

of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to review state choices, and approve those choices if they meet the minimum criteria of the Act. Accordingly, this proposed action disapproves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law.

The air agency did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples. This action merely proposes to disapprove a SIP submission as not meeting the CAA.

#### K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

#### L. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 16, 2023. Filing a petition for reconsideration by the Administrator of this final action does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a

petition for judicial review may be filed and shall not postpone the effectiveness of such action. This action pertaining to the disapproval of these portions of Delaware’s November 22, 2016, submittal, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Volatile organic compounds.

Adam Ortiz,

Regional Administrator, Region III.

[FR Doc. 2023–23242 Filed 10–20–23; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 55

[EPA–R03–OAR–2021–0767; FRL–9366–02–R3]

### Outer Continental Shelf Air Regulations; Consistency Update for Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is updating a portion of the Outer Continental Shelf (OCS) Air Regulations. Requirements applying to OCS sources located within 25 miles of states’ seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (COA), as mandated by the Clean Air Act (CAA). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which Virginia is the designated COA. The Commonwealth of Virginia’s requirements discussed in this document will be incorporated by reference into the Code of Federal Regulations (CFR) and listed in the appendix to the Federal OCS air regulations.

**DATES:** This final rule is effective on November 22, 2023. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of November 22, 2023.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2021–0767. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website.

Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure 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 through [www.regulations.gov](http://www.regulations.gov), or at the U.S. Environmental Protection Agency, EPA Region 3 Regional Office, Air and Radiation Division, Four Penn Center, 1600 JFK Blvd., Philadelphia, PA 19103. EPA requests that you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

#### FOR FURTHER INFORMATION CONTACT:

Gwendolyn Supplee, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2763. Ms. Supplee can also be reached via electronic mail at [supplee.gwendolyn@epa.gov](mailto:supplee.gwendolyn@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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- I. Background and Purpose
- II. Public Comments and EPA Responses
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- V. Statutory and Executive Order Reviews

#### I. Background and Purpose

On September 4, 1992, EPA promulgated 40 CFR part 55,<sup>1</sup> which established requirements to control air pollution from OCS sources in order to attain and maintain Federal and state ambient air quality standards and to comply with the provisions of part C of title I of the CAA. The regulations at 40 CFR part 55 apply to all OCS sources offshore of the states except those located in the Gulf of Mexico west of 87.5 degrees longitude. Section 328 of the CAA requires that for such sources located within 25 miles of a state’s seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as

<sup>1</sup> The reader may refer to the notice of proposed rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792), for further background and information on the OCS regulations.

necessary to maintain consistency with onshore requirements.

On February 10, 2022 (87 FR 7790), EPA published a notice of proposed rulemaking (NPRM) proposing to incorporate various Virginia air pollution control requirements into 40 CFR part 55. Pursuant to 40 CFR 55.12, consistency reviews will occur: (1) at least annually; (2) upon receipt of a Notice of Intent (NOI) under 40 CFR 55.4; or (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in 40 CFR part 55. EPA's NPRM proposed to approve an annual update pursuant to 40 CFR 55.12(b). Subsequent to EPA's February 10, 2022, NPRM, Virginia amended state regulations relevant to the OCS, effective March 15, 2023. EPA intends to address these post-NPRM state amendments in its next annual update consistent with 40 CFR 55.12. This action addresses only those regulations identified for incorporation in NPRM, namely the Virginia regulations that were updated as of September 8, 2021.

EPA reviewed the Virginia Department of Environmental Quality ("Virginia DEQ") air rules for inclusion in 40 CFR part 55 in this action to ensure that they are rationally related to the attainment or maintenance of Federal or state ambient air quality standards and compliance with part C of title I of the CAA, that they are not designed expressly to prevent exploration and development of the OCS, and that they are potentially applicable to OCS sources. See 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. See 40 CFR 55.12(e). In addition, EPA has excluded administrative or procedural rules,<sup>2</sup> and requirements that regulate toxics which are not related to the attainment and maintenance of Federal and state ambient air quality standards.

Section 328(a) of the CAA requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be

incorporated into 40 CFR part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into 40 CFR part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the CAA. Consistency updates may result in the inclusion of state or local rules or regulations into 40 CFR part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the CAA for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

The specific requirements of the consistency update and the rationale for EPA's action are explained in the February 10, 2022, NPRM. No comments were received on the NPRM.

