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SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO<sub>2</sub> Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO<sub>2</sub> Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48376, Aug. 8, 2011]

### § 52.2560 Small business technical and environmental compliance assistance program.

On January 13, 1993, the Secretary of the West Virginia Department of Commerce, Labor and Environmental Resources submitted a plan for the establishment and implementation of a Small Business Technical and Environmental Compliance Assistance Program as a state implementation plan revision (SIP), as required by title V of the Clean Air Act. EPA approved the Small Business Technical and Environmental Compliance Assistance Program on September 15, 1993, and made it part of the West Virginia SIP. As with all components of the SIP, West Virginia must implement the program as submitted and approved by EPA.

[58 FR 48312, Sept. 15, 1993]

### § 52.2565 Original identification of plan.

(a) This section identifies the original "Air Implementation Plan for the State of West Virginia" and all revisions submitted by West Virginia that were federally approved prior to December 1, 2004.

(b) The plan was officially submitted on January 27, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Addition to the plan regarding legal authority to enforce State laws in the City of Wheeling submitted on March 30, 1972, by the West Virginia Air Pollution Control Commission.

(2) Addition to the plan clarifying Resources section of SIP submitted

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April 20, 1972, by the West Virginia Air Pollution Control Commission.

(3) Revision to plan regarding "Permit to Construct" rule, Regulation XIII of the West Virginia Air Pollution Control Regulations, submitted May 5, 1972, by the West Virginia Air Pollution Control Commission.

(4) Revision to the plan allowing John E. Amos power plant variance to sulfur-in-fuel regulations submitted November 14, 1973, by the West Virginia Air Pollution Control Commission.

(5) AQMA designations were submitted on June 13, 1974, by the Governor of West Virginia.

(6) Indirect Source Review plan submitted on June 17, 1974, by the West Virginia Air Pollution Control Commission.

(7) Particulate matter regulation for Primary aluminum plants submitted on November 8, 1974, by the West Virginia Air Pollution Control Commission.

(8) Deletion of secondary annual and 24 hour sulfur dioxide standards from Regulation VIII submitted on March 16, 1976 by the Governor of West Virginia.

(9) Amendments to regulation X (to prevent and control air pollution from the emission of sulfur oxides) (section 2.07 added), section 2.08 (former section 2.07), section 2.09 (former section 2.08), section 2.10 (former section 2.09), section 2.11 (former section 2.10), section 2.12 (former section 2.11), section 2.13 (former section 2.12), section 2.14 (former section 2.13), section 2.15 (former section 2.14), section 2.16 (former section 2.15), section 3.01 is superseded by new section 3.01 except section 3.01(1) Kammer Power Station which retains the old section 3.01(a), section 3.02 is replaced by new section 3.02, section 3.03 is superseded by new section 3.03 except for section 3.03(2) Rivesville Power Station, which retains the old section 3.03(a) and section 3.01(b), section 3.03(1) (Harrison Power Plant) is approved as an interim emission limitation only, sections 3.05, 3.06, and 3.07 (added), section 3.08 (former section 3.05), section 6.01 is superseded by new section 6.01, new section 10 is

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added, section 11 (replaces former section 10) of the West Virginia Administrative Regulations submitted on January 25, 1978 (as amended September 13, 1978), by the Governor.

(10) Revised plans for attaining primary air quality standards for TSP and SO<sub>2</sub> submitted to EPA by the Governor of West Virginia on June 18, 1979. These plans are contained in a document entitled, "Revisions to the State Implementation Plan to Achieve and Maintain Air Quality Standards for Particulates, Sulfur Oxides, and Ozone."

(11) Revised plan for attaining the ozone standard submitted to EPA by the Governor of West Virginia on November 21, 1979.

(12) Revised Regulations III and VIII, and new Regulations XXI, XXIII, and XXIV, submitted to EPA by the Governor of West Virginia on December 19, 1979.

(13) Amended Sections 3.01(2) and 3.03(1) of Regulation X (to prevent and control air pollution from the emission of sulfur oxides), submitted on January 25, 1978 and amended September 13, 1978 by the Governor.

(14) Amended Regulations VI and VII, and an Identification and Analysis of the Impact of the 1979 West Virginia State Implementation Plan, submitted by the Governor of West Virginia on June 13, 1980.

(15) An Implementation Plan for lead submitted by the Governor of West Virginia on June 13, 1980, and supplementary information subsequently submitted to show that lead sources would be subject to new source review.

