

7 DE Admin Code 1150, Outer Continental Shelf Air Regulations

Public Hearing Evidence List

1. The July 1, 2018 edition of 40 CFR 55, “Outer Continental Shelf Air Regulations.”
2. Start Action Notice #2018-11.
3. The Regulatory Flexibility Act Compliance Analysis on the Proposed Amendments to 7 DE Admin Code 1150, Outer Continental Shelf Air Regulations.
4. The final EPA rule, dated October 18, 2016 (81 FR 71613), amending 40 CFR 55, Outer Continental Shelf Air Regulations.
5. The final EPA rule, dated April 4, 2019 (84 FR 13132), for the consistency update to incorporate the latest versions of Delaware’s regulations into 40 CFR 55.
6. The hearing notice and proposed amendments to 7 DE Admin Code 1150, which appeared in the Delaware Register of Regulations. Issue Date: May 2019, Volume 22 – Issue 11, pages 928 & 929.
7. The affidavits and public hearing notices as they appeared in the April 21, 2019 Delaware State News and The News Journal, which advertised today’s public hearing.
8. Delaware Department of Natural Resources and Environmental Control, Office of Environmental Protection – E Newsletter, dated April 30, 2019 that advertised today’s public hearing.
9. Public Hearing Notice for today’s public hearing, on the State of Delaware Public Meeting Calendar.
10. A marked up version of 7 DE Admin Code 1150 notating the proposed amendments to the regulatory language.

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(b) Notice to State: Service of notice given to a State under this part regarding violation of an emission standard or limitation, or an order issued with respect to an emission standard or limitation shall be accomplished by certified mail addressed to an authorized representative of the State agency charged with responsibility for air pollution control in the State. A copy of such notice shall be mailed to the Governor of the State.

(c) Notice to alleged violator: Service of notice given to an alleged violator under this part shall be accomplished by certified mail addressed to, or by personal service upon, the owner or managing agent of the building, plant, installation, or facility alleged to be in violation of an emission standard or limitation, or an order issued with respect to an emission standard or limitation. Where the alleged violator is a corporation, a copy of such notice shall be sent by certified mail to the registered agent, if any, of such corporation in the State in which such violation is alleged to have occurred.

(d) Notice served in accordance with the provisions of this part shall be deemed given on the postmark date, if served by mail, or on the date of receipt, if personally served.

§ 54.3 Contents of notice.

(a) *Failure to act.* Notice regarding a failure of the Administrator to perform an act or duty which is not discretionary shall identify the provisions of the Act which requires such act or creates such duty, shall describe with reasonable specificity the action taken or not taken by the Administrator which is claimed to constitute a failure to perform such act or duty, and shall state the full name and address of the person giving the notice.

(b) *Violation of standard, limitation or order.* Notices to the Administrator, States, and alleged violators regarding violation of an emission standard or limitation or an order issued with respect to an emission standard or limitation, shall include sufficient information to permit the recipient to identify the specific standard, limitation, or order which has allegedly been violated, the activity alleged to be in violation, the person or persons respon-

sible for the alleged violation, the location of the alleged violation, the date or dates of such violation, and the full name and address of the person giving the notice.

PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS

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APPENDIX A TO PART 55—LISTING OF STATE AND LOCAL REQUIREMENTS INCORPORATED BY REFERENCE INTO PART 55, BY STATE

AUTHORITY: Section 328 of the Clean Air Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101-549.

SOURCE: 57 FR 40806, Sept. 4, 1992, unless otherwise noted.

§ 55.1 Statutory authority and scope.

Section 328(a)(1) of the Clean Air Act ("the Act"), requires the Environmental Protection Agency ("EPA") to establish requirements to control air pollution from outer continental shelf ("OCS") sources in order to attain and maintain Federal and State ambient air quality standards and to comply with the provisions of part C of title I of the Act. This part establishes the air pollution control requirements for OCS sources and the procedures for implementation and enforcement of the requirements, consistent with these stated objectives of section 328(a)(1) of the Act. In implementing, enforcing and revising this rule and in delegating authority hereunder, the Administrator

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will ensure that there is a rational relationship to the attainment and maintenance of Federal and State ambient air quality standards and the requirements of part C of title I, and that the rule is not used for the purpose of preventing exploration and development of the OCS.

§ 55.2 Definitions.

Administrator means the Administrator of the U.S. Environmental Protection Agency.

Corresponding Onshore Area (COA) means, with respect to any existing or proposed OCS source located within 25 miles of a State's seaward boundary, the onshore area that is geographically closest to the source or another onshore area that the Administrator designates as the COA, pursuant to § 55.5 of this part.

Delegated agency means any agency that has been delegated authority to implement and enforce requirements of this part by the Administrator, pursuant to § 55.11 of this part. It can refer to a State agency, a local agency, or an Indian tribe, depending on the delegation status of the program.

Existing source or existing OCS source shall have the meaning given in the applicable requirements incorporated into §§ 55.13 and 55.14 of this part, except that for two years following the date of promulgation of this part the definition given in § 55.3 of this part shall apply for the purpose of determining the required date of compliance with this part.

Exploratory source or exploratory OCS source means any OCS source that is a temporary operation conducted for the sole purpose of gathering information. This includes an operation conducted during the exploratory phase to determine the characteristics of the reservoir and formation and may involve the extraction of oil and gas.

Modification shall have the meaning given in the applicable requirements incorporated into §§ 55.13 and 55.14 of this part, except that for two years following the date of promulgation of this part the definition given in section 111(a) of the Act shall apply for the purpose of determining the required date of compliance with this part, as set forth in § 55.3 of this part.

Nearest Onshore Area (NOA) means, with respect to any existing or proposed OCS source, the onshore area that is geographically closest to that source.

New source or new OCS source shall have the meaning given in the applicable requirements of §§ 55.13 and 55.14 of this part, except that for two years following the date of promulgation of this part, the definition given in § 55.3 of this part shall apply for the purpose of determining the required date of compliance with this part.

OCS source means any equipment, activity, or facility which:

- (1) Emits or has the potential to emit any air pollutant;
- (2) Is regulated or authorized under the Outer Continental Shelf Lands Act ("OCSLA") (43 U.S.C. § 1331 *et seq.*); and
- (3) Is located on the OCS or in or on waters above the OCS.

This definition shall include vessels only when they are:

- (1) Permanently or temporarily attached to the seabed and erected thereon and used for the purpose of exploring, developing or producing resources therefrom, within the meaning of section 4(a)(1) of OCSLA (43 U.S.C. § 1331 *et seq.*); or
- (2) Physically attached to an OCS facility, in which case only the stationary sources aspects of the vessels will be regulated.

Onshore area means a coastal area designated as an attainment, non-attainment, or unclassifiable area by EPA in accordance with section 107 of the Act. If the boundaries of an area designated pursuant to section 107 of the Act do not coincide with the boundaries of a single onshore air pollution control agency, then onshore area shall mean a coastal area defined by the jurisdictional boundaries of an air pollution control agency.

Outer continental shelf shall have the meaning provided by section 2 of the OCSLA (43 U.S.C. § 1331 *et seq.*).

Potential emissions means the maximum emissions of a pollutant from an OCS source operating at its design capacity. Any physical or operational limitation on the capacity of a source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the

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type or amount of material combusted, stored, or processed, shall be treated as a limit on the design capacity of the source if the limitation is federally enforceable. Pursuant to section 328 of the Act, emissions from vessels servicing or associated with an OCS source shall be considered direct emissions from such a source while at the source, and while enroute to or from the source when within 25 miles of the source, and shall be included in the "potential to emit" for an OCS source. This definition does not alter or affect the use of this term for any other purposes under §§ 55.13 or 55.14 of this part, except that vessel emissions must be included in the "potential to emit" as used in §§ 55.13 and 55.14 of this part.

Residual emissions means the difference in emissions from an OCS source if it applies the control requirements(s) imposed pursuant to § 55.13 or § 55.14 of this part and emissions from that source if it applies a substitute control requirement pursuant to an exemption granted under § 55.7 of this part.

State means the State air pollution control agency that would be the permitting authority, a local air pollution permitting agency, or certain Indian tribes which can be the permitting authority for areas within their jurisdiction. State may also be used in the geographic sense to refer to a State, the NOA, or the COA.

[57 FR 40806, Sept. 4, 1992, as amended at 62 FR 46408, Sept. 2, 1997]

§ 55.3 Applicability.

(a) This part applies to all OCS sources except those located in the Gulf of Mexico west of 87.5 degrees longitude.

(b) OCS sources located within 25 miles of States' seaward boundaries shall be subject to all the requirements of this part, which include, but are not limited to, the Federal requirements as set forth in § 55.13 of this part and the Federal, State, and local requirements of the COA (designated pursuant to § 55.5 of this part), as set forth in § 55.14 of this part.

(c) The OCS sources located beyond 25 miles of States' seaward boundaries shall be subject to all the requirements

of this part, except the requirements of §§ 55.4, 55.5, 55.12 and 55.14 of this part.

(d) New OCS sources shall comply with the requirements of this part by September 4, 1992 where a "new OCS source" means an OCS source that is a new source within the meaning of section 111(a) of the Act.

(e) Existing sources shall comply with the requirements of this part by September 4, 1994, where an "existing OCS source" means any source that is not a new source within the meaning of section 111(a) of the Act.

[57 FR 40806, Sept. 4, 1992, as amended at 62 FR 46408, Sept. 2, 1997]

§ 55.4 Requirements to submit a notice of intent.

(a) Prior to performing any physical change or change in method of operation that results in an increase in emissions, and not more than 18 months prior to submitting an application for a preconstruction permit, the applicant shall submit a Notice of Intent ("NOI") to the Administrator through the EPA Regional Office, and at the same time shall submit copies of the NOI to the air pollution control agencies of the NOA and onshore areas adjacent to the NOA. This section applies only to sources located within 25 miles of States' seaward boundaries.

(b) The NOI shall include the following:

(1) General company information, including company name and address, owner's name and agent, and facility site contact.

(2) Facility description in terms of the proposed process and products, including identification by Standard Industrial Classification Code.

(3) Estimate of the proposed project's potential emissions of any air pollutant, expressed in total tons per year and in such other terms as may be necessary to determine the applicability of requirements of this part. Potential emissions for the project must include all vessel emissions associated with the proposed project in accordance with the definition of potential emissions in § 55.2 of this part.

(4) Description of all emissions points including associated vessels.

(5) Estimate of quantity and type of fuels and raw materials to be used.

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(6) Description of proposed air pollution control equipment.

(7) Proposed limitations on source operations or any work practice standards affecting emissions.

(8) Other information affecting emissions, including, where applicable, information related to stack parameters (including height, diameter, and plume temperature), flow rates, and equipment and facility dimensions.

(9) Such other information as may be necessary to determine the applicability of onshore requirements.

(10) Such other information as may be necessary to determine the source's impact in onshore areas.

(c) Exploratory sources and modifications to existing sources with designated COAs shall be exempt from the requirement in paragraph (b)(10) of this section.

(d) The scope and contents of the NOI shall in no way limit the scope and contents of the required permit application or applicable requirements given in this part.

§ 55.5 Corresponding onshore area designation.

(a) *Proposed exploratory sources.* The NOA shall be the COA for exploratory sources located within 25 miles of States' seaward boundaries. Paragraphs (b), (c), and (f) of this section are not applicable to these sources.

(b) *Requests for designation.* (1) The chief executive officer of the air pollution control agency of an area that believes it has more stringent air pollution control requirements than the NOA for a proposed OCS source, may submit a request to be designated as the COA to the Administrator and at the same time shall send copies of the request to the chief executive officer of the NOA and to the proposed source. The request must be received by the Administrator within 60 days of the receipt of the NOI. If no requests are received by the Administrator within 60 days of the receipt of the NOI, the NOA will become the designated COA without further action.

(2) No later than 90 days after the receipt of the NOI, a demonstration must be received by the Administrator showing that:

(i) The area has more stringent requirements with respect to the control and abatement of air pollution than the NOA;

(ii) The emissions from the source are or would be transported to the requesting area; and

(iii) The transported emissions would affect the requesting area's efforts to attain or maintain a Federal or State ambient air quality standard or to comply with the requirements of part C of title I of the Act, taking into account the effect of air pollution control requirements that would be imposed if the NOA were designated as the COA.

(c) *Determination by the Administrator.* (1) If no demonstrations are received by the Administrator within 90 days of the receipt of the NOI, the NOA will become the designated COA without further action.

(2) If one or more demonstrations are received, the Administrator will issue a preliminary designation of the COA within 150 days of the receipt of the NOI, which shall be followed by a 30 day public comment period, in accordance with paragraph (f) of this section.

(3) The Administrator will designate the COA for a specific source within 240 days of the receipt of the NOI.

(4) When the Administrator designates a more stringent area as the COA with respect to a specific OCS source, the delegated agency in the COA will exercise all delegated authority. If there is no delegated agency in the COA, then EPA will issue the permit and implement and enforce the requirements of this part. The Administrator may retain authority for implementing and enforcing the requirements of this part if the NOA and the COA are in different States.

(5) The Administrator shall designate the COA for each source only once in the source's lifetime.

(d) *Offset requirements.* Offsets shall be obtained based on the applicable requirements of the COA, as set forth in §§ 55.13 and 55.14 of this part.

(e) *Authority to designate the COA.* The authority to designate the COA for any OCS source shall not be delegated to a State or local agency, but shall be retained by the Administrator.

(f) *Administrative procedures and public participation.* The Administrator will

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use the following public notice and comment procedures for processing a request for COA designation under this section:

(1) Within 150 days from receipt of an NOI, if one or more demonstrations are received, the Administrator shall make a preliminary determination of the COA and shall:

(i) Make available, in at least one location in the NOA and in the area requesting COA designation, which may be a public Web site identified by the Administrator, a copy of all materials submitted by the requester, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making the preliminary determination; and

(ii) Notify the public, by prominent advertisement in a newspaper of general circulation in the NOA and the area requesting COA designation or on a public Web site identified by the Administrator, of a 30-day opportunity for written public comment on the available information and the Administrator's preliminary COA designation.

(2) A copy of the notice required pursuant to paragraph (f)(1)(ii) of this section shall be sent to the requester, the affected source, each person from whom a written request of such notice has been received, and the following officials and agencies having jurisdiction over the COA and NOA: State and local air pollution control agencies, the chief executive of the city and county, the Federal Land Manager of potentially affected Class I areas, and any Indian governing body whose lands may be affected by emissions from the OCS source.

(3) Public comments received in writing within 30 days after the date the public notice is made available will be considered by the Administrator in making the final decision on the request. All comments will be made available for public inspection.

(4) The Administrator will make a final COA designation within 60 days after the close of the public comment period. The Administrator will notify, in writing, the requester and each person who has requested notice of the final action and will set forth the reasons for the determination. Such noti-

fication will be made available for public inspection.

[57 FR 40806, Sept. 4, 1992, as amended at 61 FR 25151, May 20, 1996; 81 FR 71630, Oct. 18, 2016]

§ 55.6 Permit requirements.

(a) *General provisions*—(1) *Permit applications*. (i) The owner or operator of an OCS source shall submit to the Administrator or delegated agency all information necessary to perform any analysis or make any determination required under this section.

(ii) Any application submitted pursuant to this part by an OCS source shall include a description of all the requirements of this part and a description of how the source will comply with the applicable requirements. For identification purposes only, the application shall include a description of those requirements that have been proposed by EPA for incorporation into this part and that the applicant believes, after diligent research and inquiry, apply to the source.

(2) *Exemptions*. (i) When an applicant submits any approval to construct or permit to operate application to the Administrator or delegated agency it shall include a request for exemption from compliance with any pollution control technology requirement that the applicant believes is technically infeasible or will cause an unreasonable threat to health and safety. The Administrator or delegated agency shall act on the request for exemption in accordance with the procedures established in § 55.7 of this part.

(ii) A final permit shall not be issued under this part until a final determination is made on any exemption request, including those appealed to the Administrator in accordance with § 55.7 of this part.

(3) *Administrative procedures and public participation*. The Administrator will follow the applicable procedures of 40 CFR part 71 or 40 CFR part 124 in processing applications under this part. When using 40 CFR part 124, the Administrator will follow the procedures used to issue Prevention of Significant Deterioration ("PSD") permits.

(4) *Source obligation*. (i) Any owner or operator who constructs or operates an OCS source not in accordance with the

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application submitted pursuant to this part 55, or with any approval to construct or permit to operate, or any owner or operator of a source subject to the requirements of this part who commences construction after the effective date of this part without applying for and receiving approval under this part, shall be in violation of this part.

(ii) Any owner or operator of a new OCS source who commenced construction prior to the promulgation date of this rule shall comply with the requirements of paragraph (e) of this section.

(iii) Receipt of an approval to construct or a permit to operate from the Administrator or delegated agency shall not relieve any owner or operator of the responsibility to comply fully with the applicable provisions of any other requirements under Federal law.

(iv) The owner or operator of an OCS source to whom the approval to construct or permit to operate is issued under this part shall notify all other owners and operators, contractors, and the subsequent owners and operators associated with emissions from the source, of the conditions of the permit issued under this part.

(5) *Delegation of authority.* If the Administrator delegates any of the authority to implement and enforce the requirements of this section, the following provisions shall apply:

(i) The applicant shall send a copy of any permit application required by this section to the Administrator through the EPA Regional Office at the same time as the application is submitted to the delegated agency.

(ii) The delegated agency shall send a copy of any public comment notice required under this section or §§ 55.13 or 55.14 to the Administrator through the EPA Regional Office.

(iii) The delegated agency shall send a copy of any preliminary determination and final permit action required under this section or §§ 55.13 or 55.14 to the Administrator through the EPA Regional Office at the time of the determination and shall make available to the Administrator any materials used in making the determination.

(b) *Preconstruction requirements for OCS sources located within 25 miles of States' seaward boundaries.* (1) No OCS

source to which the requirements of §§ 55.13 or 55.14 of this part apply shall begin actual construction after the effective date of this part without a permit that requires the OCS source to meet those requirements.

(2) Any permit application required under this part shall not be submitted until the Administrator has determined whether a consistency update is necessary, pursuant to § 55.12 of this part, and, if the Administrator finds an update to be necessary, has published a proposed consistency update.

(3) The applicant may be required to obtain more than one preconstruction permit, if necessitated by partial delegation of this part or by the requirements of this section and §§ 55.13 and 55.14 of this part.

(4) An approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The 18-month period may be extended upon a showing satisfactory to the Administrator or the delegated agency that an extension is justified. Sources obtaining extensions are subject to all new or interim requirements and a reassessment of the applicable control technology when the extension is granted. This requirement shall not supersede a more stringent requirement under §§ 55.13 or 55.14 of this part.

(5) Any preconstruction permit issued to a new OCS source or modification shall remain in effect until it expires under paragraph (b)(4) of this section or is rescinded under the applicable requirements incorporated in §§ 55.13 and 55.14 of this part.

(6) Whenever any proposed OCS source or modification to an existing OCS source is subject to action by a Federal agency that might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this section shall be coordinated with the environmental reviews under that Act to the extent feasible and reasonable.

(7) The Administrator or delegated agency and the applicant shall provide

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written notice of any permit application from a source, the emissions from which may affect a Class I area, to the Federal Land Manager charged with direct responsibility for management of any lands within the Class I area. Such notification shall include a copy of all information contained in the permit application and shall be given within 30 days of receipt of the application and at least 60 days prior to any public hearing on the preconstruction permit.

(8) *Modification of existing sources.* The preconstruction requirements above shall not apply to a particular modification, as defined in §55.13 or §55.14 of this part, of an existing OCS source if:

(i) The modification is necessary to comply with this part, and no other physical change or change in the method of operation is made in conjunction with the modification;

(ii) The modification is made within 24 months of promulgation of this part; and

(iii) The modification does not result in an increase, in excess of any *de minimis* levels contained in the applicable requirements of §§55.13 and 55.14, of potential emissions or actual hourly emissions of a pollutant regulated under the Act.

(9) *Compliance plans.* Sources intending to perform modifications that meet all of the criteria of paragraph (b)(8) of this section shall submit a compliance plan to the Administrator or delegated agency prior to performing the modification. The compliance shall describe the schedule and method the source will use to comply with the applicable OCS requirements within 24 months of the promulgation date of this part and shall include a request for any exemptions from compliance with a pollution control technology requirement that the applicant believes is technically infeasible or will cause an unreasonable threat to health and safety. The Administrator or delegated agency shall act on the request for exemption in accordance with the procedures established in §55.7 of this part.

(i) The Administrator or delegated agency shall review the compliance plan and provide written comments to the source within 45 days of receipt of such plan. The source shall provide a

written response to such comments as required by the reviewing agency.

(ii) Receipt and review of a compliance plan by the Administrator or delegated agency shall not relieve any owner or operator of an existing OCS source of the responsibility to comply fully with the applicable requirements of §§55.13 and 55.14 of this part within 24 months of promulgation of this part.

(c) *Operating permit requirements for sources located within 25 miles of States' seaward boundaries.* (1) All applicable operating permit requirements listed in this section and incorporated into §§55.13 and 55.14 of this part shall apply to OCS sources.

(2) The Administrator or delegated agency shall not issue a permit to operate to any existing OCS source that has not demonstrated compliance with all the applicable requirements of this part.

(3) If the COA does not have an operating permits program approved pursuant to 40 CFR part 70 or if EPA has determined that the COA is not adequately implementing an approved program, the applicable requirements of 40 CFR part 71, the Federal operating permits program, shall apply to the OCS sources. The applicable requirements of 40 CFR part 71 will be implemented and enforced by the Administrator. The Administrator may delegate the authority to implement and enforce all or part of a Federal operating permits program to a State pursuant to §55.11 of this part.

(d) *Permit requirements for sources located beyond 25 miles of States' seaward boundaries.* (1) OCS sources located beyond 25 miles of States' seaward boundaries shall be subject to the permitting requirements set forth in this section and §55.13 of this part.

(2) The Administrator or delegated agency shall not issue a permit-to-operate to any existing OCS source that has not demonstrated compliance with all the applicable requirements of this part.

(e) *Permit requirements for new sources that commenced construction prior to September 4, 1992—(1) Applicability.* §55.6(e) applies to a new OCS source, as defined by section 328 of the Act, that commenced construction before September 4, 1992.

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(2) A source subject to § 55.6(e) shall comply with the following requirements:

(i) By October 5, 1992, the owner or operator of the source shall submit a transitional permit application ("TPA") to the Administrator or the delegated agency. The TPA shall include the following:

(A) The information specified in §§ 55.4(b)(1) through 55.4(b)(9) of this part;

(B) A list of all requirements applicable to the source under this part;

(C) A request for exemption from compliance with any control technology requirement that the applicant believes is technically infeasible or will cause an unreasonable threat to health and safety;

(D) An air quality screening analysis demonstrating whether the source has or is expected in the future to cause or contribute to a violation of any applicable State or Federal ambient air quality standard or exceed any applicable increment. If no air quality analysis is required by the applicable requirements of §§ 55.13 and 55.14, this requirement does not apply;

(E) Documentation that source emissions are currently being offset, or will be offset if the source has not commenced operation, at the ratio required under this part, and documentation that those offsets meet or will meet the requirements of this part; and

(F) A description of how the source is complying with the applicable requirements of §§ 55.13 and 55.14 of this part, including emission levels and corresponding control measures, including Best Available Control Technology ("BACT") or Lowest Achievable Emission Rates ("LAER"), but excluding the requirements to have valid permits.

(ii) The source shall expeditiously complete its permit application in compliance with the schedule determined by the Administrator or delegated agency.

(iii) The source shall comply with all applicable requirements of this part except for the requirements of paragraph (a)(4)(i) of this section. The source shall comply with the control technology requirements (such as BACT or LAER) set forth in the TPA that would

be applicable if the source had a valid permit.

(iv) Any owner or operator subject to this subsection who continues to construct or operate an OCS source thirty days from promulgation of this part without submitting a TPA, or continues to construct or operate an OCS source not in accordance with the TPA submitted pursuant to paragraph (e) of this section, or constructs or operates an OCS source not in accordance with the schedule determined by the permitting authority, shall be in violation of this part.

(3) Upon the submittal of a permit application deemed to be complete by the permitting authority, the owner or operator of the source shall be subject to the permitting requirements of §§ 55.13 and 55.14 of this part that apply subsequent to the submission of a complete permit application. When a source receives the permit or permits required under this part, its TPA shall expire.

(4) Until the date that a source subject to this subsection receives the permit or permits required under this part, that source shall cease operation if, based on projected or actual emissions, the permitting authority determines that the source is currently or may in the future cause or contribute to a violation of a State or Federal ambient air quality standard or exceed any applicable increment.

[57 FR 40806, Sept. 4, 1992, as amended at 61 FR 34228, July 1, 1996; 62 FR 46409, Sept. 2, 1997; 81 FR 71630, Oct. 18, 2016]

§ 55.7 Exemptions.

(a) *Authority and criteria.* The Administrator or the delegated agency may exempt a source from a control technology requirement of this part if the Administrator or the delegated agency finds that compliance with the control technology requirement is technically infeasible or will cause an unreasonable threat to health and safety.