## II. Public Comments and EPA Responses

EPA did not receive any comments on the February 10, 2022, NPRM, 87 FR 7790.

## III. Final Action

EPA is taking final action to incorporate the rules potentially applicable to OCS sources for which the Commonwealth of Virginia will be the COA. The rules that EPA is taking final action to incorporate are applicable provisions of the Virginia Administrative Code (VAC). The Virginia regulatory changes that EPA is taking final action to incorporate are (1) Chapter 20, General Provisions—9VAC5–20–21, Documents incorporated by reference; (2) Chapter 50, New and Modified Stationary Sources—9VAC5–50–400. General; (3) Chapter 60, Hazardous Air Pollutant Sources—9VAC5–60–60. General; (4) Chapter 60, Hazardous Air Pollutant Sources—9VAC5–60–90, as amended through September 8, 2021. The rules that EPA is taking final action to incorporate will replace the rules identified in the February 10, 2022, NPRM and previously incorporated into "Commonwealth of Virginia Requirements Applicable to OCS Sources," dated February 20, 2019. See 84 FR 56121; October 21, 2019. This action will have no effect on any provisions that were not subject to changes by Virginia and were also previously incorporated by reference into 40 CFR part 55 through EPA's October 21, 2019 (84 FR 56121) final rule.

## IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of "Commonwealth of Virginia Requirements Applicable to OCS Sources," dated September 8, 2021, which provides the text of the Virginia DEQ air rules in effect as of September 8, 2021, that would apply to OCS sources. EPA has made, and will continue to make, these materials available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore air pollution control requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. See 42 U.S.C. 7627(a)(1); 40 CFR 55.12. Thus, in promulgating OCS consistency updates, EPA's role is to maintain consistency between OCS regulations and the regulations of onshore areas, provided that they meet the criteria of the CAA. Accordingly, this action simply updates the existing OCS requirements to make them consistent with requirements onshore, without the exercise of any policy direction by EPA. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive

<sup>2</sup> Each COA which has been delegated the authority to implement and enforce part 55 will use its administrative and procedural rules as onshore. However, in those instances where EPA has not delegated authority to implement and enforce 40 CFR part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements. See 40 CFR 55.14(c)(4).

Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

Additionally, Executive Order 12898 (59 FR 7629, February 16, 1994) directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations (people of color and/or Indigenous peoples) and low-income populations.

EPA believes that this specific action does not concern human health or environmental conditions and therefore cannot be evaluated with respect to potentially disproportionate and adverse effects on people of color, low-income populations and/or Indigenous peoples. This action simply fulfills EPA's statutory mandate to ensure regulatory consistency between the COA and inner OCS consistent with the stated objectives of CAA section 328(a)(1). Specifically, section 328(a)(1) requires EPA to establish requirements to control air pollution from OCS sources "to attain and maintain Federal and State ambient air quality standards and to comply with the provisions of part C of [title I of the CAA]" and, for inner OCS sources (located within 25 miles of the seaward boundary of such states), to establish requirements that are "the same as would be applicable if the source were located in the COA." This section of the Act also states that "the Administrator shall update such requirements as necessary to maintain consistency with onshore regulations and this chapter." As noted in the preamble, compliance with this requirement limits EPA's discretion in deciding what will be incorporated into 40 CFR part 55.

From the time of EPA's last consistency update for Virginia (84 FR 56121, October 21, 2019) to the publication of the NPRM (87 FR 7790, February 10, 2022), state regulations relevant to the OCS were simply amended to update references to the CFR. This action incorporates into the

CFR those minor updates to state regulations, which are already effective onshore, to ensure regulatory consistency with the COA as mandated by CAA section 328(a)(1). This is a routine and ministerial consistency update that does not directly affect any human health or environmental conditions in the commonwealth of Virginia. In addition, EPA provided for meaningful public involvement on this rule through the notice and comment process, through which EPA received no comments. This rule was in addition to the State-level notice and comment process held by Virginia.

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it 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, nor does it impose substantial direct compliance costs on tribal governments or preempt tribal law.