(16) Test Procedure for Quantifying Emissions From Bulk Gasoline Loading Terminals, submitted by the Governor of West Virginia on November 6, 1980.

(17) West Virginia's plans for attaining the secondary National Ambient Air Quality Standard for total suspended particulate submitted by the Governor of West Virginia on November 14, 1980.

(18) The consent order allowing alternative emission limitations for the Mountaineer Carbon Company, Moundsville, West Virginia, submitted on July 2, 1982 by the West Virginia Air Pollution Control Commission.

(19) Consent Order dated July 6, 1982 between National Steel Corporation, Weirton Steel Division and the West Virginia Air Pollution Control Commission submitted on July 6, 1982 by Mr. Donald R. Richardson providing for an alternate emission control plan (bubble) for the Weirton, West Virginia steel mill.

(20) Amended Regulation VII of the West Virginia Air Pollution Control Regulations submitted by the West Virginia Air Pollution Control Commission on April 29, 1983.

(21) A revision submitted by the State of West Virginia on November 4, 1983 which establishes an Ambient Air Quality Monitoring Network.

(22) Amended Regulation XIX of the West Virginia Air Pollution Control Regulations submitted by the West Virginia Air Pollution Control Commission on April 29, 1983.

(23) Regulation XIV (Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration) and a commitment letter submitted on June 13, 1984, and December 16, 1985, respectively, by the Chairman of the West Virginia Air Pollution Control Commission.

(i) Incorporation by reference.

(A) Regulation XIV (Permits for the Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration) adopted by the State of West Virginia on June 14, 1984.

(B) Letter of December 16, 1985, in which the West Virginia Air Pollutant Control Commission committed to comply with the July 8, 1985 rule-making notice concerning stack heights in its PSD permitting.

(24) Revisions to the State Implementation Plan submitted by the West Virginia Air Pollution Control Commission.

(i) Incorporation by reference.

(A) Letter from the West Virginia Air Pollution Control Commission dated September 14, 1990, submitting a revision to the West Virginia State Implementation Plan.

(B) A Consent Order, dated and effective September 12, 1990, issued by the West Virginia Air Pollution Control Commission to the Columbia Gas

Transmission Corporation limiting the emissions and operation of a compressor engine at its Lost River Compressor Station in Mathias, Hardy County, West Virginia.

(ii) Additional materials—Remainder of the State submittal.

(25) As of July 7, 1993 the rules in this paragraph (c)(25) are superseded by the rules contained in paragraph (c)(33) of this section. Revisions to the State Implementation Plan submitted by the West Virginia Air Pollution Control Commission, which define and impose RACT to control volatile organic compound emissions from bulk gasoline terminals, petroleum refineries, and storage of petroleum liquids in fixed roof tank facilities.

(i) Incorporation by reference.

(A) A letter from the West Virginia Air Pollution Control Commission dated June 4, 1991, submitting a revision to the West Virginia State Implementation Plan.

(B) Amendments to Series 21, 23, and 24 of the regulations of the West Virginia Air Pollution Control Commission, submitted June 4, 1991, and effective May 6, 1991.

(ii) Additional materials.

(A) The nonregulatory portions of the state submittal.

(26) Bilateral consent orders between the West Virginia Air Pollution Control Commission and six companies to limit emissions of particulate matter. The effective date of the consent order with Koppers is November 15, 1991; the effective date of the five other orders cited in paragraph (i)(B), below, is November 14, 1991.

(i) Incorporation by reference.

(A) Letter dated November 12, 1991 from the West Virginia Department of Commerce, Labor, and Environmental Resources transmitting six consent orders.

(B) Consent orders with the following companies (West Virginia order number and effective date in parentheses): Follansbee Steel Corporation (CO-SIP-91-31, November 14, 1991); International Mill Service, Incorporated (CO-SIP-91-33, November 14, 1991); Koppers Industries, Incorporated (CO-SIP-91-32, November 15, 1991); Standard Lafarge (CO-SIP-91-29, November 14, 1991); Starvaggi Industries, Incorporated (CO-

SIP-91-34, November 14, 1991); and Wheeling-Pittsburgh Steel Corporation (CO-SIP-91-29, November 14, 1991).

(27) Revision to the State implementation plan consisting of a good engineering practice (GEP) for stack heights regulation as submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990:

(i) Incorporation by reference.

(A) Letter from the Secretary, Department of Commerce, Labor, and Environmental Resources dated April 2, 1990, submitting a revision to the West Virginia State implementation plan.

