§ 52.2533 Visibility protection.

(a) Reasonably Attributable Visibility Impairment. The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable measures for meeting the requirements of 40 CFR 51.305, 51.306, and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made part of the applicable plan for the State of West Virginia.

(c) Long-term strategy. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of West Virginia.

(d) Regional Haze. The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by West Virginia on June 18, 2008, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NOX and SO2 from electric generating units. EPA has given limited approval and limited disapproval to the plan provisions addressing these requirements.

(e) Measures Addressing Limited Disapproval Associated with NOX. The deficiencies associated with NOX identified in EPA’s limited disapproval of the regional haze plan submitted by West Virginia on June 18, 2008, are satisfied by § 52.2540.

(f) Measures Addressing Limited Disapproval Associated with SO2. The deficiencies associated with SO2 identified in EPA’s limited disapproval of the regional haze plan submitted by West Virginia on June 18, 2008, are satisfied by § 52.2541.

§ 52.2534 Stack height review.

The State of West Virginia has declared to the satisfaction of EPA that no State Implementation Plan emission limits, other than those for the Kammer power plant, have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion technique as defined in EPA’s stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on September 16, 1988.

§ 52.2540 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a)(1) The owner and operator of each source and each unit located in the State of West Virginia and for which requirements are set forth under the TR NOX Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to West...