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. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 22, 2023. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

This action does not impose any new information collection burden under the Paper Reduction Act (PRA). See 44

U.S.C 3501. The Office of Management and Budget (OMB) has previously approved the information collection activities contained in the existing regulations at 40 CFR part 55 and, by extension, this update to part 55, and has assigned OMB control number 2060-0249.<sup>3</sup> This action does not impose a new information burden under PRA because this action only updates the state rules that are incorporated by reference into 40 CFR part 55, appendix A.

#### List of Subjects in 40 CFR Part 55

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

Adam Ortiz,

Regional Administrator, Region III.

Part 55 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS

- 1. The authority citation for part 55 continues to read as follows:

**Authority:** Section 328 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended by Pub. L. 101-549.

- 2. Section 55.14 is amended by revising paragraph (e)(22)(i)(A) to read as follows:

#### § 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.

\* \* \* \* \*

(e) \* \* \*

(22) \* \* \*

(i) \* \* \*

(A) Commonwealth of Virginia  
Requirements Applicable to OCS  
Sources, September 8, 2021.

\* \* \* \* \*

- 3. Appendix A to part 55 is amended by revising paragraph (a)(1) under the heading "Virginia" to read as follows:

#### Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

\* \* \* \* \*

Virginia:

(a) \* \* \*

<sup>3</sup> OMB's approval of the information collection requirement (ICR) can be viewed at [www.reginfo.gov](http://www.reginfo.gov).

(1) The following Commonwealth of Virginia requirements are applicable to OCS Sources, September 8, 2021, Commonwealth of Virginia—Virginia Department of Environmental Quality.

The following sections of Virginia Regulations for the Control and Abatement of Air Pollution Control (VAC), Title 9, Agency 5:

#### **Chapter 10—General Definitions**

(Effective 05/19/2017)

9VAC5–10–10. General.

9VAC5–10–20. Terms defined.

9VAC5–10–30. Abbreviations.

#### **Chapter 20—General Provisions**

(Effective 02/19/2018 Except Where Noted)

##### **Part I—Administrative**

9VAC5–20–10. Applicability.

9VAC5–20–21. Documents incorporated by reference. (Effective 11/11/2020).

9VAC5–20–50. Variances.

9VAC5–20–70. Circumvention.

9VAC5–20–80. Relationship of state regulations to Federal regulations.

9VAC5–20–121. Air quality program policies and procedures.

##### **Part II—Air Quality Programs**

9VAC5–20–160. Registration.

9VAC5–20–170. Control programs.

9VAC5–20–180. Facility and control equipment maintenance or malfunction.

9VAC5–20–200. Air quality control regions.

9VAC5–20–203. Maintenance areas.

9VAC5–20–204. Nonattainment areas.

9VAC5–20–205. Prevention of significant deterioration areas.

9VAC5–20–206. Volatile organic compound and nitrogen oxides emission control areas.

9VAC5–20–220. Shutdown of a stationary source.

9VAC5–20–230. Certification of documents.

#### **Chapter 30—Ambient Air Quality Standards**

(Effective 05/15/2017)

9VAC5–30–10. General.

9VAC5–30–15. Reference conditions.

9VAC5–30–30. Sulfur oxides (sulfur dioxide).

9VAC5–30–40. Carbon monoxide.

9VAC5–30–50. Ozone (1-hour).

9VAC5–30–55. Ozone (8-hour, 0.08 ppm).

9VAC5–30–56. Ozone (8-hour, 0.075 ppm).

9VAC5–30–57. Ozone (8-hour, 0.070 ppm).

9VAC5–30–60. Particulate matter (PM<sub>10</sub>).

9VAC5–30–65. Particulate matter (PM<sub>2.5</sub>).

9VAC5–30–66. Particulate matter (PM<sub>2.5</sub>).

9VAC5–30–67. Particulate matter (PM<sub>2.5</sub>).

9VAC5–30–70. Oxides of nitrogen with nitrogen dioxide as the indicator.

9VAC5–30–80. Lead.

#### **Chapter 40—Existing Stationary Sources**

##### **Part I—Special Provisions**

(Effective 12/12/2007)

9VAC5–40–10. Applicability.

9VAC5–40–20. Compliance.