(B) Regulation 20 (45CSR20)—“Good Engineering Practice as Applies to Stack Heights” adopted by the State of West Virginia on April 8, 1989. The regulation became effective on July 14, 1989.

(ii) Additional materials.

(A) Remainder of the State implementation plan revision submitted by the West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990.

(28) Revisions to the State Implementation Plan submitted by the West Virginia Department of Commerce, Labor, and Environmental Resource on August 15, 1990.

(i) Incorporation by reference.

(A) Letter from the West Virginia Department of Commerce, Labor, and Environmental Resources dated August 15, 1990 submitting a revision to the West Virginia State Implementation Plan.

(B) Amendments to the West Virginia Code Chapter 16, Article 20—Regulation VIII—“Ambient Air Quality Standards for Sulfur Oxides and Particulate Matter”; Regulation XI—“Prevention of Air Pollution Emergency Episodes”; and Regulation XIV—“Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration”. All three rules were adopted on March 19, 1990 and became effective April 25, 1990.

(ii) Additional materials.

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(A) Remainder of the State Implementation Plan revision request submitted by the West Virginia Department of Commerce, Labor, and Environmental Resources on August 15, 1990.

(29) Revisions to the State Implementation Plan submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990.

(i) Incorporation by reference.

(A) Letter from the Secretary, Department of Commerce, Labor, and Environmental Resources dated April 2, 1990 submitting a revision to the West Virginia State Implementation Plan.

(B) WVAPCC Rule TP-2—"Compliance Test Procedures for Regulation II—To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers'" adopted by the State of West Virginia on April 8, 1989.

(ii) Additional materials.

(A) Remainder of the State Implementation Plan revision request submitted by the West Virginia Department of Labor, Commerce, and Environmental Resources on April 2, 1990.

(30) The ten year ozone maintenance plan including emission projections and contingency measures for Huntington, West Virginia (Cabell and Wayne counties) as revised and effective on August 10, 1994 and submitted by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) The ten year ozone maintenance plan including emission projections and contingency measures for Huntington, West Virginia (Cabell and Wayne counties) revised and effective on August 10, 1994.

(31) The ten year ozone maintenance plan including emission projections and contingency measures for Parkersburg, West Virginia (Wood County) as revised and effective on August 10, 1994 and submitted by the West Virginia Division of Environmental Protection; Office of Air Quality:

(i) Incorporation by reference.

(A) The ten year ozone maintenance plan including emission projections and contingency measures for Parkersburg, West Virginia (Wood County) revised and effective on August 10, 1994.

(32) The ten year ozone maintenance plan including emission projections and contingency measures for Charleston, West Virginia (Kanawha and Putnam Counties), as revised and effective on August 10, 1994 and submitted by the West Virginia Division of Environmental Protection; Office of Air Quality:

(i) Incorporation by reference.

(A) The ten year ozone maintenance plan including emission projections and contingency measures for the Charleston, West Virginia (Kanawha and Putnam Counties) revised and effective August 10, 1994.

(33) Revisions to the West Virginia State Implementation Plan submitted on August 12, 1993 by the West Virginia Department of Commerce, Labor & Environmental Resources.

(i) Incorporation by reference.

(A) Letter of August 10, 1993 from the West Virginia Department of Commerce, Labor & Environmental Resources transmitting Title 45 Legislative Rules, Series 21, Regulation to Prevent and Control Air Pollution from Emission of Volatile Organic Compounds.

(B) Title 45 Legislative Rules, Series 21, Regulation to Prevent and Control Air Pollution from Emission of Volatile Organic Compounds, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 36, 39, 41, 42, 43, 44, 45, 46, 47, and 48, and Appendix A, which were adopted May 26, 1993 and effective July 7, 1993.

(ii) Additional material.

(A) Remainder of August 10, 1993 State submittal pertaining to the rules referenced in paragraph (c)(33)(i) of this section.

(iii) Additional information.

(A) The rules in this paragraph (c)(33) supersede the rules contained in paragraph (c)(25) of this section.

(34) Revisions to the West Virginia State Implementation Plan submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources, Office of Air Quality, on August 10, 1993.

(i) Incorporation by reference.

(A) Letter dated August 10, 1993 from the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources, Office of Air

Quality submitting 45 Code of State Regulations (CSR) Series 29 "Rule Requiring the Submission of Emission Statements for Volatile Organic Compounds and Oxides of Nitrogen Emissions" as a revision to the West Virginia State Implementation Plan. The effective date of this rule, 45CSR29 is July 7, 1993.

