

**§ 52.2428**

collected on a monthly basis and submitted in a format similar to Table 1.

TABLE 1

Roadway type	VMT or average vehicle speed	
	Vehicle type (1)	Vehicle type (2) <sup>1</sup>
Freeway.		
Arterial.		
Collector.		
Local.		

<sup>1</sup> Continue with other vehicle types as appropriate.

(4) No later than March 1, 1974, the Commonwealth shall submit to the Administrator a compliance schedule to implement this section. The program description shall include the following:

(i) The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

(ii) The administrative procedures to be used.

(iii) A description of the methods to be used to collect the emission data, VMT data, and vehicle speed data; a description of the geographical area to which the data apply; identification of the location at which the data will be collected; and the time periods during which the data will be collected.

[37 FR 10898, May 31, 1972, as amended at 37 FR 15091, July 27, 1972; 38 FR 16568, June 22, 1973; 38 FR 33724, Dec. 6, 1973; 44 FR 27571, May 10, 1979; 51 FR 40677, Nov. 7, 1986]

**§ 52.2428 Control Strategy: Carbon monoxide and ozone.**

(a) Determination—EPA has determined that, as of November 5, 1997, the Richmond ozone nonattainment area, which consists of the counties of Chesterfield, Hanover, Henrico, and part of Charles City County, and of the cities of Richmonds, Colonial Heights and Hopewell, has attained the 1-hour .12 ppm ozone standard based on three years of air quality data for 1993, 1994 and 1995. EPA has further determined that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to the Richmond area for so long as the area does not monitor any violations of the 1-hour .12ppm ozone standard, or until the area is no longer designated non-

attainment. If a violation of the ozone NAAQS is monitored in the Richmond ozone nonattainment area while the area is designated nonattainment, these determinations shall no longer apply.

(b) EPA approves the Commonwealth's 15 Percent Rate of Progress Plan for the Virginia portion of the Metropolitan Washington, D.C. ozone nonattainment area, submitted by the Acting Director of the Virginia Department of the Environmental Quality on April 14, 1998.

(c)-(d) [Reserved]

[62 FR 52032, Oct. 6, 1997, as amended at 65 FR 59731, Oct. 6, 2000; 66 FR 632, Jan. 3, 2001; 69 FR 43522, July 21, 2004]

**§§ 52.2429-52.2432 [Reserved]**

**§ 52.2433 Intergovernmental cooperation.**

(a) The requirements of Subpart M of this chapter are not met because the plan does not adequately identify the State and local agencies, and their responsibilities, involved in carrying out the proposed transportation control measures.

[38 FR 16569, June 22, 1973, as amended at 51 FR 40677, Nov. 7, 1986]

**§§ 52.2434-52.2435 [Reserved]**

**§ 52.2436 Rules and regulations.**

(a) [Reserved]

(b) The requirements of §51.281 are not met with respect to Section 4.55 (b) of the Virginia regulations, because the regulation is not adequately enforceable. Therefore, Section 4.55(b) is disapproved.

[38 FR 33725, Dec. 6, 1973, as amended at 45 FR 55197, Aug. 19, 1980; 51 FR 40677, Nov. 7, 1986; 61 FR 16063, Apr. 11, 1996]

**§§ 52.2437-52.2439 [Reserved]**

**§ 52.2440 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?**

The owner or operator of each NO<sub>x</sub> source located within the State of Virginia and for which requirements are set forth under the Federal CAIR NO<sub>x</sub> Annual and Ozone Season Trading Programs in part 97 of this chapter must

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comply with such applicable requirements.

[71 FR 25377, Apr. 28, 2006]

### § 52.2441 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

The owner or operator of each SO<sub>2</sub> source located within the State of Virginia and for which requirements are set forth under the Federal CAIR SO<sub>2</sub> Trading Program in part 97 of this chapter must comply with such applicable requirements.

[71 FR 25377, Apr. 28, 2006]

### §§ 52.2442–52.2449 [Reserved]

### § 52.2450 Conditional approval.

(a) Virginia's September 28, 1994 SIP submittal of a Consent Order and Agreement (Order) between the Department of Environmental Quality of the Commonwealth of Virginia and Philip Morris, Inc. establishing reasonably available control technology (RACT) for the Manufacturing Center located in Richmond, Virginia is conditionally approved based on certain contingencies. The condition for approval is to revise and resubmit the Order as a SIP revision within one year of September 29, 1995 according to one of the following: Eliminate the exemption to use non-ethanol-based flavorings in lieu of add-on controls; restrict the applicability of the exemption to the use of non-VOC based flavorings; or impose monitoring and reporting requirements sufficient to determine net increases or decreases in emissions on a mass basis relative to the emissions that would have occurred using add-on controls on an average not to exceed thirty days.

(b) Virginia's severe ozone nonattainment area SIP for the Metropolitan Washington area, which includes the 1996–1999 portion of the rate-of-progress plan submitted on December 19, 1997 and May 25, 1999 and the transportation control measures in Appendix H of the May 25, 1999 submittal, and the severe ozone attainment demonstration submitted on April 29, 1998, August 18, 1998, February 9, 2000, and section 9.1.1.2 of the March 22, 2000 submittal and the transportation control measures in Appendix J of the February 9,

2000 submittal, is conditionally approved contingent on Virginia submitting a revised SIP by April 17, 2004 that satisfies certain conditions. This conditional approval also establishes motor vehicle emissions budgets for 2005 of 101.8 tons per day of volatile organic compounds (VOC) and 161.8 tons per day of nitrogen oxides (NO<sub>x</sub>) to be used in transportation conformity in the Metropolitan Washington, DC serious ozone nonattainment area until revised budgets based upon the MOBILE6 model are submitted and found adequate. Virginia must submit a revised SIP by April 17, 2004 that satisfies the following conditions.

(1) Revises the 1996–1999 portion of the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the required 9 percent rate-of-progress reductions by November 15, 1999.

(2) Revises the 1999–2005 portion of the severe area rate-of-progress plan to provide MOBILE6-based mobile source emission budgets and adopted measures sufficient to achieve emission reductions of ozone precursors of at least 3 percent per year from November 15, 1999 to the November 15, 2005 severe ozone attainment date.

(3) Revises the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the ROP reductions required for the post-1999 period.

(4) Revises the Washington area severe attainment demonstration to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented for the failure of the Washington area to attain the one-hour ozone standard for serious areas by November 15, 1999.

(5) Revises the Washington area severe attainment demonstration to reflect revised MOBILE6-based motor vehicle emissions budgets, including revisions to the attainment modeling/weight of evidence demonstration and