

COMMONWEALTH OF VIRGINIA
STATE AIR POLLUTION CONTROL BOARD
REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION

9VAC5 CHAPTER 60.
HAZARDOUS AIR POLLUTANT SOURCES.

PART II.
Emission Standards.

ARTICLE 1.
Environmental Protection Agency National Emission
Standards For Hazardous Air Pollutants (Rule 6-1).

9VAC5-60-60. General.

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.

9VAC5-60-60. General.

The Environmental Protection Agency (EPA) Regulations on National Emission Standards for Hazardous Air Pollutants (NESHAP), as promulgated in 40 CFR Part 61 and designated in 9VAC5-60-70 are, unless indicated otherwise, incorporated by reference into the regulations of the board as amended by the word or phrase substitutions given in 9VAC5-60-80. The complete text of the subparts in 9VAC5-60-70 incorporated herein by reference is contained in 40 CFR Part 61. The 40 CFR section numbers appearing under each subpart in 9VAC5-60-70 identify the specific provisions of the subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR (2011) in effect July 1, 2011. In making reference to the Code of Federal Regulations, 40 CFR Part 61 means Part 61 of Title 40 of the Code of Federal Regulations; 40 CFR 61.01 means Section 61.01 in Part 61 of Title 40 of the Code of Federal Regulations.

9VAC5-60-65. Authority to implement and enforce standards as authorized by EPA.

A. This article provides the legally enforceable mechanism to facilitate the Commonwealth's obligation to implement and enforce the federal NESHAP as state requirements.

B. The Commonwealth's delegated authority to implement and enforce the standards designated in 9VAC5-50-70 as authorized by EPA is identified in the documents specified in subdivisions 1 through 7 of this subsection. The Commonwealth's delegated authority extends only to the source categories and pollutants identified in the documents, and is subject to the provisions, conditions, and

limitations set forth in the following documents:

1. Letter from Daniel J. Snyder dated December 30, 1975.
2. Federal Register Notice dated February 26, 1976 (41 FR 8416).
3. Letter from Thomas C. Voltaggio dated July 22, 1981.
4. Federal Register Notice dated August 27, 1981 (46 FR 43300).
5. Letter from W. Ray Cunningham dated July 2, 1985.
6. Letter from Stanley L. Laskowski dated July 15, 1993.
7. Federal Register Notice dated October 20, 1993 (58 FR 54135).

C. In its delegation notices and letters, EPA automatically delegated to the Commonwealth the authority to implement and enforce future NESHAP requirements if the Commonwealth legally adopted the requirements, informed EPA that it intended to enforce the standards in accordance with the terms of the delegation, and met other conditions. The latest letter that the Commonwealth submitted to obtain authority to implement and enforce additional requirements is available for examination as provided in subsection D of this section.

D. Copies of the documents cited in subsections B and C of this section may be examined by the public at the central office of the Department of Environmental Quality, Eighth Floor, 629 East Main Street, Richmond, Virginia between 8:30 a.m. and 4:30 p.m. of each business day.

E. The documents cited in subsection B of this section establish the terms of the delegation to the Commonwealth to implement and enforce the federal NESHAP as authorized by EPA. As such, the documents place requirements upon the Commonwealth, not the affected facilities; thus the documents are not being incorporated by reference into the regulations of the board but are being cited for information purposes only.

9VAC5-60-70. Designated emission standards.

Subpart A - General Provisions.

40 CFR 61.01 through 40 CFR 61.03, 40 CFR 61.05 through 40 CFR 61.10, 40 CFR 61.12 through 40 CFR 61.15, and 40 CFR 61.19

(applicability, definitions, units and abbreviations, compliance, prohibited activities, determination of

construction or modification, application for approval of construction or modification, approval of construction or modification, notification of startup, source reporting and waiver request, emission tests, monitoring, modification, and circumvention)

Subpart B - Radon Emissions from Underground Uranium Mines.

40 CFR 61.20 through 40 CFR 61.26

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart C - Beryllium.

40 CFR 61.30 through 40 CFR 61.34

Subpart D - Beryllium Rocket Motor Firing.

40 CFR 61.40 through 40 CFR 61.44

Subpart E - Mercury.

40 CFR 61.50 through 40 CFR 61.55

Subpart F - Vinyl Chloride.

40 CFR 61.60 through 40 CFR 61.71

Subpart G - (Reserved)

Subpart H - Emissions of Radionuclides Other Than Radon From Department of Energy (DOE) Facilities.

40 CFR 61.90 through 40 CFR 61.97

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart I - Radionuclide Emissions From Facilities Licensed by the Nuclear Regulatory Commission (NRC) and Federal Facilities Not Covered by Subpart H.