(B) West Virginia Regulation Title 45, Series 29, "Rule Requiring the Submission of Emission Statements for Volatile Organic Compounds and Oxides of Nitrogen Emissions," consisting of Subsections: 1. General; 2. Definitions; 3. Applicability; 4. Compliance Schedule; 5. Emission Statement Requirements; 6. Enforceability; and 7. Severability, effective July 7, 1993.

(ii) Additional Material.

(A) Remainder of August 10, 1993 State submittal pertaining to 45 CSR Series 29, "Rule Requiring the Submission of Emission Statements for Volatile Organic Compounds and Oxides of Nitrogen Emissions."

(B) [Reserved]

(35) Revisions to the West Virginia implementation plan for sulfur dioxide (SO<sub>2</sub>) in New Manchester Grant-Magisterial District, Hancock County submitted on February 17, 1995, as amended on May 3, 1996 by West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of February 17, 1995 from Mr. David C. Callaghan, Director, West Virginia Division of Environmental Protection transmitting a SIP revision for the New Manchester-Grant Magisterial District, Hancock County SO<sub>2</sub> nonattainment area.

(B) Letter of May 3, 1996 from Mr. Laidley Eli McCoy, Ph.D., Director, West Virginia Division of Environmental Protection transmitting an amendment to the February 17, 1995 SIP revision submittal for the New Manchester-Grant Magisterial District, Hancock County SO<sub>2</sub> nonattainment area.

(C) Implementation plan document (as amended, May 3, 1996), entitled "Revision to the West Virginia State Implementation Plan to Achieve and Maintain the National Ambient Air Quality Standards for Sulfur Dioxide in the New Manchester-Grant Magisterial District".

(D) Consent order entered into by and between the State of West Virginia and the Quaker State Corporation on January 9, 1995. The consent order was effective on January 9, 1995.

(E) Consent order entered into by and between the State of West Virginia and the Weirton Steel Corporation on January 9, 1995. The consent order was effective on January 9, 1995.

(ii) Additional material.

(A) Remainder of West Virginia's February 17, 1995 submittal, as amended on May 3, 1996.

(36) The ten year ozone maintenance plan including emission projections and contingency measures for Greenbrier County, West Virginia effective on September 1, 1994 and submitted by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 9, 1994 from the West Virginia Division of Environmental Quality transmitting the ozone maintenance plan for Greenbrier County.

(B) The ten year ozone maintenance plan including emission projections and contingency measures for Greenbrier County, West Virginia effective on September 1, 1994.

(ii) Additional Material.

(A) Remainder of September 9, 1994 State submittal pertaining to the maintenance plan referenced in paragraph (c)(36)(i) of this section.

(B) [Reserved]

(37) Revisions to the West Virginia State Implementation Plan submitted on May 16, 1995 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of May 16, 1995 from West Virginia Division of Environmental Protection, transmitting the General Conformity Rule.

(B) Title 45, Legislative Rule, Series 35 (45CSR35), Requirements for Determining Conformity of General Federal Actions to Applicable Air Quality Implementation Plans (General Conformity), effective May 1, 1995.

(ii) Additional material.

(A) Remainder of May 16, 1995 State submittal pertaining to 45CSR35 referenced in paragraph (c)(37) of this section.

(38) [Reserved]

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(39) Revisions to the West Virginia Regulations 45 CSR 14 submitted on August 10, 1993 by the West Virginia Department of Commerce, Labor & Environmental Resources:

(i) Incorporation by reference.

(A) Letter of August 10, 1993 from the West Virginia Department of Commerce, Labor & Environmental Resources transmitting revisions to 45 CSR 14 "Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration".

(B) Revisions to 45 CSR 14, effective July 7, 1993, including revisions to definitions and the addition of NO<sub>2</sub> increment provisions. Not included in this incorporation by reference are 45 CSR 14 paragraphs 1.1, 1.2, 2.1, 2.4, 2.9, 2.11, 2.13, 2.13, 2.22, 2.26, 2.27, 2.32, 2.33 to 2.38, 3.2, 4.1 to 4.3, 5.1, 7.1 to 7.4, 8.1, 10.1, 10.4, 10.7, and 11.1.

(40) Revisions to the West Virginia Regulations 45 CSR 14 submitted on May 20, 1996 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of May 20, 1996 from the West Virginia Division of Environmental Protection transmitting revisions to 45 CSR 14 "Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration".

