

PUBLIC NOTICE
VIRGINIA COASTAL MANAGEMENT PROGRAM
STATE AIR POLLUTION CONTROL BOARD REGULATIONS FOR
THE CONTROL AND ABATEMENT OF AIR POLLUTION
Clean Air Act Incorporation

Pursuant to Section 307(f) of the Coastal Zone Management Act (CZMA), 16 U.S.C. §1456 (f), and the Program Change Guidance issued in July 1996 by the Office of Ocean and Coastal Resource Management (OCRM) of the National Oceanic and Atmospheric Administration (NOAA), the Commonwealth of Virginia gives notice of its incorporation into the Virginia Coastal Management Program (CMP) of regulations for the control and abatement of air pollution promulgated by the State Air Pollution Control Board of the Commonwealth of Virginia pursuant to the federal Clean Air Act (CAA). These regulations were adopted by the State Air Pollution Control Board under its authority to control and abate air pollution, as previously incorporated into Virginia's Coastal Management Program upon its approval by NOAA in 1986.

Under 42 U.S.C. § 7410, the CAA authorizes states to develop a state implementation plan (SIP) for national primary and secondary ambient air quality standards (NAAQS). In 1973, EPA approved Virginia's SIP. Virginia's SIP includes regulations that demonstrate how primary and secondary national ambient air quality standards will be achieved, maintained, and enforced within each air quality control region in the state. The SIP also contains regulations for stationary sources, new and modified source permits, motor vehicle emissions control, air pollution episode prevention, and conformity. In 1975, EPA delegated authority to the State Air Pollution Control Board to administer the New Source Performance Standards (NSPS) Program pursuant to 42 U.S.C. § 7411. Subsequently, EPA delegated the authority to administer National Emission Standards for Sources of Hazardous Air Pollutants (NESHAPs) Program pursuant to 42 U.S.C. § 7412. In 1998, EPA delegated authority to Virginia to set Maximum Achievable Control Technology Emission Standards (MACTS) pursuant to 42 U.S.C. § 7412. In the following year, EPA approved Virginia's National Low Emissions Vehicle (NLEV) Program—a program that Virginia opted to adopt pursuant to § 209 of CAA. In 2001, EPA approved Virginia's Operating Permit Program pursuant to Title V of the CAA. The Operating Permit Program approval is a full approval that encompasses the Acid Rain Deposition Control Program.

Virginia has the authority to administer and enforce all but one of its designated pollutant plan regulatory programs developed pursuant to 42 U.S.C. §7429. EPA approved Virginia's designated pollutant plans for the following types of solid waste incineration units: Hospital/Medical/Infectious Waste Incinerators, approved in 2004; Commercial/Industrial Solid Waste Incinerators, approved in 2004; Small Municipal Waste Combustors, approved in 2005; Large Municipal Waste Combustors, approved in 2004. The designated pollutant plan for municipal solid waste landfills (see Article 43 of 9 VAC 5 Chapter 40) has not yet been approved.

Virginia's state-only regulatory programs are the Toxic Pollutant Control Program, Medical Waste Incinerator Emissions Control Program, Odor Emissions Control Program, and the Open Burning Emissions Control Program.

CZMA § 307(f) states that the requirements established by a state or local government pursuant to the CAA shall be incorporated into any program developed pursuant to the CZMA. Pursuant to Section 307 (f) of the CZMA, the Commonwealth of Virginia now submits for incorporation into the State CMP the following current regulations for the control and abatement of air pollution established pursuant to the CAA. For convenience, we summarize each chapter within the regulations being submitted for incorporation.

Chapter	Summary
9 VAC 5 Chapter 10 - General Definitions	Defines approximately 90 terms for the purpose of applying the regulations.
9 VAC 5 Chapter 20 - General Provisions	Provides for individual source fuel variances; prohibits circumvention through concealment or dilution; provides for registration of sources and approval of control programs; details shutdown procedures in the event of equipment maintenance, malfunction, or permanent shutdown; and geographically defines emissions areas, including nonattainment areas and air quality maintenance areas. The chapter also enumerates documents incorporated by reference throughout the air pollution control and abatement regulations.
9 VAC 5 Chapter 30 - Ambient Air Quality Standards	Incorporates NAAQS established by Section 109 of the CAA. Describes procedures for reporting air quality measurements; defines air quality standards for listed pollutants; and requires revision of the air quality standards as new information becomes available.
9 VAC 5 Chapter 40 - Existing Stationary Sources	Sets emissions standards and terms of compliance for existing sources; lists detailed standards by emission type, type of facility, or emissions-generating process. The chapter includes regulations for designated pollutants.
9 VAC 5 Chapter 50 - New and Modified Stationary Sources	Sets emissions standards and terms of compliance for new and modified sources; defines standards by emission type, type of facility, or emissions-generating process.
9 VAC 5 Chapter 60 - Hazardous Air Pollutant Sources	Outlines the approval process and emissions standards for discharging hazardous air pollutants from existing, new and modified sources. Addresses the application process for case-by-case MACT determinations.
9 VAC 5 Chapter 70 - Air Pollution Episode Prevention	Sets the criteria justifying the proclamation of a watch, alert, warning or emergency stage based on the accumulation of air pollutants threatening public health in nonattainment areas. Requires source

