

§ 52.2780

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 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

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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)-(c) [Reserved]

(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 pollution controls pursuant to a schedule for compliance. The measures required by the CD reduce emissions of NO_x by 5,031 tons per year (tpy) and SO₂ by 3,460 tpy. The emission limitations, pollution controls, schedules for compliance, reporting, and record-keeping provisions of the HOVENSA CD constitute an element of the long term strategy and address the reasonable progress provisions of 40 CFR 51.308(d)(1). Should the existing federally enforceable HOVENSA CD be re-

vised, EPA will reevaluate, and if necessary, revise the FIP after public notice and comment.

(4) *HOVENSA requirement for notification.* HOVENSA must notify EPA 60 days in advance of startup and resumption of operation of refinery process units at the HOVENSA, St. Croix, Virgin Islands facility. HOVENSA shall submit such notice to the Director of the Clean Air and Sustainability Division, U.S. Environmental Protection Agency Region 2, 290 Broadway, 25th Floor, New York, New York, 10007-1866. HOVENSA's notification to EPA that it intends to startup refinery process units must include information regarding those emission units that will be operating, including unit design parameters such as heat input and hourly emissions, information on potential to emit limitations, pollution controls and control efficiencies, and schedules for compliance. EPA will revise the FIP as necessary, after public notice and comment, in accordance with regional haze requirements including the "reasonable progress" provisions in 40 CFR 51.308(d)(1). HOVENSA will be required to install any controls that are required by the revised FIP as expeditiously as practicable, but no later than 5 years after the effective date of the revised FIP.

(5) *Best Available Retrofit Technology (BART) measures.* Emissions limitations, the owners/operators subject to this section shall not emit or cause to be emitted SO₂, NO_x, and PM in excess of the following limitations:

TABLE 1 TO PARAGRAPH (d)(5)

| Facility | BART unit | BART controls/limits | | | |
|---------------|---------------------|----------------------|--------------------------------|--------------------------------|-------------------|
| | | Control | SO ₂ (tons/year) | NO _x (tons/year) | PM (tons/year) |
| HOVENSA | Boilers: | | | | |
| | 1 (B-1151) ..... | ..... | 330.1 | 450.6 | 40.6. |
| | 3 (B-1153) ..... | ..... | 330.1 | 450.6 | 40.6. |
| | 4 (B-1154) ..... | ..... | 322.5 | 443.5 | 39.7. |
| | 5 (B-1155) ..... | ..... | 484.9 | 676.9 | 60.7. |
| | 6 (B-3301) ..... | ..... | 330.8 | 435.3 | 40.6. |
| | 7 (B-3302) ..... | ..... | 330.8 | 435.3 | 40.6. |
| | 8 (B-3303) ..... | ..... | 640.1 | 559.8 | 78.6. |
| | 9 (B-3304) ..... | ..... | 640.1 | 559.8 | 78.6. |
| | Turbines: | | | | |
| | GT1 (G-1101E) ..... | ..... | 135.5 | 805.7 | 12.2. |
| | GT2 (G-1101F) ..... | ..... | 135.5 | 805.7 | 12.2. |
| | GT3 (G-1101G) ..... | ..... | 135.5 | 805.7 | 12.2. |
| | GT4 (G-3404) ..... | ..... | 161.0 | 809.5 | 12.9. |