(B) Revisions to 45 CSR 14, effective May 1, 1995, including the addition of PM-10 increment provisions, revisions to definitions, and preconstruction review requirements for electric steam generating units. Not included in this incorporation by reference are 45 CSR 14 paragraphs 4.1 to 4.3, 7.3, 8.1, 10.1, 10.2, 10.4, and 11.1.

(41) [Reserved]

(42) Revisions to the West Virginia Regulations for coal preparation and handling facilities 45CSR5 submitted on August 10, 1993 by the West Virginia Department of Commerce, Labor and Environmental Resources:

(i) Incorporation by reference.

(A) Letter of August 10, 1993 from the West Virginia Department of Commerce, Labor, and Environmental Resources transmitting revisions to West Virginia's regulation 45CSR5 "To Pre-

vent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations".

(B) Revisions to West Virginia regulation 45CSR5 regarding coal preparation and handling plants specifically: Revisions to 45CSR5 which require specific emission limits on particulate matter emissions at coal preparation and handling facilities in the Follansbee PM10 nonattainment area, monitoring of thermal driers and control equipment statewide, revised permitting, testing and reporting requirements.

(ii) Additional Material—Remainder of the August 10, 1993 submittal on 45CSR5.

(43) Revisions to West Virginia Regulation 45 CSR 13 submitted on August 26, 1994 by the West Virginia Department of Environmental Protection.

(i) Incorporation by reference.

(A) Letter of August 26, 1994 from the West Virginia Department of Environmental Protection transmitting 45 CSR 13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation".

(B) Revised version of 45 CSR 13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation", sections: 1 except for the reference in subsection 1.1 to major stationary sources which have not been issued a permit pursuant to 45 CSR 30, 2-8, 10, 11 except for subsection 11.2, and Tables 45-13A and 45-13B, effective April 27, 1994.

(ii) Additional Material.

(A) Remainder of August 26, 1994 State submittal pertaining to 45 CSR 13, "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation".

(B) Letter of September 5, 1996 from the West Virginia Office of Air Quality requesting EPA approval of 45 CSR 13 under 112(1) of the Clean Air Act, and clarifying that the definition of "major

stationary source” in 45 CSR 13 will be interpreted consistently with the 45 CSR 14 and 45 CSR 19 programs as to the types of source categories which need to include fugitive emissions.

(44) Revisions to the West Virginia Regulations to attain and maintain the sulfur dioxide national ambient air quality standards in Marshall County submitted on February 17, 2000, by the Director, West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of February 17, 2000, from the Division of Environmental Protection transmitting a revision to the State Implementation Plan (SIP) for Attainment and Maintenance of Sulfur Dioxide National Ambient Air Quality Standards.

(B) Consent Orders entered between the West Virginia Office of Air Quality and:

(1) CO-SIP-2000-1, PPG Industries, Inc., Dated January 25, 2000.

(2) CO-SIP-2000-2, Bayer Corporation, Dated January 26, 2000.

(3) CO-SIP-2000-3, Columbian Chemicals Company, Dated January 31, 2000.

(ii) Additional Materials—Remainder of February 17, 2000 SIP revision submittal.

(45) Revisions to the West Virginia Regulations amending the ten-year maintenance plan for Huntington, West Virginia (Cabell and Wayne Counties) submitted on November 29, 2001 and December 18, 2001 by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of November 29, 2001 from the West Virginia Department of Environmental Protection transmitting amendments to the ten-year maintenance plan for Huntington, West Virginia (Cabell and Wayne Counties).

(B) Letter of December 18, 2001 from the West Virginia Department of Environmental Protection transmitting amendments to the ten-year maintenance plan for Huntington, West Virginia (Cabell and Wayne Counties).

(C) Amendments to the Huntington, West Virginia (Cabell and Wayne Counties) ozone maintenance plan submitted by the West Virginia Department of Environmental Protection effective November 16, 2001. This plan es-

tablishes motor vehicle emissions budgets for VOCs of 11.20 tons/day for 2002, and 11.00 tons/day for 2005. This plan also establishes motor vehicle emissions budgets for NO<sub>x</sub> of 11.56 tons/day for 2002, and 11.43 tons/day for 2005.

(ii) Additional Materials—Remainder of the November 29, 2001 and December 18, 2001 submittals pertaining to the revisions to the West Virginia Regulations amending the ten-year maintenance plan for Huntington, West Virginia (Cabell and Wayne Counties) revisions.

