

## §§ 52.2437–52.2449 [Reserved]

## § 52.2450 Conditional approval.

(a) Virginia's September 28, 1994 SIP submittal of a Consent Order and Agreement (Order) between the Department of Environmental Quality of the Commonwealth of Virginia and Phillip Morris, Inc. establishing reasonably available control technology (RACT) for the Manufacturing Center located in Richmond, Virginia is conditionally approved based on certain contingencies. The condition for approval is to revise and resubmit the Order as a SIP revision within one year of September 29, 1995 according to one of the following: Eliminate the exemption to use non-ethanol-based flavorings in lieu of add-on controls; restrict the applicability of the exemption to the use of non-VOC based flavorings; or impose monitoring and reporting requirements sufficient to determine net increases or decreases in emissions on a mass basis relative to the emissions that would have occurred using add-on controls on an average not to exceed thirty days.

(b)–(d) [Reserved]

(e) The Commonwealth of Virginia's May 15, 1995 submittal for the 15 Percent Rate of Progress Plan (15% plan) for the Northern Virginia portion of the Metropolitan Washington D.C. ozone nonattainment area, is conditionally approved based on certain contingencies, for an interim period. The conditions for approvability are as follows:

(1) Virginia's 15% plan must be revised to account for growth in point sources from 1990–1996.

(2) Virginia must meet the conditions listed in the November 6, 1996 proposed conditional interim Inspection and Maintenance Plan (I/M) rulemaking notice, remodel the I/M reductions using the following two EPA guidance memos: "Date by which States Need to Achieve all the Reductions Needed for the 15 Percent Plan from I/M and Guidance for Recalculation," note from John Seitz and Margo Oge, dated August 13, 1996, and "Modeling 15 Percent VOC Reductions from I/M in 1999—Supplemental Guidance", memorandum from Gay MacGregor and Sally Shaver, dated December 23, 1996.

(3) Virginia must remodel to determine affirmatively the creditable reductions from RFG, and Tier 1 in accordance with EPA guidance.

(4) Virginia must submit a SIP revision amending the 15% plan with a demonstration using appropriate documentation methodologies and credit calculations that the 54.5 tons/day reduction, supported through creditable emission reduction measures in the submittal, satisfies Virginia's 15% ROP requirement for the Metropolitan Washington D.C. nonattainment area.

(f) Revisions to the Virginia State Implementation Plan, pertaining to NO<sub>x</sub> RACT requirements on major sources in the Northern Virginia Emissions Control Area, Virginia regulations 120-04-0408 and 9 VAC 5-40-311, submitted on November 9, 1992, December 11, 1992, and August 11, 1998 by the Virginia Department of Environmental Quality are conditionally approved. Virginia must meet the following conditions by no later than May 30, 2000, in accordance with criteria defined in the EPA Memorandum dated November 7, 1996 from the Director of the Air Quality Strategies and Standards Division of the Office of Air Quality Planning and Standards, entitled "Approval Options for Generic RACT Rules Submitted to Meet the Non-CTG VOC RACT Requirement and Certain NO<sub>x</sub> RACT Requirements." This memorandum is available at the office of the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. These conditions are:

(1) The VADEQ must certify, in writing, that it has submitted, as SIP revisions, RACT determinations for all sources subject to source-specific NO<sub>x</sub> RACT requirements; or

(2) The VADEQ must demonstrate that the emissions from any remaining subject sources represent a de minimis level of emissions.

[60 FR 45056, Aug. 30, 1995, as amended at 62 FR 26748, May 15, 1997; 62 FR 34007, June 24, 1997; 62 FR 49152, Sept. 19, 1997; 63 FR 1368, Jan. 9, 1998; 64 FR 22792, Apr. 28, 1999; 64 FR 47674, Sept. 1, 1999]

**§ 52.2451 Significant deterioration of air quality.**

(a) The requirements of sections 160 through 165 of the Clean Air Act are