

**Environmental Protection Agency**

**§ 52.2773**

**§ 52.2772 Approval status.**

With the exceptions set forth in this subpart, the Administrator approves

the U.S. Virgin Islands plan for attainment and maintenance of the national standards.

**§ 52.2773 EPA-approved Virgin Islands regulations.**

Territory regulation	Effective date	EPA approval date	Comments
Section 204–20, "Definitions" .....	1/15/87	4/18/94, 59 FR 18309 .....	"Fugitive emissions" will be defined as at 40 CFR 52.21(b)(20).
Section 204–21, "Regulations to Control Open Burning".	1/15/87	.....do.	
Section 204–22, "Regulations to Control Emission of Visible Air Contaminants".	1/15/87	.....do.	
Section 204–23, "Regulations Governing Emission of Particulate Matter".	1/15/87	.....do.	
Section 204–24, "Storage of Petroleum or Other Volatile Products".	3/2/71	5/31/72, 37 FR 10905.	
Section 204–25, "Fugitive Emissions".	1/15/87	4/18/94, 59 FR 18309.	
Section 204–26, "Sulfur Compounds Emission Control".	1/15/87	.....do .....	Subsection 204–26(a)(2) is disapproved for three Martin Marietta (VI Alumina Corp), St. Croix, sources. For applicable limits, refer to PSD permit for the facility.
Section 204–27, "Air Pollution Nuisances Prohibited".	3/2/71	5/31/72, 37 FR 10905.	
Section 204–28, "Internal Combustion Engine Limits".	1/15/87	4/18/94, 59 FR 18309.	
Section 204–29, "Upset, Breakdown or Scheduled Maintenance".	1/15/87	.....do.	
Section 204–30, "Circumvention" .....	3/2/71	5/31/72, 37 FR 10905.	
Section 204–31, "Duty to Report Discontinuance or Dismantlement".	3/2/71	5/31/72, 37 FR 10905.	
Section 204–32, "Variance Clauses"	3/2/71	5/31/72, 37 FR 10905.	
Section 204–33, "Air Pollution Emergencies".	1/15/87	4/18/94, 59 FR 18309.	
Section 204–35, "Continuous Emission Monitoring".	1/15/87	.....do.	
Section 204–36, "Eligibility to Burn Waste Fuel A".	1/15/87	.....do.	
Section 204–37, "Eligibility to Burn Waste Fuels A and B".	1/15/87	.....do.	
Section 204–38, "Permit and/or Certificate Requirement for Waste Oil Facilities".	1/15/87	.....do.	
Section 204–39, "Sale or Use of Waste Fuels A and B".	1/15/87	.....do .....	Reference to Table 1 in this subsection refers to Table 1 found in Section 204–20.
Section 204–40, "Reports, Sampling and Analysis of Waste Fuels A and B".	1/15/87	.....do .....	Variances adopted pursuant to subsection 204–40(e) become applicable only if approved by EPA as SIP revisions.
Section 204–41, "Existing Air Contamination Sources for Waste Fuel".	1/15/87	.....do.	
Section 204–45, "Standards of Performance for Sulfur Recovery Units at Petroleum Refineries".	1/15/87	.....do.	
Section 206–20, "Permits Required"	1/15/87	.....do.	
Section 206–21, "Transfer" .....	1/15/87	.....do.	
Section 206–22, "Applications" .....	1/15/87	.....do.	
Section 206–23, "Application and Permit Fees".	1/15/87	.....do.	
Section 206–24, "Cancellation of Applications".	1/15/87	.....do.	

§ 52.2774

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Territory regulation	Effective date	EPA approval date	Comments
Section 206-25, "Test Methods" .....	1/15/87	.....do .....	Variances adopted pursuant to subsection 206-25(c) become applicable only if approved by EPA as SIP revisions.
Section 206-26, "Permits to Construct".	1/15/87	.....do.	
Section 206-27, "Permits to Operate".	1/15/87	.....do.	
Section 206-28, "Permit Modifications, Suspensions or Revocations and Denials".	1/15/87	.....do.	
Section 206-29, "Further Information".	1/15/87	.....do.	
Section 206-30, "Appeals" .....	1/15/87	.....do.	
Section 206-30, "Review of New Sources and Modifications".	10/11/73	8/10/75, 40 FR 42013 .....	Subsection 206-30(f)(6) is disapproved since sources of minor significance are not identified in Section 206-30. A federally promulgated regulation (40 CFR 52.2775(g)), correcting this deficiency and a public participation deficiency, is applicable. Two separate subsections are numbered 206-30 and are listed here with their separate titles.
Section 206-31, "Review of New or Modified Indirect Sources".	10/11/73	8/10/75, 40 FR 42013.	

[59 FR 18309, Apr. 18, 1994]

§ 52.2774 [Reserved]

§ 52.2775 Review of new sources and modifications.

(a)-(d) [Reserved]

(e) The requirements of 40 CFR 51.18(h) are not met since section 206-30 of Chapter 9, Title 12 of the Virgin Islands' Code does not provide that information submitted by the owner or operator and the agency's analysis including its proposed approval/disapproval decision, be made available for public comment for a period of 30 days prior to final action.

(f) Subsection 206-30(f)(6) of section 206-30 of Chapter 9, Title 12 of the Virgin Islands' Code is disapproved since sources of minor significance are not identified in the regulation. Accordingly, all sources not listed in subsection 206-30 (f)(1) through (f)(5) will be subject to review in accordance with the requirements of section 206-30.

(g) Regulation for review of new sources and modifications.

(1) This requirement is applicable to any stationary source subject to review under section 206-30 of Chapter 9, Title 12 of the Virgin Islands' Code or 40 CFR 52.2775(f).

(2) Within 30 days after receipt of an application, the Commissioner of the Department of Conservation and Cultural Affairs, will notify the public, by prominent advertisement in the local news media, of the opportunity for public comment on the information submitted by the owner or operator.

(i) Such information, together with the Commissioner's analysis of the effect of the construction or modification on air quality including the Commissioner's proposed approval or disapproval, will be available in at least one location in the affected region.

(ii) Written public comments submitted within 30 days of the date such information is made available will be considered by the Commissioner in making his final decision on the application.

(iii) The Commissioner will make a final decision on the application within 30 days after the close of the public comment period. The Commissioner will notify the applicant in writing of his approval, conditional approval, or disapproval of the application and will set forth his reasons for conditional approval or disapproval.