(b) *Request for an exemption—(1) Permit application required.* An applicant shall submit a request for an exemption from a control technology requirement at the same time as the applicant submits a preconstruction or operating permit application to the Administrator or delegated agency.

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(2) *No permit application required.* If no permit or permit modification is required, a request for an exemption must be received by the Administrator or delegated agency within 60 days from the date the control technology requirement is promulgated by EPA.

(3) *Compliance plan.* An existing source that submits a compliance plan in accordance with §55.6(b) of this part shall submit all requests for exemptions at the same time as the compliance plan. For the purpose of applying §55.7 of this part, a request submitted with a compliance plan shall be treated in the same manner as a request that does not require a permit application.

(4) *Content of request.* (i) The request shall include information that demonstrates that compliance with a control technology requirement of this part would be technically infeasible or would cause an unreasonable threat to health and safety.

(ii) The request shall include a proposed substitute requirement(s) as close in stringency to the original requirement as possible.

(iii) The request shall include an estimate of emission reductions that would be achieved by compliance with the original requirement, an estimate of emission reductions that would be achieved by compliance with the proposed substitute requirement(s) and an estimate of residual emissions.

(iv) The request shall identify emission reductions of a sufficient quantity to offset the estimated residual emissions. Sources located beyond 25 miles from States' seaward boundaries shall consult with the Administrator to identify suitable emission reductions.

(c) *Consultation requirement.* If the authority to grant or deny exemptions has been delegated, the delegated agency shall consult with the Minerals Management Service of the U.S. Department of Interior and the U.S. Coast Guard to determine whether the exemption will be granted or denied.

(1) The delegated agency shall transmit to the Administrator (through the Regional Office), the Minerals Management Service, and the U.S. Coast Guard, a copy of the permit application, or the request if no permit is required, within 5 days of its receipt.

(2) *Consensus.* If the delegated agency, the Minerals Management Service, and the U.S. Coast Guard reach a consensus decision on the request within 90 days from the date the delegated agency received the request, the delegated agency may issue a preliminary determination in accordance with the applicable requirements of paragraph (f) of this section.

(3) *No consensus.* If the delegated agency, the Minerals Management Service, and the U.S. Coast Guard do not reach a consensus decision within 90 days from the date the delegated agency received the request, the request shall automatically be referred to the Administrator who will process the referral in accordance with paragraph (f)(3) of this section. The delegated agency shall transmit to the Administrator, within 91 days of its receipt, the request and all materials submitted with the request, such as the permit application or the compliance plan, and any other information considered or developed during the consultation process.

(4) If a request is referred to the Administrator and the delegated agency issues a preliminary determination on a permit application before the Administrator issues a final decision on the exemption, the delegated agency shall include a notice of the opportunity to comment on the Administrator's preliminary determination in accordance with the procedures of paragraph (f)(4) of this section.

(5) The Administrator's final decision on a request that has been referred pursuant to paragraph (c) of this section shall be incorporated into the final permit issued by the delegated agency. If no permit is required, the Administrator's final decision on the request shall be implemented and enforced by the delegated agency.

(d) *Preliminary determination.* The Administrator or delegated agency shall issue a preliminary determination in accordance with paragraph (f) of this section. A preliminary determination shall propose to grant or deny the request for exemption. A preliminary determination to grant the request shall include proposed substitute control requirements and offsets necessary to

comply with the requirements of paragraph (e) of this section.

(e) *Grant of exemption.* (1) The source shall comply with a substitute requirement(s), equal to or as close in stringency to the original requirement as possible, as determined by the Administrator or delegated agency.

(2) An OCS source located within 25 miles of States' seaward boundaries shall offset residual emissions resulting from the grant of an exemption request in accordance with the requirements of the Act and the regulations thereunder. The source shall obtain offsets in accordance with the applicable requirements as follows:

(i) If offsets are required in the COA, a new source shall offset residual emissions in the same manner as all other new source emissions in accordance with the requirements of §55.5(d) of this part.

(ii) If offsets are not required in the COA, a new source shall comply with an offset ratio of 1:1.

(iii) An existing OCS source shall comply with an offset at a ratio of 1:1.

(3) An OCS source located beyond 25 miles from States' seaward boundaries shall obtain emission reductions at a ratio determined by the Administrator to be adequate to protect State and Federal ambient air quality standards and to comply with part C of title I of the Act.

(f) *Administrative procedures and public participation*—(1) *Request submitted with a permit application.* If a request is submitted with a permit application, the request shall be considered part of the permit application and shall be processed accordingly for the purpose of administrative procedures and public notice and comment requirements. The Administrator shall comply with the requirements of 40 CFR part 124 and the requirements set forth at §55.6 of this part. If the Administrator has delegated authority to a State, the delegated agency shall use its own procedures as deemed adequate by the Administrator in accordance with §55.11 of this part. These procedures must provide for public notice and comment on the preliminary determination.

(2) *Request submitted without a permit or with a compliance plan.* If a permit is not required, the Administrator or the

delegated agency shall issue a preliminary determination within 90 days from the date the request was received, and shall use the procedures set forth at paragraph (f)(4) of this section for processing a request.

(3) *Referral.* If a request is referred to the Administrator pursuant to paragraph (c) of this section, the Administrator shall make a preliminary determination no later than 30 days after receipt of the request and any accompanying materials transmitted by the delegated agency. The Administrator shall use the procedures set forth at paragraph (f)(4) of this section for processing a request.

(4) The Administrator or the delegated agency shall comply with the following requirements for processing requests submitted without a permit, with a compliance plan, and requests referred to the Administrator:

(i) Issue a preliminary determination to grant or deny the request. A preliminary determination by the Administrator to deny a request shall be considered a final decision and will be accompanied by the reasons for the decision. As such, it is not subject to any further public notice, comment, or hearings. Written notice of the denial shall be given to the requester.

(ii) Make available, in at least one location in the COA and NOA, which may be a public Web site identified by the Administrator or delegated agency, a copy of all materials submitted by the requester, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the COA and NOA or on a public Web site identified by the Administrator or delegated agency, of a 30-day opportunity for written public comment on the information submitted by the owner or operator and on the preliminary determination.

(iv) Send a copy of the notice required pursuant to paragraph (f)(4)(iii) of this section to the requester, the affected source, each person from whom a written request of such notice has been received, and the following officials and agencies having jurisdiction

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over the COA and NOA: State and local air pollution control agencies, the chief executive of the city and county, the Federal Land Manager of potentially affected Class I areas, and any Indian governing body whose lands may be affected by emissions from the OCS source.

(v) Consider written public comments received within 30 days after the date the public notice is made available when making the final decision on the request. All comments will be made available for public inspection. At the time that any final decision is issued, the Administrator or delegated agency will issue a response to comments.

(vi) Make a final decision on the request within 30 days after the close of the public comment period. The Administrator or the delegated agency will notify, in writing, the applicant and each person who has submitted written comments, or from whom a written request of such notice has been received, of the final decision and will set forth the reasons. Such notification will be made available for public inspection.

(5) Within 30 days after the final decision has been made on a request, the requester, or any person who filed comments on the preliminary determination, may petition the Administrator to review any aspect of the decision. Any person who failed to file comments on the preliminary decision may petition for administrative review only on the changes from the preliminary to the final determination.

[57 FR 40806, Sept. 4, 1992, as amended at 81 FR 71630, Oct. 18, 2016]

§ 55.8 Monitoring, reporting, inspections, and compliance.

(a) The Administrator may require monitoring or reporting and may authorize inspections pursuant to section 114 of the Act and the regulations thereunder. Sources shall also be subject to the requirements set forth in §§ 55.13 and 55.14 of this part.

(b) All monitoring, reporting, inspection and compliance requirements authorized under the Act shall apply.

(c) An existing OCS source that is not required to obtain a permit to operate within 24 months of the date of promulgation of this part shall submit

a compliance report to the Administrator or delegated agency within 25 months of promulgation of this part. The compliance report shall specify all the applicable OCS requirements of this part and a description of how the source has complied with these requirements.

(d) The Administrator or the delegated agency shall consult with the Minerals Management Service and the U.S. Coast Guard prior to inspections. This shall in no way interfere with the ability of EPA or the delegated agency to conduct unannounced inspections.

(Approved by the Office of Management and Budget under control number 2060-0249)

[57 FR 40806, Sept. 4, 1992, as amended at 58 FR 16626, Mar. 30, 1993]

§ 55.9 Enforcement.

(a) OCS sources shall comply with all requirements of this part and all permits issued pursuant to this part. Failure to do so shall be considered a violation of section 111(e) of the Act.

(b) All enforcement provisions of the Act, including, but not limited to, the provisions of sections 113, 114, 120, 303 and 304 of the Act, shall apply to OCS sources.

(c) If a facility is ordered to cease operation of any piece of equipment due to enforcement action taken by EPA or a delegated agency pursuant to this part, the shutdown will be coordinated by the enforcing agency with the Minerals Management Service and the U.S. Coast Guard to assure that the shutdown will proceed in a safe manner. No shutdown action will occur until after consultation with these agencies, but in no case will initiation of the shutdown be delayed by more than 24 hours.

§ 55.10 Fees.

(a) *OCS sources located within 25 miles of States' seaward boundaries.* (1) The EPA will calculate and collect operating permit fees from OCS sources in accordance with the requirements of 40 CFR part 71.

(2) EPA will collect all other fees from OCS sources calculated in accordance with the fee requirements imposed in the COA if the fees are based

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on regulatory objectives, such as discouraging emissions. If the fee requirements are based on cost recovery objectives, however, EPA will adjust the fees to reflect the costs to EPA to issue permits and administer the permit program.

(3) Upon delegation, the delegated agency will collect fees from OCS sources calculated in accordance with the fee requirements imposed in the COA. Upon delegation of authority to implement and enforce any portion of this part, EPA will cease to collect fees imposed in conjunction with that portion.

(b) The OCS sources located beyond 25 miles of States' seaward boundaries. The EPA will calculate and collect operating permit fees from OCS sources in accordance with the requirements of 40 CFR part 71.

[57 FR 40806, Sept. 4, 1992, as amended at 61 FR 34228, July 1, 1996]

§ 55.11 Delegation.

(a) The Governor or the Governor's designee of any State adjacent to an OCS source subject to the requirements of this part may submit a request, pursuant to section 328(a)(3) of the Act, to the Administrator for the authority to implement and enforce the requirements of this OCS program: Within 25 miles of the State's seaward boundary; and/or Beyond 25 miles of the State's seaward boundary. Authority to implement and enforce §§ 55.5, 55.11, and 55.12 of this part will not be delegated.

(b) The Administrator will delegate implementation and enforcement authority to a State if the State has an adjacent OCS source and the Administrator determines that the State's regulations are adequate, including a demonstration by the State that the State has:

(1) Adopted the appropriate portions of this part into State law;

(2) Adequate authority under State law to implement and enforce the requirements of this part. A letter from the State Attorney General shall be required stating that the requesting agency has such authority;

(3) Adequate resources to implement and enforce the requirements of this part; and

(4) Adequate administrative procedures to implement and enforce the requirements of this part, including public notice and comment procedures.

(c) The Administrator will notify in writing the Governor or the Governor's designee of the Administrator's final action on a request for delegation within 6 months of the receipt of the request.

(d) If the Administrator finds that the State regulations are adequate, the Administrator will authorize the State to implement and enforce the OCS requirements under State law. If the Administrator finds that only part of the State regulations are adequate, he will authorize the State to implement and enforce only that portion of this part.

(e) Upon delegation, a State may use any authority it possesses under State law to enforce any permit condition or any other requirement of this part for which the agency has delegated authority under this part. A State may use any authority it possesses under State law to require monitoring and reporting and to conduct inspections.

(f) Nothing in this part shall prohibit the Administrator from enforcing any requirement of this part.

(g) The Administrator will withdraw a delegation of any authority to implement and enforce any or all of this part if the Administrator determines that: (1) The requirements of this part are not being adequately implemented or enforced by the delegated agency, or (2) The delegated agency no longer has adequate regulations as required by § 55.11(b) of this part.

(h) *Sharing of information.* Any information obtained or used in the administration of a delegated program shall be made available to EPA upon request without restriction. If the information has been submitted to the delegated agency under a claim of confidentiality, the delegated agency must notify the source of this obligation and submit that claim to EPA. Any information obtained from a delegated agency accompanied by a claim of confidentiality will be treated in accordance with the requirements of 40 CFR part 2.

(i) *Grant of exemptions.* A decision by a delegated agency to grant or deny an exemption request may be appealed to

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the Administrator in accordance with §55.7 of this part.

(j) *Delegated authority.* The delegated agency in the COA for sources located within 25 miles of the State's seaward boundary or the delegated agency in the NOA for sources located beyond 25 miles of the State's seaward boundary will exercise all delegated authority. If there is no delegated agency in the COA for sources located within 25 miles of the State's seaward boundary, or in the NOA for sources located beyond 25 miles of the State's seaward boundary, the EPA will issue the permit and implement and enforce the requirements of this part. For sources located within 25 miles of the State's seaward boundary, the Administrator may retain the authority for implementing and enforcing the requirements of this part if the NOA and COA are in different States.

[57 FR 40806, Sept. 4, 1992, as amended at 62 FR 46409, Sept. 2, 1997]

§55.12 Consistency updates.

(a) The Administrator will update this part as necessary to maintain consistency with the regulations of onshore areas in order to attain and maintain Federal and State ambient standards and comply with part C of title I of the Act.

(b) Where an OCS activity is occurring within 25 miles of a State seaward boundary, consistency reviews will occur at least annually. In addition, in accordance with paragraphs (c) and (d) of this section, consistency reviews will occur upon receipt of an NOI and when a State or local agency submits a rule to EPA to be considered for incorporation by reference in this part 55.

(1) Upon initiation of a consistency review, the Administrator will evaluate the requirements of part 55 to determine whether they are consistent with the current onshore requirements.

(2) If the Administrator finds that part 55 is inconsistent with the requirements in effect in the onshore area, EPA will conduct a notice and comment rulemaking to update part 55 accordingly.

(c) *Consistency reviews triggered by receipt of an NOI.* Upon receipt of an NOI, the Administrator will initiate a consistency review of regulations in the onshore area.

(1) If the NOI is submitted by a source for which the COA has previously been assigned, EPA will publish a proposed consistency update in the FEDERAL REGISTER no later than 60 days after the receipt of the NOI, if an update is deemed necessary by the Administrator:

(2) If the NOI is submitted by a source requiring a COA designation, EPA will publish a proposed consistency update in the FEDERAL REGISTER, if an update is deemed necessary by the Administrator:

(i) No later than 75 days after receipt of the NOI if no adjacent areas submit a request for COA designation and the NOA becomes the COA by default, or

(ii) No later than 105 days after receipt of the NOI if an adjacent area submits a request to be designated as COA but fails to submit the required demonstration within 90 days of receipt of the NOI, or

(iii) No later than 15 days after the date of the final COA determination if one or more demonstrations are received.

(d) *Consistency reviews triggered by State and local air pollution control agencies submitting rules directly to EPA for inclusion into part 55.* (1) EPA will propose in the FEDERAL REGISTER to approve applicable rules submitted by State or local regulatory agencies for incorporation by reference into §55.14 of this part by the end of the calendar quarter following the quarter in which the submittal is received by EPA.

(2) State and local rules submitted for inclusion in part 55 must be rationally related to the attainment and maintenance of Federal or State ambient air quality standards or to the requirements of part C of title I of the Act. The submittal must be legible and unmarked, with the adoption date and the name of the agency on each page, and must be accompanied by proof of adoption.

(e) No rule or regulation that EPA finds to be arbitrary or capricious will be incorporated into this part.

(f) A source may not submit a complete permit application until any update the Administrator deems necessary to make part 55 consistent with the COA's rules has been proposed.

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§55.13 Federal requirements that apply to OCS sources.

(a) The requirements of this section shall apply to OCS sources as set forth below. In the event that a requirement of this section conflicts with an applicable requirement of §55.14 of this part and a source cannot comply with the requirements of both sections, the more stringent requirement shall apply.

(b) In applying the requirements incorporated into this section:

(1) *New Source* means new OCS source; and

(2) *Existing Source* means existing OCS source; and

(3) *Modification* means a modification to an OCS source.

(4) For requirements adopted prior to promulgation of this part, language in such requirements limiting the applicability of the requirements to onshore sources or to sources within State boundaries shall not apply.

(c) 40 CFR part 60 (NSPS) shall apply to OCS sources in the same manner as in the COA, except that any source determined to be an existing source pursuant to §55.3(e) of this part shall not be considered a "new source" for the purpose of NSPS adopted before December 5, 1991.

(d) 40 CFR 52.21 (PSD) shall apply to OCS sources:

(1) Located within 25 miles of a State's seaward boundary if the requirements of 40 CFR 52.21 are in effect in the COA;

(2) Located beyond 25 miles of States' seaward boundaries.

(e) 40 CFR part 61, together with any other provisions promulgated pursuant to section 112 of the Act, shall apply if rationally related to the attainment and maintenance of Federal or State ambient air quality standards or the requirements of part C of title I of the Act.

(f) 40 CFR part 71 shall apply to OCS sources:

(1) Located within 25 miles of States' seaward boundaries if the requirements of 40 CFR part 71 are in effect in the COA.

(2) Located beyond 25 miles of States' seaward boundaries.

(3) When an operating permits program approved pursuant to 40 CFR part

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70 is in effect in the COA and a Federal operating permit is issued to satisfy an EPA objection pursuant to 40 CFR 71.4(e).

(g) The provisions of 40 CFR 52.10, 40 CFR 52.24, and 40 CFR part 51 and accompanying appendix S shall apply to OCS sources located within 25 miles of States' seaward boundaries, if these requirements are in effect in the COA.

(h) If the Administrator determines that additional requirements are necessary to protect Federal and State ambient air quality standards or to comply with part C of title I, such requirements will be incorporated in this part.

[57 FR 40806, Sept. 4, 1992, as amended at 61 FR 34228, July 1, 1996]

§55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.

(a) The requirements of this section shall apply to OCS sources as set forth below. In the event that a requirement of this section conflicts with an applicable requirement of §55.13 of this part and a source cannot comply with the requirements of both sections, the more stringent requirement shall apply.

(b) In applying the requirements incorporated into this section:

(1) *New Source* means new OCS source; and

(2) *Existing Source* means existing OCS source; and

(3) *Modification* means a modification to an existing OCS source.

(4) For requirements adopted prior to promulgation of this part, language in such requirements limiting the applicability of the requirements to onshore sources or to sources within State boundaries shall not apply.

(c) During periods of EPA implementation and enforcement of this section, the following shall apply:

(1) Any reference to a State or local air pollution control agency or air pollution control officer shall mean EPA or the Administrator, respectively.

(2) Any submittal to State or local air pollution control agency shall instead be submitted to the Administrator through the EPA Regional Office.

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(3) Nothing in this section shall alter or limit EPA's authority to administer or enforce the requirements of this part under Federal law.

(4) EPA shall not be bound by any State or local administrative or procedural requirements including, but not limited to, requirements pertaining to hearing boards, permit issuance, public notice procedures, and public hearings. EPA will follow the applicable procedures set forth elsewhere in this part, in 40 CFR part 124, and in Federal rules promulgated pursuant to title V of the Act (as such rules apply in the COA), when administering this section.

(5) Only those requirements of 40 CFR part 52 that are rationally related to the attainment and maintenance of Federal or State ambient air quality standards or part C of title I shall apply to OCS sources.

(d) *Implementation Plan Requirements.*

- (1) [Reserved]
- (2) Alaska.
 - (i) 40 CFR part 52, subpart C.
 - (ii) [Reserved]
- (3) California.
 - (i) 40 CFR part 52, subpart F.
 - (ii) [Reserved]
- (4) [Reserved]
- (5) Delaware.
 - (i) 40 CFR part 52, subpart I.
 - (ii) [Reserved]
- (6) Florida.
 - (i) 40 CFR part 52, subpart K.
 - (ii) [Reserved]
- (7)–(9) [Reserved]
- (10) Maryland.
 - (i) 40 CFR part 52, subpart V.
 - (ii) [Reserved]
- (11) Massachusetts.
 - (i) 40 CFR part 52, subpart W.
 - (ii) [Reserved]
- (12)–(14) [Reserved]
- (15) New Jersey.
 - (i) 40 CFR part 52, subpart FF.
 - (ii) [Reserved]
- (16) New York.
 - (i) 40 CFR part 52, subpart HH.
 - (ii) [Reserved]
- (17) North Carolina.
 - (i) 40 CFR part 52, subpart II.
 - (ii) [Reserved]
- (18)–(21) [Reserved]
- (22) Virginia.
 - (i) 40 CFR part 52, subpart VV.
 - (ii) [Reserved]
- (23) [Reserved]

(e) *State and local requirements.* State and local requirements promulgated by EPA as applicable to OCS sources located within 25 miles of States' seaward boundaries have been compiled into separate documents organized by State and local areas of jurisdiction. These documents, set forth below, are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552 (a) and 40 CFR part 51. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Copies of rules pertaining to particular States or local areas may be inspected or obtained from the EPA Docket Center-Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004 or the appropriate EPA regional offices: U.S. EPA, Region I (Massachusetts) 5 Post Office Square, Boston, MA 02109-3912; U.S. EPA, Region III (Delaware, Maryland, and Virginia) 1650 Arch Street, Philadelphia, PA 19103, (215) 814-5000; U.S. EPA, Region 4 (Florida and North Carolina), 61 Forsyth Street, Atlanta, GA 30303; U.S. EPA, Region 9 (California), 75 Hawthorne Street, San Francisco, CA 94105; and U.S. EPA Region 10 (Alaska), 1200 Sixth Avenue, Seattle, WA 98101. For an informational listing of the State and local requirements incorporated into this part, which are applicable to sources of air pollution located on the OCS, see appendix A to this part.

- (1) [Reserved]
- (2) Alaska.
 - (i) State requirements.
 - (A) State of Alaska Requirements Applicable to OCS Sources, December 9, 2010.
 - (B) [Reserved]
 - (ii) Local requirements.
 - (A) *South Central Alaska Clean Air Authority Requirements Applicable to OCS Sources*, August 21, 1992.
 - (B) [Reserved]
 - (3) California.
 - (i) State requirements.

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(A) *State of California Requirements Applicable to OCS Sources*, February 2006.

(ii) Local requirements.

(A)-(D) [Reserved]

(E) *San Luis Obispo County Air Pollution Control District Requirements Applicable to OCS Sources*, February 2000.

(F) *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources*, April 2017.

(G) *South Coast Air Quality Management District Requirements Applicable to OCS Sources* (Parts I, II and III), September 2009.

(H) *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources*, parts 1 and 2, April 2017.

(4) [Reserved]

(5) Delaware.

(i) State requirements.

(A) *State of Delaware Requirements Applicable to OCS Sources*, December 19, 2008.

(B) [Reserved]

(ii) Local requirements.

(A) [Reserved]

(6) Florida.

(i) State requirements.

(A) *State of Florida Requirements Applicable to OCS Sources*, January 2, 2008.

(B) [Reserved]

(ii) Local requirements.

(A) [Reserved]

(7)-(9) [Reserved]

(10) Maryland.

(i) State requirements.

(A) *State of Maryland Requirements Applicable to OCS Sources*, May 6, 2016.

(B) [Reserved]

(ii) Local requirements.

(A) [Reserved]

(11) Massachusetts.

(i) State requirements.

(A) *Commonwealth of Massachusetts Requirements Applicable to OCS Sources*, May 20, 2010.

(B) [Reserved]

(ii) Local requirements.

(A) [Reserved]

(12)-(14) [Reserved]

(15) New Jersey

(i) State Requirements.

(A) *State of New Jersey Requirements Applicable to OCS Sources*, August 13, 2009.

(B) [Reserved]

(ii) Local requirements.

(A) [Reserved]

(16) New York.

(i) State Requirements.

(A) *State of New York Requirements Applicable to OCS Sources*, October 20, 2007

(B) [Reserved]

(ii) Local requirements.

(A) [Reserved]

(17) North Carolina.

(i) State requirements.

(A) *State of North Carolina Air Pollution Control Requirements Applicable to OCS Sources*, January 2, 2008.

(B) [Reserved]

(ii) Local requirements.

(A) [Reserved]

(18)-(21) [Reserved]

(22) Virginia.

(i) State requirements.

(A) *Outer Continental Shelf Air Regulations Consistency Update for Virginia*, in effect as of March 2, 2011.

(B) [Reserved]

(ii) Local requirements.

(A) [Reserved]

(23) [Reserved]

[57 FR 40806, Sept. 4, 1992]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §55.14, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

EFFECTIVE DATE NOTE: At 83 FR 30051, June 27, 2018, §55.14 was amended by revising the sixth sentence in paragraph (e) introductory text and paragraph (e)(15)(i)(A), effective July 27, 2018. For the convenience of the user, the revised text is set forth as follows:

§55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.

