§§ 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 Philip 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_X 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_X 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_X 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

met since the plan includes approvable procedures for the Prevention of Significant Air Quality Deterioration.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 (b) through (w) are hereby removed from the applicable state plan for the Commonwealth of Virginia.

[63 FR 13798, Mar. 23, 1998]

§ 52.2452 Visibility protection.

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

(b) Regulation for visibility monitoring. The provisions of § 52.26 are hereby incorporated and made a part of the applicable plan for the State of Virginia.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Virginia.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

§ 52.2453 Requirements for state implementation plan revisions relating to new motor vehicles.

Virginia must comply with the requirements of § 51.120 with respect to the portion of Virginia that in 1990 was located in the Consolidated Metropolitan Statistical Area containing the District of Columbia.

[60 FR 4738, Jan. 24, 1995]

§ 52.2454 Prevention of significant deterioration of air quality for Merck & Co., Inc.'s Stonewall Plant in Elkton, VA.

(a) *Applicability*. (1) This section applies only to the pharmaceutical manufacturing facility, commonly referred to as the Stonewall Plant, located at Route 340 South, in Elkton, Virginia (''site'').

(2) This section sets forth the prevention of significant deterioration of air quality preconstruction review requirements for the following pollutants only: carbon monoxide, nitrogen oxides, ozone (using volatile organic compounds as surrogate), particulate matter with an aerodynamic diameter less than 10 microns (PM_{10}), and sulfur dioxide. This section applies in lieu of § 52.21 for the pollutants identified in this paragraph as well as particulate matter, but not for particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns ($PM_{2.5}$) regulated as $PM_{2.5}$; however, the preconstruction review requirements of § 52.21, or other preconstruction review requirements that the Administrator approves as part of the plan, shall remain in effect for any pollutant which is not specifically identified in this paragraph and is subject to regulation under the Act.

(b) *Definitions*. For the purposes of this section:

12-month rolling total for an individual pollutant or the total criteria pollutants, as specified in paragraph (d) of this section, is calculated on a monthly basis as the sum of all actual emissions of the respective pollutant(s) from the previous 12 months.

Act means the Clean Air Act, as amended, 42 U.S.C. 7401, *et seq*.

Completion of the powerhouse conversion means the date upon which the new boilers, installed pursuant to paragraph (g) of this section, are operational. This determination shall be made by the site based on the boiler manufacturer's installation, startup and shakedown specifications.

Permitting authority means either of the following:

(1) The Administrator, in the case of an EPA-implemented program; or

(2) The State air pollution control agency, or other agency delegated by the Administrator, pursuant to paragraph (o) of this section, to carry out this permit program.

Process unit means:

(1) Manufacturing equipment assembled to produce a single intermediate or final product; and

(2) Any combustion device.

Responsible official means:

(1) The president, secretary, treasurer, or vice-president of the business entity in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the business entity; or