(46) Revisions to the West Virginia Rules 45CSR26 and 45CSR1 submitted on May 1, 2002 by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of May 1, 2002 from the Secretary of the West Virginia Department of Environmental Protection transmitting rules 45CSR26 and 45CSR1 to implement West Virginia’s NO<sub>x</sub> Budget Trading Program and requirements for reductions in NO<sub>x</sub> emissions from cement manufacturing kilns.

(B) West Virginia Rule Title 45 Series 26, “Nitrogen Oxides Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides from Electric Generating Units,” consisting of sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24, 30, 31, 40, 41, 42, 43, 50, 51, 52, 53, 54, 55, 56, 57, 60, 61, 62, 70, 71, 72, 73, 74, 75, and 76 effective May 1, 2002.

(C) West Virginia Rule Title 45 Series 1, “Nitrogen Oxides Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides,” consisting of sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24, 30, 31, 40, 41, 42, 43, 50, 51, 52, 53, 54, 55, 56, 57, 60, 61, 62, 70, 71, 72, 73, 74, 75, 76, 80, 81, 82, 83, 84, 85, 86, 87, 88, and 100, effective May 1, 2002.

(ii) Additional Material—Other materials submitted by the State of West Virginia in support of and pertaining to Rules 45CSR26 and 45CSR1 listed in paragraphs (c)(46)(i)(B) and (C) of this section.

(47) Revisions to West Virginia Regulations to prevent and control air pollution from the operation of coal preparation plants, coal handling operations, and coal refuse disposal areas, submitted on September 21, 2000 by the

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(i) Incorporation by reference.

(A) Letter of September 21, 2000 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control air pollution from the operation of coal preparation plants, coal handling operations, and coal refuse disposal areas.

(B) Revisions to Title 45, Series 5, 45CSR5, To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas, effective August 31, 2000.

(ii) Additional Material.

(A) Letter of November 21, 2000 from the West Virginia Division of Environmental Protection to EPA transmitting materials related to revisions of 45CSR5.

(B) Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(47)(i) of this section.

(48) Revisions to West Virginia Rule 45CSR3 submitted on September 21, 2000, by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000, from the Secretary of the West Virginia Department of Environmental Protection, pertaining to Regulation 45CSR3—To Prevent and Control Air Pollution from the Operating of Hot Mix Asphalt Plants.

(B) Revised Regulation 45CSR3, effective August 31, 2000.

(ii) Additional Material—Other materials submitted by the State of West Virginia in support of and pertaining to Rules 45CSR3 listed in paragraph (c)(48)(i) of this section.

(49) Revisions to West Virginia Rule 45CSR12 submitted on September 21, 2000, by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000, from the West Virginia Division of Environmental Protection transmitting Regulation 45CSR12—Ambient Air Quality Standard for Nitrogen Dioxide.

(B) Revised Regulation 45CSR12, effective on June 1, 2000.

(ii) Additional Material—Remainder of the State submittal pertaining to

the revisions listed in paragraph (c)(49)(i) of this section.

(50) Revision to West Virginia Rule 45CSR9 submitted on September 21, 2000, by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000, from the West Virginia Division of Environmental Protection transmitting Regulation 45CSR9—Ambient Air Quality Standard for Carbon Monoxide and Ozone.

(B) Revised Regulation 45CSR9, effective on June 1, 2000.

(ii) Additional Material—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(50)(i) of this section.

(51) Revisions to the West Virginia's Regulations to prevent and control air pollution from combustion of refuse, submitted on September 12, 2001 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 12, 2001 from the West Virginia Division of Environmental Protection.

(B) Revisions to Title 45, Series 6 (45CSR6), To Prevent and Control Air Pollution from Combustion of Refuse, effective July 1, 2001.

(ii) Additional Material.

(A) Letter of September 21, 2000 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control air pollution from the combustion of refuse.

(B) Letter of January 26, 2001 from the West Virginia Division of Environmental Protection to EPA transmitting materials related to revisions of 45CSR6.

(C) Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(51)(i) of this section.

(52) Revisions to the West Virginia Regulations 45CSR13—Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, and Procedures for Evaluation, submitted on September 21, 2000 by the West Virginia Department of Environmental Protection:



(i) Incorporation by reference.

(A) Letter of September 21, 2000, from the West Virginia Department of Environmental Protection transmitting revision to West Virginia Regulation 45CSR13.

(B) West Virginia Regulations 45CSR13—Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits and Procedures for Evaluation, effective June 1, 2000.

(ii) Additional Material—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(52)(i) of this section.