* * * * *

(e) * * * Copies of rules pertaining to particular states or local areas may be inspected or obtained from the EPA Docket Center—Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004 or the appropriate EPA regional offices: U.S. EPA, Region 1 (Massachusetts), One Congress Street, Boston, MA 02114-2023; U.S. EPA, Region 2 (New Jersey and New York), 290 Broadway, New York, NY 10007-1866; U.S. EPA, Region 3 (Delaware), 1650 Arch Street, Philadelphia, PA 19103, (215) 814-6000; U.S. EPA, Region 4 (Florida and North Carolina), 61 Forsyth Street, Atlanta, GA 30303; U.S. EPA, Region 9 (California), 75 Hawthorne Street, San

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Francisco, CA 94105; and U.S. EPA, Region 10 (Alaska), 1200 Sixth Avenue, Seattle, WA 98101. * * *

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(15) * * *

(i) * * *

(A) State of New Jersey Requirements Applicable to OCS Sources, January 16, 2018.

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§ 55.15 Specific designation of corresponding onshore areas.

(a) California.

(1) The South Coast Air Quality Management District is designated as the COA for the following OCS facilities: Edith, Ellen, Elly, and Eureka.

(2) The Ventura County Air Pollution Control District is designated as the COA for the following OCS facilities: Grace, Gilda, Gail and Gina.

(3) The Santa Barbara County Air Pollution Control District is designated as the COA for the following OCS facilities: Habitat, Hacienda, Harmony, Harvest, Heather, Henry, Heritage, Hermosa, Hidalgo, Hillhouse, Hogan, Houchin, Hondo, Irene, Independence (formerly Iris), the OS and T, and Union A, B, and C.

(b) [Reserved]

[58 FR 14159, Mar. 16, 1993]

APPENDIX A TO PART 55—LISTING OF STATE AND LOCAL REQUIREMENTS INCORPORATED BY REFERENCE INTO PART 55, BY STATE

This appendix lists the titles of the State and local requirements that are contained within the documents incorporated by reference into 40 CFR part 55.

ALASKA

(a) State requirements.

(1) The following State of Alaska requirements are applicable to OCS Sources, December 9, 2010, Alaska Administrative Code—Department of Environmental Conservation. The following sections of Title 18, Chapter 50:

ARTICLE 1. AMBIENT AIR QUALITY MANAGEMENT

- 18 AAC 50.005. Purpose and Applicability of Chapter (effective 10/01/2004)
- 18 AAC 50.010. Ambient Air Quality Standards (effective 04/01/2010)

- 18 AAC 50.015. Air Quality Designations, Classification, and Control Regions (effective 12/09/2010) except (b)(1), (b)(3) and (d)(2)

Table 1. Air Quality Classifications

- 18 AAC 50.020. Baseline Dates and Maximum Allowable Increases (effective 07/25/2008)

Table 2. Baseline Dates

Table 3. Maximum Allowable Increases

- 18 AAC 50.025. Visibility and Other Special Protection Areas (effective 06/21/1998)
- 18 AAC 50.030. State Air Quality Control Plan (effective 10/29/2010)
- 18 AAC 50.035. Documents, Procedures, and Methods Adopted by Reference (effective 04/01/2010)
- 18 AAC 50.040. Federal Standards Adopted by Reference (effective 12/09/2010) except (h)(2)
- 18 AAC 50.045. Prohibitions (effective 10/01/2004)
- 18 AAC 50.050. Incinerator Emissions Standards (effective 07/25/2008)

Table 4. Particulate Matter Standards for Incinerators

- 18 AAC 50.055. Industrial Processes and Fuel-Burning Equipment (effective 12/09/2010) except (a)(3) through (a)(9), (b)(2)(A), (b)(3) through (b)(6), (e) and (f)
- 18 AAC 50.065. Open Burning (effective 01/18/1997)
- 18 AAC 50.070. Marine Vessel Visible Emission Standards (effective 06/21/1998)
- 18 AAC 50.075. Wood-Fired Heating Device Visible Emission Standards (effective 05/06/2009)
- 18 AAC 50.080. Ice Fog Standards (effective 01/18/1997)
- 18 AAC 50.085. Volatile Liquid Storage Tank Emission Standards (effective 01/18/1997)
- 18 AAC 50.090. Volatile Liquid Loading Racks and Delivery Tank Emission Standards (effective 07/25/2008)
- 18 AAC 50.100. Nonroad Engines (effective 10/01/2004)
- 18 AAC 50.110. Air Pollution Prohibited (effective 05/26/1972)

ARTICLE 2. PROGRAM ADMINISTRATION

- 18 AAC 50.200. Information Requests (effective 10/01/2004)
- 18 AAC 50.201. Ambient Air Quality Investigation (effective 10/01/2004)
- 18 AAC 50.205. Certification (effective 10/01/2004) except (b)
- 18 AAC 50.215. Ambient Air Quality Analysis Methods (effective 10/29/2010)

Table 5. Significant Impact Levels (SILs)

- 18 AAC 50.220. Enforceable Test Methods (effective 10/01/2004)
- 18 AAC 50.225. Owner-Requested Limits (effective 12/09/2010) except (c) through (g)

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- 18 AAC 50.230. Preapproved Emission Limits (effective 07/01/2010) except (d)
- 18 AAC 50.235. Unavoidable Emergencies and Malfunctions (effective 10/01/2004)
- 18 AAC 50.240. Excess Emissions (effective 10/01/2004)
- 18 AAC 50.245. Air Episodes and Advisories (effective 10/01/2004)

Table 6. Concentrations Triggering an Air Episode

ARTICLE 3. MAJOR STATIONARY SOURCE PERMITS

- 18 AAC 50.301. Permit Continuity (effective 10/01/2004) except (b)
- 18 AAC 50.302. Construction Permits (effective 12/09/2010)
- 18 AAC 50.306. Prevention of Significant Deterioration (PSD) Permits (effective 12/09/2010) except (c) and (e)
- 18 AAC 50.311. Nonattainment Area Major Stationary Source Permits (effective 10/01/2004) except (c)
- 18 AAC 50.316. Preconstruction Review for Construction or Reconstruction of a Major Source of Hazardous Air Pollutants (effective 12/01/2004) except (c)
- 18 AAC 50.321. Case-By-Case Maximum Achievable Control Technology (effective 12/01/04)
- 18 AAC 50.326. Title V Operating Permits (effective 12/01/2004) except (c)(1), (h), (i)(3), (j)(5), (j)(6), (k)(1), (k)(3), (k)(5), and (k)(6)
- 18 AAC 50.345. Construction, Minor and Operating Permits: Standard Permit Conditions (effective 11/09/2008)
- 18 AAC 50.346. Construction and Operating Permits: Other Permit Conditions (effective 12/09/2010)

Table 7. Standard Operating Permit Condition

ARTICLE 4. USER FEES

- 18 AAC 50.400. Permit Administration Fees (effective 07/01/2010) except (a)(2), (a)(5), (j)(2) through (j)(5), (j)(8), and (j)(13)
- 18 AAC 50.403. Negotiated Service Agreements (effective 07/01/2010)
- 18 AAC 50.410. Emission Fees (effective 07/10/2010)
- 18 AAC 50.499. Definition for User Fee Requirements (effective 01/29/2005)

ARTICLE 5. MINOR PERMITS

- 18 AAC 50.502. Minor Permits for Air Quality Protection (effective 12/09/2010) except (b)(1) through (b)(3), (b)(5), (d)(1)(A) and (d)(2)(A)
- 18 AAC 50.508. Minor Permits Requested by the Owner or Operator (effective 12/07/2010)
- 18 AAC 50.510. Minor Permit—Title V Permit Interface (effective 12/09/2010)
- 18 AAC 50.540. Minor Permit: Application (effective 12/09/2010)

- 18 AAC 50.542. Minor Permit: Review and Issuance (effective 12/09/2010) except (a), (b), (c), and (d)
- 18 AAC 50.544. Minor Permits: Content (effective 12/09/2010)
- 18 AAC 50.560. General Minor Permits (effective 10/01/2004) except (b)

ARTICLE 9. GENERAL PROVISIONS

- 18 AAC 50.990. Definitions (effective 12/09/2010)

CALIFORNIA

(a) State requirements.

(1) The following requirements are contained in *State of California Requirements Applicable to OCS Sources*, February 2006:

Barclays California Code of Regulations

The following sections of Title 17 Subchapter 6:

- 17 §92000—Definitions (Adopted 5/31/91)
- 17 §92100—Scope and Policy (Adopted 5/31/91)
- 17 §92200—Visible Emission Standards (Adopted 5/31/91)
- 17 §92210—Nuisance Prohibition (Adopted 5/31/91)
- 17 §92220—Compliance with Performance Standards (Adopted 5/31/91)
- 17 §92400—Visible Evaluation Techniques (Adopted 5/31/91)
- 17 §92500—General Provisions (Adopted 5/31/91)
- 17 §92510—Pavement Marking (Adopted 5/31/91)
- 17 §92520—Stucco and Concrete (Adopted 5/31/91)
- 17 §92530—Certified Abrasive (Adopted 5/31/91)
- 17 §92540—Stucco and Concrete (Adopted 5/31/91)
- 17 §93115—Airborne Toxic Control Measure for Stationary Compression Ignition Engines (Adopted 2/26/04)

Health and Safety Code

The following section of Division 26, Part 4, Chapter 4, Article 1:

Health and Safety Code §42301.13 of *seq. Stationary sources: demolition or removal* (chaptered 7/25/96)

(b) Local requirements.

(1)–(4) [Reserved]

(5) The following requirements are contained in *San Luis Obispo County Air Pollution Control District Requirements Applicable to OCS Sources*, February 2000:

- Rule 103 Conflicts Between District, State and Federal Rules (Adopted 8/6/76)
- Rule 105 Definitions (Adopted 1/24/96)
- Rule 106 Standard Conditions (Adopted 8/6/76)
- Rule 108 Severability (Adopted 11/13/84)
- Rule 113 Continuous Emissions Monitoring, except F. (Adopted 7/5/77)
- Rule 201 Equipment not Requiring a Permit, except A.1.b. (Revised 4/26/95)

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- Rule 202 Permits, except A.4. and A.8. (Adopted 11/5/91)
- Rule 203 Applications, except B. (Adopted 11/5/91)
- Rule 204 Requirements, except B.3. and C. (Adopted 8/10/93)
- Rule 209 Provision for Sampling and Testing Facilities (Adopted 11/5/91)
- Rule 210 Periodic Inspection, Testing and Renewal of Permits to Operate (Adopted 11/5/91)
- Rule 213 Calculations, except E.4. and F. (Adopted 8/10/93)
- Rule 302 Schedule of Fees (Adopted 6/18/97)
- Rule 305 Fees for Major Non-Vehicular Sources (Adopted 9/15/92)
- Rule 401 Visible Emissions (Adopted 8/6/76)
- Rule 403 Particulate Matter Emissions (Adopted 8/6/76)
- Rule 404 Sulfur Compounds Emission Standards, Limitations and Prohibitions (Revised 12/6/76)
- Rule 405 Nitrogen Oxides Emission Standards, Limitations and Prohibitions (Adopted 11/16/93)
- Rule 406 Carbon Monoxide Emission Standards, Limitations and Prohibitions (Adopted 11/14/84)
- Rule 407 Organic Material Emission Standards, Limitations and Prohibitions (Adopted 5/22/96)
- Rule 411 Surface Coating of Metal Parts and Products (Adopted 1/28/98)
- Rule 416 Degreasing Operations (Adopted 6/18/79)
- Rule 417 Control of Fugitive Emissions of Volatile Organic Compounds (Adopted 2/9/93)
- Rule 419 Petroleum Pits, Ponds, Sumps, Well Cellars, and Wastewater Separators (Revised 7/12/94)
- Rule 422 Refinery Process Turnarounds (Adopted 6/18/79)
- Rule 425 Storage of Volatile Organic Compounds (Adopted 7/12/94)
- Rule 427 Marine Tanker Loading (Adopted 4/26/95)
- Rule 429 Oxides of Nitrogen and Carbon Monoxide Emissions from Electric Power Generation Boilers (Revised 11/12/97)
- Rule 430 Control of Oxides of Nitrogen from Industrial, Institutional, Commercial Boilers, Steam Generators, and Process Heaters (Adopted 7/26/95)
- Rule 431 Stationary Internal Combustion Engines (Adopted 11/13/96)
- Rule 501 General Burning Provisions (Adopted 1/10/89)
- Rule 503 Incinerator Burning, except B.1.a. (Adopted 2/7/89)
- Rule 601 New Source Performance Standards (Adopted 5/28/97)
- (6) The following requirements are contained in *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources, April 2017*:
- Rule 102 Definitions (Revised 08/25/16)
- Rule 103 Severability (Adopted 10/23/78)
- Rule 105 Applicability (Revised 08/25/16)
- Rule 107 Emergencies (Adopted 04/19/01)
- Rule 201 Permits Required (Revised 06/19/08)
- Rule 202 Exemptions to Rule 201 (Revised 08/25/16)
- Rule 203 Transfer (Revised 04/17/97)
- Rule 204 Applications (Revised 08/25/16)
- Rule 205 Standards for Granting Permits (Revised 04/17/97)
- Rule 206 Conditional Approval of Authority to Construct or Permit to Operate (Revised 10/15/91)
- Rule 207 Denial of Application (Adopted 10/23/78)
- Rule 210 Fees (Revised 03/17/05)
- Rule 212 Emission Statements (Adopted 10/20/92)
- Rule 301 Circumvention (Adopted 10/23/78)
- Rule 302 Visible Emissions (Revised 6/1981)
- Rule 303 Nuisance (Adopted 10/23/78)
- Rule 304 Particulate Matter-Northern Zone (Adopted 10/23/78)
- Rule 305 Particulate Matter Concentration-Southern Zone (Adopted 10/23/78)
- Rule 306 Dust and Fumes-Northern Zone (Adopted 10/23/78)
- Rule 307 Particulate Matter Emission Weight Rate-Southern Zone (Adopted 10/23/78)
- Rule 308 Incinerator Burning (Adopted 10/23/78)
- Rule 309 Specific Contaminants (Adopted 10/23/78)
- Rule 310 Odorous Organic Sulfides (Adopted 10/23/78)
- Rule 311 Sulfur Content of Fuels (Adopted 10/23/78)
- Rule 312 Open Fires (Adopted 10/02/90)
- Rule 316 Storage and Transfer of Gasoline (Revised 01/15/09)
- Rule 317 Organic Solvents (Adopted 10/23/78)
- Rule 318 Vacuum Producing Devices or Systems-Southern Zone (Adopted 10/23/78)
- Rule 321 Solvent Cleaning Operations (Revised 06/21/12)
- Rule 322 Metal Surface Coating Thinner and Reducer (Adopted 10/23/78)
- Rule 323 Architectural Coatings (Revised 11/15/01)
- Rule 323.1 Architectural Coatings (Adopted 06/19/14, Effective 01/01/15)
- Rule 324 Disposal and Evaporation of Solvents (Adopted 10/23/78)
- Rule 325 Crude Oil Production and Separation (Revised 07/19/01)
- Rule 326 Storage of Reactive Organic Compound Liquids (Revised 01/18/01)
- Rule 327 Organic Liquid Cargo Tank Vessel Loading (Revised 12/16/85)
- Rule 328 Continuous Emission Monitoring (Adopted 10/23/78)
- Rule 330 Surface Coating of Metal Parts and Products (Revised 06/21/12)
- Rule 331 Fugitive Emissions Inspection and Maintenance (Revised 12/10/91)

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- Rule 332 Petroleum Refinery Vacuum Producing Systems, Wastewater Separators and Process Turnarounds (Adopted 06/11/79)
- Rule 333 Control of Emissions from Reciprocating Internal Combustion Engines (Adopted 06/19/08)
- Rule 342 Control of Oxides of Nitrogen (NO_x) from Boilers, Steam Generators and Process Heaters) (Revised 04/17/97)
- Rule 343 Petroleum Storage Tank Degassing (Adopted 12/14/93)
- Rule 344 Petroleum Sumps, Pits, and Well Cellars (Adopted 11/10/94)
- Rule 346 Loading of Organic Liquid Cargo Vessels (Revised 01/18/01)
- Rule 349 Polyester Resin Operations (Revised 06/21/12)
- Rule 352 Natural Gas-Fired Fan-Type Central Furnaces and Residential Water Heaters (Revised 10/20/11)
- Rule 353 Adhesives and Sealants (Revised 06/21/12)
- Rule 359 Flares and Thermal Oxidizers (Adopted 06/28/94)
- Rule 360 Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers (Adopted 10/17/02)
- Rule 361 Small Boilers, Steam Generators, and Process Heaters (Adopted 01/17/08)
- Rule 370 Potential to Emit—Limitations for Part 70 Sources (Revised 01/20/11)
- Rule 505 Breakdown Conditions Sections A., B.1, and D. only (Adopted 10/23/78)
- Rule 603 Emergency Episode Plans (Adopted 06/15/81)
- Rule 702 General Conformity (Adopted 10/20/94)
- Rule 801 New Source Review—Definitions and General Requirements (Revised 08/25/16)
- Rule 802 New Source Review (Revised 08/25/16)
- Rule 804 Emission Offsets (Revised 08/25/16)
- Rule 805 Air Quality Impact Analysis, Modeling, Monitoring, and Air Quality Increment Consumption (Revised 08/25/16)
- Rule 806 Emission Reduction Credits (Revised 08/25/16)
- Rule 808 New Source Review for Major Sources of Hazardous Air Pollutants (Adopted 05/20/99)
- Rule 809 Federal Minor Source New Source Review (Revised 08/25/16)
- Rule 810 Federal Prevention of Significant Deterioration (PSD) (Revised 06/20/13)
- Rule 1301 Part 70 Operating Permits—General Information (Revised 08/25/16)
- Rule 1302 Part 70 Operating Permits—Permit Application (Adopted 11/09/93)
- Rule 1303 Part 70 Operating Permits—Permits (Revised 01/18/01)
- Rule 1304 Part 70 Operating Permits—Issuance, Renewal, Modification and Reopening (Revised 01/18/01)
- Rule 1305 Part 70 Operating Permits—Enforcement (Adopted 11/09/93)
- (7) The following requirements are contained in *South Coast Air Quality Management District Requirements Applicable to OCS Sources (Parts I, II and III)*:
- Rule 102 Definition of Terms (Adopted 12/3/04)
- Rule 103 Definition of Geographical Areas (Adopted 01/9/76)
- Rule 104 Reporting of Source Test Data and Analyses (Adopted 01/9/76)
- Rule 108 Alternative Emission Control Plans (Adopted 04/6/90)
- Rule 109 Recordkeeping for Volatile Organic Compound Emissions (Adopted 08/18/00)
- Rule 112 Definition of Minor Violation and Guidelines for Issuance of Notice to Comply (Adopted 11/13/98)
- Rule 118 Emergencies (Adopted 12/07/95)
- Rule 201 Permit to Construct (Adopted 12/03/04)
- Rule 201.1 Permit Conditions in Federally Issued Permits to Construct (Adopted 12/03/04)
- Rule 202 Temporary Permit to Operate (Adopted 12/03/04)
- Rule 203 Permit to Operate (Adopted 12/03/04)
- Rule 204 Permit Conditions (Adopted 03/6/92)
- Rule 205 Expiration of Permits to Construct (Adopted 01/05/90)
- Rule 206 Posting of Permit to Operate (Adopted 01/05/90)
- Rule 207 Altering or Falsifying of Permit (Adopted 01/09/76)
- Rule 208 Permit and Burn Authorization for Open Burning (Adopted 12/21/01)
- Rule 209 Transfer and Voiding of Permits (Adopted 01/05/90)
- Rule 210 Applications (Adopted 01/05/90)
- Rule 212 Standards for Approving Permits (Adopted 12/07/95) except (c)(3) and (e)
- Rule 214 Denial of Permits (Adopted 01/05/90)
- Rule 217 Provisions for Sampling and Testing Facilities (Adopted 01/05/90)
- Rule 218 Continuous Emission Monitoring (Adopted 05/14/99)
- Rule 218.1 Continuous Emission Monitoring Performance Specifications (Adopted 05/14/99)
- Rule 218.1 Attachment A—Supplemental and Alternative CEMS Performance Requirements (Adopted 05/14/99)
- Rule 219 Equipment Not Requiring a Written Permit Pursuant to Regulation II (Adopted 6/1/07)
- Rule 220 Exemption—Net Increase in Emissions (Adopted 08/07/81)
- Rule 221 Plans (Adopted 01/04/85)
- Rule 301 Permitting and Associated Fees (Adopted 5/2/08) except (e)(7) and Table IV
- Rule 303 Hearing Board Fees (Adopted 5/2/08)
- Rule 304 Equipment, Materials, and Ambient Air Analyses (Adopted 5/2/08)
- Rule 304.1 Analyses Fees (Adopted 5/2/08)
- Rule 305 Fees for Acid Deposition (Rescinded 6/9/06)
- Rule 306 Plan Fees (Adopted 5/2/08)
- Rule 309 Fees for Regulation XVI (Adopted 5/2/08)

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- Rule 313 Authority to Adjust Fees and Due Dates (Adopted 5/2/08)
- Rule 401 Visible Emissions (Adopted 11/09/01)
- Rule 403 Fugitive Dust (Adopted 06/03/05)
- Rule 404 Particulate Matter—Concentration (Adopted 02/07/86)
- Rule 405 Solid Particulate Matter—Weight (Adopted 02/07/86)
- Rule 407 Liquid and Gaseous Air Contaminants (Adopted 04/02/82)
- Rule 408 Circumvention (Adopted 05/07/76)
- Rule 409 Combustion Contaminants (Adopted 08/07/81)
- Rule 429 Start-Up and Shutdown Exemption Provisions for Oxides of Nitrogen (Adopted 12/21/90)
- Rule 430 Breakdown Provisions, (a) and (b) only (Adopted 07/12/96)
- Rule 431.1 Sulfur Content of Gaseous Fuels (Adopted 06/12/98)
- Rule 431.2 Sulfur Content of Liquid Fuels (Adopted 09/15/00)
- Rule 431.3 Sulfur Content of Fossil Fuels (Adopted 05/7/76)
- Rule 441 Research Operations (Adopted 05/7/76)
- Rule 442 Usage of Solvents (Adopted 12/15/00)
- Rule 444 Open Burning (Adopted 12/21/01)
- Rule 463 Organic Liquid Storage (Adopted 05/06/05)
- Rule 465 Refinery Vacuum-Producing Devices or Systems (Adopted 08/13/99)
- Rule 468 Sulfur Recovery Units (Adopted 10/08/76)
- Rule 473 Disposal of Solid and Liquid Wastes (Adopted 05/07/76)
- Rule 474 Fuel Burning Equipment-Oxides of Nitrogen (Adopted 12/04/81)
- Rule 475 Electric Power Generating Equipment (Adopted 08/07/78)
- Rule 476 Steam Generating Equipment (Adopted 10/08/76)
- Rule 480 Natural Gas Fired Control Devices (Adopted 10/07/77) Addendum to Regulation IV (Effective 1977)
- Rule 518 Variance Procedures for Title V Facilities (Adopted 08/11/95)
- Rule 518.1 Permit Appeal Procedures for Title V Facilities (Adopted 08/11/95)
- Rule 518.2 Federal Alternative Operating Conditions (Adopted 12/21/01)
- Rule 701 Air Pollution Emergency Contingency Actions (Adopted 06/13/97)
- Rule 702 Definitions (Adopted 07/11/80)
- Rule 708 Plans (Rescinded 09/08/95)
- Regulation IX Standard of Performance For New Stationary Sources (Adopted 4/4/08)
- Regulation X National Emission Standards for Hazardous Air Pollutants (Adopted 4/4/08)
- Rule 1105.1 Reduction of PM₁₀ And Ammonia Emissions From Fluid Catalytic Cracking Units (Adopted 11/07/03)
- Rule 1106 Marine Coating Operations (Adopted 01/13/95)
- Rule 1107 Coating of Metal Parts and Products (Adopted 1/6/06)
- Rule 1109 Emissions of Oxides of Nitrogen for Boilers and Process Heaters in Petroleum Refineries (Adopted 08/05/88)
- Rule 1110 Emissions from Stationary Internal Combustion Engines (Demonstration) (Repealed 11/14/97)
- Rule 1110.1 Emissions from Stationary Internal Combustion Engines (Rescinded 06/03/05)
- Rule 1110.2 Emissions from Gaseous-and Liquid Fueled Engines (Adopted 2/1/08)
- Rule 1113 Architectural Coatings (Adopted 7/13/07)
- Rule 1116.1 Lightering Vessel Operations-Sulfur Content of Bunker Fuel (Adopted 10/20/78)
- Rule 1121 Control of Nitrogen Oxides from Residential-Type Natural Gas-Fired Water Heaters (Adopted 09/03/04)
- Rule 1122 Solvent Degreasers (Adopted 10/01/04)
- Rule 1123 Refinery Process Turnarounds (Adopted 12/07/90)
- Rule 1129 Aerosol Coatings (Rescinded 03/08/96)
- Rule 1132 Further Control of VOC Emissions from High-Emitting Spray Booth Facilities (Adopted 5/5/06)
- Rule 1134 Emissions of Oxides of Nitrogen from Stationary Gas Turbines (Adopted 08/08/97)
- Rule 1136 Wood Products Coatings (Adopted 06/14/96)
- Rule 1137 PM₁₀ Emission Reductions from Woodworking Operations (Adopted 02/01/02)
- Rule 1140 Abrasive Blasting (Adopted 08/02/85)
- Rule 1142 Marine Tank Vessel Operations (Adopted 07/19/91)
- Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (Adopted 9/5/08)
- Rule 1146.1 Emission of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (Adopted 9/5/08)
- Rule 1146.2 Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers (Adopted 5/5/06)
- Rule 1148 Thermally Enhanced Oil Recovery Wells (Adopted 11/05/82)
- Rule 1149 Storage Tank Cleaning And Degassing (Adopted 5/2/08)
- Rule 1162 Polyester Resin Operations (Adopted 7/8/05)
- Rule 1168 Adhesive and Sealant Applications (Adopted 01/07/05)
- Rule 1171 Solvent Cleaning Operations (Adopted 2/1/08)
- Rule 1173 Control of Volatile Organic Compounds Leaks and Releases From Components At Petroleum Facilities and Chemical Plants (Adopted 6/1/07)
- Rule 1176 VOC Emissions from Wastewater Systems (Adopted 09/13/96)

