§ 52.2533 Visibility protection.

(a) Reasonably Attributable Visibility Impairment. The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable measures for meeting the requirements of 40 CFR 51.305, 51.306, and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made part of the applicable plan for the State of West Virginia.

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

(d) Regional Haze. The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by West Virginia on June 18, 2008, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO\textsubscript{X} and SO\textsubscript{2} from electric generating units. EPA has given limited approval and limited disapproval to the plan provisions addressing these requirements.

(e) Measures Addressing Limited Disapproval Associated with NO\textsubscript{X}. The deficiencies associated with NO\textsubscript{X} identified in EPA’s limited disapproval of the regional haze plan submitted by West Virginia on June 18, 2008, are satisfied by § 52.2540.

(f) Measures Addressing Limited Disapproval Associated with SO\textsubscript{2}. The deficiencies associated with SO\textsubscript{2} identified in EPA’s limited disapproval of the regional haze plan submitted by West Virginia on June 18, 2008, are satisfied by § 52.2541.


§ 52.2534 Stack height review.

The State of West Virginia has declared to the satisfaction of EPA that no State Implementation Plan emission limits, other than those for the Kammer power plant, have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion technique as defined in EPA’s stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on September 16, 1988.

[55 FR 21752, May 29, 1990]

§ 52.2540 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a)(1) The owner and operator of each source and each unit located in the State of West Virginia and for which requirements are set forth under the TR NO\textsubscript{X} Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to West
(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if, at the time of the approval of West Virginia’s SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NO\textsubscript{X} Annual allowances under subpart AAAA of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart AAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO\textsubscript{X} Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State’s SIP revision.

(b)(1) The owner and operator of each source and each unit located in the State of West Virginia and for which requirements are set forth under the TR SO\textsubscript{2} Group 1 Trading Program in subpart CCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to West Virginia’s State Implementation Plan (SIP) as correcting the SIP’s deficiency that is the basis for the TR Federal Implementation Plan under §52.39, except to the extent the Administrator’s approval is partial or conditional.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of West Virginia’s SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO\textsubscript{2} Group 1 allowances under subpart CCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO\textsubscript{2} Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State’s SIP revision.

§52.2541 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each source and each unit located in the State of West Virginia and for which requirements are set forth under the TR SO\textsubscript{2} Group 1 Trading Program in subpart CCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to West Virginia’s State Implementation Plan (SIP) as correcting the SIP’s deficiency that is the basis for the TR Federal Implementation Plan under §52.39, except to the extent the Administrator’s approval is partial or conditional.

(b) Notwithstanding the provisions of paragraph (b)(1) of this section, if, at the time of the approval of West Virginia’s SIP revision described in paragraph (b)(1) of this section, the Administrator has already started recording any allocations of TR NO\textsubscript{X} Annual allowances under subpart BBBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO\textsubscript{X} Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State’s SIP revision.

§52.2560 Small business technical and environmental compliance assistance program.

On January 13, 1993, the Secretary of the West Virginia Department of Commerce, Labor and Environmental Resources submitted a plan for the establishment and implementation of a Small Business Technical and Environmental Compliance Assistance Program as a state implementation plan revision (SIP), as required by title V of the Clean Air Act. EPA approved the