TABLE 1 TO PARAGRAPH (d)(5)—Continued

| Facility | BART unit | BART controls/limits | | | |
|------------------|--------------------|---|--------------------------------|--------------------------------|-------------------|
| | | Control | SO ₂ (tons/year) | NO _x (tons/year) | PM (tons/year) |
| | GT5 (G–3405) ..... | ..... | 161.0 | 766.5 | 12.9. |
| | GT6 (G–3406) ..... | ..... | 161.0 | 766.5 | 12.9. |
| | GT7 (G–3407) ..... | ..... | 161.0 | 766.5 | 12.9. |
| | GT8 (G–3408) ..... | ..... | 167.6 | 1002.1 | 15.1. |
| | GT9 (G–3409) | Steam Injection for NO _x Control. | 52.2 | 150.2 | 14.0. |
| Process Heaters: | | | | | |
| | H–101 ..... | ..... | 155.5 | 232.5 | 19.3. |
| | H–104 ..... | ..... | 115.5 | 172.8 | 17.2. |
| | H–200 ..... | ..... | 8.1 | 16.0 | 1.2. |
| | H–201 ..... | ..... | 8.2 | 16.1 | 1.2. |
| | H–202 ..... | ..... | 26.6 | 146.5 | 4.0. |
| | H–401A ..... | ..... | 197.6 | 279.1 | 24.4. |
| | H–401B ..... | ..... | 197.6 | 279.1 | 24.4. |
| | H–401C ..... | ..... | 197.6 | 279.1 | 24.4. |
| | H–1401A ..... | ..... | 163.1 | 388.7 | 21.1. |
| | H–1401B ..... | ..... | 155.4 | 370.2 | 20.1. |
| | H–1500 ..... | ..... | 13.0 | 25.5 | 2.0. |
| | H–1501 ..... | ..... | 13.7 | 26.8 | 2.0. |
| | H–160 ..... | ..... | 29.6 | 163.0 | 4.4. |
| | H–600 ..... | ..... | 11.5 | 22.5 | 1.7. |
| | H–601 ..... | ..... | 7.8 | 15.2 | 1.2. |
| | H–602 ..... | ..... | 62.6 | 344.4 | 9.4. |
| | H–603 ..... | ..... | 17.2 | 33.7 | 2.6. |
| | H–604 ..... | ..... | 8.1 | 15.9 | 1.2. |
| | H–605 ..... | ..... | 3.4 | 6.6 | 0.5. |
| | H–606 ..... | ..... | 11.8 | 23.1 | 1.8. |
| | H–800A ..... | ..... | 9.4 | 18.4 | 1.4. |
| | H–800B ..... | ..... | 9.4 | 18.4 | 1.4. |
| | H–801 ..... | ..... | 22.0 | 121.1 | 3.3. |
| | H–2101 ..... | ..... | 116.4 | 283.2 | 15.1. |
| | H–2102 ..... | ..... | 112.7 | 274.1 | 14.6. |
| | H–2201A ..... | ..... | 13.4 | 26.3 | 2.0. |
| | H–2201B ..... | ..... | 13.4 | 26.3 | 2.0. |
| | H–2202 ..... | ..... | 26.1 | 143.7 | 3.9. |
| | H–2400 ..... | ..... | 7.2 | 14.2 | 1.1. |
| | H–2401 ..... | ..... | 24.1 | 132.5 | 3.6. |
| | H–2501 ..... | ..... | 44.5 | 244.5 | 6.7. |
| | H–4502 ..... | ..... | 32.5 | 178.9 | 4.9. |
| | H–4503 ..... | ..... | 30.8 | 169.6 | 4.6. |
| | H–4504 ..... | ..... | 27.6 | 151.9 | 4.1. |
| | H–4505 ..... | ..... | 23.9 | 131.3 | 3.6. |
| | H–3101A ..... | ..... | 356.7 | 507.1 | 48.1. |
| | H–3101B ..... | ..... | 356.7 | 507.1 | 48.1. |
| | H–4101A ..... | ..... | 356.7 | 507.1 | 48.1. |
| | H–4101B ..... | ..... | 356.7 | 507.1 | 48.1. |
| | H–4401 ..... | ..... | 29.4 | 161.5 | 4.4. |
| | H–4402 ..... | ..... | 28.0 | 153.8 | 4.2. |
| | H–4451 ..... | ..... | 83.4 | 458.7 | 12.5. |
| | H–4452 ..... | ..... | 54.3 | 298.6 | 8.1. |
| | H–4453 ..... | ..... | 54.3 | 298.6 | 8.1. |
| | H–4454 ..... | ..... | 16.9 | 33.1 | 2.5. |
| | H–4455 ..... | ..... | 30.3 | 166.6 | 4.5. |
| | H–4201 ..... | ..... | 367.7 | 448.1 | 44.9. |
| | H–4202 ..... | ..... | 355.7 | 433.6 | 43.4. |
| | H–5401 ..... | ..... | 29.4 | 161.5 | 4.4. |
| | H–5402 ..... | ..... | 28 | 153.8 | 4.2. |
| | H–5451 ..... | ..... | 83.4 | 458.7 | 12.5. |
| | H–5452 ..... | ..... | 54.3 | 298.6 | 8.1. |
| | H–5453 ..... | ..... | 54.3 | 298.6 | 8.1. |
| | H–5454 ..... | ..... | 16.9 | 33.1 | 2.5. |
| | H–5455 ..... | ..... | 30.3 | 166.6 | 4.5. |
| | H–4601A ..... | ..... | 13.4 | 26.3 | 2. |
| | H–4601B ..... | ..... | 13.4 | 26.3 | 2. |
| | H–4602 ..... | ..... | 26.1 | 143.7 | 3.9. |
| | H–4301A ..... | ..... | 14.6 | 28.7 | 2.2. |
| | H–4301B ..... | ..... | 14.6 | 28.7 | 2.2. |
| | H–4302 ..... | ..... | 26.7 | 147.1 | 4. |