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- Rule 1178 Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities (Adopted 4/7/06)
- Rule 1301 General (Adopted 12/07/95)
- Rule 1302 Definitions (Adopted 12/06/02)
- Rule 1303 Requirements (Adopted 12/06/02)
- Rule 1304 Exemptions (Adopted 06/14/96)
- Rule 1306 Emission Calculations (Adopted 12/06/02)
- Rule 1309.1 Priority Reserve (Replaced 8/3/07)
- Rule 1313 Permits to Operate (Adopted 12/07/95)
- Rule 1315 Federal New Source Review Tracking System (Readopted) (Adopted 8/3/07)
- Rule 1403 Asbestos Emissions from Demolition/Renovation Activities (Adopted 10/5/07)
- Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines (Adopted 6/1/07)
- Rule 1472 Requirements for Facilities with Multiple Stationary Emergency Standby Diesel-Fueled Internal Combustion Engines (Adopted 3/7/08)
- Rule 1605 Credits for the Voluntary Repair of On-Road Motor Vehicles Identified Through Remote Sensing Devices (Adopted 10/11/96)
- Rule 1612 Credits for Clean On-Road Vehicles (Adopted 07/10/98)
- Rule 1612.1 Mobile Source Credit Generation Pilot Program (Adopted 03/16/01)
- Rule 1620 Credits for Clean Off-Road Mobile Equipment (Adopted 07/10/98)
- Rule 1701 General (Adopted 08/13/99)
- Rule 1702 Definitions (Adopted 08/13/99)
- Rule 1703 PSD Analysis (Adopted 10/07/88)
- Rule 1704 Exemptions (Adopted 08/13/99)
- Rule 1706 Emission Calculations (Adopted 08/13/99)
- Rule 1713 Source Obligation (Adopted 10/07/88)
- Regulation XVII Appendix (effective 1977)
- Rule 1901 General Conformity (Adopted 09/09/94)
- Regulation XX Regional Clean Air Incentives Market (Reclaim)
- Rule 2000 General (Adopted 05/06/05)
- Rule 2001 Applicability (Adopted 05/06/05)
- Rule 2002 Allocations for Oxides of Nitrogen (NO_x) and Oxides of Sulfur (SO_x) (Adopted 01/07/05)
- Rule 2004 Requirements (Adopted 4/6/07) except (1)
- Rule 2005 New Source Review for RECLAIM (Adopted 05/06/05) except (i)
- Rule 2006 Permits (Adopted 05/11/01)
- Rule 2007 Trading Requirements (Adopted 4/6/07)
- Rule 2008 Mobile Source Credits (Adopted 10/15/93)
- Rule 2009 Compliance Plan for Power Producing Facilities (Adopted 01/07/05)
- Rule 2010 Administrative Remedies and Sanctions (Adopted 4/6/07)
- Rule 2011 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_x) Emissions (Adopted 05/06/05)
- Appendix A Volume IV—(Protocol for Oxides of Sulfur) (Adopted 05/06/05)
- Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) Emissions (Adopted 05/06/05)
- Appendix A Volume V—(Protocol for Oxides of Nitrogen) (Adopted 05/06/05)
- Rule 2015 Backstop Provisions (Adopted 06/04/04) except (b)(1)(G) and (b)(3)(B)
- Rule 2020 RECLAIM Reserve (Adopted 05/11/01)
- Rule 2100 Registration of Portable Equipment (Adopted 07/11/97)
- Rule 2449 Controls of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles (Adopted 5/2/08)
- Rule 2506 Area Source Credits for NO_x and SO_x (Adopted 12/10/99)
- XXX Title V Permits
- Rule 3000 General (Adopted 11/14/97)
- Rule 3001 Applicability (Adopted 11/14/97)
- Rule 3002 Requirements (Adopted 11/14/97)
- Rule 3003 Applications (Adopted 03/16/01)
- Rule 3004 Permit Types and Content (Adopted 12/12/97)
- Rule 3005 Permit Revisions (Adopted 03/16/01)
- Rule 3006 Public Participation (Adopted 11/14/97)
- Rule 3007 Effect of Permit (Adopted 10/08/93)
- Rule 3008 Potential To Emit Limitations (Adopted 03/16/01)
- XXXI Acid Rain Permit Program (Adopted 02/10/95)
- (8) The following requirements are contained in *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources*, parts 1 and 2, April 2017:
- Rule 2 Definitions (Revised 04/12/11)
- Rule 5 Effective Date (Revised 04/13/04)
- Rule 6 Severability (Revised 11/21/78)
- Rule 7 Boundaries (Adopted 06/14/77)
- Rule 10 Permits Required (Revised 04/13/04)
- Rule 11 Definition for Regulation II (Amended 03/14/06)
- Rule 12 Applications for Permits (Adopted 06/13/95)
- Rule 13 Action on Applications for an Authority To Construct (Adopted 06/13/95)
- Rule 14 Action on Applications for a Permit To Operate (Adopted 06/13/95)
- Rule 15.1 Sampling and Testing Facilities (Adopted 10/12/93)
- Rule 16 BACT Certification (Adopted 06/13/95)
- Rule 19 Posting of Permits (Revised 05/23/72)
- Rule 20 Transfer of Permit (Revised 05/23/72)
- Rule 23 Exemptions From Permits (Revised 11/12/13)
- Rule 24 Source Recordkeeping, Reporting, and Emission Statements (Revised 09/15/92)
- Rule 26 New Source Review—General (Amended 03/14/06)

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- Rule 26.1 New Source Review—Definitions (Revised 11/14/06)
- Rule 26.2 New Source Review—Requirements (Revised 03/14/06)
- Rule 26.3 New Source Review—Exemptions (Revised 3/14/06)
- Rule 26.6 New Source Review—Calculations (Revised 3/14/06)
- Rule 26.8 New Source Review—Permit To Operate (Adopted 10/22/91)
- Rule 26.11 New Source Review—ERC Evaluation at Time of Use (Adopted 05/14/02)
- Rule 26.12 Federal Major Modifications (Adopted 06/27/06)
- Rule 26.13 New Source Review—Prevention of Significant Deterioration (PSD) (Revised 11/10/15)
- Rule 28 Revocation of Permits (Revised 07/18/72)
- Rule 29 Conditions on Permits (Revised 03/14/06)
- Rule 30 Permit Renewal (Revised 04/13/04)
- Rule 32 Breakdown Conditions: Emergency Variances, A., B.I., and D. only. (Revised 02/20/79)
- Rule 33 Part 70 Permits—General (Revised 04/12/11)
- Rule 33.1 Part 70 Permits—Definitions (Revised 04/12/11)
- Rule 33.2 Part 70 Permits—Application Contents (Revised 04/10/01)
- Rule 33.3 Part 70 Permits—Permit Content (Revised 09/12/06)
- Rule 33.4 Part 70 Permits—Operational Flexibility (Revised 04/10/01)
- Rule 33.5 Part 70 Permits—Timeframes for Applications, Review and Issuance (Adopted 10/12/93)
- Rule 33.6 Part 70 Permits—Permit Term and Permit Reissuance (Adopted 10/12/93)
- Rule 33.7 Part 70 Permits—Notification (Revised 04/10/01)
- Rule 33.8 Part 70 Permits—Reopening of Permits (Adopted 10/12/93)
- Rule 33.9 Part 70 Permits—Compliance Provisions (Revised 04/10/01)
- Rule 33.10 Part 70 Permits—General Part 70 Permits (Adopted 10/12/93)
- Rule 34 Acid Deposition Control (Adopted 03/14/95)
- Rule 35 Elective Emission Limits (Revised 04/12/11)
- Rule 36 New Source Review—Hazardous Air Pollutants (Adopted 10/06/98)
- Rule 42 Permit Fees (Revised 04/12/16)
- Rule 44 Exemption Evaluation Fee (Revised 04/08/08)
- Rule 45 Plan Fees (Adopted 06/19/90)
- Rule 45.2 Asbestos Removal Fees (Revised 08/04/92)
- Rule 47 Source Test, Emission Monitor, and Call-Back Fees (Adopted 06/22/99)
- Rule 50 Opacity (Revised 04/13/04)
- Rule 52 Particulate Matter—Concentration (Grain Loading)(Revised 04/13/04)
- Rule 53 Particulate Matter—Process Weight (Revised 04/13/04)
- Rule 54 Sulfur Compounds (Revised 01/14/14)
- Rule 56 Open Burning (Revised 11/11/03)
- Rule 57 Incinerators (Revised 01/11/05)
- Rule 57.1 Particulate Matter Emissions From Fuel Burning Equipment (Adopted 01/11/05)
- Rule 62.7 Asbestos-Demolition and Renovation (Adopted 06/16/92, Effective 09/01/92)
- Rule 63 Separation and Combination of Emissions (Revised 11/21/78)
- Rule 64 Sulfur Content of Fuels (Revised 04/13/99)
- Rule 68 Carbon Monoxide (Revised 04/13/04)
- Rule 71 Crude Oil and Reactive Organic Compound Liquids (Revised 12/13/94)
- Rule 71.1 Crude Oil Production and Separation (Revised 06/16/92)
- Rule 71.2 Storage of Reactive Organic Compound Liquids (Revised 09/26/89)
- Rule 71.3 Transfer of Reactive Organic Compound Liquids (Revised 06/16/92)
- Rule 71.4 Petroleum Sumps, Pits, Ponds, and Well Cellars (Revised 06/08/93)
- Rule 71.5 Glycol Dehydrators (Adopted 12/13/94)
- Rule 72 New Source Performance Standards (NSPS) (Revised 09/9/08)
- Rule 73 National Emission Standards for Hazardous Air Pollutants (NESHAPS) (Revised 09/9/08)
- Rule 74 Specific Source Standards (Adopted 07/06/76)
- Rule 74.1 Abrasive Blasting (Revised 11/12/91)
- Rule 74.2 Architectural Coatings (Revised 01/12/10)
- Rule 74.6 Surface Cleaning and Degreasing (Revised 11/11/03—effective 07/01/04)
- Rule 74.6.1 Batch Loaded Vapor Degreasers (Adopted 11/11/03—effective 07/01/04)
- Rule 74.7 Fugitive Emissions of Reactive Organic Compounds at Petroleum Refineries and Chemical Plants (Revised 10/10/95)
- Rule 74.8 Refinery Vacuum Producing Systems, Waste-Water Separators and Process Turnarounds (Revised 07/05/83)
- Rule 74.9 Stationary Internal Combustion Engines (Revised 11/08/05)
- Rule 74.10 Components at Crude Oil Production Facilities and Natural Gas Production and Processing Facilities (Revised 03/10/98)
- Rule 74.11 Natural Gas-Fired Residential Water Heaters—Control of NO_x (Revised 05/11/10)
- Rule 74.11.1 Large Water Heaters and Small Boilers (Revised 09/11/12)
- Rule 74.12 Surface Coating of Metal Parts and Products (Revised 04/08/08)
- Rule 74.15 Boilers, Steam Generators and Process Heaters (5 MMBTUs and greater) (Revised 11/08/94)
- Rule 74.15.1 Boilers, Steam Generators and Process Heaters (1 to 5 MMBTUs) (Revised 06/23/15)
- Rule 74.16 Oil Field Drilling Operations (Adopted 01/08/91)

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Rule 74.20 Adhesives and Sealants (Revised 09/11/12)
Rule 74.23 Stationary Gas Turbines (Revised 1/08/02)
Rule 74.24 Marine Coating Operations (Revised 09/11/12)
Rule 74.24.1 Pleasure Craft Coating and Commercial Boatyard Operations (Revised 01/08/02)
Rule 74.26 Crude Oil Storage Tank Degassing Operations (Adopted 11/08/94)
Rule 74.27 Gasoline and ROC Liquid Storage Tank Degassing Operations (Adopted 11/08/94)
Rule 74.28 Asphalt Roofing Operations (Adopted 05/10/94)
Rule 74.30 Wood Products Coatings (Revised 06/27/06)
Rule 74.31 Metal Working Fluids and Direct-Contact Lubricants (Adopted 11/12/13)
Rule 75 Circumvention (Revised 11/27/78)
Rule 101 Sampling and Testing Facilities (Revised 05/23/72)
Rule 102 Source Tests (Revised 04/13/04)
Rule 103 Continuous Monitoring Systems (Revised 02/09/99)
Rule 154 Stage 1 Episode Actions (Adopted 09/17/91)
Rule 155 Stage 2 Episode Actions (Adopted 09/17/91)
Rule 156 Stage 3 Episode Actions (Adopted 09/17/91)
Rule 158 Source Abatement Plans (Adopted 09/17/91)
Rule 159 Traffic Abatement Procedures (Adopted 09/17/91)
Rule 220 General Conformity (Adopted 05/09/95)
Rule 230 Notice to Comply (Revised 9/9/08)

DELAWARE

(a) State requirements.

(1) The following State of Delaware requirements are applicable to OCS Sources, December 19, 2008, State of Delaware—Department of Natural Resources and Environmental Control. The following sections of 7 DE Admin. Code 1100—Air Quality Management Section:

7 DE ADMIN. CODE 1101: DEFINITIONS AND ADMINISTRATIVE PRINCIPLES

Section 1.0: General Provisions (Effective 02/01/1981)
Section 2.0: Definitions (Effective 09/11/1999)
Section 3.0: Administrative Principles (02/01/1981)
Section 4.0: Abbreviations (Effective 02/01/1981)

7 DE ADMIN. CODE 1102: PERMITS

Section 1.0: General Provisions (Effective 06/11/2006)
Section 2.0: Applicability (Effective 06/11/2006)

Section 3.0: Application/Registration Prepared by Interested Party (Effective 06/01/1997)
Section 4.0: Cancellation of Construction Permits (Effective 06/01/1997)
Section 5.0: Action on Applications (Effective 06/01/1997)
Section 6.0: Denial, Suspension or Revocation of Operating Permits (Effective 06/11/2006)
Section 7.0: Transfer of Permit/Registration Prohibited (Effective 06/01/1997)
Section 8.0: Availability of Permit/Registration (Effective 06/01/1997)
Section 9.0: Registration Submittal (Effective 06/01/1997)
Section 10.0: Source Category Permit Application (Effective 06/01/1997)
Section 11.0: Permit Application (Effective 06/11/2006)
Section 12.0: Public Participation (Effective 06/11/2006)
Section 13.0: Department Records (Effective 06/01/1997)
Section 1102: Appendix A (Effective 06/11/2006)

7 DE ADMIN. CODE 1103: AMBIENT AIR QUALITY STANDARDS

Section 1.0: General Provisions (Effective 09/11/1999)
Section 2.0: General Restrictions (Effective 02/01/1981)
Section 3.0: Suspended Particulates (Effective 02/01/1981)
Section 4.0: Sulfur Dioxide (Effective 02/01/1981)
Section 5.0: Carbon Monoxide (Effective 02/01/1981)
Section 6.0: Ozone (Effective 09/11/1999)
Section 7.0: Hydrocarbons (Effective 02/01/1981)
Section 8.0: Nitrogen Dioxide (Effective 02/01/1981)
Section 9.0: Hydrogen Sulfide (Effective 02/01/1981)
Section 10.0: Lead (Effective 02/01/1981)
Section 11.0: PM10 and PM2.5 Particulates (Effective 2/11/2003)

7 DE ADMIN. CODE 1104: PARTICULATE EMISSIONS FROM FUEL BURNING EQUIPMENT

Section 1.0: General Provisions (Effective 02/01/1981)
Section 2.0: Emission Limits (Effective 02/01/1981)

7 DE ADMIN. CODE 1105: PARTICULATE EMISSIONS FROM INDUSTRIAL PROCESS OPERATIONS

Section 1.0: General Provisions (Effective 02/01/1981)
Section 2.0: General Restrictions (Effective 02/01/1981)
Section 3.0: Restrictions on Hot Mix Asphalt Batching Operations (Effective 02/01/1981)

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Section 4.0: Restrictions on Secondary Metal Operations (Effective 02/01/1981)

Section 5.0: Restrictions on Petroleum Refining Operations (Effective 02/01/1981)

Section 6.0: Restrictions on Prill Tower Operations (Effective 02/01/1981)

Section 7.0: Control of Potentially Hazardous Particulate Matter (Effective 02/01/1981)

7 DE ADMIN. CODE 1106: PARTICULATE EMISSIONS FROM CONSTRUCTION AND MATERIALS HANDLING

Section 1.0: General Provisions (Effective 02/01/1981)

Section 2.0: Demolition (Effective 02/01/1981)

Section 3.0: Grading, Land Clearing, Excavation and Use of Non-Paved Roads (Effective 02/01/1981)

Section 4.0: Material Movement (Effective 02/01/1981)

Section 5.0: Sandblasting (Effective 02/01/1981)

Section 6.0: Material Storage (Effective 02/01/1981)

7 DE ADMIN. CODE 1107: EMISSIONS FROM INCINERATION OF NONINFECTIOUS WASTE

Section 1.0: General Provisions (Effective 10/13/1989)

Section 2.0: Restrictions (Effective 10/13/1989)

7 DE ADMIN. CODE 1108: SULFUR DIOXIDE EMISSIONS FROM FUEL BURNING EQUIPMENT

Section 1.0: General Provisions (Effective 12/08/1983)

Section 2.0: Limit on Sulfur Content of Fuel (Effective 05/09/1985)

Section 3.0: Emission Control in Lieu of Sulfur Content Limits of 2.0 of This Regulation (Effective 05/09/1985)

7 DE ADMIN. CODE 1109: EMISSIONS OF SULFUR COMPOUNDS FROM INDUSTRIAL OPERATIONS

Section 1.0: General Provisions (Effective 05/09/1985)

Section 2.0: Restrictions on Sulfuric Acid Manufacturing Operations (Effective 02/01/1981)

Section 3.0: Restriction on Sulfuric Recovery Operations (Effective 02/01/1981)

Section 4.0: Stack Height Requirements (Effective 02/01/1981)

7 DE ADMIN. CODE 1110: EMISSIONS OF SULFUR COMPOUNDS FROM INDUSTRIAL OPERATIONS

Section 1.0: Requirements for Existing Sources of Sulfur Dioxide (Effective 01/18/1981)

Section 2.0: Requirements for New Sources of Sulfur Dioxide (Effective 02/01/1981)

7 DE ADMIN. CODE 1111: CARBON MONOXIDE EMISSIONS FROM INDUSTRIAL PROCESS OPERATIONS, NEW CASTLE COUNTY

Section 1.0: General Provisions (Effective 02/01/1981)

Section 2.0: Restrictions on Petroleum Refining Operations (Effective 02/01/1981)

7 DE ADMIN. CODE 1112: CONTROL OF NITROGEN OXIDE EMISSIONS

Section 1.0: Applicability (Effective 11/24/1993)

Section 2.0: Definitions (Effective 11/24/1993)

Section 3.0: Standards (Effective 11/24/1993)

Section 4.0: Exemptions (Effective 11/24/1993)

Section 5.0: Alternative and Equivalent RACT Determinations (11/24/1993)

Section 6.0: RACT Proposals (11/24/1993)

Section 7.0: Compliance Certification, Recordkeeping, and Reporting Requirements (Effective 11/24/1993)

7 DE ADMIN. CODE 1113: OPEN BURNING

Section 1.0: Purpose (Effective 04/11/2007)

Section 2.0: Applicability (Effective 04/11/2007)

Section 3.0: Definitions (Effective 04/11/2007)

Section 4.0: Prohibitions and Related Provisions (Effective 04/11/2007)

Section 5.0: Season and Time Restrictions (Effective 04/11/2007)

Section 6.0: Allowable Open Burning (Effective 04/11/2007)

Section 7.0: Exemptions (Effective 04/11/2007)

7 DE ADMIN. CODE 1114: VISIBLE EMISSIONS

Section 1.0: General Provisions (Effective 07/17/1984)

Section 2.0: Requirements (Effective 07/17/1984)

Section 3.0: Alternate Opacity Requirements (Effective 07/17/1984)

Section 4.0: Compliance With Opacity Standards (Effective 07/17/1984)

7 DE ADMIN. CODE 1115: AIR POLLUTION ALERT AND EMERGENCY PLAN

Section 1.0: General Provisions (Effective 07/17/1984)

Section 2.0: Stages and Criteria (Effective 03/29/1988)

Section 3.0: Required Actions (Effective 02/01/1981)

Section 4.0: Standby Plans (Effective 02/01/1981)

7 DE ADMIN. CODE 1116: SOURCES HAVING AN INTERSTATE AIR POLLUTION POTENTIAL

Section 1.0: General Provisions (Effective 02/01/1981)

Section 2.0: Limitations (Effective 02/01/1981)

Section 3.0: Requirements (Effective 02/01/1981)

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- 7 DE ADMIN. CODE 1117: SOURCE MONITORING, RECORDKEEPING AND REPORTING
- Section 1.0: Definitions and Administrative Principals (Effective 01/11/1993)
- Section 2.0: Sampling and Monitoring (Effective 07/17/1984)
- Section 3.0: Minimum Emissions Monitoring Requirements For Existing Sources (Effective 07/17/1984)
- Section 4.0: Performance Specifications (Effective 07/17/1984)
- Section 5.0: Minimum Data Requirements (Effective 07/17/1984)
- Section 6.0: Data Reduction (Effective 07/17/1984)
- Section 7.0: Emission Statement (Effective 01/11/1993)
- 7 DE ADMIN. CODE 1120: NEW SOURCE PERFORMANCE STANDARDS
- Section 1.0: General Provisions (Effective 12/07/1988)
- Section 2.0: Standards of Performance for Fuel Burning Equipment (Effective 04/18/1983)
- Section 3.0: Standards of Performance for Nitric Acid Plants (Effective 04/18/1983)
- Section 5.0: Standards of Performance for Asphalt Concrete Plants (Effective 04/18/1983)
- Section 6.0: Standards of Performance for Incinerators (Effective 04/18/1983)
- Section 7.0: Standards of Performance for Sewage Treatment Plants (Effective 04/18/1983)
- Section 8.0: Standards of Performance for Sulfuric Acid Plants (Effective 04/18/1983)
- Section 9.0: Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978 (Effective 04/18/1983)
- Section 10.0: Standards of Performance for Stationary Gas Turbines (Effective 11/27/1985)
- Section 11.0: Standards of Performance for Petroleum Refineries (Effective 11/27/1985)
- Section 12.0: Standards of Performance for Steel Plants: Electric Arc Furnaces (Effective 11/27/1985)
- Section 20.0: Standards of Performance for Bulk Gasoline Terminals (Effective 11/27/1985)
- Section 22.0: Standards of Performance for Equipment Leaks at Petroleum Refineries (Effective 11/27/1985)
- Section 27.0: Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984 (Effective 12/07/1988)
- Section 29.0: Standards of Performance for Hospital/Medical/Infectious Waste Incinerators (Effective 09/11/1998)
- 7 DE ADMIN. CODE 1122: RESTRICTION ON QUALITY OF FUEL IN FUEL BURNING EQUIPMENT
- Section 1.0: Prohibition of Waste Oil (Effective 11/27/1985)
- 7 DE ADMIN. CODE 1124: CONTROL OF VOLATILE ORGANIC COMPOUNDS
- Section 1.0: General Provisions (Effective 01/11/1993)
- Section 2.0: Definitions (Effective 01/11/2002)
- Section 3.0: Applicability (Effective 01/11/1993)
- Section 4.0: Compliance, Certification, Recordkeeping, and Reporting Requirements for Coating Sources (Effective 11/29/1994)
- Section 5.0: Compliance, Certification, Recordkeeping, and Reporting Requirements for Non-Coating Sources (Effective 01/11/1993)
- Section 6.0: General Recordkeeping (Effective 01/11/1993)
- Section 7.0: Circumvention (Effective 01/11/1993)
- Section 8.0: Handling, Storage, and Disposal of Volatile Organic Compounds (VOCs) (Effective 11/29/1994)
- Section 9.0: Compliance, Permits, Enforceability (Effective 01/11/1993)
- Section 10.0: Aerospace Coatings (Effective 08/11/2002)
- Section 11.0: Mobile Equipment Repair and Refinishing (Effective 11/11/2001)
- Section 12.0: Surface Coating of Plastic Parts (Effective 11/29/1994)
- Section 13.0: Automobile and Light-Duty Truck Coating Operations (Effective 01/11/1993)
- Section 14.0: Can Coating (Effective 01/11/1993)
- Section 15.0: Coil Coating (Effective 01/11/1993)
- Section 16.0: Paper Coating (Effective 01/11/1993)
- Section 17.0: Fabric Coating (Effective 01/11/1993)
- Section 18.0: Vinyl Coating (Effective 01/11/1993)
- Section 19.0: Coating of Metal Furniture (Effective 01/11/1993)
- Section 20.0: Coating of Large Appliances (Effective 01/11/1993)
- Section 21.0: Coating of Magnet Wire (Effective 01/11/1993)
- Section 22.0: Coating of Miscellaneous Parts (Effective 01/11/1993)
- Section 23.0: Coating of Flat Wood Paneling (Effective 01/11/1993)
- Section 24.0: Bulk Gasoline Plants (Effective 01/11/1993)
- Section 25.0: Bulk Gasoline Terminals (Effective 11/29/1994)
- Section 26.0: Gasoline Dispensing Facility Stage I Vapor Recovery (Effective 01/11/2002)

