

**Environmental Protection Agency**

**§ 52.2773**

weight, for the Hess Oil Virgin Islands Corporation and the Martin Marietta Properties facilities located on the Island of St. Croix.

(17) Comprehensive revisions to Virgin Islands air pollution control regulations submitted on March 20, 1987, by the Virgin Islands Department of Planning and Natural Resources.

(i) Incorporation by reference:

(A) Revised sections 20 through 23, 25, 26, 28, 29, 33, 35 through 41, and 45 of subchapter 204, chapter 9, title 12 of the Virgin Islands Code, effective January 15, 1987.

(B) Revised sections 20 through 31 of subchapter 206, chapter 9, title 12 of the Virgin Islands Code, effective January 15, 1987.

(ii) Additional material:

(A) July 1988 Modeling Analysis for CEC Energy Co., Inc.

(B) July 11, 1989, letter from Ted Helfgott, Amerada Hess Corporation to Raymond Werner, U.S. Environmental Protection Agency, Region II, New York.

(C) December 28, 1992, Prevention of Significant Deterioration of Air Quality permit for Virgin Islands Water and Power Authority at St. Croix's north shore facility.

[37 FR 10905, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2770, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 52.2771 Classification of regions.**

The U.S. Virgin Islands plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
U.S. Virgin Islands .....	IA	IA	III	III	III

**§ 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.	

Territory regulation	Effective date	EPA approval date	Comments
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.	
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.
Section 206–31, “Review of New or Modified Indirect Sources”.	10/11/73	8/10/75, 40 FR 42013.	Two separate subsections are numbered 206–30 and are listed here with their separate titles.

## Environmental Protection Agency

## § 52.2780

[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.

(iv) A copy of the notice required by paragraph (h)(2) of this section shall also be sent to the Administrator through the appropriate regional office, and to all other State and local air pollution control agencies having jurisdiction in the region in which such new or modified installation will be located. The notice shall also be sent to any other agency in the region having responsibility for implementing the procedures required under this section.

[37 FR 10905, May 31, 1972, as amended at 40 FR 42013, Sept. 10, 1975]

### §§ 52.2776–52.2778 [Reserved]

### § 52.2779 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the Virgin Islands.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11325, Mar. 10, 2003; 68 FR 74491, Dec. 24, 2003]

### § 52.2780 Control strategy for sulfur oxides.

(a) The requirements of subpart G of this chapter are not met since there has not been a satisfactory demonstration that the Virgin Islands plan provides for the attainment and maintenance of the national ambient air quality standards for sulfur oxides on the island of St. Croix.

(b) The following parts of regulation 12 V.I.R. and R. 9:204–26, "Sulfur Compounds Emission Control," as submitted to EPA on January 21, 1976 and as amended and resubmitted to EPA on June 3, 1976 are approved:

(1) The entire regulation as it applies to the islands of St. Thomas and St. John.

(2) The entire regulation as it applies to the Virgin Islands Water and Power