9VAC5–40–21. Compliance schedules.

9VAC5–40–22. Interpretation of emission standards based on process weight-rate tables.

9VAC5–40–30. Emission testing.

9VAC5–40–40. Monitoring.

9VAC5–40–41. Emission monitoring procedures for existing sources.

9VAC5–40–50. Notification, records and reporting.

##### **Part II—Emission Standards**

###### **Article 1—Visible Emissions and Fugitive Dust/Emissions**

(Effective 02/01/2003)

9VAC5–40–60. Applicability and designation of affected facility.

9VAC5–40–70. Definitions.

9VAC5–40–80. Standard for visible emissions.

9VAC5–40–90. Standard for fugitive dust/emissions.

9VAC5–40–100. Monitoring.

9VAC5–40–110. Test methods and procedures.

9VAC5–40–120. Waivers.

###### **Article 4—General Process Operations**

(Effective 12/15/2006)

9VAC5–40–240. Applicability and designation of affected facility.

9VAC5–40–250. Definitions.

9VAC5–40–260. Standard for particulate matter (AQCR 1–6).

9VAC5–40–270. Standard for particulate matter (AQCR 7).

9VAC5–40–280. Standard for sulfur dioxide.

9VAC5–40–290. Standard for hydrogen sulfide.

9VAC5–40–320. Standard for visible emissions.

9VAC5–40–330. Standard for fugitive dust/emissions.

9VAC5–40–360. Compliance.

9VAC5–40–370. Test methods and procedures.

9VAC5–40–380. Monitoring.

9VAC5–40–390. Notification, records and reporting.

9VAC5–40–400. Registration.

9VAC5–40–410. Facility and control equipment maintenance or malfunction.

9VAC5–40–420. Permits.

###### **Article 7—Incinerators**

(Effective 01/01/1985)

9VAC5–40–730. Applicability and designation of affected facility.

9VAC5–40–740. Definitions.

9VAC5–40–750. Standard for particulate matter.

9VAC5–40–760. Standard for visible emissions.

9VAC5–40–770. Standard for fugitive dust/emissions.

9VAC5–40–800. Prohibition of flue-fed incinerators.

9VAC5–40–810. Compliance.

9VAC5–40–820. Test methods and procedures.

9VAC5–40–830. Monitoring.

9VAC5–40–840. Notification, records and reporting.

9VAC5–40–850. Registration.

9VAC5–40–860. Facility and control equipment maintenance or malfunction.

9VAC5–40–870. Permits.

###### **Article 8—Fuel Burning Equipment**

(Effective 01/01/2002)

9VAC5–40–880. Applicability and designation of affected facility.

9VAC5–40–890. Definitions.

9VAC5–40–900. Standard for particulate matter.

9VAC5–40–910. Emission allocation system.

9VAC5–40–920. Determination of collection equipment efficiency factor.

9VAC5–40–930. Standard for sulfur dioxide.

9VAC5–40–940. Standard for visible emissions.

9VAC5–40–950. Standard for fugitive dust/emissions.

9VAC5–40–980. Compliance.

9VAC5–40–990. Test methods and procedures.

9VAC5–40–1000. Monitoring.

9VAC5–40–1010. Notification, records and reporting.

9VAC5–40–1020. Registration.

9VAC5–40–1030. Facility and control

equipment maintenance or malfunction.

9VAC5–40–1040. Permits.

###### **Article 14—Sand-Gravel Processing; Stone Quarrying & Processing**

(Effective 01/01/1985)

9VAC5–40–1820. Applicability and designation of affected facility.

9VAC5–40–1830. Definitions.

9VAC5–40–1840. Standard for particulate matter.

9VAC5–40–1850. Standard for visible emissions.

9VAC5–40–1860. Standard for fugitive dust/emissions.

9VAC5–40–1890. Compliance.

9VAC5–40–1900. Test methods and procedures.

9VAC5–40–1910. Monitoring.

9VAC5–40–1920. Notification, records and reporting.

9VAC5–40–1930. Registration.

9VAC5–40–1940. Facility and control equipment maintenance or malfunction.

9VAC5–40–1950. Permits.

###### **Article 17—Woodworking Operations**

(Effective 01/01/1985)

9VAC5–40–2250. Applicability and designation of affected facility.