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- Section 27.0: Gasoline Tank Trucks (Effective 01/11/1993)
- Section 28.0: Petroleum Refinery Sources (Effective 01/11/1993)
- Section 29.0: Leaks from Petroleum Refinery Equipment (Effective 11/29/1994)
- Section 30.0: Petroleum Liquid Storage in External Floating Roof Tanks (Effective 11/29/1994)
- Section 31.0: Petroleum Liquid Storage in Fixed Roof Tanks (Effective 11/29/1994)
- Section 32.0: Leaks from Natural Gas/Gasoline Processing Equipment (Effective 11/29/1994)
- Section 33.0: Solvent Cleaning and Drying (Effective 11/11/2001)
- Section 34.0: Cutback and Emulsified Asphalt (Effective 01/11/1993)
- Section 35.0: Manufacture of Synthesized Pharmaceutical Products (Effective 11/29/1994)
- Section 36.0: Stage II Vapor Recovery (Effective 01/11/2002)
- Section 37.0: Graphic Arts Systems (Effective 11/29/1994)
- Section 38.0: Petroleum Solvent Dry Cleaners (Effective 01/11/1993)
- Section 40.0: Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment (Effective 01/11/1993)
- Section 41.0: Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins (Effective 01/11/1993)
- Section 42.0: Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry (Effective 01/11/1993)
- Section 43.0: Bulk Gasoline Marine Tank Vessel Loading Facilities (Effective 08/08/1994)
- Section 44.0: Batch Processing Operations (Effective 11/29/1994)
- Section 45.0: Industrial Cleaning Solvents (Effective 11/29/1994)
- Section 46.0: Crude Oil Lightering Operations (Effective 05/11/2007)
- Section 47.0: Offset Lithographic Printing (Effective 11/29/1994)
- Section 48.0: Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry (Effective 11/29/1994)
- Section 49.0: Control of Volatile Organic Compound Emissions from Volatile Organic Liquid Storage Vessels (Effective 11/29/1994)
- Section 50.0: Other Facilities that Emit Volatile Organic Compounds (VOCs) (Effective 11/29/1994)
- 7 DE ADMIN. CODE 1124: CONTROL OF ORGANIC COMPOUND EMISSIONS
- Appendix A: General Provisions: Test Methods and Compliance Procedures (Effective 11/29/1994)
- Appendix B: Determining the Volatile Organic Compound (VOC) Content of Coatings and Inks (Effective 11/29/1994)
- Appendix C: Alternative Compliance Methods for Surface Coating (Effective 11/29/1994)
- Appendix D: Emission Capture and Destruction or Removal Efficiency and Monitoring Requirements (Effective 11/29/1994)
- Method 30: Criteria for and Verification of a Permanent or Temporary Total Enclosure (Effective 11/29/1994)
- Method 30A: Volatile Organic Compounds Content in Liquid Input Stream (Effective 11/29/1994)
- Method 30B: Volatile Organic Compounds Emissions in Captured Stream (Effective 11/29/1994)
- Method 30C: Volatile Organic Compounds Emissions in Captured Stream (Dilution Technique) (Effective 11/29/1994)
- Method 30D: Volatile Organic Compounds Emissions in Fugitive Stream from Temporary Total Enclosure (Effective 11/29/1994)
- Method 30E: Volatile Organic Compounds Emissions in Fugitive Stream from Building Enclosure (Effective 11/29/1994)
- Appendix E: Determining the Destruction or Removal Efficiency of a Control Device (Effective 11/29/1994)
- Appendix F: Leak Detection Methods for Volatile Organic Compounds (VOCs) (Effective 11/29/1994)
- Appendix G: Performance Specifications for Continuous Emissions Monitoring of Total Hydrocarbons (Effective 11/29/1994)
- Appendix H: Quality Control Procedures for Continuous Emission Monitoring Systems (CEMS) (Effective 11/29/1994)
- Appendix I: Method to Determine Length of Rolling Period for Liquid/Liquid Material Balance (Effective 11/29/1994)
- Appendix K: Emissions Estimation Methodologies (Effective 11/29/1994)
- Appendix L: Method to Determine Total Organic Carbon for Offset Lithographic Solutions (Effective 11/29/1994)
- Appendix M: Test Method for Determining the Performance of Alternative Cleaning Fluids (Effective 11/29/1994)
- 7 DE ADMIN. CODE 1125: REQUIREMENTS FOR PRECONSTRUCTION REVIEW
- Section 1.0: General Provisions (Effective 08/11/2005)
- Section 2.0: Emission Offset Provisions (EOP) (Effective 08/11/2005)
- Section 3.0: Prevention of Significant Deterioration of Air Quality (Effective 08/11/2005)
- Section 4.0: Minor New Source Review (MNSR) (Effective 08/11/2005)
- 7 DE ADMIN. CODE 1127: STACK HEIGHTS
- Section 1.0: General Provisions (Effective 07/06/1982)
- Section 2.0: Definitions Specific to this Regulation (Effective 12/07/1988)

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Section 3.0: Requirements for Existing and New Sources (Effective 02/18/1987)
Section 4.0: Public Notification (Effective 02/18/1987)

7 DE ADMIN. CODE 1129: EMISSIONS FROM INCINERATION OF INFECTIOUS WASTE

Section 1.0: General Provisions (10/13/1989)
Section 2.0: Exemptions (Effective 10/13/1989)
Section 3.0: Permit Requirements (Effective 10/13/1989)
Section 4.0: Methods of Treatment and Disposal (Effective 10/13/1989)
Section 5.0: Recordkeeping and Reporting Requirements (Effective 10/13/1989)
Section 6.0: Evidence of Effectiveness of Treatment (Effective 10/13/1989)
Section 7.0: Incineration (Effective 10/13/1989)

7 DE ADMIN. CODE 1130: TITLE V STATE OPERATING PERMIT PROGRAM

Section 1.0: Program Overview (Effective 11/15/1993)
Section 2.0: Definitions (Effective 11/15/1993)
Section 3.0: Applicability (Effective 11/15/1993)
Section 5.0: Permit Applications (Effective 11/15/1993)
Section 6.0: Permit Contents (Effective 12/11/2000)
Section 7.0: Permit Issuance, Renewal, Reopening, And Revisions (Effective 12/11/2000)
Section 8.0: Permit Review by EPA and Affected States (Effective 11/15/1993)
Section 9.0: Permit Fees (Effective 11/15/1993)
Appendix A: Insignificant Activities (Effective 11/15/1993)

7 DE ADMIN. CODE 1132: TRANSPORTATION CONFORMITY

Section 1.0: Purpose (Effective 11/11/2007)
Section 2.0: Definitions (Effective 11/11/2007)
Section 3.0: Consultation (Effective 11/11/2007)
Section 4.0: Written Commitments for Control and Mitigation Measures (Effective 11/11/2007)

7 DE ADMIN CODE 1134: EMISSION BANKING AND TRADING PROGRAM

Section 1.0: Program Overview (Effective 10/06/1997)
Section 2.0: Definitions (Effective 10/06/1997)
Section 3.0: Applicability (Effective 10/06/1997)
Section 4.0: Generating an Emission Reduction (Effective 10/06/1997)
Section 5.0: Application for Certification of an Emission Reduction as an ERC (Effective 10/06/1997)
Section 6.0: Source Baseline (Effective 10/06/1997)
Section 7.0: Post-Reduction Emission rate (Effective 10/06/1997)
Section 8.0: Certification of an Emission Reduction (Effective 10/06/1997)

Section 9.0: Trading and Use of ERCs (Effective 10/06/1997)

Section 10.0: Record Keeping Requirements (Effective 10/06/1997)

Section 11.0: ERC Banking System (Effective 10/06/1997)

Section 12.0: Fees (Effective 10/06/1997)

Section 13.0: Enforcement (Effective 10/06/1997)

Section 14.0: Program Evaluation and Individual Audits (Effective 10/06/1997)

7 DE ADMIN. CODE 1135: CONFORMITY OF GENERAL FEDERAL ACTIONS TO THE STATE IMPLEMENTATION PLANS

Section 1.0: Purpose (Effective 08/14/1996)
Section 2.0: Definitions (Effective 08/14/1996)
Section 3.0: Applicability (Effective 08/14/1996)

Section 4.0: Conformity Analysis (Effective 08/14/1996)

Section 5.0: Reporting Requirements (Effective 08/14/1996)

Section 6.0: Public Participation and Consultation (Effective 08/14/1996)

Section 7.0: Frequency of Conformity Determinations (Effective 08/14/1996)

Section 8.0: Criteria for Determining Conformity of General Federal Actions (Effective 08/14/1996)

Section 9.0: Procedures for Conformity Determinations of General Federal Actions (Effective 08/14/1996)

Section 10.0: Mitigation of Air Quality Impacts (Effective 08/14/1996)

Section 11.0: Savings Provisions (Effective 08/14/1996)

7 DE ADMIN. CODE 1139: NITROGEN OXIDES (NO_x) BUDGET TRADING PROGRAM

Section 1.0: Purpose (Effective 12/11/2000)
Section 2.0: Emission Limitation (Effective 12/11/2000)

Section 3.0: Applicability (Effective 12/11/2000)

Section 4.0: Definitions (Effective 12/11/2000)

Section 5.0: General Provisions (Effective 12/11/2000)

Section 6.0: NO_x Authorized Account Representative for NO_x Budget Sources (Effective 12/11/2000)

Section 7.0: Permits (Effective 12/11/2000)

Section 8.0: Monitoring and Reporting (Effective 12/11/2000)

Section 9.0: NATS (Effective 12/11/2000)

Section 10.0: NO_x Allowance Transfers (Effective 12/11/2000)

Section 11.0: Compliance Certification (Effective 12/11/2000)

Section 12.0: End-of-Season Reconciliation (Effective 12/11/2000)

Section 13.0: Failure to Meet Compliance Requirements (Effective 12/11/2000)

Section 14.0: Individual Units Opt-Ins (Effective 12/11/2000)

Section 15.0: General Accounts (Effective 12/11/2000)

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Appendix A: Allowance Allocations to NO_x Budget Units under 3.1.1.1 and 3.1.1.2 of DE Admin. Code 1139 (Effective 02/11/2000)

Appendix B: 7 DE Admin. Code 1137—7 DE Admin. Code 1139 Program Transition (Effective 02/11/2000)

7 DE ADMIN. CODE 1140: DELAWARE'S NATIONAL LOW EMISSION VEHICLE (NLEV) REGULATION

Section 1.0: Applicability (Effective 09/11/1999)

Section 2.0: Definitions (Effective 09/11/1999)

Section 3.0: Program Participation (Effective 09/11/1999)

7 DE ADMIN. CODE 1142: SPECIFIC EMISSION CONTROL REQUIREMENTS

Section 1.0: Control of NO_x Emissions from Industrial Boilers (Effective 12/12/2001)

7 DE ADMIN. CODE 1143: HEAVY DUTY DIESEL ENGINE STANDARDS

Section 1.0: On Road Heavy Duty Diesel Requirements for Model Years 2005 and 2006 (Effective 02/11/2005)

Section 2.0: On Road Heavy Duty Diesel Requirements for Model Year 2007 and Later (Effective 02/11/2005)

7 DE ADMIN. CODE 1144: CONTROL OF STATIONARY GENERATOR EMISSIONS¹

Section 1.0: General (Effective 01/11/2006)

Section 2.0: Definitions (Effective 01/11/2006)

Section 3.0: Emissions (Effective 01/11/2006)

Section 4.0: Operating Requirements (Effective 01/11/2006)

Section 5.0: Fuel Requirements (Effective 01/11/2006)

Section 7.0: Emissions Certification, Compliance, and Enforcement (Effective 01/11/2006)

Section 8.0: Credit for Concurrent Emissions Reductions (Effective 01/11/2006)

Section 9.0: DVFA Member Companies (Effective 01/11/2006)

7 DE ADMIN. CODE 1145: EXCESSIVE IDLING OF HEAVY DUTY VEHICLES

Section 1.0: Applicability (Effective 04/11/2005)

Section 2.0: Definitions (Effective 04/11/2005)

Section 3.0: Severability (Effective 04/11/2005)

Section 4.0: Operational Requirements for Heavy Duty Motor Vehicles (Effective 04/11/2005)

Section 5.0: Exemptions (Effective 04/11/2005)

Section 6.0: Enforcement and Penalty (Effective 04/11/2005)

¹All sections for 7 DE Admin. Code 1144: Control of Stationary Generator Emissions shall be incorporated by reference into 40 CFR part 55 except for all references to Carbon Dioxide (CO₂).

7 DE ADMIN. CODE 1146: ELECTRIC GENERATING UNIT (EGU) MULTI-POLLUTANT REGULATION

Section 1.0: Preamble (Effective 12/11/2006)

Section 2.0: Applicability (Effective 12/11/2006)

Section 3.0: Definitions (Effective 12/11/2006)

Section 4.0: NO_x Emissions Limitations (Effective 12/11/2006)

Section 5.0: SO₂ Emissions Limitations (Effective 12/11/2006)

Section 6.0: Mercury Emissions Limitations (Effective 12/11/2006)

Section 7.0: Recordkeeping and Reporting (Effective 12/11/2006)

Section 8.0: Compliance Plan (Effective 12/11/2006)

Section 9.0: Penalties (Effective 12/11/2006)

7 DE ADMIN. CODE 1148: CONTROL OF STATIONARY COMBUSTION TURBINE ELECTRIC GENERATING UNIT EMISSIONS

Section 1.0: Purpose (Effective 07/11/2007)

Section 2.0: Applicability (Effective 07/11/2007)

Section 3.0: Definitions (Effective 07/11/2007)

Section 4.0: NO_x Emissions Limitations (Effective 07/11/2007)

Section 5.0: Monitoring and Reporting (Effective 07/11/2007)

Section 6.0: Recordkeeping (Effective 07/11/2007)

Section 7.0: Penalties (Effective 07/11/2007)

(2) [Reserved]

FLORIDA

(a) State requirements.

(1) The following requirements are contained in *State of Florida Requirements Applicable to OCS Sources*, January 2, 2008: Florida Administrative Code—Department of Environmental Protection. The following sections of Chapter 62:

CHAPTER 62-4 PERMITS

62-4.001 Scope of Part I (Effective 10/1/07)

62-4.020 Definitions (Effective 4/3/03)

62-4.021 Transferability of Definitions (Effective 8/31/88)

62-4.030 General Prohibition (Effective 8/31/88)

62-4.040 Exemptions (Effective 8/31/88)

62-4.050 Procedure to Obtain Permits and other Authorizations; Applications (Effective 10/31/07)

62-4.055 Permit Processing (Effective 8/16/98)

62-4.060 Consultation (Effective 8/31/88)

62-4.070 Standards of Issuing or Denying Permits; Issuance; Denial (Effective 3/28/91)

62-4.080 Modification of Permit Conditions (Effective 3/19/90)

62-4.090 Renewals (Effective 3/16/08)

62-4.100 Suspension and Revocation (Effective 8/31/88)

62-4.110 Financial Responsibility (Effective 8/31/88)

62-4.120 Transfer of Permits (Effective 4/16/01)

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- 62-4.130 Plant Operation—Problems (Effective 8/31/88)
- 62-4.150 Review (Effective 8/31/88)
- 62-4.160 Permit Conditions (Effective 7/11/93)
- 62-4.200 Scope of Part II (Effective 10/1/07)
- 62-4.210 Construction Permits (Effective 8/31/88)
- 62-4.220 Operation Permit for New Sources (Effective 8/31/88)
- 62-4.249 Preservation of Rights (Effective 8/31/88)
- 62-4.510 Scope of Part III (Effective 10/1/07)
- 62-4.520 Definition (Effective 7/11/90)
- 62-4.530 Procedures (Effective 3/19/90)
- 62-4.540 General Conditions for All General Permits (Effective 8/31/88)

CHAPTER 62-204 AIR POLLUTION CONTROL—GENERAL PROVISIONS

- 62-204.100 Purpose and Scope (Effective 3/13/96)
- 62-204.200 Definitions (Effective 2/12/06)
- 62-204.220 Ambient Air Quality Protection (Effective 3/13/96)
- 62-204.240 Ambient Air Quality Standards (Effective 3/13/96)
- 62-204.260 Prevention of Significant Deterioration Maximum Allowable Increases (PSD Increments) (Effective 2/12/06)
- 62-204.320 Procedures for Designation and Redesignation of Areas (Effective 3/13/96)
- 62-204.340 Designation of Attainment, Non-attainment, and Maintenance Areas (Effective 3/13/96)
- 62-204.360 Designation of Prevention of Significant Deterioration Areas (Effective 3/13/96)
- 62-204.400 Public Notice and Hearing Requirements for State Implementation Plan Revisions (Effective 11/30/94)
- 62-204.500 Conformity (Effective 9/1/98)
- 62-204.800 Federal Regulations Effective by Reference (Effective 7/1/08)

CHAPTER 62-210 STATIONARY SOURCES—GENERAL REQUIREMENTS

- 62-210.100 Purpose and Scope (Effective 1/10/07)
- 62-210.200 Definitions (Effective 3/16/08)
- 62-210.220 Small Business Assistance Program (Effective 2/11/99)
- 62-210.300 Permits Required (Effective 3/16/08)
- 62-210.310 Air General Permits (Effective 5/9/07)
- 62-210.350 Public Notice and Comment (Effective 2/2/06)
- 62-210.360 Administrative Permit Corrections (Effective 3/16/08)
- 62-210.370 Emissions Computation and Reporting (Effective 7/3/08)
- 62-210.550 Stack Height Policy (Effective 11/23/94)
- 62-210.650 Circumvention (Effective 8/26/1981)
- 62-210.700 Excess Emissions (Effective 11/23/94)
- 62-210.900 Forms and Instructions (Effective 7/3/08)

- 62-210.920 Registration Forms for Air General Permits (Effective 5/9/07)

CHAPTER 62-212 STATIONARY SOURCES—PRECONSTRUCTION REVIEW

- 62-212.100 Purpose and Scope (Effective 5/20/97)
- 62-212.300 General Preconstruction Review Requirements (Effective 2/2/06)
- 62-212.400 Prevention of Significant Deterioration (PSD) (Effective 7/16/07)
- 62-212.500 Preconstruction Review for Non-attainment Areas (Effective 2/2/06)
- 62-212.600 Sulfur Storage and Handling Facilities (Effective 8/17/00)
- 62-212.710 Air Emissions Bubble (Effective 5/20/97)
- 62-212.720 Actuals Plantwide Applicability Limits (PALs) (Effective 7/16/07)

CHAPTER 62-213 OPERATION PERMITS FOR MAJOR SOURCES OF AIR POLLUTION

- 62-213.100 Purpose and Scope (Effective 3/13/96)
- 62-213.202 Responsible Official (Effective 6/02/02)
- 62-213.205 Annual Emissions Fee (Effective 3/16/08)
- 62-213.300 Title V Air General Permits (Effective 4/14/03)
- 62-213.400 Permits and Permit Revisions Required (Effective 3/16/08)
- 62-213.405 Concurrent Processing of Permit Applications (Effective 6/02/02)
- 62-213.410 Changes Without Permit Revision (Effective 6/02/02)
- 62-213.412 Immediate Implementation Pending Revision Process (Effective 6/02/02)
- 62-213.413 Fast-Track Revisions of Acid Rain Parts (Effective 6/02/02)
- 62-213.415 Trading of Emissions Within a Source (Effective 4/16/01)
- 62-213.420 Permit Applications (Effective 3/16/08)
- 62-213.430 Permit Issuance, Renewal, and Revision (Effective 3/16/08)
- 62-213.440 Permit Content (Effective 3/16/08)
- 62-213.450 Permit Review by EPA and Affected States (Effective 1/03/01)
- 62-213.460 Permit Shield (Effective 3/16/08)
- 62-213.900 Forms and Instructions (Effective 4/14/03)

CHAPTER 62-214 REQUIREMENTS FOR SOURCES SUBJECT TO THE FEDERAL ACID RAIN PROGRAM

- 62-214.100 Purpose and Scope (Effective 3/16/08)
- 62-214.300 Applicability (Effective 3/16/08)
- 62-214.320 Applications (Effective 3/16/08)
- 62-214.330 Acid Rain Compliance Plan and Compliance Options (Effective 3/16/08)
- 62-214.340 Exemptions (Effective 3/16/08)
- 62-214.350 Certification (Effective 12/10/97)
- 62-214.360 Department Action on Applications (Effective 3/16/08)

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- 62-214.370 Revisions and Administrative Corrections (Effective 4/16/01)
- 62-214.420 Acid Rain Part Content (Effective 3/16/08)
- 62-214.430 Implementation and Termination of Compliance Options (Effective 3/16/08)
- CHAPTER 62-252 GASOLINE VAPOR CONTROL
- 62-252.100 Purpose and Scope (Effective 2/2/93)
- 62-252.200 Definitions (Effective 5/9/07)
- 62-252.300 Gasoline Dispensing Facilities—Stage I Vapor Recovery (Effective 5/9/07)
- 62-252.400 Gasoline Dispensing Facilities—Stage II Vapor Recovery (Effective 5/9/07)
- 62-252.500 Gasoline Tanker Trucks or Trailers (Effective 5/9/07)
- 62-252.900 Form. (Effective 5/9/07)
- CHAPTER 62-256 OPEN BURNING AND FROST PROTECTION FIRES
- 62-256.200 Definitions (Effective 7/6/05)
- 62-256.300 Prohibitions (Effective 7/6/05)
- 62-256.700 Open Burning Allowed (Effective 7/6/05)
- CHAPTER 62-296 STATIONARY SOURCES—EMISSION STANDARDS
- 62-296.100 Purpose and Scope (Effective 3/13/96)
- 62-296.320 General Pollutant Emission Limiting Standards (Effective 3/13/96)
- 62-296.340 Best Available Retrofit Technology (Effective 1/31/07)
- 62-296.341 Regional Haze—Reasonable Progress Control Technology (Effective 2/7/08)
- 62-296.401 Incinerators (Effective 1/10/07)
- 62-296.402 Sulfuric Acid Plants (Effective 3/13/96)
- 62-296.403 Phosphate Processing (Effective 3/13/96)
- 62-296.404 Kraft (Sulfate) Pulp Mills and Tall Oil Plants (Effective 3/13/96)
- 62-296.405 Fossil Fuel Steam Generators with More Than 250 Million Btu Per Hour Heat Input (Effective 3/2/99)
- 62-296.406 Fossil Fuel Steam Generators with Less Than 250 Million Btu Per Hour Heat Input, New and Existing Emissions Units (Effective 3/2/99)
- 62-296.407 Portland Cement Plants (Effective 1/1/96)
- 62-296.408 Nitric Acid Plants (Effective 1/1/96)
- 62-296.409 Sulfur Recovery Plants (Effective 1/1/96)
- 62-296.410 Carbonaceous Fuel Burning Equipment (Effective 1/1/96)
- 62-296.411 Sulfur Storage and Handling Facilities (Effective 1/1/96)
- 62-296.412 Dry Cleaning Facilities (Effective 10/7/96)
- 62-296.413 Synthetic Organic Fiber Production (Effective 2/12/06)
- 62-296.414 Concrete Batching Plants (Effective 1/10/07)
- 62-296.415 Soil Thermal Treatment Facilities (Effective 3/13/96)
- 62-296.416 Waste-to-Energy Facilities (Effective 10/20/96)
- 62-296.417 Volume Reduction, Mercury Recovery and Mercury Reclamation (Effective 3/2/99)
- 62-296.418 Bulk Gasoline Plants (Effective 5/9/07)
- 62-296.470 Implementation of Federal Clean Air Interstate Rule (Effective 4/1/07)
- 62-296.480 Implementation of Federal Clean Air Mercury Rule (Effective 9/6/06)
- 62-296.500 Reasonably Available Control Technology (RACT)—Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO_x) Emitting Facilities (Effective 1/1/96)
- 62-296.501 Can Coating (Effective 1/1/96)
- 62-296.502 Coil Coating (Effective 1/1/96)
- 62-296.503 Paper Coating (Effective 1/1/96)
- 62-296.504 Fabric and Vinyl Coating (Effective 1/1/96)
- 62-296.505 Metal Furniture Coating (Effective 1/1/96)
- 62-296.506 Surface Coating of Large Appliances (Effective 1/1/96)
- 62-296.507 Magnet Wire Coating (Effective 1/1/96)
- 62-296.508 Petroleum Liquid Storage (Effective 1/1/96)
- 62-296.510 Bulk Gasoline Terminals (Effective 1/1/96)
- 62-296.511 Solvent Metal Cleaning (Effective 10/7/96)
- 62-296.512 Cutback Asphalt (Effective 1/1/96)
- 62-296.513 Surface Coating of Miscellaneous Metal Parts and Products (Effective 1/1/96)
- 62-296.514 Surface Coating of Flat Wood Paneling (Effective 1/1/96)
- 62-296.515 Graphic Arts Systems (Effective 1/1/96)
- 62-296.516 Petroleum Liquid Storage Tanks with External Floating Roofs (Effective 1/1/96)
- 62-296.570 Reasonably Available Control Technology (RACT)—Requirements for Major VOC and NO_x-Emitting Facilities (Effective 3/2/99)
- 62-296.600 Reasonably Available Control Technology (RACT) Lead (Effective 3/13/96)
- 62-296.601 Lead Processing Operations in General (Effective 1/1/96)
- 62-296.602 Primary Lead-Acid Battery Manufacturing Operations (Effective 3/13/96)
- 62-296.603 Secondary Lead Smelting Operations (Effective 1/1/96)
- 62-296.604 Electric Arc Furnace Equipped Secondary Steel Manufacturing Operations. (Effective 1/1/96)
- 62-296.605 Lead Oxide Handling Operations (Effective 8/8/1994)
- 62-296.700 Reasonably Available Control Technology (RACT) Particulate Matter (Effective 1/1/96)
- 62-296.701 Portland Cement Plants (Effective 1/1/96)