(53) Revisions to West Virginia's Regulations to prevent and control air pollution from the emission of sulfur oxides, submitted on September 21, 2000 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control air pollution from the emission of sulfur oxides.

(B) Revisions to Title 45, Series 10, 45CSR10, To Prevent and Control Air Pollution from the Emission of Sulfur Oxides, effective August 31, 2000.

(ii) Additional Material.

(A) Letter of April 29, 1996 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control air pollution from the emission of sulfur oxides.

(B) Letter of March 19, 2003 from the West Virginia Department of Environmental Protection to EPA providing clarification on the interpretation and implementation of certain regulations on air pollution control.

(C) Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(53)(i) of this section.

(54) The PM<sub>10</sub> Redesignation and Maintenance Plan for the Follansbee, West Virginia nonattainment area submitted by the West Virginia Department of Environmental Protection on May 12, 2003.

(i) Incorporation by reference.

(A) Letter of May 12, 2003 from the West Virginia Department of Environmental Protection transmitting the redesignation request and maintenance plan for the PM<sub>10</sub> nonattainment area in the Follansbee area of Brooke County.

(B) Maintenance Plan for the Follansbee PM<sub>10</sub> nonattainment area, effective April 28, 2003.

(ii) Additional material.—Remainder of the May 12, 2003 State submittal pertaining to the revisions listed in paragraph (c)(54)(i) of this section.

(55) Revisions to West Virginia's Regulations to prevent and control particulate matter air pollution from manufacturing processes and associated operations, submitted on September 21, 2000 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000 from the West Virginia Division of Environmental Protection.

(B) Revisions to Title 45, Series 7, 45 CSR7, To Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations, effective August 31, 2000.

(ii) Additional Material.

(A) Letter of March 19, 2003 from the West Virginia Division of Environmental Protection to EPA providing clarification on the interpretation and implementation of certain regulations on air pollution control.

(B) Letter of March 29, 1996 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control particulate matter air pollution from manufacturing processes and associated operations.

(C) Letter of December 7, 1998 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control particulate matter air pollution from manufacturing processes and associated operations.

(D) Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(55)(i) of this section.

(56) Revisions to West Virginia's Regulations to prevent and control particulate air pollution from combustion of fuel in indirect heat exchangers, submitted on September 21, 2000 by the

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West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 21, 2000 from the West Virginia Division of Environmental Protection.

(B) Revisions to Title 45, Series 2, 45 CSR2, To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers, effective August 31, 2000.

(ii) Additional Material.

(A) Letter of March 19, 2003 from the West Virginia Division of Environmental Protection to EPA providing clarification on the interpretation and implementation of certain regulations on air pollution control.

(B) Letter of March 29, 1996 from the West Virginia Division of Environmental Protection to EPA transmitting the regulation to prevent and control particulate air pollution from combustion of fuel in indirect heat exchangers.

(C) Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(56)(i) of this section.

(57) Revisions to the West Virginia 1-hour ozone maintenance plans for Greenbrier County and the Charleston, Huntington and Parkersburg areas to amend the base year and 2005 mobile emissions inventories and the 2005 motor vehicle emission budgets to reflect the use of MOBILE6, and to re-allocate a portion of projected MOBILE6-based emission safety margins to those 2005 motor vehicle emission budgets. These revisions were submitted by the State of West Virginia Department of Environmental Protection to EPA on October 15, 2003.

(i) Incorporation by reference.

(A) Letter of October 15, 2003 from the Secretary of the West Virginia Department of Environmental Protection transmitting revisions to West Virginia's ozone maintenance plans for the Greenbrier County and the Charleston, Huntington and Parkersburg areas.

(B) Document entitled "Final Revisions to the 1-Hour Ozone Maintenance Plans for the Charleston, WV (Kanawha and Putnam Counties); Huntington, WV (Cabell & Wayne Counties); Parkersburg, WV (Wood County); and Greenbrier County WV Maintenance Areas." This document estab-

lishes revised motor vehicle emissions budgets for the following 1-hour ozone maintenance plans, effective September 26, 2003:

(1) Revisions to the Charleston, West Virginia (Kanawha and Putnam Counties) ozone maintenance plan, establishing revised motor vehicle emissions budgets of 44.5 tons/day of VOC and 54.1 tons/day of NO<sub>x</sub>.

(2) Revisions to the Huntington, West Virginia (Cabell and Wayne Counties) ozone maintenance plan, establishing revised motor vehicle emissions budgets of 13.4 tons/day of VOC and 13.9 tons/day of NO<sub>x</sub>.

