

§ 52.2774

40 CFR Ch. I (7-1-13 Edition)

§ 52.2774 [Reserved]

§ 52.2775 Review of new sources and modifications.

(a)-(d) [Reserved]

(e) The requirements of 40 CFR 51.18(h) are not met since section 206-30 of Chapter 9, Title 12 of the Virgin Islands' Code does not provide that information submitted by the owner or operator and the agency's analysis including its proposed approval/disapproval decision, be made available for public comment for a period of 30 days prior to final action.

(f) Subsection 206-30(f)(6) of section 206-30 of Chapter 9, Title 12 of the Virgin Islands' Code is disapproved since sources of minor significance are not identified in the regulation. Accordingly, all sources not listed in subsection 206-30 (f)(1) through (f)(5) will be subject to review in accordance with the requirements of section 206-30.

(g) Regulation for review of new sources and modifications.

(1) This requirement is applicable to any stationary source subject to review under section 206-30 of Chapter 9, Title 12 of the Virgin Islands' Code or 40 CFR 52.2775(f).

(2) Within 30 days after receipt of an application, the Commissioner of the Department of Conservation and Cultural Affairs, will notify the public, by prominent advertisement in the local news media, of the opportunity for public comment on the information submitted by the owner or operator.

(i) Such information, together with the Commissioner's analysis of the effect of the construction or modification on air quality including the Commissioner's proposed approval or disapproval, will be available in at least one location in the affected region.

(ii) Written public comments submitted within 30 days of the date such information is made available will be considered by the Commissioner in making his final decision on the application.

(iii) The Commissioner will make a final decision on the application within 30 days after the close of the public comment period. The Commissioner will notify the applicant in writing of his approval, conditional approval, or disapproval of the application and will

set forth his reasons for conditional approval or disapproval.

(iv) A copy of the notice required by paragraph (h)(2) of this section shall also be sent to the Administrator through the appropriate regional office, and to all other State and local air pollution control agencies having jurisdiction in the region in which such new or modified installation will be located. The notice shall also be sent to any other agency in the region having responsibility for implementing the procedures required under this section.

[37 FR 10905, May 31, 1972, as amended at 40 FR 42013, Sept. 10, 1975]

§§ 52.2776-52.2778 [Reserved]

§ 52.2779 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the Virgin Islands.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11325, Mar. 10, 2003; 68 FR 74491, Dec. 24, 2003]

§ 52.2780 Control strategy for sulfur oxides.

(a) The requirements of subpart G of this chapter are not met since there has not been a satisfactory demonstration that the Virgin Islands plan provides for the attainment and maintenance of the national ambient air quality standards for sulfur oxides on the island of St. Croix.

(b) The following parts of regulation 12 V.I.R. and R. 9:204-26, "Sulfur Compounds Emission Control," as submitted to EPA on January 21, 1976 and as amended and resubmitted to EPA on June 3, 1976 are approved:

(1) The entire regulation as it applies to the islands of St. Thomas and St. John.

(2) The entire regulation as it applies to the Virgin Islands Water and Power

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Authority's Christiansted Power Plant on the island of St. Croix.

(3) The entire regulation excluding subsection (a)(2) as it applies to the remaining sources on the island of St. Croix.

Subsection (a)(2) of the regulation is not approved as it applies to the remaining sources on St. Croix because of the inadequacy of the control strategy demonstration noted in paragraph (a) of this section. Accordingly, all sources on St. Croix with the exception of the Virgin Islands Water and Power Authority's Christiansted Power Plant are required to conform to the sulfur-in-fuel-oil limitations contained in 12 V.I.R. and R. 9:204-26 as originally submitted to EPA on January 31, 1972.

(c) Reference to "Section (a)(2)" in subsection (d) of 12 V.I.R. and R. 9:204-26, as submitted to EPA on January 21, 1976 and as amended and resubmitted to EPA on June 3, 1976, refers to the following approved limitations: (1) For the islands of St. Thomas and St. John, subsection (a)(2) of section 204-26 as submitted to EPA on January 21, 1976 and as amended and resubmitted to EPA on June 3, 1976; (2) for the island of St. Croix, subsection (a)(2) of section 204-26 as originally submitted to EPA on January 31, 1972 and approved by EPA on May 31, 1972.

[41 FR 28493, July 12, 1976, as amended at 41 FR 55531, Dec. 21, 1976; 43 FR 4016, Jan. 31, 1978; 51 FR 40676, Nov. 7, 1986]

§52.2781 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 Virgin Islands.

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

(d) Regional Haze Plan for Virgin Islands National Park. The regional haze plan for the Virgin Islands consists of a Federal Implementation Plan entitled: "FEDERAL IMPLEMENTATION

PLAN FOR REGIONAL HAZE FOR THE UNITED STATES VIRGIN ISLANDS." The applicable requirements consist of:

(1) *Applicability.* This section addresses Clean Air Act requirements and EPA's rules to prevent and remedy future and existing man-made impairment of visibility in the mandatory Class I area of the Virgin Islands National Park through a Regional Haze Program. This section applies to the owner and operator of HOVENSA L.L.C. (HOVENSA), a petroleum refinery located on St. Croix, U.S. Virgin Islands.

(2) *Definitions.* Terms not defined below shall have the meaning given them in the Clean Air Act or EPA's regulations implementing the Clean Air Act. For purposes of this section: *NO_x* means nitrogen oxides.

Owner/operator means any person who owns, leases, operates, controls, or supervises a facility or source identified in paragraph (d)(1) of this section.

PM means particulate matter.

Process unit means any collection of structures and/or equipment that processes, assembles, applies, blends, or otherwise uses material inputs to produce or store an intermediate or a completed product. A single stationary source may contain more than one process unit, and a process unit may contain more than one emissions unit. For a petroleum refinery, there are several categories of process units that could include: Those that separate and/or distill petroleum feedstocks; those that change molecular structures; petroleum treating processes; auxiliary facilities, such as steam generators and hydrogen production units; and those that load, unload, blend or store intermediate or completed products.

SO₂ means sulfur dioxide.

Startup means the setting in operation of an affected facility for any purpose.

(3) *Reasonable Progress Measures.* On June 7, 2011, EPA and HOVENSA entered into a Consent Decree (CD) in the U.S. District Court for the Virgin Islands to resolve alleged Clean Air Act violations at its St. Croix, Virgin Islands facility. The CD requires HOVENSA, among other things, to achieve emission limits and install new