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- 62-296.702 Fossil Fuel Steam Generators (Effective 1/1/96)
- 62-296.703 Carbonaceous Fuel Burners (Effective 1/1/96)
- 62-296.704 Asphalt Concrete Plants (Effective 1/1/96)
- 62-296.705 Phosphate Processing Operations (Effective 1/1/96)
- 62-296.706 Glass Manufacturing Process (Effective 1/1/96)
- 62-296.707 Electric Arc Furnaces (Effective 1/1/96)
- 62-296.708 Sweat or Pot Furnaces (Effective 1/1/96)
- 62-296.709 Lime Kilns (Effective 1/1/96)
- 62-296.710 Smelt Dissolving Tanks (Effective 1/1/96)
- 62-296.711 Materials Handling, Sizing, Screening, Crushing and Grinding Operations (Effective 1/1/96)
- 62-296.712 Miscellaneous Manufacturing Process Operations (Effective 1/1/96)

CHAPTER 62-297 STATIONARY SOURCE EMISSIONS MONITORING

- 62-297.100 Purpose and Scope (Effective 3/13/96)
- 62-297.310 General Compliance Test Requirements (Effective 3/2/99)
- 62-297.320 Standards for Persons Engaged in Visible Emissions Observations (Effective 2/12/04)
- 62-297.401 Compliance Test Methods (Effective 3/2/99)
- 62-297.440 Supplementary Test Procedures (Effective 10/22/02)
- 62-297.450 EPA VOC Capture Efficiency Test Procedures (Effective 3/2/99)
- 62-297.520 EPA Continuous Monitor Performance Specifications (Effective 3/2/99)
- 62-297.620 Exceptions and Approval of Alternate Procedures and Requirements (Effective 11/23/94)

- (b) Local requirements.
- (1) [Reserved]

MARYLAND:

- (a) State Requirements.
- (1) The following State of Maryland requirements are applicable to OCS Sources, May 6, 2016, State of Maryland—Department of the Environment. The following sections of Code of Maryland Regulations (COMAR) Title 26 Subtitle 11:
 - COMAR 26.11.01—General Administrative Provisions (Effective as of February 15, 2016)
 - COMAR 26.11.02—Permits, Approvals, and Registrations (Effective as of December 10, 2015)
 - COMAR 26.11.03—Permits, Approvals, and Registration—Title V Permits (Effective as of November 12, 2010)
 - COMAR 26.11.05—Air Pollution Episode System (Effective as of November 12, 2010)

- COMAR 26.11.06—General Emission Standards, Prohibitions, and Restrictions (Effective as of July 08, 2013)
- COMAR 26.11.07—Open Fires (Effective as of November 12, 2010)
- COMAR 26.11.08—Control of Incinerators (Effective as of February 15, 2016)
- COMAR 26.11.09—Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines and Certain Fuel-Burning Installations (Effective as of July 20, 2015)
- COMAR 26.11.13—Control of Gasoline and Volatile Organic Compound Storage and Handling (Effective as of July 21, 2014)
- COMAR 26.11.15—Toxic Air Pollutants (Effective as of November 12, 2010)
- COMAR 26.11.16—Procedures Related to Requirements for Toxic Air Pollutants (Effective as of November 12, 2010)
- COMAR 26.11.17—Nonattainment Provisions for Major New Sources and Major Modifications (Effective as of July 08, 2013)
- COMAR 26.11.19—Volatile Organic Compounds from Specific Processes (Effective as of September 28, 2015, 2012)
- COMAR 26.11.20—Mobile Sources (Effective as of November 12, 2010)
- COMAR 26.11.26—Conformity (Effective as of November 12, 2010)
- COMAR 26.11.33—Architectural Coatings (Effective as of November 12, 2010)
- COMAR 26.11.35—Volatile Organic Compounds from Adhesives and Sealants (Effective as of November 12, 2010)
- COMAR 26.11.36—Distributed Generation (Effective as of June 13, 2011)
- COMAR 26.11.39—Architectural and Industrial Maintenance (AIM) Coatings (Effective as of April 2016)

MASSACHUSETTS

- (a) State requirements.
- (1) The following Commonwealth of Massachusetts requirements are applicable to OCS Sources, May 20, 2010, Commonwealth of Massachusetts—Department of Environmental Protection.
 - The following sections of 310 CMR 4.00, 310 CMR 6.00, 310 CMR 7.00 and 310 CMR 8.00:
 - 310 CMR 4.00: TIMELY ACTION SCHEDULE AND FEE PROVISIONS
 - Section 4.01: Purpose, Authority and General Provisions (Effective 9/4/2009)
 - Section 4.02: Definitions (Effective 9/4/2009)
 - Section 4.03: Annual Compliance Assurance Fee (Effective 9/4/2009)
 - Section 4.04: Permit Application Schedules and Fee (Effective 9/4/2009)
 - Section 4.10: Appendix: Schedules for Timely Action and Permit Application Fees (Effective 9/4/2009)

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310 CMR 6.00: AMBIENT AIR QUALITY STANDARDS FOR THE COMMONWEALTH OF MASSACHUSETTS

Section 6.01: Definitions (Effective 4/2/2010)
Section 6.02: Scope (Effective 4/2/2010)
Section 6.03: Reference Conditions (Effective 4/2/2010)
Section 6.04: Standards (Effective 4/2/2010)

310 CMR 7.00: AIR POLLUTION CONTROL

Section 7.00: Statutory Authority; Legend; Preamble; Definitions (Effective 4/2/2010)
Section 7.01: General Regulations to Prevent Air Pollution (Effective 4/2/2010)
Section 7.02: U Plan Approval and Emission Limitations (Effective 4/2/2010)
Section 7.03: U Plan Approval Exemptions: Construction Requirements (Effective 4/2/2010)
Section 7.04: U Fossil Fuel Utilization Facilities (Effective 4/2/2010)
Section 7.05: U Fuels All Districts (Effective 4/2/2010)
Section 7.06: U Visible Emissions (Effective 4/2/2010)
Section 7.07: U Open Burning (Effective 4/2/2010)
Section 7.08: U Incinerators (Effective 4/2/2010)
Section 7.09: U Dust, Odor, Construction and Demolition (Effective 4/2/2010)
Section 7.11: U Transportation Media (Effective 4/2/2010)
Section 7.12: U Source Registration (Effective 4/2/2010)
Section 7.13: U Stack Testing (Effective 4/2/2010)
Section 7.14: U Monitoring Devices and Reports (Effective 4/2/2010)
Section 7.15: U Asbestos (Effective 4/2/2010)
Section 7.18: U Volatile and Halogenated Organic Compounds (Effective 4/2/2010)
Section 7.19: U Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_x) (Effective 4/2/2010)
Section 7.21: Sulfur Dioxide Emissions Limitations (Effective 4/2/2010)
Section 7.22: Sulfur Dioxide Emissions Reductions for the Purpose of Reducing Acid Rain (Effective 4/2/2010)
Section 7.24: U Organic Material Storage and Distribution (Effective 4/2/2010)
Section 7.25: U Best Available Controls for Consumer and Commercial Products (Effective 4/2/2010)
Section 7.26: Industry Performance Standards (Effective 4/2/2010)
Section 7.32: Massachusetts Clean Air Interstate Rule (Mass CAIR) (Effective 4/2/2010)
Section 7.60: U Severability (Effective 4/2/2010)
Section 7.70: Massachusetts CO₂ Budget Trading Program (Effective 4/2/2010)
Section 7.71: Reporting of Greenhouse Gas Emissions (Effective 4/2/2010)
Section 7.00: Appendix A (Effective 4/2/2010)

Section 7.00: Appendix B (Effective 4/2/2010)
Section 7.00: Appendix C (Effective 4/2/2010)

310 CMR 8.00: THE PREVENTION AND/OR ABATEMENT OF AIR POLLUTION EPISODE AND AIR POLLUTION INCIDENT EMERGENCIES

Section 8.01: Introduction (Effective 4/2/2010)
Section 8.02: Definitions (Effective 4/2/2010)
Section 8.03: Air Pollution Episode Criteria (Effective 4/2/2010)
Section 8.04: Air Pollution Episode Potential Advisories (Effective 4/2/2010)
Section 8.05: Declaration of Air Pollution Episodes and Incidents (Effective 4/2/2010)
Section 8.06: Termination of Air Pollution Episodes and Incident Emergencies (Effective 4/2/2010)
Section 8.07: Emission Reductions Strategies (Effective 4/2/2010)
Section 8.08: Emission Reduction Plans (Effective 4/2/2010)
Section 8.15: Air Pollution Incident Emergency (Effective 4/2/2010)
Section 8.30: Severability (Effective 4/2/2010)
(2) [Reserved]

NEW JERSEY

(a) State requirements.

(1) The following State of New Jersey requirements are applicable to OCS Sources, as of August 13, 2009. New Jersey State Department of Environmental Protection—New Jersey Administrative Code. The following sections of Title 7:

CHAPTER 27 SUBCHAPTER 2—CONTROL AND PROHIBITION OF OPEN BURNING (EFFECTIVE 6/20/94)

N.J.A.C. 7:27-2.1. Definitions
N.J.A.C. 7:27-2.2. Open burning for salvage operations
N.J.A.C. 7:27-2.3. Open burning of refuse
N.J.A.C. 7:27-2.4. General provisions
N.J.A.C. 7:27-2.6. Prescribed burning
N.J.A.C. 7:27-2.7. Emergencies
N.J.A.C. 7:27-2.8. Dangerous material
N.J.A.C. 7:27-2.12. Special permit
N.J.A.C. 7:27-2.13. Fees

CHAPTER 27 SUBCHAPTER 3—CONTROL AND PROHIBITION OF SMOKE FROM COMBUSTION OF FUEL (EFFECTIVE 2/4/02)

N.J.A.C. 7:27-3.1. Definitions
N.J.A.C. 7:27-3.2. Smoke emissions from stationary indirect heat exchangers
N.J.A.C. 7:27-3.3. Smoke emissions from marine installations
N.J.A.C. 7:27-3.4. Smoke emissions from the combustion of fuel in mobile sources
N.J.A.C. 7:27-3.5. Smoke emissions from stationary internal combustion engines and stationary turbine engines
N.J.A.C. 7:27-3.6. Stack test
N.J.A.C. 7:27-3.7. Exceptions

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CHAPTER 27 SUBCHAPTER 4—CONTROL AND PROHIBITION OF PARTICLES FROM COMBUSTION OF FUEL (EFFECTIVE 4/20/09)

- N.J.A.C. 7:27-4.1. Definitions
- N.J.A.C. 7:27-4.2. Standards for the emission of particles
- N.J.A.C. 7:27-4.3. Performance test principle
- N.J.A.C. 7:27-4.4. Emissions tests
- N.J.A.C. 7:27-4.6. Exceptions

CHAPTER 27 SUBCHAPTER 5—PROHIBITION OF AIR POLLUTION (EFFECTIVE 10/12/77)

- N.J.A.C. 7:27-5.1. Definitions
- N.J.A.C. 7:27-5.2. General provisions

CHAPTER 27 SUBCHAPTER 6—CONTROL AND PROHIBITION OF PARTICLES FROM MANUFACTURING PROCESSES (EFFECTIVE 6/12/98)

- N.J.A.C. 7:27-6.1. Definitions
- N.J.A.C. 7:27-6.2. Standards for the emission of particles
- N.J.A.C. 7:27-6.3. Performance test principles
- N.J.A.C. 7:27-6.4. Emissions tests
- N.J.A.C. 7:27-6.5. Variances
- N.J.A.C. 7:27-6.7. Exceptions

CHAPTER 27 SUBCHAPTER 7—SULFUR (EFFECTIVE 3/1/67)

- N.J.A.C. 7:27-7.1. Definitions
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- N.J.A.C. 7:27B-3.13. Procedures for the determination of leak tightness of gasoline delivery vessels
- N.J.A.C. 7:27B-3.14. Procedures for the direct detection of fugitive volatile organic compound leaks
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- N.J.A.C. 7:27B-3.18. Test methods and sources incorporated by reference.

NEW YORK

(a) State requirements.

(1) The following State of New York requirements are applicable to OCS Sources, October 20, 2007. New York Environmental Conservation Law—Department of Environmental Conservation. The following sections of Title 6, Chapter III:

PART 200. GENERAL PROVISIONS

- 6 NYCRR 200.1. Definitions (effective 8/9/06)
- 6 NYCRR 200.2. Safeguarding Information (effective 1/16/92)
- 6 NYCRR 200.3. False Statement (effective 6/16/72)
- 6 NYCRR 200.4. Severability (effective 8/9/84)
- 6 NYCRR 200.5. Sealing (effective 2/22/79)
- 6 NYCRR 200.6. Acceptable Ambient Air Quality (effective 4/6/83)
- 6 NYCRR 200.7. Maintenance of Equipment (effective 2/22/79)
- 6 NYCRR 200.8. Conflict of Interest (effective 1/12/75)
- 6 NYCRR 200.9. Referenced Material (effective 1/27/07)
- 6 NYCRR 200.10. Federal Standards and Requirements (effective 10/20/07)

PART 201. PERMITS AND CERTIFICATES

- 6 NYCRR 201-1. General Provisions (effective 7/7/96)
- 6 NYCRR 201-2. Definitions (effective 11/21/98)
- 6 NYCRR 201-3. Exemptions and Trivial Activities (effective 5/7/03)
- 6 NYCRR 201-4. Minor Facility Registrations (effective 7/7/96)
- 6 NYCRR 201-5. State Facility Permits (effective 7/7/96)
- 6 NYCRR 201-6. Title V Facility Permits (effective 1/18/02)
- 6 NYCRR 201-7. Federally Enforceable Emission Caps (effective 7/7/96)
- 6 NYCRR 201-8. General Permits (effective 7/7/96)

PART 202. EMISSIONS VERIFICATION

- 6 NYCRR 202-1. Emissions Testing, Sampling and Analytical Determinations (effective 5/29/05)
- 6 NYCRR 202-2. Emission Statements (effective 5/29/05)

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PART 204. NO_x BUDGET TRADING PROGRAM

- 6 NYCRR 204-1. General Provisions (effective 2/25/00)
- 6 NYCRR 204-2. Authorized Account Representative for NO_x Budget Sources (effective 2/25/00)
- 6 NYCRR 204-3. Permits (effective 2/25/00)
- 6 NYCRR 204-4. Compliance Certification (effective 2/25/00)
- 6 NYCRR 204-5. Allowance Allocations (effective 2/25/00)
- 6 NYCRR 204-6. Allowance Tracking System (effective 2/25/00)
- 6 NYCRR 204-7. NO_x Allowance Transfers (effective 2/25/00)
- 6 NYCRR 204-8. Monitoring and Reporting (effective 2/25/00)
- 6 NYCRR 204-9. Individual Unit Opt-ins (effective 2/25/00)

PART 207—CONTROL MEASURES FOR AIR POLLUTION EPISODE (EFFECTIVE 2/22/79)

PART 210—EMISSIONS AND LABELING REQUIREMENTS FOR PERSONAL WATERCRAFT ENGINES

- 6 NYCRR 210-1. Applicability and Definitions (effective 8/8/03)
- 6 NYCRR 210-2. Certification and Prohibitions (effective 8/8/03)
- 6 NYCRR 210-3. Family Emission Limits (effective 8/8/03)
- 6 NYCRR 210-4. In-Use Testing and Recall (effective 8/8/03)
- 6 NYCRR 210-5. Warranty (effective 8/8/03)
- 6 NYCRR 210-6. Production-Line Testing (effective 8/8/03)
- 6 NYCRR 210-7. Severability (effective 8/8/03)

PART 211—GENERAL PROHIBITIONS (EFFECTIVE 8/11/83)

PART 212—GENERAL PROCESS EMISSION SOURCES (EFFECTIVE 9/22/94)

PART 215—OPEN FIRES (EFFECTIVE 6/16/72)

PART 219—INCINERATORS

- 6 NYCRR 219-1. Incineration—General Provisions (effective 10/30/02)
- 6 NYCRR 219-2. Municipal and Private Solid Waste Incineration Facilities (effective 5/21/05)
- 6 NYCRR 219-3. Infectious Waste Incineration Facilities (effective 12/31/88)
- 6 NYCRR 219-5. Existing Incinerators (effective 12/31/88)
- 6 NYCRR 219-6. Existing Incinerators—New York City, Nassau and Westchester Counties (effective 12/31/88)
- 6 NYCRR 219-7. Mercury Emission Limitations for Large Municipal Waste Combustors Constructed On or Before September 20, 1994 (effective 5/21/05)
- 6 NYCRR 219-8. Emission Guidelines and Compliance Times for Small Municipal

Waste Combustion Units Constructed On or Before August 30, 1999 (effective 10/18/02)

PART 225—FUEL CONSUMPTION AND USE

- 6 NYCRR 225-1. Fuel Composition and Use—Sulfur Limitations (effective 1/29/86)
- 6 NYCRR 225-2. Fuel Composition and Use—Waste Fuel (effective 11/5/84)
- 6 NYCRR 225-3. Fuel Composition and Use—Gasoline (effective 11/4/01)
- 6 NYCRR 225-4. Motor Vehicle Diesel Fuel (effective 5/8/05)

PART 226—SOLVENT METAL CLEANING PROCESSES (EFFECTIVE 5/7/03)

PART 227—STATIONARY COMBUSTION INSTALLATIONS

- 6 NYCRR 227-1. Stationary Combustion Installations (effective 2/25/00)
- 6 NYCRR 227-2. Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_x) (effective 2/11/04)
- 6 NYCRR 227-3. Pre-2003 Nitrogen Oxides Emissions Budget and Allowance Program (effective 3/15/99)

PART 228—SURFACE COATING PROCESSES (EFFECTIVE 7/23/03)

PART 229—PETROLEUM AND VOLATILE ORGANIC LIQUID STORAGE AND TRANSFER (EFFECTIVE 4/4/93)

PART 231—NEW SOURCE REVIEW IN NON-ATTAINMENT AREAS AND OZONE TRANSPORT REGION

- 6 NYCRR 231-1. Requirements for Emission Sources Subject to the Regulation Prior to November 15, 1992 (effective 10/15/94)
- 6 NYCRR 231-2. Requirements for Emission Sources Subject to the Regulation On or After November 15, 1992 (effective 5/3/00)

PART 240—CONFORMITY TO STATE OR FEDERAL IMPLEMENTATION PLANS (EFFECTIVE 10/22/04)

PART 243—CAIR NO_x OZONE SEASON TRADING PROGRAM

- 6 NYCRR 243-1. CAIR NO_x Ozone Season Trading Program General Provisions (effective 10/19/07)
- 6 NYCRR 243-2. CAIR Designated Representative for CAIR NO_x Ozone Season Sources (effective 10/19/07)
- 6 NYCRR 243-3. Permits (effective 10/19/07)
- 6 NYCRR 243-5. CAIR NO_x Ozone Season Allowance Allocations (effective 10/19/07)
- 6 NYCRR 243-6. CAIR NO_x Ozone Season Allowance Tracking System (effective 10/19/07)
- 6 NYCRR 243-7. CAIR NO_x Ozone Season Allowance Transfers (effective 10/19/07)
- 6 NYCRR 243-8. Monitoring and Reporting (effective 10/19/07)
- 6 NYCRR 243-9. CAIR NO_x Ozone Season Opt-in Units (effective 10/19/07)

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PART 244—CAIR NO_x ANNUAL TRADING PROGRAM

- 6 NYCRR 244-1. CAIR NO_x Annual Trading Program General Provisions (effective 10/19/07)
- 6 NYCRR 244-2. CAIR Designated Representative for CAIR NO_x Sources (effective 10/19/07)
- 6 NYCRR 244-3. Permits (effective 10/19/07)
- 6 NYCRR 244-5. CAIR NO_x Allowance Allocations (effective 10/19/07)
- 6 NYCRR 244-6. CAIR NO_x Allowance Tracking System (effective 10/19/07)
- 6 NYCRR 244-7. CAIR NO_x Allowance Transfers (effective 10/19/07)
- 6 NYCRR 244-8. Monitoring and Reporting (effective 10/19/07)
- 6 NYCRR 244-9. CAIR NO_x Opt-in Units (effective 10/19/07)

PART 245—CAIR SO₂ TRADING PROGRAM

- 6 NYCRR 245-1. CAIR SO₂ Trading Program General Provisions (effective 10/19/07)
- 6 NYCRR 245-2. CAIR Designated Representative for CAIR SO₂ Sources (effective 10/19/07)
- 6 NYCRR 245-3. Permits (effective 10/19/07)
- 6 NYCRR 245-6. CAIR SO₂ Allowance Tracking System (effective 10/19/07)
- 6 NYCRR 245-7. CAIR SO₂ Allowance Transfers (effective 10/19/07)
- 6 NYCRR 245-8. Monitoring and Reporting (effective 10/19/07)
- 6 NYCRR 245-9. CAIR SO₂ Opt-in Units (effective 10/19/07)

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(a) State requirements.

(1) The following requirements are contained in *State of North Carolina Air Pollution Control Requirements Applicable to OCS Sources*, January 2, 2008: The following sections of subchapter 2D, 2H and 2Q.