9VAC5–40–2260. Definitions.

9VAC5–40–2270. Standard for particulate matter.

9VAC5–40–2280. Standard for visible emissions.

9VAC5–40–2290. Standard for fugitive dust/emissions.

9VAC5–40–2320. Compliance.

9VAC5–40–2330. Test methods and procedures.

9VAC5–40–2340. Monitoring.

9VAC5–40–2350. Notification, records and reporting.

9VAC5–40–2360. Registration.

9VAC5–40–2370. Facility and control equipment maintenance or malfunction.

9VAC5–40–2380. Permits.

###### **Article 18—Primary and Secondary Metal Operations**

(Effective 01/01/1985)

9VAC5–40–2390. Applicability and designation of affected facility.

9VAC5–40–2400. Definitions.

9VAC5–40–2410. Standard for particulate matter.

9VAC5-40-2420. Standard for sulfur oxides.  
9VAC5-40-2430. Standard for visible emissions.  
9VAC5-40-2440. Standard for fugitive dust/emissions.  
9VAC5-40-2470. Compliance.  
9VAC5-40-2480. Test methods and procedures.  
9VAC5-40-2490. Monitoring.  
9VAC5-40-2500. Notification, records and reporting.  
9VAC5-40-2510. Registration.  
9VAC5-40-2520. Facility and control equipment maintenance or malfunction.  
9VAC5-40-2530. Permits.

#### **Article 19—Lightweight Aggregate Process Operations**

(Effective 01/01/1985)

9VAC5-40-2540. Applicability and designation of affected facility.  
9VAC5-40-2550. Definitions.  
9VAC5-40-2560. Standard for particulate matter.  
9VAC5-40-2570. Standard for sulfur oxides.  
9VAC5-40-2580. Standard for visible emissions.  
9VAC5-40-2590. Standard for fugitive dust/emissions.  
9VAC5-40-2620. Compliance.  
9VAC5-40-2630. Test methods and procedures.  
9VAC5-40-2640. Monitoring.  
9VAC5-40-2650. Notification, records and reporting.  
9VAC5-40-2660. Registration.  
9VAC5-40-2670. Facility and control equipment maintenance or malfunction.  
9VAC5-40-2680. Permits.

#### **Article 24—Solvent Metal Cleaning Operations**

(Effective 03/24/2004)

9VAC5-40-3260. Applicability and designation of affected facility.  
9VAC5-40-3270. Definitions.  
9VAC5-40-3280. Standard for volatile organic compounds.  
9VAC5-40-3290. Control technology guidelines.  
9VAC5-40-3300. Standard for visible emissions.  
9VAC5-40-3310. Standard for fugitive dust/emissions.  
9VAC5-40-3340. Compliance.  
9VAC5-40-3350. Test methods and procedures.  
9VAC5-40-3360. Monitoring.  
9VAC5-40-3370. Notification, records and reporting.  
9VAC5-40-3380. Registration.  
9VAC5-40-3390. Facility and control equipment maintenance or malfunction.  
9VAC5-40-3400. Permits.

#### **Article 25—VOC Storage & Transfer Operations**

(Effective 07/01/1991)

9VAC5-40-3410. Applicability and designation of affected facility.  
9VAC5-40-3420. Definitions.  
9VAC5-40-3430. Standard for volatile organic compounds.  
9VAC5-40-3440. Control technology guidelines.  
9VAC5-40-3450. Standard for visible emissions.

9VAC5-40-3460. Standard for fugitive dust/emissions.  
9VAC5-40-3490. Compliance.  
9VAC5-40-3500. Test methods and procedures.  
9VAC5-40-3510. Monitoring.  
9VAC5-40-3520. Notification, records and reporting.  
9VAC5-40-3530. Registration.  
9VAC5-40-3540. Facility and control equipment maintenance or malfunction.  
9VAC5-40-3550. Permits.

