



State Air Pollution Control Board

Federal Documents Incorporated by Reference (Revision F20) Final Regulation

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Background

- Clean Air Act allows EPA to delegate implementation and enforcement of the following programs to states:
 - New Source Performance Standards (NSPSs)
 - National Emission Standards For Hazardous Air Pollutants (NESHAPs)
 - National Emission Standards For Hazardous Air Pollutants for Source Categories (Maximum Achievable Control Technology or MACT Standards)

Background

- State must demonstrate ability to implement the programs
- EPA delegates authority to states by letter
- Virginia has been delegated authority from EPA

Background

- Board needs to incorporate new standards in order for DEQ to obtain enforcement authority from EPA
- Otherwise, enforcement authority remains with EPA
- New standards also reflect most current technical research

Today's action, federal standards:

- No new NESHAPs or MACTs
- Two NSPSs:
 - Subpart XXX, Landfills
 - Subpart OOOOa, Oil and Natural Gas Facilities
- Update Code of Federal Regulations (CFR) book date references to 7/1/20

Today's action, landfills:

- Relationship of §§ 111(b) and (d) standards
- Extension of NSPS requirements to existing sources

§ 111(b) New Source Performance Standards

...Categories of sources that emit pollution reasonably anticipated to endanger health or welfare

- Federal standard, may be delegated to states



40 CFR Part 60



Article 5 of 9VAC5-50

§ 111(d) Emissions Guidelines

...Existing sources that would have otherwise been subject to § 111(b) NSPS

- Guidelines, not a standard; require standalone state regulation



40 CFR Part 60



Standalone state regulation in 9VAC5-40

Today's action, landfills:

- Article 43.1 of 9VAC5-40, Emission Standards for Municipal Solid Waste Landfills for Which Construction, Reconstruction, or Modification Was Commenced on or Before July 17, 2014
- Incorporates Subpart Cf of 40 CFR Part 60, emissions guidelines (not an NSPS) by reference
- Federal review completed; effective 3/20/20
 - Federal issues resolved; 2016 version no longer needed (9VAC5-20-21)
 - Adds 40 CFR 60.38a(n), additional high temperature report (9VAC5-40-5970)

Adoption Process

- Exempt from standard regulatory adoption process by § 2.2-4006 A 4 c of the APA
- Action is necessary to conform to federal requirements

Department Recommendation

- That the board adopt the proposal with an effective date consistent with the Administrative Process Act
- In adopting this proposal, the board affirms that it will receive, consider, and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Administrative Process Act