15A NCAC SUBCHAPTER 2D—AIR POLLUTION CONTROL REQUIREMENTS

SECTION .0100—DEFINITIONS AND REFERENCES

- 2D.0101 Definitions (Effective 12/01/2005)
- 2D.0104 Incorporation by reference (Effective 07/01/1998)

SECTION .0200—AIR POLLUTION SOURCES

- 2D.0201 Classification of air pollution sources (Effective 07/01/1984)
- 2D.0202 Registration of air pollution sources (Effective 07/01/1998)

SECTION .0300—AIR POLLUTION EMERGENCIES

- 2D.0301 Purpose (Effective 02/01/1976)
- 2D.0302 Episode criteria (Effective 07/01/1998)
- 2D.0303 Emission reduction plans (Effective 07/01/1984)

- 2D.0304 Preplanned abatement program (Effective 07/01/1998)
- 2D.0305 Emission reduction plan: Alert Level (Effective 07/01/1984)
- 2D.0306 Emission reduction plan: Warning Level (Effective 07/01/1984)
- 2D.0307 Emission reduction plan: Emergency Level (Effective 07/01/1984)

SECTION .0400—AMBIENT AIR QUALITY STANDARDS

- 2D.0401 Purpose (Effective 12/01/1992)
- 2D.0402 Sulfur oxides (Effective 07/01/1984)
- 2D.0403 Total suspended particulates (Effective 07/01/1988)
- 2D.0404 Carbon monoxide (Effective 10/01/1989)
- 2D.0405 Ozone (Effective 04/01/1999)
- 2D.0407 Nitrogen dioxide (Effective 10/01/1989)
- 2D.0408 Lead (Effective 07/01/1984)
- 2D.0409 PM10 particulate matter (Effective 04/01/1999)
- 2D.0410 PM2.5 particulate matter (Effective 04/01/1999)

SECTION .0500—EMISSION CONTROL STANDARDS

- 2D.0501 Compliance with emission control standards (Effective 06/01/2008)
- 2D.0502 Purpose (Effective 06/01/1981)
- 2D.0503 Particulates from fuel burning indirect heat exchangers (Effective 04/01/1999)
- 2D.0504 Particulates from wood burning indirect heat exchangers (Effective 08/01/2002)
- 2D.0506 Particulates from hot mix asphalt plants (Effective 08/01/2004)
- 2D.0507 Particulates from chemical fertilizer manufacturing plants (Effective 04/01/2003)
- 2D.0508 Particulates from pulp and paper mills (Effective 07/10/1998)
- 2D.0509 Particulates from MICA or FELD-SPAR processing plants (Effective 04/01/2003)
- 2D.0510 Particulates from sand, gravel, or crushed stone operations (Effective 07/01/1998)
- 2D.0511 Particulates from lightweight aggregate processes (Effective 07/01/1998)
- 2D.0512 Particulates from wood products finishing plants (Effective 01/01/1985)
- 2D.0513 Particulates from portland cement plants (Effective 07/01/1998)
- 2D.0514 Particulates from ferrous jobbing foundries (Effective 07/01/1998)
- 2D.0515 Particulates from miscellaneous industrial processes (Effective 04/01/2003)
- 2D.0516 Sulfur dioxide emissions from combustion sources (Effective 07/01/2007)
- 2D.0517 Emissions from plants producing sulfuric acid (Effective 01/01/1985)
- 2D.0519 Control of nitrogen dioxide and nitrogen oxides emissions (Effective 07/01/2007)
- 2D.0521 Control of visible emissions (Effective 07/01/2007)
- 2D.0524 New Source Performance Standards (Effective 07/01/2007)
- 2D.0527 Emissions from spodumene ore roasting (Effective 01/01/1985)

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- 2D.0528 Total reduced sulfur from kraft pulp mills (Effective 07/01/1988)
- 2D.0529 Fluoride emissions from primary aluminum reduction plants (Effective 06/01/2008)
- 2D.0530 Prevention of significant deterioration (Effective 05/01/2008)
- 2D.0531 Sources in nonattainment areas (Effective 05/01/2008)
- 2D.0532 Sources contributing to an ambient violation (Effective 07/01/1994)
- 2D.0533 Stack height (Effective 07/01/1994)
- 2D.0534 Fluoride emissions from phosphate fertilizer industry (Effective 11/01/1982)
- 2D.0535 Excess emissions reporting and malfunctions (Effective 06/01/2008)
- 2D.0536 Particulate emissions from electric utility boilers (Effective 06/10/2008)
- 2D.0537 Control of mercury emissions (Effective 07/01/1996)
- 2D.0538 Control of ethylene oxide emissions (Effective 06/01/2004)
- 2D.0539 Odor control of feed ingredient manufacturing plants (Effective 04/01/2001)
- 2D.0540 Particulates from fugitive dust emission sources (Effective 08/01/2007)
- 2D.0541 Control of emissions from abrasive blasting (Effective 07/01/2000)
- 2D.0542 Control of particulate emissions from cotton ginning operations (Effective 06/01/2008)
- 2D.0543 Best Available Retrofit Technology (Effective 05/01/2007)
- 2D.0906 Circumvention (Effective 01/01/1985)
- 2D.0909 Compliance schedules for sources in nonattainment areas (Effective 07/01/2007)
- 2D.0912 General provisions on test methods and procedures (Effective 06/01/2008)
- 2D.0917 Automobile and light-duty truck manufacturing (Effective 07/01/1996)
- 2D.0918 Can coating (Effective 07/01/1996)
- 2D.0919 Coil coating (Effective 07/01/1996)
- 2D.0920 Paper coating (Effective 07/01/1996)
- 2D.0921 Fabric and vinyl coating (Effective 07/01/1996)
- 2D.0922 Metal furniture coating (Effective 07/01/1996)
- 2D.0923 Surface coating of large appliances (Effective 07/01/1996)
- 2D.0924 Magnet wire coating (Effective 07/01/1996)
- 2D.0925 Petroleum liquid storage in fixed roof tanks (03/01/1991)
- 2D.0926 Bulk gasoline plants (Effective 07/01/1996)
- 2D.0927 Bulk gasoline terminals (Effective 01/01/2007)
- 2D.0928 Gasoline service stations stage I (Effective 07/01/1996)
- 2D.0930 Solvent metal cleaning (Effective 03/01/1991)
- 2D.0931 Cutback asphalt (Effective 12/01/1989)
- 2D.0932 Gasoline truck tanks and vapor collection systems (Effective 08/01/2008)
- 2D.0933 Petroleum liquid storage in external floating roof tanks (Effective 06/01/2004)
- 2D.0934 Coating of miscellaneous metal parts and products (Effective 07/01/1996)
- 2D.0935 Factory surface coating of flat wood paneling (Effective 07/01/1996)
- 2D.0936 Graphic arts (Effective 12/01/1993)
- 2D.0937 Manufacture of pneumatic rubber tires (Effective 07/01/1996)
- 2D.0943 Synthetic organic chemical and polymer manufacturing (Effective 06/01/2008)
- 2D.0944 Manufacture of polyethylene: polypropylene and polystyrene (Effective 05/01/1985)
- 2D.0945 Petroleum dry cleaning (Effective 06/01/2008)
- 2D.0947 Manufacture of synthesized pharmaceutical products (Effective 07/01/1994)
- 2D.0948 VOC emissions from transfer operations (Effective 07/01/2000)
- 2D.0949 Storage of miscellaneous volatile organic compounds (Effective 07/01/2000)
- 2D.0951 Miscellaneous volatile organic compound emissions (Effective 07/01/2000)
- 2D.0952 Petition for alternative controls for RACT (Effective 04/01/2003)
- 2D.0953 Vapor return piping for stage II vapor recovery (Effective 07/01/1998)
- 2D.0954 Stage II vapor recovery (Effective 04/01/2003)
- 2D.0955 Thread bonding manufacturing (Effective 05/01/1995)
- 2D.0956 Glass Christmas ornament manufacturing (Effective 05/01/1995)
- 2D.0957 Commercial bakeries (Effective 05/01/1995)

**SECTION .0600—MONITORING:
RECORDKEEPING; REPORTING**

- 2D.0601 Purpose and scope (Effective 04/01/1999)
- 2D.0602 Definitions (Effective 04/01/1999)
- 2D.0604 Exceptions to monitoring and reporting requirements (Effective 04/01/1999)
- 2D.0605 General recordkeeping and reporting requirements (Effective 01/01/2007)
- 2D.0606 Sources covered by appendix P of 40 CFR part 51 (Effective 06/01/2008)
- 2D.0607 Large wood and wood-fossil fuel combination units (Effective 07/01/1999)
- 2D.0608 Other large coal or residual oil burners (Effective 06/01/2008)
- 2D.0610 Federal monitoring requirements (Effective 04/01/1999)
- 2D.0611 Monitoring emissions from other sources (Effective 04/01/1999)
- 2D.0612 Alternative monitoring and reporting procedures (Effective 04/01/1999)
- 2D.0613 Quality assurance program (Effective 04/01/1999)
- 2D.0614 Compliance assurance monitoring (Effective 04/01/1999)
- 2D.0615 Delegation (Effective 04/01/1999)

**SECTION .0900--VOLATILE ORGANIC
COMPOUNDS**

- 2D.0901 Definitions (Effective 06/01/2008)
- 2D.0902 Applicability (Effective 07/01/2007)
- 2D.0903 Recordkeeping; reporting; monitoring (Effective 04/01/1999)

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- 2D.0958 Work practices for sources of volatile organic compounds (Effective 07/01/2000)
- 2D.0959 Petition for superior alternative controls (Effective 04/01/2003)
- 2D.0960 Certification of leak tightness tester (Effective 07/01/2007)

SECTION .1100—CONTROL OF TOXIC AIR POLLUTANTS

- 2D.1101 Purpose (Effective 05/01/1990)
- 2D.1102 Applicability (Effective 07/01/1996)
- 2D.1103 Definition (Effective 04/01/2001)
- 2D.1104 Toxic air pollutant guidelines (Effective 06/01/2008)
- 2D.1105 Facility reporting, recordkeeping (Effective 04/01/1999)
- 2D.1106 Determination of ambient air concentration (Effective 07/01/1998)
- 2D.1107 Multiple facilities (Effective 07/01/1998)
- 2D.1108 Multiple pollutants (Effective 05/01/1990)
- 2D.1109 112(j) case-by-case maximum achievable control technology (Effective 02/01/2004)
- 2D.1110 National Emission Standards for Hazardous Air Pollutants (Effective 06/01/2008)
- 2D.1111 Maximum Achievable Control Technology (Effective 01/01/2007)
- 2D.1112 112(g) case by case maximum achievable control technology (Effective 07/01/1998)

SECTION .1200—CONTROL OF EMISSIONS FROM INCINERATORS

- 2D.1201 Purpose and scope (Effective 07/01/2007)
- 2D.1202 Definitions (Effective 07/01/2007)
- 2D.1203 Hazardous waste incinerators (Effective 06/01/2008)
- 2D.1204 Sewage sludge and sludge incinerators (Effective 06/01/2008)
- 2D.1205 Municipal waste combustors (Effective 04/01/2004)
- 2D.1206 Hospital, medical, and infectious waste incinerators (Effective 06/01/2008)
- 2D.1207 Conical incinerators (Effective 07/01/2000)
- 2D.1208 Other incinerators (Effective 08/01/2008)
- 2D.1210 Commercial and industrial solid waste incineration units (Effective 06/01/2008)
- 2D.1211 Other solid waste incineration units (Effective 07/01/2007)

SECTION .1300—OXYGENATED GASOLINE STANDARD

- 2D.1301 Purpose (Effective 09/01/1996)
- 2D.1302 Applicability (Effective 09/01/1996)
- 2D.1303 Definitions (Effective 09/01/1992)
- 2D.1304 Oxygen content standard (Effective 09/01/1996)
- 2D.1305 Measurement and enforcement (Effective 07/01/1998)

SECTION .1400—NITROGEN OXIDES

- 2D.1401 Definitions (Effective 07/18/2002)
- 2D.1402 Applicability (Effective 06/01/2008)
- 2D.1403 Compliance schedules (Effective 07/01/2007)
- 2D.1404 Recordkeeping: Reporting: Monitoring: (Effective 12/01/2005)
- 2D.1405 Circumvention (Effective 04/01/1995)
- 2D.1407 Boilers and indirect-fired process heaters (Effective 06/01/2008)
- 2D.1408 Stationary combustion turbines (Effective 06/01/2008)
- 2D.1409 Stationary internal combustion engines (Effective 06/01/2008)
- 2D.1410 Emissions averaging (Effective 07/18/2002)
- 2D.1411 Seasonal fuel switching (Effective 06/01/2008)
- 2D.1412 Petition for alternative limitations (Effective 06/01/2008)
- 2D.1413 Sources not otherwise listed in this section (Effective 07/18/2002)
- 2D.1414 Tune-up requirements (Effective 07/18/2002)
- 2D.1415 Test methods and procedures (Effective 07/18/2002)
- 2D.1416 Emission allocations for utility companies (Effective 06/01/2004)
- 2D.1417 Emission allocations for large combustion sources (Effective 06/01/2004)
- 2D.1418 New electric generating units, large boilers, and large I/C engines (Effective 06/01/2004)
- 2D.1419 Nitrogen oxide budget trading program (Effective 06/01/2004)
- 2D.1420 Periodic review and reallocations (Effective 07/18/2002)
- 2D.1421 Allocations for new growth of major point sources (Effective 07/18/2002)
- 2D.1422 Compliance supplement pool credits (Effective 06/01/2004)
- 2D.1423 Large internal combustion engines (Effective 07/18/2002)

SECTION .1600—GENERAL CONFORMITY

- 2D.1601 Purpose, scope and applicability (Effective 04/01/1999)
- 2D.1602 Definitions (Effective 04/01/1995)
- 2D.1603 General conformity determination (Effective 07/01/1998)

SECTION .1900—OPEN BURNING

- 2D.1901 Open burning: Purpose: Scope (Effective 07/01/2007)
- 2D.1902 Definitions (Effective 07/01/2007)
- 2D.1903 Open burning without an air quality permit (Effective 07/01/2007)
- 2D.1904 Air curtain burners (Effective 07/01/2007)
- 2D.1905 Regional office locations (Effective 12/01/2005)
- 2D.1906 Delegation to county governments (Effective 12/01/2005)
- 2D.1907 Multiple violations arising from a single episode (Effective 07/01/2007)

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**SECTION .2000—TRANSPORTATION
CONFORMITY**

- 2D.2001 Purpose, scope and applicability (Effective 12/01/2005)
- 2D.2002 Definitions (Effective 04/01/1999)
- 2D.2003 Transportation conformity determination (Effective 04/01/1999)
- 2D.2004 Determining transportation-related emissions (Effective 04/01/1999)
- 2D.2005 Memorandum of agreement (Effective 04/01/1999)

**SECTION .2100—RISK MANAGEMENT
PROGRAM**

- 2D.2101 Applicability (Effective 07/01/2000)
- 2D.2102 Definitions (Effective 07/01/2000)
- 2D.2103 Requirements (Effective 07/01/2000)
- 2D.2104 Implementation (Effective 07/01/2000)

SECTION .2200—SPECIAL ORDERS

- 2D.2201 Purpose (Effective 04/01/2004)
- 2D.2202 Definitions (Effective 04/01/2004)
- 2D.2203 Public notice (Effective 04/01/2004)
- 2D.2204 Final action on consent orders (Effective 04/01/2004)
- 2D.2205 Notification of right to contest special orders issued without (Effective 04/01/2004)

**SECTION .2300—BANKING EMISSION
REDUCTION CREDITS**

- 2D.2301 Purpose (Effective 12/01/2005)
- 2D.2302 Definitions (Effective 12/01/2005)
- 2D.2303 Applicability and eligibility (Effective 07/01/2007)
- 2D.2304 Qualification of emission reduction credits (Effective 12/01/2005)
- 2D.2305 Creating and banking emission reduction credits (Effective 12/01/2005)
- 2D.2306 Duration of emission reduction credits (Effective 12/01/2005)
- 2D.2307 Use of emission reduction credits (Effective 12/01/2005)
- 2D.2308 Certificates and registry (Effective 12/01/2005)
- 2D.2309 Transferring emission reduction credits (Effective 12/01/2005)
- 2D.2310 Revocation and changes of emission reduction credits (Effective 12/01/2005)
- 2D.2311 Monitoring (Effective 12/01/2005)

**SECTION .2400—CLEAN AIR INTERSTATE
RULES**

- 2D.2401 Purpose and applicability (Effective 05/01/2008)
- 2D.2402 Definitions (Effective 05/01/2008)
- 2D.2403 Nitrogen oxide emissions (Effective 05/01/2008)
- 2D.2404 Sulfur dioxide (Effective 05/01/2008)
- 2D.2405 Nitrogen oxide emissions during ozone season (Effective 05/01/2008)
- 2D.2406 Permitting (Effective 07/01/2006)
- 2D.2407 Monitoring, reporting, and record-keeping (Effective 05/01/2008)
- 2D.2408 Trading program and banking (Effective 07/01/2006)

- 2D.2409 Designated representative (Effective 05/01/2008)
- 2D.2410 Computation of time (Effective 07/01/2006)
- 2D.2411 Opt-in provisions (Effective 07/01/2006)
- 2D.2412 New unit growth (Effective 05/01/2008)
- 2D.2413 Periodic review and reallocations (Effective 07/01/2006)

**SECTION .2500—MERCURY RULES FOR
ELECTRIC GENERATORS**

- 2D.2501 Purpose and applicability (Effective 01/01/2007)
- 2D.2502 Definitions (Effective 01/01/2007)
- 2D.2503 Mercury emission (Effective 01/01/2007)
- 2D.2504 Permitting (Effective 01/01/2007)
- 2D.2505 Monitoring, Reporting, and Record-keeping (Effective 01/01/2007)
- 2D.2506 Designated representative (Effective 01/01/2007)
- 2D.2507 Computation of time time periods shall be determined as described in 40 CFR 60.4107 (Effective 01/01/2007)
- 2D.2508 New source growth (Effective 01/01/2007)
- 2D.2509 Periodic review and reallocations (Effective 01/01/2007)
- 2D.2510 Trading program and banking (Effective 01/01/2007)
- 2D.2511 Mercury emission limits (Effective 01/01/2007)

SECTION .2600—SOURCE TESTING

- 2D.2601 Purpose and scope (Effective 06/01/2008)
- 2D.2602 General provisions on test methods and procedures (Effective 07/01/2008)
- 2D.2603 Testing protocol (Effective 07/01/2008)
- 2D.2604 Number of test points (Effective 06/01/2008)
- 2D.2605 Velocity and volume flow rate (Effective 06/01/2008)
- 2D.2606 Molecular weight (Effective 06/01/2008)
- 2D.2607 Determination of moisture content (Effective 06/01/2008)
- 2D.2608 Number of runs and compliance determination (Effective 06/01/2008)
- 2D.2609 Particulate testing methods (Effective 06/01/2008)
- 2D.2610 Opacity (Effective 06/01/2008)
- 2D.2611 Sulfur dioxide testing methods (Effective 06/01/2008)
- 2D.2612 Nitrogen oxide testing methods (Effective 06/01/2008)
- 2D.2613 Volatile organic compound testing methods (Effective 06/01/2008)
- 2D.2614 Determination of voc emission control system efficiency (Effective 06/01/2008)
- 2D.2615 Determination of leak tightness and vapor leaks (Effective 06/01/2008)
- 2D.2616 Fluorides (Effective 06/01/2008)
- 2D.2617 Total reduced sulfur (Effective 06/01/2008)
- 2D.2618 Mercury (Effective 06/01/2008)
- 2D.2619 Arsenic, beryllium, cadmium, hexavalent chromium (Effective 06/01/2008)

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- 2D.2620 Dioxins and furans (Effective 06/01/2008)
- 2D.2621 Determination of fuel heat content using f-factor (Effective 06/01/2008)

SUBCHAPTER 02Q—AIR QUALITY PERMITS PROCEDURES

SECTION .0100—GENERAL PROVISIONS

- 2Q.0101 Required air quality permits (Effective 12/01/2005)
- 2Q.0102 Activities exempted from permit requirements (Effective 07/01/2007)
- 2Q.0103 Definitions (Effective 12/01/2005)
- 2Q.0104 Where to obtain and file permit applications (Effective 08/01/2002)
- 2Q.0105 Copies of referenced documents (Effective 12/01/2005)
- 2Q.0106 Incorporation by reference (Effective 07/01/1994)
- 2Q.0107 Confidential information (Effective 04/01/1999)
- 2Q.0108 Delegation of authority (Effective 07/01/1998)
- 2Q.0109 Compliance schedule for previously exempted activities (Effective 04/01/2001)
- 2Q.0110 Retention of permit at permitted facility (Effective 07/01/1994)
- 2Q.0111 Applicability determinations (Effective 07/01/1994)
- 2Q.0112 Applications requiring professional engineer seal (Effective 02/01/1995)
- 2Q.0113 Notification in areas without zoning (Effective 04/01/2004)

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- 2Q.0201 Applicability (Effective 07/01/1998)
- 2Q.0202 Definitions (Effective 04/01/2004)
- 2Q.0203 Permit and application fees (Effective 03/01/2008)
- 2Q.0204 Inflation adjustment (Effective 03/01/2008)
- 2Q.0205 Other adjustments (Effective 07/01/1994)
- 2Q.0206 Payment of fees (Effective 07/01/1994)
- 2Q.0207 Annual emissions reporting (Effective 07/01/2007)

SECTION .0300—CONSTRUCTION AND OPERATION PERMITS

- 2Q.0301 Applicability (Effective 12/01/2005)
- 2Q.0302 Facilities not likely to contravene demonstration (Effective 07/01/1998)
- 2Q.0303 Definitions (Effective 07/01/1994)
- 2Q.0304 Applications (Effective 12/01/2005)
- 2Q.0305 Application submittal content (Effective 12/01/2005)
- 2Q.0306 Permits requiring public participation (Effective 07/01/2007)
- 2Q.0307 Public participation procedures (Effective 07/01/1998)
- 2Q.0308 Final action on permit applications (Effective 07/01/1994)
- 2Q.0309 Termination, modification and revocation of permits (Effective 07/01/1999)
- 2Q.0310 Permitting of numerous similar facilities (Effective 07/01/1994)

- 2Q.0311 Permitting of facilities at multiple temporary sites (Effective 07/01/1996)
- 2Q.0312 Application processing schedule (Effective 07/01/1998)
- 2Q.0313 Expedited application processing schedule (Effective 07/01/1998)
- 2Q.0314 General permit requirements (Effective 07/01/1999)
- 2Q.0315 Synthetic minor facilities (Effective 07/01/1999)
- 2Q.0316 Administrative permit amendments (Effective 04/01/2001)
- 2Q.0317 Avoidance conditions (Effective 04/01/2001)
- 2Q.0401 Purpose and applicability (Effective 04/01/2001)
- 2Q.0402 Acid rain permitting procedures (Effective 04/01/1999)

SECTION .0500—TITLE V PROCEDURES

- 2Q.0501 Purpose of section and requirement for a permit (Effective 07/01/1998)
- 2Q.0502 Applicability (Effective 07/01/2000)
- 2Q.0503 Definitions (Effective 01/01/2007)
- 2Q.0504 Option for obtaining construction and operation permit (Effective 07/01/1994)
- 2Q.0505 Application submittal content (Effective 04/01/2004)
- 2Q.0507 Application (Effective 04/01/2004)
- 2Q.0508 Permit content (Effective 08/01/2008)
- 2Q.0509 Permitting of numerous similar facilities (Effective 07/01/1994)
- 2Q.0510 Permitting of facilities at multiple temporary sites (Effective 07/01/1994)
- 2Q.0512 Permit shield and application shield (Effective 07/01/1997)
- 2Q.0513 Permit renewal and expiration (Effective 07/01/1994)
- 2Q.0514 Administrative permit amendments (Effective 01/01/2007)
- 2Q.0515 Minor permit modifications (Effective 07/01/1997)
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- 2Q.0518 Final action (Effective 02/01/1995)
- 2Q.0519 Termination, modification, revocation of permits (Effective 07/01/1994)
- 2Q.0520 Certification by responsible official (Effective 07/01/1994)
- 2Q.0521 Public participation (Effective 07/01/1998)
- 2Q.0522 Review by EPA and affected states (Effective 07/01/1994)
- 2Q.0523 Changes not requiring permit revisions (Effective 06/01/2008)
- 2Q.0524 Ownership change (Effective 07/01/1994)
- 2Q.0525 Application processing schedule (Effective 07/01/1998)
- 2Q.0526 112(j) case-by-case MACT procedures (Effective 02/01/2004)
- 2Q.0527 Expedited application processing schedule (Effective 07/01/1998)
- 2Q.0528 112(g) case-by-case MACTt procedures (Effective 07/01/1998)

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**SECTION .0600—TRANSPORTATION
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- 2Q.0601 Purpose of section and requirement for a permit (Effective 07/01/1994)
- 2Q.0602 Definitions (Effective 07/01/1994)
- 2Q.0603 Applications (Effective 02/01/2005)
- 2Q.0604 Public participation (Effective 07/01/1994)
- 2Q.0605 Final action on permit applications (Effective 02/01/2005)
- 2Q.0606 Termination, modification and revocation of permits (Effective 07/01/1994)
- 2Q.0607 Application processing schedule (Effective 07/01/1998)

**SECTION .0700—TOXIC AIR POLLUTANT
PROCEDURES**

- 2Q.0701 Applicability (Effective 02/01/2005)
- 2Q.0702 Exemptions (Effective 04/01/2005)
- 2Q.0703 Definitions (Effective 04/01/2001)
- 2Q.0704 New facilities (Effective 07/01/1998)
- 2Q.0705 Existing facilities and sic calls (Effective 07/01/1998)
- 2Q.0706 Modifications (Effective 12/01/2005)
- 2Q.0707 Previously permitted facilities (Effective 07/01/1998)
- 2Q.0708 Compliance schedule for previously unknown toxic air pollutant emissions (Effective 07/01/1998)
- 2Q.0709 Demonstrations (Effective 02/01/2005)
- 2Q.0710 Public notice and opportunity for public hearing (Effective 07/01/1998)
- 2Q.0711 Emission rates requiring a permit (Effective 06/01/2008)
- 2Q.0712 Calls by the director (Effective 07/01/1998)
- 2Q.0713 Pollutants with otherwise applicable federal standards or requirements (Effective 07/01/1998)

SECTION .0800—EXCLUSIONARY RULES

- 2Q.0801 Purpose and scope (Effective 04/01/1999)
- 2Q.0802 Gasoline service stations and dispensing facilities (Effective 08/01/1995)
- 2Q.0803 Coating, solvent cleaning, graphic arts operations (Effective 04/01/2001)
- 2Q.0804 Dry cleaning facilities (Effective 08/01/1995)
- 2Q.0805 Grain elevators (Effective 04/01/2001)
- 2Q.0806 Cotton gins (Effective 06/01/2004)
- 2Q.0807 Emergency generators (Effective 04/01/2001)
- 2Q.0808 Peak shaving generators (Effective 12/01/2005)
- 2Q.0809 Concrete batch plants (Effective 06/01/2004)
- 2Q.0810 Air curtain burners (Effective 12/01/2005)

SECTION .0900—PERMIT EXEMPTIONS

- 2Q.0901 Purpose and scope (Effective 01/01/2005)
- 2Q.0902 Portable crushers (Effective 01/01/2005)

- 2Q.0903 Emergency generators (Effective 06/01/2008)

- (b) Local requirements.
- (1) [Reserved]

VIRGINIA:

- (a) State Requirements.
- (1) The following Commonwealth of Virginia requirements are applicable to OCS Sources, March 2, 2011, Commonwealth of Virginia—Virginia Department of Environmental Quality. The following sections of Virginia Regulations for the Control and Abatement of Air Pollution Control (VAC), Title 9, Agency 5:

Chapter 10—General Definitions

- (Effective 02/18/2010)
- 9VAC5-10-10. General.
- 9VAC5-10-20. Terms defined.
- 9VAC5-10-30. Abbreviations.