#### **Article 34—Miscellaneous Metal Parts/Products Coating Application**

(Effective 02/01/2016)

9VAC5-40-4760. Applicability and designation of affected facility.  
9VAC5-40-4770. Definitions.  
9VAC5-40-4780. Standard for volatile organic compounds.  
9VAC5-40-4790. Control technology guidelines.  
9VAC5-40-4800. Standard for visible emissions.  
9VAC5-40-4810. Standard for fugitive dust/emissions.  
9VAC5-40-4840. Compliance.  
9VAC5-40-4850. Test methods and procedures.  
9VAC5-40-4860. Monitoring.  
9VAC5-40-4870. Notification, records and reporting.  
9VAC5-40-4880. Registration.  
9VAC5-40-4890. Facility and control equipment maintenance or malfunction.  
9VAC5-40-4900. Permits.

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(Effective 07/30/2015)

9VAC5-40-5200. Applicability and designation of affected facility.  
9VAC5-40-5210. Definitions.  
9VAC5-40-5220. Standard for volatile organic compounds.  
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9VAC5-40-5250. Standard for fugitive dust/emissions.  
9VAC5-40-5280. Compliance.  
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9VAC5-40-5300. Monitoring.  
9VAC5-40-5310. Notification, records and reporting.  
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(Effective 11/16/2016)

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9VAC5-40-6360. Standard for visible emissions.  
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9VAC5-40-6450. Test methods and procedures.  
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9VAC5-40-6480. Recordkeeping and reporting.  
9VAC5-40-6490. Requirements for air curtain incinerators.  
9VAC5-40-6500. Registration.  
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9VAC5-40-6520. Documents Incorporated by Reference.

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(Effective 05/04/2005)

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9VAC5-40-6580. Standard for carbon monoxide.  
9VAC5-40-6590. Standard for dioxins/furans.  
9VAC5-40-6600. Standard for hydrogen chloride.  
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9VAC5-40-6790. Registration.  
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(Effective 03/24/2004)

9VAC5-40-6820. Applicability and designation of affected facility.

9VAC5–40–6830. Definitions.  
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9VAC5–40–8000. Standard for lead.  
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9VAC5–40–8030. Standard for hydrogen chloride.  
9VAC5–40–8040. Standard for dioxin/furan.  
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9VAC5–40–8060. Standard for visible emissions.  
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9VAC5–60–60. General. (Effective 11/11/2020).  
9VAC5–60–65. Authority to implement and enforce standards as authorized by EPA.  
9VAC5–60–70. Designated emission standards.  
9VAC5–60–80. Word or phrase substitutions.

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9VAC5–60–90. General. (Effective 11/11/2020).  
9VAC5–60–95. Authority to implement and enforce standards as authorized by EPA.  
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- (Effective 04/01/1999)
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- (Effective 11/16/2016)
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- 9VAC5–80–240. Reopening for cause.
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(Effective 01/01/2018)

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- (Effective 01/01/2001)
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- (Effective 12/31/2008)
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- 9VAC5–80–1020. Public participation.
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- (Effective 03/27/2014)
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- 9VAC5–80–1110. Definitions.
- 9VAC5–80–1120. General.
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- 9VAC5–80–1190. Application review and analysis.
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- 9VAC5–80–1270. Administrative permit amendments.
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- (Effective 12/31/2008)
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- (Effective 08/13/2015)
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- 9VAC5–80–1615. Definitions.
- 9VAC5–80–1625. General.
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(Effective 05/15/2017)  
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(Effective 01/01/2018)  
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(Effective 01/01/2018)  
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**Chapter 85—Permits for Stationary Sources of Pollutants Subject to Regulation**

(Effective 08/13/2015)

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**Chapter 130—Open Burning**

(Effective 07/15/2015)

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(Effective 11/16/2016)

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(Effective 05/15/2017)

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 9VAC5–160–40. Authority of board and department.  
 9VAC5–160–80. Relationship of state regulations to Federal regulations.

**Part III—Criteria and Procedures for Making Conformity Determinations**

9VAC5–160–110. General.  
 9VAC5–160–120. Federal agency conformity analysis.  
 9VAC5–160–130. Reporting requirements.  
 9VAC5–160–140. Public participation.  
 9VAC5–160–150. Reevaluation of conformity.  
 9VAC5–160–160. Criteria for determining conformity of general Federal actions.  
 9VAC5–160–170. Procedures for conformity determinations.  
 9VAC5–160–180. Mitigation of air quality impacts.  
 9VAC5–160–190. Savings provision.

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