40 CFR 61.100 through 40 CFR 61.109

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.
40 CFR 61.110 through 40 CFR 61.112

Subpart K - Radionuclide Emissions From Elemental Phosphorus Plants.
40 CFR 61.120 through 40 CFR 61.127

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart L - Benzene Emissions From Coke By-Product Recovery Plants.
40 CFR 61.130 through 40 CFR 61.139

Subpart M - Asbestos.
40 CFR 61.140 through 40 CFR 61.157

(NOTE: Under Section 40.1-51.20 of the Code of Virginia, the Virginia Department of Labor and Industry also holds authority to enforce the following: 40 CFR 61.140, Applicability; 40 CFR 61.141, Definitions; 40 CFR 145, Standard for demolition and renovation; 40 CFR 61.146, Standard for spraying; 60 CFR 148, Standard for insulating materials; 60 CFR 150, Standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations except subsection (a)(4); and 40 CFR 154, Standard for active waste disposal, except subsection (d); and 40 CFR 156, Cross-reference to other asbestos regulations.)

Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants.
40 CFR 61.160 through 40 CFR 61.165

Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.

- 40 CFR 61.170 through 40 CFR 61.177
- Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.
- 40 CFR 61.180 through 40 CFR 61.186
- Subpart Q - Radon Emissions From Department of Energy Facilities.
- 40 CFR 61.190 through 40 CFR 61.193
- (NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)
- Subpart R - Radon Emissions From Phosphogypsum Stacks.
- 40 CFR 61.200 through 40 CFR 61.205
- (NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)
- Subpart S - (Reserved)
- Subpart T - Radon Emissions From the Disposal of Uranium Mill Tailings.
- 40 CFR 61.220 through 40 CFR 61.225
- (NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)
- Subpart U - (Reserved)
- Subpart V - Equipment Leaks (Fugitive Emission Sources).
- 40 CFR 61.240 through 40 CFR 61.247
- Subpart W - Radon Emissions from Operating Mill Tailings.
- 40 CFR 61.250 through 40 CFR 61.252
- (NOTE: Authority to enforce the above standard is being

retained by EPA and it is not incorporated by reference into these regulations.)

- Subpart X - (Reserved)
- Subpart Y - Benzene Emissions From Benzene Storage Vessels.
40 CFR 61.270 through 40 CFR 61.277
- Subpart Z - (Reserved)
- Subpart AA - (Reserved)
- Subpart BB - Benzene Emissions From Benzene Transfer Operations.
40 CFR 61.300 through 40 CFR 61.306
- Subpart CC - (Reserved)
- Subpart DD - (Reserved)
- Subpart EE - (Reserved)
- Subpart FF - Benzene Waste Operations.
40 CFR 61.340 through 40 CFR 61.358
- Appendix A - Not applicable.
- Appendix B - Test Methods.

(NOTE: Authority to enforce the following test methods is being retained by EPA and they are not incorporated by reference into the Regulations for the Control and Abatement of Air Pollution.)

Method 111 - Determination of polonium-210 emissions from stationary sources.

Method 114 - Test methods for measuring radionuclide emissions from stationary sources.

Method 115 - Monitoring for radon-222 emissions.

- Appendix C - Quality assurance procedures.

Appendix D - Methods for estimating radionuclide emissions.

(NOTE: Authority to enforce the above methods is being retained by EPA and it is not incorporated by reference into the Regulations for the Control and Abatement of Air Pollution.)

Appendix E - Compliance procedures methods for determining compliance with subpart I.

(NOTE: Authority to enforce the above methods is being retained by EPA and it is not incorporated by reference into the Regulations for the Control and Abatement of Air Pollution.)

9VAC5-60-80. Word or phrase substitutions.

In all of the standards designated in 9VAC5-60-70 substitute:

A. Board for Administrator; and

B. Board for U.S. Environmental Protection Agency (except in references).

HISTORICAL NOTES:

Derived from: Rule 6-1 of Part VI of VR 120-01 (§ 120-06-0101 through § 120-06-0103)

Effective Date: August 9, 1975

Promulgated: August 9, 1975

Amended: June 11, 1976

Amended: April 8, 1977

Amended: September 30, 1977

Amended: October 6, 1978

Amended: August 3, 1979

Amended: January 1, 1985

Amended: October 1, 1986

Amended: April 1, 1988

Amended: January 1, 1989

Amended: January 1, 1991

Amended: April 15, 1992

Amended: January 1, 1993

Amended: December 1, 1995

Amended: May 1, 1997

Amended: April 1, 1998

Amended: April 14, 1999

Amended: May 1, 2000
Amended: June 1, 2001
Amended: February 1, 2002
Amended: February 1, 2003
Amended: June 1, 2004
Amended: January 12, 2005
Amended: December 1, 2005
Amended: June 1, 2007
Amended: December 12, 2007
Amended: March 18, 2009
Amended: January 20, 2010
Amended: March 2, 2011
Amended: February 15, 2012

REG\VAC\601