TABLE 1 TO PARAGRAPH (d)(5)—Continued

| Facility | BART unit | BART controls/limits | | | |
|----------|------------------------|--|--------------------------------|--------------------------------|-------------------|
| | | Control | SO ₂ (tons/year) | NO _x (tons/year) | PM (tons/year) |
| | H-5301A ..... | ..... | 14.6 | 28.7 | 2.2. |
| | H-5301B ..... | ..... | 14.6 | 28.7 | 2.2. |
| | H-5302 ..... | ..... | 26.7 | 147.1 | 4. |
| | TGT unit No. 2 Beavo: | | | | |
| | H-4761 & T-4761 .... | ..... | 2.0 | 4.0 | 1.0. |
| | TGI units: | | | | |
| | H-1032 ..... | ..... | 1.6 | 3.1 | 0.2. |
| | H-1042 ..... | ..... | 3.3 | 6.5 | 0.5. |
| | H-4745 ..... | ..... | 900.0 | 28.0 | 3.0. |
| | Compressors: | | | | |
| | C-200A | Catalytic Con- verters for NO _x and CO control. | 0.0 | 33.1 | 0.2. |
| | C-200B | Catalytic Con- verters for NO _x and CO control. | 0.0 | 33.1 | 0.2. |
| | C-200C | Catalytic Con- verters for NO _x and CO control. | 0.0 | 33.1 | 0.2. |
| | C-1500A ..... | ..... | 0.0 | 40.0 | 0.1. |
| | C-1500B ..... | ..... | 0.0 | 40.0 | 0.1. |
| | C-1500C ..... | ..... | 0.0 | 40.0 | 0.1. |
| | C-2400A | Catalytic Con- verters for NO _x and CO control. | 0.0 | 19.4 | 0.3. |
| | C-2400B | Catalytic Con- verters for NO _x and CO control. | 0.0 | 19.4 | 0.3. |
| | C-4601A ..... | ..... | 0.0 | 380.6 | 0.9. |
| | C-4601B ..... | ..... | 0.0 | 380.6 | 0.9. |
| | C-4601C ..... | ..... | 0.0 | 380.6 | 0.9. |
| | Flares: | | | | |
| | #2 Flare (H-1105) .... | ..... | 150.0 | 237.0 | negligible. |
| | #3 Flare (H-1104) .... | ..... | 150.0 | 237.0 | negligible. |
| | #5 Flare (H-3351) .... | ..... | 150.0 | 237.0 | negligible. |
| | #6 Flare (H-3352) .... | ..... | 150.0 | 237.0 | negligible. |
| | #7 Flare (H-3301) .... | ..... | 150.0 | 237.0 | negligible. |
| | Water Pumps: | | | | |
| | PD-1602 ..... | ..... | 1.9 | 40.6 | 2.9. |
| | PD-1603 ..... | ..... | 1.9 | 40.6 | 2.9. |
| | PD-1604 ..... | ..... | 1.9 | 40.6 | 2.9. |
| | PD-1605 ..... | ..... | 1.9 | 40.6 | 2.9. |
| | PD-1620 ..... | ..... | 1.3 | 27.0 | 1.9. |

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987; 77 FR 64421, Oct. 22, 2012; 82 FR 3129, Jan. 10, 2017; 87 FR 7731, Feb. 10, 2022]

§ 52.2782 Small business technical and environmental compliance assistance program.

On January 15, 1993, the Virgin Islands Department of Planning and Natural Resources submitted a plan to es-

tablish and implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the Virgin Islands state implementation plan. This plan meets the requirements of section 507 of the Clean Air Act, and the U.S. Virgin Islands must implement the program as approved by EPA.

[59 FR 34386, July 5, 1994]