FR 41307, 07/10/13.	
Colorado Springs				
Colorado Springs Carbon Monoxide Maintenance Plan.	12/17/2009	9/30/2013	78 FR 46521, 08/01/13.	
Denver Metropolitan Area				
1982 Denver Regional Element of the State Air Quality Implementation Plan.	3/4/2001	10/11/2001	66 FR 47086, 09/11/01.	
Carbon Monoxide Maintenance Plan for the Denver Metropolitan Area.	8/30/2003	11/15/2004	69 FR 55752, 09/16/04.	

Title	State effective date	EPA effective date	Final rule citation/date	Comments
Ozone Redesignation Request and Maintenance Plan for the Denver Metropolitan Area.	1/11/2001	10/11/2001	66 FR 47086, 09/11/01.	
PM ₁₀ Redesignation Request and Maintenance Plan For the Denver Metropolitan Area.	4/19/2001	10/16/2002	67 FR 58335, 09/16/02.	
Revision to the Colorado State Implementation Plan: Concerning the removal of the Colorado Clean Vehicle Fleet Program from the SIP, and the adoption of a replacement program.	3/1/2000	1/14/2002	66 FR 64751, 12/14/01.	
Early Action Compact Ozone Action Plan	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
Fort Collins				
Revised Carbon Monoxide Maintenance Plan, Fort Collins Attainment/Maintenance Area.	12/16/2010	11/12/2013	78 FR 56164, 09/12/13.	
Greeley				
Greeley Carbon Monoxide Maintenance Plan	12/17/2009	10/1/2013	78 FR 46816, 08/02/13.	
Lamar				
PM ₁₀ Redesignation Request and Maintenance Plan for the Lamar Area.	12/30/2001	11/25/2005	70 FR 61563, 10/25/05.	
Longmont				
Revised Carbon Monoxide Maintenance Plan for the Longmont Attainment/Maintenance Area.	3/1/2004	11/29/2004	69 FR 58264, 09/30/04.	
Pagosa Springs				
Final Revised PM ₁₀ Maintenance Plan for the Pagosa Springs Attainment/Maintenance Area.	11/19/2009	4/9/2014	79 FR 13256, 03/10/14.	
Steamboat Springs				
Revised PM ₁₀ Maintenance Plan for the Steamboat Springs Attainment/Maintenance Area.	1/30/2012	3/23/2015	80 FR 2827, 01/21/15.	
Telluride				
Revised PM ₁₀ Attainment/Maintenance Plan Telluride Attainment/Maintenance Area.	11/19/2009	3/13/2014	79 FR 8090, 02/11/14.	
Local Ordinances/Resolutions				
Adopting the Fort Collins Better Air Campaign for Inclusion in the Fort Collins Element of the State Implementation Plan for Air Quality.	9/5/1989	6/17/1991	56 FR 15499, 04/17/91.	
Visibility				
State Implementation Plan for Class I Visibility Protection, State of Colorado.	11/19/1987	10/11/1988	53 FR 30428, 08/12/88.	
Long-Term Strategy Review and Revision of Colorado's State Implementation Plan for Class I Visibility Protection, Part II: Revision of the Long-Term Strategy.	11/18/2004	12/4/2006	71 FR 64465, 11/02/06.	

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R10-OAR-2015-0483; FRL-9934-61-Region 10]

Approval and Promulgation of Implementation Plans; Washington: Update to the Spokane Regional Clean Air Agency Solid Fuel Burning Device Standards

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Washington State Department of Ecology (Ecology) on July 10, 2015. The SIP submission contains revisions to the Spokane Regional Clean Air Agency (SRCAA) solid fuel burning device regulations to control particulate matter from residential wood combustion. The updated regulations reflect the State of Washington’s statutory changes setting fine particulate matter trigger levels for impaired air quality burn bans. The submission also contains updates to the regulations to improve the clarity of the language. We are approving these changes because they meet the requirements of the Clean Air Act and strengthen the Washington SIP.

DATES: This final rule is effective October 28, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2015-0483. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Air Programs Unit, Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA, 98101. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: For information please contact Jeff Hunt at (206) 553-0256, hunt.jeff@epa.gov, or by using the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION:

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- I. Background Information
- II. Final Action
- III. Incorporation by Reference
- IV. Statutory and Executive Orders Review

I. Background Information

On August 10, 2015, the EPA proposed to approve revisions to the SRCAA solid fuel burning device

regulations (80 FR 47880). An explanation of the CAA requirements, a detailed analysis of the submittal, and the EPA’s reasons for approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for this proposed rule ended on September 9, 2015. The EPA received no comments on the proposal.

II. Final Action

The EPA is approving Washington’s SIP revision submitted on July 10, 2015. Specifically, the EPA is approving and incorporating by reference into the SIP the SRCAA regulations shown in Table 1. We note that Ecology and SRCAA submitted Regulation I, Section 8.11, *Regulatory Actions and Penalties* to demonstrate adequate enforcement authority to implement the program. Regulations describing agency enforcement authority are not generally incorporated by reference into the SIP to avoid potential conflict with the EPA’s independent authorities. Therefore, we are approving Section 8.11 as providing adequate enforcement authority, but we are not incorporating this section by reference into the SIP, codified in 40 CFR 52.2470(c). Similarly, SRCAA Section 8.04 incorporates by reference the statewide Ecology solid fuel burning device regulations contained in WAC 173-433. To the extent that SRCAA’s regulations reference WAC 173-433-130, 173-433-170, and 173-433-200 which contain nuisance, fee, and enforcement provisions, Washington did not submit these provisions for approval, consistent with the EPA’s May 9, 2014 final action on the statewide Ecology regulations (79 FR 26628).

TABLE 1—APPROVED AND INCORPORATED BY REFERENCE SRCAA REGULATIONS

Agency	Citation (section)	Title	State effective date	Submitted	Explanation
Regulation I—Article VIII—Solid Fuel Burning Device Standards					
SRCAA	8.01	Purpose	09/02/14	07/10/15	Except SRCAA’s incorporation by reference of WAC 173-433-130, 173-433-170, and 173-433-200.
SRCAA	8.02	Applicability	09/02/14	07/10/15	
SRCAA	8.03	Definitions	09/02/14	07/10/15	
SRCAA	8.04	Emission Performance Standards	09/02/14	07/10/15	
SRCAA	8.05	Opacity Standards	09/02/14	07/10/15	
SRCAA	8.06	Prohibited Fuel Types	09/02/14	07/10/15	
SRCAA	8.07	Curtaiment (Burn Ban)	09/02/14	07/10/15	
SRCAA	8.08	Exemptions	09/02/14	07/10/15	
SRCAA	8.09	Procedure to Geographically Limit Solid Fuel Burning Devices.	09/02/14	07/10/15	
SRCAA	8.10	Restrictions on Installation and Sales of Solid Fuel Burning Devices.	09/02/14	07/10/15	