

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

**DISCRETIONARY AUTHORITY TO IMPLEMENT
§ 111(d)/129 PLAN REGULATIONS**

**ARTICLE 45 of 9VAC5 CHAPTER 40.
Commercial/Industrial Solid Waste Incinerators (Rule 4-45).**

Discretionary authority related to certain decisions required to implement the plan by EPA and the Department is as follows. Any authority not set forth below is assumed to rest with the Department.

1. The Department shall obtain prior approval from EPA Region III before implementing any of the following:

- a. Approval of alternative methods.
- b. Approval of equivalent methods.
- c. Approval of major changes to reference methods.
- d. Approval of major changes to monitoring.
- e. Approval of alternatives to the emission limitations in 9VAC5-40-6270 through 6360 and operating limits established under 9VAC5-40-6430.
- f. Approval of waivers to recordkeeping and reporting.
- g. The requirements in 9VAC5-40-6250 C 14 b for chemical recovery units.
- h. The status report requirements in 9VAC5-40-6400 J 2 b for when qualified operators are not accessible for 2 weeks or more.
- i. The requirements in 9VAC5-40-6430 D for sources using something other than wet scrubbers to comply with the emissions limitations.

2. The Department shall exercise, on a case-by-case basis, and with prior notification to EPA Region III, the following:

- a. Approval of minor changes to reference methods.
- b. Approval of intermediate changes to reference methods.

- c. Approval of shorter sampling times and volumes when necessitated by process variables and other factors.
- d. Approval of waiver of emission testing.
- e. Approval of minor changes to monitoring.
- f. Approval of intermediate changes to monitoring.
- g. Approval of adjustments to time periods for submitting reports.

**ARTICLE 46 of 9 VAC 5 CHAPTER 40.
Small Municipal Waste Combustors (Rule 4-46).**

Discretionary authority related to certain decisions required to implement the plan by EPA and the Department is as follows. Any authority not set forth below is assumed to rest with the Department.

1. The Department shall obtain prior approval from EPA Region III before implementing any of the following:
 - a. Approval of alternative methods.
 - b. Approval of equivalent methods.
 - c. Approval of major changes to reference methods.
 - d. Approval of major changes to monitoring.
 - e. Approval of alternatives to the emission limitations in 9VAC5-40-6570 through 6660 and 6670 B, and operating limits established under 9VAC5-40-6720.
 - f. Approval of waivers to recordkeeping and reporting.
 - g. Approval of training waivers under 9VAC5-40-6700 A 3.
2. The Department shall exercise, on a case-by-case basis, and with prior notification to EPA Region III, the following:
 - a. Approval of minor changes to reference methods.
 - b. Approval of intermediate changes to reference methods.
 - c. Approval of shorter sampling times and volumes when necessitated by process variables and other factors.

- d. Approval of waiver of emission testing.
- e. Approval of minor changes to monitoring.
- f. Approval of intermediate changes to monitoring.
- g. Approval of adjustments to time periods for submitting reports.

**ARTICLE 54 of 9 VAC 5 CHAPTER 40.
Large Municipal Waste Combustors (Rule 4-54).**

Discretionary authority related to certain decisions required to implement the plan by EPA and the Department are as follows. Any authority not set forth below is assumed to rest with the Department.

1. The Department shall obtain prior approval from EPA Region III before implementing any of the following:

- a. Approval of alternative methods.
- b. Approval of equivalent methods.
- c. Approval of major changes to reference methods.
- d. Approval of major changes to monitoring.
- e. Approval of alternatives to the emission limitations in 9VAC5-40-7970 through 8070 and operating limits established under 9VAC5-40-8120.
- f. Approval of waivers to recordkeeping and reporting.
- g. Approval of training waivers under 9VAC5-40-8110 B 2 b.

2. The Department shall exercise, on a case-by-case basis, and with prior notification to EPA Region III, the following:

- a. Approval of minor changes to reference methods.
- b. Approval of intermediate changes to reference methods.
- c. Approval of shorter sampling times and volumes when necessitated by process variables and other factors.
- d. Approval of waiver of emission testing.

- e. Approval of minor changes to monitoring.
- f. Approval of intermediate changes to monitoring.
- g. Approval of adjustments to time periods for submitting reports.

Implementation Issues

1. The Department shall submit all emission test protocols relating to the relationship between carbon dioxide and oxygen concentrations to EPA (Regional Municipal Waste Combustor Contact, U.S. EPA Region III, 3AP22, 1650 Arch Street, Philadelphia, PA 19103).
2. The Department shall submit all notifications of exemption claims under 9 VAC 5-40-7950 D to EPA (Regional Municipal Waste Combustor Contact, U.S. EPA Region III, 3AP22, 650 Arch Street, Philadelphia, PA 19103).
3. The Department shall use the procedures in 40 CFR 60.19(c) in administering the provisions of 9 VAC 5-40-8160 I.

ARTICLE 55 of 9VAC5 CHAPTER 40. Sewage Sludge Incinerators (Rule 4-55).

Discretionary authority related to certain decisions required to implement the plan by EPA and the department is as follows. Any authority not set forth below is assumed to rest with the department. The department shall obtain prior approval from EPA Region III before implementing any of the following:

1. Alternatives to emission limits and standards in 9VAC5-40-8220 and operating limits established under 9VAC5-40-8290 or 9VAC5-40-8300 B 3 relevant to 40 CFR 60.5190.
2. Approval of major alternatives to test methods.
3. Approval of major alternatives to monitoring.
4. Approval of major alternatives to recordkeeping and reporting.
5. The requirements in 9VAC5-40-8290 B relevant to § 60.5175.
6. The requirements in 9VAC5-40-8270 relevant to § 60.5155(b)(2).
7. Performance test and data reduction waivers under 40 CFR 60.8(b).