(3) Revisions to the Parkersburg, West Virginia (Wood County) ozone maintenance plan, establishing revised motor vehicle emissions budgets of 13.4 tons/day of VOC and 9.9 tons/day of NO<sub>x</sub>.

(4) Revisions to the Greenbrier County, West Virginia ozone maintenance plan, establishing revised motor vehicle emissions budgets of 3.46 tons/day of VOC and 4.85 tons/day of NO<sub>x</sub>.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(57)(i) of this section.

(58) Revision to the West Virginia Regulations to achieve and maintain the sulfur dioxide national ambient air quality standards (NAAQS) in Marshall County consisting of Consent Order, CO-SIP-C-2003-27 for PPG Industries, Inc., submitted on November 17, 2003, by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of November 17, 2003, from the West Virginia Department of Environmental Protection transmitting a revision to the State Implementation Plan (SIP) to achieve and maintain the NAAQS for sulfur dioxide in Marshall County, West Virginia.

(B) Consent Order, CO-SIP-C-2003-27, entered into by and between the West Virginia Department of Environmental Protection, Division of Air Quality, and PPG Industries, Inc., on July 29, 2003. The consent order was effective on July 29, 2003.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revision listed in paragraph (c)(58)(i) of this section.

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(59) Revisions to the West Virginia Regulations to attain and maintain the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide in the City of Weirton, including Clay and Butler Magisterial Districts, in Hancock County, West Virginia, submitted on December 29, 2003, by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of December 29, 2003, from the West Virginia Department of Environmental Protection, transmitting a revision to the State Implementation Plan (SIP) for attainment and maintenance of the sulfur dioxide NAAQS for the City of Weirton, including the Clay and Butler Magisterial Districts in Hancock County, West Virginia.

(B) The following Companies' Consent Order and Operating Permit:

(1) Wheeling-Pittsburgh Steel Corporation, Operating Permit R13-1939A, effective August 19, 2003.

(2) Weirton Steel Corporation Consent Order, CO-SIP-C-2003-28, effective August 4, 2003.

(ii) Additional Material.

(A) Remainder of the State submittal pertaining to the revision listed in paragraph (c)(59)(i) of this section.

(B) Letter of February 10, 2004, from the West Virginia Department of Environmental Protection providing clarification to permit R13-1939A, condition B.4. issued to the Wheeling-Pittsburgh Steel Corporation.

[37 FR 10901, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2565, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

EFFECTIVE DATE NOTE: At 78 FR 33985, June 6, 2013, § 52.2565 was amended revised, effective Aug. 5, 2013. For the convenience of the user, the revised text is set forth as follows:

**§ 52.2565 Original identification of plan section.**

(a) This section identifies the original "Air Implementation Plan for the State of West Virginia" and all revisions submitted by West Virginia that were federally approved prior to December 1, 2004. The information in this section is available in the 40 CFR, part 52, Volume 2 of 2 (§§ 52.1019 to the end of part 52) editions revised as of July 1, 2005 through July 1, 2011, and the 40 CFR, part 52, Volume

3 of 3 (§§ 52.2020 to the end of part 52) edition revised as of July 1, 2012.

(b) [Reserved]

**Subpart YY—Wisconsin**

**§ 52.2569 Identification of plan—conditional approval.**

(a) Revisions to the plan identified in § 52.2570 were submitted on the date specified.

(1)–(3) [Reserved]

(4) On November 15, 1993, and July 28, 1994, the Wisconsin Department of Natural Resources (WDNR) submitted enhanced inspection and maintenance (I/M) rules and a Request for Proposal (RFP) as a revision to the State's ozone State Implementation Plan (SIP). The EPA conditionally approved these rules and RFP based on the State's commitment to amend its rules and sign its final I/M contract to address deficiencies noted in to the final conditional approval. These final, adopted rule amendments and final, signed contract must be submitted to the EPA within one year of the EPA's conditional approval.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, Chapter NR 485, effective July 1, 1993.

(ii) Additional materials.

(A) SIP narrative plan titled "Wisconsin—Ozone SIP—Supplement to 1992 Inspection and Maintenance Program Submittal," submitted to the EPA on November 15, 1993.

(B) RFP, submitted along with the SIP narrative on November 15, 1993.

(C) Supplemental materials, submitted on July 28, 1994, in a letter to the EPA.

[60 FR 2885, Jan. 12, 1995]

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