	owners to prepare and implement emission reduction plans for reducing emissions during such periods.
9 VAC 5 Chapter 80 - Permits for Stationary Sources	Sets forth Title V operations permitting and compliance procedures for stationary sources, detailing the permitting process for sources in designated emissions areas. This includes prevention of significant deterioration (PSD) program requirements set forth by the CAA, and acid rain permitting information.
9 VAC 5 Chapter 91 - Motor Vehicle Inspection & Maintenance Program for Northern Virginia	Sets forth emissions standards for motor vehicle air pollution, permitting, certification and operating restrictions on vehicle emissions stations for licensing and certification of emissions inspectors; and enumerates enforcement procedures for violation of vehicle emission standards.
9 VAC 5 Chapter 140 - Emissions Trading	Details the budget trading, annual trading and ozone season trading programs for nitrogen oxides. Provides the annual trading program for sulfur dioxide and the mercury budget trading program.
9 VAC 5 Chapter 150 - Regulation for Transportation Conformity	Describes the criteria and procedures for making conformity determinations with regard to transportation plans.
9 VAC 5 Chapter 151 - Regulation for Transportation Conformity	Identifies federal regulations incorporated by reference into this chapter, and defines procedures for inter-agency consultation with regard to transportation conformity.
9 VAC 5 Chapter 160 - Regulations for General Conformity	Stipulates that a federal agency must determine that a federal action conforms to the applicable implementation plan based on the latest planning assumptions and that the agency's conformity analysis shall have a notice and comment process. Provides for the lapse of conformity status, and describes the requirements for implementation of mitigation measures for the purposes of conformity.
9 VAC Chapter 170 - Regulation for General Administration	Provides for hearings and proceedings, board action, establishment of regulations and orders, public participation, enforcement, and delegation of authority by the board to the director.
9 VAC Chapter 190 - Variance for Merck	Establishes site-wide emissions caps for

Stonewall Plant	Merck Stonewall Plant, lists provisions of the SAPCB regulations satisfied by compliance with this chapter, and establishes that the provisions are both transferable to a new owner and applicable in the event of a facility name change.
9 VAC Chapter 200 - National Low Emission Vehicle Program	Establishes that—for the duration of Virginia’s participation in the National LEV, covered manufacturers may comply with the National LEV or equally stringent standards in lieu of compliance with any program adopted by the Board. Contains provision covering transition into the Virginia program for any manufacturer that opts out of the National LEV program.
9 VAC Chapter 210 - Regulation for Dispute Resolution	Establishes that dispute resolution may be used in disputes which reveal significant issues of disagreement; and the outcome may be considered in issuing permits, or promulgating, amending or appealing regulations. Contains cost, attendance, public participation, enforcement, and confidentiality provisions.
9 VAC Chapter 220 - Variance for Rocket Motor Test Operations at ARC Orange County Facility	Establishes a site-wide particulate matter emissions cap; identifies visible emissions standards that do not apply to the test operations; describes compliance procedures; and establishes that the provisions are both transferable to a new owner and applicable in the event of a facility name change.
9 VAC Chapter 221 - Variance for Rocket Motor Test Operations at ARC Gainesville Facility	Establishes a site-wide particulate matter emissions cap; identifies visible emissions standards that do not apply to test operations; describes compliance procedures; and establishes that the provisions are both transferable to a new owner and applicable in the event of a facility name change.
9 VAC Chapter 230 - Variance for International Paper Franklin Paper Mill	Establishes a site-wide emissions caps for the International Paper Franklin Paper Mill; lists provisions of the SAPCB regulations satisfied by compliance with this chapter and the FESOP, describes procedures for FESOP issuance and amendments; and establishes that the provisions are both

	transferable to a new owner and applicable in the event of a facility name change.
9 VAC Chapter 240 - Variance for Open Burning	Excludes the County of Gloucester, for the purposes of applying the seasonal restrictions on open burning or burning using special incineration devices in 9 VAC 5-40-5630 A8 and 10, from the Hampton Roads Volatile Organic compound Emission Control Area in 9 VAC 5-20-206.
9 VAC Chapter 500 - Exclusionary General Permit for Title V Permit	Sets out general permit exemption requirement for all major sources that are emitting regulated air pollutants provided they maintain their annual emissions at a specified level that is less than the potential to emit applicability thresholds for the federal operating permit program. Establishes that a general permit is not a defense for violation of this chapter and prohibits circumvention. Provides conditions and terms a source must meet in order for DEQ to issue a general permit. Enumerates compliance and enforcement requirements.
9 VAC Chapter 510 - Nonmetallic Mineral General Permit	Provides requirement for nonmetallic mineral processing facilities to construct, modify, relocate and operate under a general permit. Establishes that a general permit is not a defense for violation of this chapter and prohibits circumvention.