Chapter 20—General Provisions

- (Effective 11/10/2010)

PART I—ADMINISTRATIVE

- 9VAC5-20-10. Applicability.
- 9VAC5-20-21. Documents incorporated by reference.
- 9VAC5-20-50. Variances.
- 9VAC5-20-70. Circumvention.
- 9VAC5-20-80. Relationship of state regulations to federal regulations.
- 9VAC5-20-121. Air quality program policies and procedures.

PART II—AIR QUALITY PROGRAMS

- 9VAC5-20-160. Registration.
- 9VAC5-20-170. Control programs.
- 9VAC5-20-180. Facility and control equipment maintenance or malfunction.
- 9VAC5-20-200. Air quality control regions.
- 9VAC5-20-201. Urban areas.
- 9VAC5-20-202. Metropolitan statistical areas.
- 9VAC5-20-203. Maintenance areas.
- 9VAC5-20-204. Nonattainment areas.
- 9VAC5-20-205. Prevention of significant deterioration areas.
- 9VAC5-20-206. Volatile organic compound and nitrogen oxides emission control areas.
- 9VAC5-20-220. Shutdown of a stationary source.
- 9VAC5-20-230. Certification of documents.

Chapter 30—Ambient Air Quality Standards

- (Effective 08/18/2010)
- 9VAC5-30-10. General.
- 9VAC5-30-15. Reference conditions.
- 9VAC5-30-30. Sulfur oxides (sulfur dioxide).
- 9VAC5-30-40. Carbon monoxide.
- 9VAC5-30-50. Ozone (1-hour).
- 9VAC5-30-55. Ozone (8-hour, 0.08 ppm).
- 9VAC5-30-56. Ozone (8-hour, 0.075 ppm).
- 9VAC5-30-60. Particulate matter (PM10).

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9VAC5-30-65. Particulate matter.
9VAC5-30-70. Oxides of nitrogen with nitrogen dioxide as the indicator.
9VAC5-30-80. Lead.

Chapter 40—Existing Stationary Sources

PART I—SPECIAL PROVISIONS

(Effective 12/12/2007)

9VAC5-40-10. Applicability.
9VAC5-40-20. Compliance.
9VAC5-40-21. Compliance schedules.
9VAC5-40-22. Interpretation of emission standards based on process weight-rate tables.
9VAC5-40-30. Emission testing.
9VAC5-40-40. Monitoring.
9VAC5-40-41. Emission monitoring procedures for existing sources.
9VAC5-40-50. Notification, records and reporting.

PART II—EMISSION STANDARDS

ARTICLE 1—VISIBLE EMISSIONS AND FUGITIVE DUST/EMISSIONS

(Effective 02/01/2003)

9VAC5-40-60. Applicability and designation of affected facility.
9VAC5-40-70. Definitions.
9VAC5-40-80. Standard for visible emissions.
9VAC5-40-90. Standard for fugitive dust/emissions.
9VAC5-40-100. Monitoring.
9VAC5-40-110. Test methods and procedures.
9VAC5-40-120. Waivers.

ARTICLE 4—GENERAL PROCESS OPERATIONS

(Effective 12/15/2006)

9VAC5-40-240. Applicability and designation of affected facility.
9VAC5-40-250. Definitions.
9VAC5-40-260. Standard for particulate matter (AQCR 1-6).
9VAC5-40-270. Standard for particulate matter (AQCR 7).
9VAC5-40-280. Standard for sulfur dioxide.
9VAC5-40-290. Standard for hydrogen sulfide.
9VAC5-40-320. Standard for visible emissions.
9VAC5-40-330. Standard for fugitive dust/emissions.
9VAC5-40-350. Standard for toxic pollutants.
9VAC5-40-360. Compliance.
9VAC5-40-370. Test methods and procedures.
9VAC5-40-380. Monitoring.
9VAC5-40-390. Notification, records and reporting.
9VAC5-40-400. Registration.
9VAC5-40-410. Facility and control equipment maintenance or malfunction.
9VAC5-40-420. Permits.

ARTICLE 7—INCINERATORS

(Effective 01/01/1985)

9VAC5-40-730. Applicability and designation of affected facility.

9VAC5-40-740. Definitions.
9VAC5-40-750. Standard for particulate matter.
9VAC5-40-760. Standard for visible emissions.
9VAC5-40-770. Standard for fugitive dust/emissions.
9VAC5-40-790. Standard for toxic pollutants.
9VAC5-40-800. Prohibition of flue-fed incinerators.
9VAC5-40-810. Compliance.
9VAC5-40-820. Test methods and procedures.
9VAC5-40-830. Monitoring.
9VAC5-40-840. Notification, records and reporting.
9VAC5-40-850. Registration.
9VAC5-40-860. Facility and control equipment maintenance or malfunction.
9VAC5-40-870. Permits.

ARTICLE 8—FUEL BURNING EQUIPMENT

(Effective 01/01/2002)

9VAC5-40-880. Applicability and designation of affected facility.
9VAC5-40-890. Definitions.
9VAC5-40-900. Standard for particulate matter.
9VAC5-40-910. Emission allocation system.
9VAC5-40-920. Determination of collection equipment efficiency factor.
9VAC5-40-930. Standard for sulfur dioxide.
9VAC5-40-940. Standard for visible emissions.
9VAC5-40-950. Standard for fugitive dust/emissions.
9VAC5-40-970. Standard for toxic pollutants.
9VAC5-40-980. Compliance.
9VAC5-40-990. Test methods and procedures.
9VAC5-40-1000. Monitoring.
9VAC5-40-1010. Notification, records and reporting.
9VAC5-40-1020. Registration.
9VAC5-40-1030. Facility and control equipment maintenance or malfunction.
9VAC5-40-1040. Permits.

ARTICLE 14—SAND-GRAVEL PROCESSING; STONE QUARRYING & PROCESSING

(Effective 01/01/1985)

9VAC5-40-1820. Applicability and designation of affected facility.
9VAC5-40-1830. Definitions.
9VAC5-40-1840. Standard for particulate matter.
9VAC5-40-1850. Standard for visible emissions.
9VAC5-40-1860. Standard for fugitive dust/emissions.
9VAC5-40-1880. Standard for toxic pollutants.
9VAC5-40-1890. Compliance.
9VAC5-40-1900. Test methods and procedures.
9VAC5-40-1910. Monitoring.
9VAC5-40-1920. Notification, records and reporting.
9VAC5-40-1930. Registration.
9VAC5-40-1940. Facility and control equipment maintenance or malfunction.
9VAC5-40-1950. Permits.

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ARTICLE 17—WOODWORKING OPERATIONS

(Effective 01/01/1985)

- 9VAC5-40-2250. Applicability and designation of affected facility.
- 9VAC5-40-2260. Definitions.
- 9VAC5-40-2270. Standard for particulate matter.
- 9VAC5-40-2280. Standard for visible emissions.
- 9VAC5-40-2290. Standard for fugitive dust/emissions.
- 9VAC5-40-2310. Standard for toxic pollutants.
- 9VAC5-40-2320. Compliance.
- 9VAC5-40-2330. Test methods and procedures.
- 9VAC5-40-2340. Monitoring.
- 9VAC5-40-2350. Notification, records and reporting.
- 9VAC5-40-2360. Registration.
- 9VAC5-40-2370. Facility and control equipment maintenance or malfunction.
- 9VAC5-40-2380. Permits.

ARTICLE 18—PRIMARY AND SECONDARY METAL OPERATIONS

(Effective 01/01/1985)

- 9VAC5-40-2390. Applicability and designation of affected facility.
- 9VAC5-40-2400. Definitions.
- 9VAC5-40-2410. Standard for particulate matter.
- 9VAC5-40-2420. Standard for sulfur oxides.
- 9VAC5-40-2430. Standard for visible emissions.
- 9VAC5-40-2440. Standard for fugitive dust/emissions.
- 9VAC5-40-2460. Standard for toxic pollutants.
- 9VAC5-40-2470. Compliance.
- 9VAC5-40-2480. Test methods and procedures.
- 9VAC5-40-2490. Monitoring.
- 9VAC5-40-2500. Notification, records and reporting.
- 9VAC5-40-2510. Registration.
- 9VAC5-40-2520. Facility and control equipment maintenance or malfunction.
- 9VAC5-40-2530. Permits.

ARTICLE 19—LIGHTWEIGHT AGGREGATE PROCESS OPERATIONS

(Effective 01/01/1985)

- 9VAC5-40-2540. Applicability and designation of affected facility.
- 9VAC5-40-2550. Definitions.
- 9VAC5-40-2560. Standard for particulate matter.
- 9VAC5-40-2570. Standard for sulfur oxides.
- 9VAC5-40-2580. Standard for visible emissions.
- 9VAC5-40-2590. Standard for fugitive dust/emissions.
- 9VAC5-40-2610. Standard for toxic pollutants.
- 9VAC5-40-2620. Compliance.
- 9VAC5-40-2630. Test methods and procedures.
- 9VAC5-40-2640. Monitoring.
- 9VAC5-40-2650. Notification, records and reporting.

- 9VAC5-40-2660. Registration.
- 9VAC5-40-2670. Facility and control equipment maintenance or malfunction.
- 9VAC5-40-2680. Permits.

ARTICLE 24—SOLVENT METAL CLEANING OPERATIONS

(Effective 03/24/2004)

- 9VAC5-40-3260. Applicability and designation of affected facility.
- 9VAC5-40-3270. Definitions.
- 9VAC5-40-3280. Standard for volatile organic compounds.
- 9VAC5-40-3290. Control technology guidelines.
- 9VAC5-40-3300. Standard for visible emissions.
- 9VAC5-40-3310. Standard for fugitive dust/emissions.
- 9VAC5-40-3330. Standard for toxic pollutants.
- 9VAC5-40-3340. Compliance.
- 9VAC5-40-3350. Test methods and procedures.
- 9VAC5-40-3360. Monitoring.
- 9VAC5-40-3370. Notification, records and reporting.
- 9VAC5-40-3380. Registration.
- 9VAC5-40-3390. Facility and control equipment maintenance or malfunction.
- 9VAC5-40-3400. Permits.

ARTICLE 25—VOC STORAGE & TRANSFER OPERATIONS

(Effective 07/01/1991)

- 9VAC5-40-3410. Applicability and designation of affected facility.
- 9VAC5-40-3420. Definitions.
- 9VAC5-40-3430. Standard for volatile organic compounds.
- 9VAC5-40-3440. Control technology guidelines.
- 9VAC5-40-3450. Standard for visible emissions.
- 9VAC5-40-3460. Standard for fugitive dust/emissions.
- 9VAC5-40-3480. Standard for toxic pollutants.
- 9VAC5-40-3490. Compliance.
- 9VAC5-40-3500. Test methods and procedures.
- 9VAC5-40-3510. Monitoring.
- 9VAC5-40-3520. Notification, records and reporting.
- 9VAC5-40-3530. Registration.
- 9VAC5-40-3540. Facility and control equipment maintenance or malfunction.
- 9VAC5-40-3550. Permits.

ARTICLE 34—MISCELLANEOUS METAL PARTS/PRODUCTS COATING APPLICATION

(Effective 07/01/1991)

- 9VAC5-40-4760. Applicability and designation of affected facility.
- 9VAC5-40-4770. Definitions.
- 9VAC5-40-4780. Standard for volatile organic compounds.
- 9VAC5-40-4790. Control technology guidelines.

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- 9VAC5-40-4800. Standard for visible emissions.
- 9VAC5-40-4810. Standard for fugitive dust/emissions.
- 9VAC5-40-4830. Standard for toxic pollutants.
- 9VAC5-40-4840. Compliance.
- 9VAC5-40-4850. Test methods and procedures.
- 9VAC5-40-4860. Monitoring.
- 9VAC5-40-4870. Notification, records and reporting.
- 9VAC5-40-4880. Registration.
- 9VAC5-40-4890. Facility and control equipment maintenance or malfunction.
- 9VAC5-40-4900. Permits.

ARTICLE 37—PETROLEUM LIQUID STORAGE AND TRANSFER OPERATIONS

(Effective 10/04/2006)

- 9VAC5-40-5200. Applicability and designation of affected facility.
- 9VAC5-40-5210. Definitions.
- 9VAC5-40-5220. Standard for volatile organic compounds.
- 9VAC5-40-5230. Control technology guidelines.
- 9VAC5-40-5240. Standard for visible emissions.
- 9VAC5-40-5250. Standard for fugitive dust/emissions.
- 9VAC5-40-5270. Standard for toxic pollutants.
- 9VAC5-40-5280. Compliance.
- 9VAC5-40-5290. Test methods and procedures.
- 9VAC5-40-5300. Monitoring.
- 9VAC5-40-5310. Notification, records and reporting.
- 9VAC5-40-5320. Registration.
- 9VAC5-40-5330. Facility and control equipment maintenance or malfunction.
- 9VAC5-40-5340. Permits.

ARTICLE 41—MOBILE SOURCES

(Effective 08/01/1991)

- 9VAC5-40-5650. Applicability and designation of affected facility.
- 9VAC5-40-5660. Definitions.
- 9VAC5-40-5670. Motor vehicles.
- 9VAC5-40-5680. Other mobile sources.
- 9VAC5-40-5690. Export/import of motor vehicles.

ARTICLE 42—PORTABLE FUEL CONTAINER SPILLAGE CONTROL

(Effective 10/04/2006)

- 9VAC5-40-5700. Applicability.
- 9VAC5-40-5710. Definitions.
- 9VAC5-40-5720. Standard for volatile organic compounds.
- 9VAC5-40-5730. Administrative requirements.
- 9VAC5-40-5740. Compliance.
- 9VAC5-40-5750. Compliance schedule.
- 9VAC5-40-5760. Test methods and procedures.
- 9VAC5-40-5770. Notification, records and reporting.

ARTICLE 44—HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

(Effective 07/01/2003)

- 9VAC5-40-6000. Applicability and designation of affected facility.
- 9VAC5-40-6010. Definitions.
- 9VAC5-40-6020. Standard for particulate matter.
- 9VAC5-40-6030. Standard for carbon monoxide.
- 9VAC5-40-6040. Standard for dioxins/furans.
- 9VAC5-40-6050. Standard for hydrogen chloride.
- 9VAC5-40-6060. Standard for sulfur dioxide.
- 9VAC5-40-6070. Standard for nitrogen oxides.
- 9VAC5-40-6080. Standard for lead.
- 9VAC5-40-6090. Standard for cadmium.
- 9VAC5-40-6100. Standard for mercury.
- 9VAC5-40-6110. Standard for visible emissions.
- 9VAC5-40-6120. Standard for fugitive dust/emissions.
- 9VAC5-40-6140. Standard for toxic pollutants.
- 9VAC5-40-6150. HMIWI operator training and qualification.
- 9VAC5-40-6160. Waste management plans.
- 9VAC5-40-6170. Inspections.
- 9VAC5-40-6180. Compliance, emissions testing, and monitoring.
- 9VAC5-40-6190. Recordkeeping and reporting.
- 9VAC5-40-6200. Compliance schedules.
- 9VAC5-40-6210. Registration.
- 9VAC5-40-6220. Facility and control equipment maintenance or malfunction.
- 9VAC5-40-6230. Permits.

ARTICLE 45—COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATORS

(Effective 09/10/2003)

- 9VAC5-40-6250. Applicability and designation of affected facility.
- 9VAC5-40-6260. Definitions.
- 9VAC5-40-6270. Standard for particulate matter.
- 9VAC5-40-6280. Standard for carbon monoxide.
- 9VAC5-40-6290. Standard for dioxins/furans.
- 9VAC5-40-6300. Standard for hydrogen chloride.
- 9VAC5-40-6310. Standard for sulfur dioxide.
- 9VAC5-40-6320. Standard for nitrogen oxides.
- 9VAC5-40-6330. Standard for lead.
- 9VAC5-40-6340. Standard for cadmium.
- 9VAC5-40-6350. Standard for mercury.
- 9VAC5-40-6360. Standard for visible emissions.
- 9VAC5-40-6370. Standard for fugitive dust/emissions.
- 9VAC5-40-6390. Standard for toxic pollutants.
- 9VAC5-40-6400. Operator training and qualification.
- 9VAC5-40-6410. Waste management plan.
- 9VAC5-40-6420. Compliance schedule.
- 9VAC5-40-6421. Compliance schedule extension.
- 9VAC5-40-6422. Shutdown and restart.

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9VAC5-40-6430. Operating limits.
9VAC5-40-6440. Facility and control equipment maintenance or malfunction.
9VAC5-40-6450. Test methods and procedures.
9VAC5-40-6460. Compliance.
9VAC5-40-6470. Monitoring.
9VAC5-40-6480. Recordkeeping and reporting.
9VAC5-40-6490. Requirements for air curtain incinerators.
9VAC5-40-6500. Registration.
9VAC5-40-6510. Permits.

ARTICLE 46—SMALL MUNICIPAL WASTE COMBUSTORS

(Effective 05/04/2005)

9VAC5-40-6550. Applicability and designation of affected facility.
9VAC5-40-6560. Definitions.
9VAC5-40-6570. Standard for particulate matter.
9VAC5-40-6580. Standard for carbon monoxide.
9VAC5-40-6590. Standard for dioxins/furans.
9VAC5-40-6600. Standard for hydrogen chloride.
9VAC5-40-6610. Standard for sulfur dioxide.
9VAC5-40-6620. Standard for nitrogen oxides.
9VAC5-40-6630. Standard for lead.
9VAC5-40-6640. Standard for cadmium.
9VAC5-40-6650. Standard for mercury.
9VAC5-40-6660. Standard for visible emissions.
9VAC5-40-6670. Standard for fugitive dust/emissions.
9VAC5-40-6690. Standard for toxic pollutants.
9VAC5-40-6700. Operator training and certification.
9VAC5-40-6710. Compliance schedule.
9VAC5-40-6720. Operating requirements.
9VAC5-40-6730. Compliance.
9VAC5-40-6740. Test methods and procedures.
9VAC5-40-6750. Monitoring.
9VAC5-40-6760. Recordkeeping.
9VAC5-40-6770. Reporting.
9VAC5-40-6780. Requirements for air curtain incinerators that burn 100 percent yard waste.
9VAC5-40-6790. Registration.
9VAC5-40-6800. Facility and control equipment maintenance or malfunction.
9VAC5-40-6810. Permits.

ARTICLE 47—SOLVENT CLEANING

(Effective 03/24/2004)

9VAC5-40-6820. Applicability and designation of affected facility.
9VAC5-40-6830. Definitions.
9VAC5-40-6840. Standard for volatile organic compounds.
9VAC5-40-6850. Standard for visible emissions.
9VAC5-40-6860. Standard for fugitive dust/emissions.
9VAC5-40-6880. Standard for toxic pollutants.
9VAC5-40-6890. Compliance.
9VAC5-40-6900. Compliance schedules.

9VAC5-40-6910. Test methods and procedures.
9VAC5-40-6920. Monitoring.
9VAC5-40-6930. Notification, records and reporting.
9VAC5-40-6940. Registration.
9VAC5-40-6950. Facility and control equipment maintenance or malfunction.
9VAC5-40-6960. Permits.

ARTICLE 48—MOBILE EQUIPMENT REPAIR AND REFINISHING

(Effective 10/04/2006)

9VAC5-40-6970. Applicability and designation of affected facility.
9VAC5-40-6980. Definitions.
9VAC5-40-6990. Standard for volatile organic compounds.
9VAC5-40-7000. Standard for visible emissions.
9VAC5-40-7010. Standard for fugitive dust/emissions.
9VAC5-40-7030. Standard for toxic pollutants.
9VAC5-40-7040. Compliance.
9VAC5-40-7050. Compliance schedule.
9VAC5-40-7060. Test methods and procedures.
9VAC5-40-7070. Monitoring.
9VAC5-40-7080. Notification, records and reporting.
9VAC5-40-7090. Registration.
9VAC5-40-7100. Facility and control equipment maintenance or malfunction.
9VAC5-40-7110. Permits.

ARTICLE 51—STATIONARY SOURCES SUBJECT TO CASE-BY-CASE RACT DETERMINATIONS

(Effective 01/20/2010)

9VAC5-40-7370. Applicability and designation of affected facility.
9VAC5-40-7380. Definitions.
9VAC5-40-7390. Standard for volatile organic compounds (1-hour ozone standard).
9VAC5-40-7400. Standard for volatile organic compounds (8-hour ozone standard).
9VAC5-40-7410. Standard for nitrogen oxides (1-hour ozone standard).
9VAC5-40-7420. Standard for nitrogen oxides (8-hour ozone standard).
9VAC5-40-7430. Presumptive reasonably available control technology guidelines for stationary sources of nitrogen oxides.
9VAC5-40-7440. Standard for visible emissions.
9VAC5-40-7450. Standard for fugitive dust/emissions.
9VAC5-40-7470. Standard for toxic pollutants.
9VAC5-40-7480. Compliance.
9VAC5-40-7490. Test methods and procedures.
9VAC5-40-7500. Monitoring.
9VAC5-40-7510. Notification, records and reporting.
9VAC5-40-7520. Registration.
9VAC5-40-7530. Facility and control equipment maintenance or malfunction.
9VAC5-40-7540. Permits.

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**ARTICLE 54—LARGE MUNICIPAL WASTE
COMBUSTORS**

(Effective 07/01/2003)

- 9VAC5-40-7950. Applicability and designation of affected facility.
- 9VAC5-40-7960. Definitions.
- 9VAC5-40-7970. Standard for particulate matter.
- 9VAC5-40-7980. Standard for carbon monoxide.
- 9VAC5-40-7990. Standard for cadmium.
- 9VAC5-40-8000. Standard for lead.
- 9VAC5-40-8010. Standard for mercury.
- 9VAC5-40-8020. Standard for sulfur dioxide.
- 9VAC5-40-8030. Standard for hydrogen chloride.
- 9VAC5-40-8040. Standard for dioxin/furan.
- 9VAC5-40-8050. Standard for nitrogen oxides.
- 9VAC5-40-8060. Standard for visible emissions.
- 9VAC5-40-8070. Standard for fugitive dust/emissions.
- 9VAC5-40-8090. Standard for toxic pollutants.
- 9VAC5-40-8100. Compliance.
- 9VAC5-40-8110. Compliance schedules.
- 9VAC5-40-8120. Operating practices.
- 9VAC5-40-8130. Operator training and certification.
- 9VAC5-40-8150. Monitoring.
- 9VAC5-40-8170. Registration.
- 9VAC5-40-8180. Facility and control equipment maintenance or malfunction.
- 9VAC5-40-8190. Permits.

*Chapter 50—New and Modified Stationary
Sources*

PART I—SPECIAL PROVISIONS

(Effective 12/12/2007)

- 9VAC5-50-10. Applicability.
- 9VAC5-50-20. Compliance.
- 9VAC5-50-30. Performance testing.
- 9VAC5-50-40. Monitoring.
- 9VAC5-50-50. Notification, records and reporting.

PART II—EMISSION STANDARDS

**ARTICLE 1—VISIBLE EMISSIONS AND FUGITIVE
DUST/EMISSIONS**

(Effective 02/01/2003)

- 9VAC5-50-60. Applicability and designation of affected facility.
- 9VAC5-50-70. Definitions.
- 9VAC5-50-80. Standard for visible emissions.
- 9VAC5-50-90. Standard for fugitive dust/emissions.
- 9VAC5-50-100. Monitoring.
- 9VAC5-50-110. Test methods and procedures.
- 9VAC5-50-120. Waivers.

ARTICLE 4—STATIONARY SOURCES

(Effective 09/01/2006)

- 9VAC5-50-240. Applicability and designation of affected facility.

9VAC5-50-250. Definitions.

- 9VAC5-50-260. Standard for stationary sources.
- 9VAC5-50-270. Standard for major stationary sources (nonattainment areas).
- 9VAC5-50-280. Standard for major stationary sources (prevention of significant deterioration areas).
- 9VAC5-50-290. Standard for visible emissions.
- 9VAC5-50-300. Standard for fugitive dust/emissions.
- 9VAC5-50-320. Standard for toxic pollutants.
- 9VAC5-50-330. Compliance.
- 9VAC5-50-340. Test methods and procedures.
- 9VAC5-50-350. Monitoring.
- 9VAC5-50-360. Notification, records and reporting.
- 9VAC5-50-370. Registration.
- 9VAC5-50-380. Facility and control equipment maintenance or malfunction.
- 9VAC5-50-390. Permits.

**ARTICLE 5—EPA NEW SOURCE PERFORMANCE
STANDARDS**

(Effective 03/02/2011)

- 9VAC5-50-400. General.
- 9VAC5-50-405. Authority to implement and enforce standards as authorized by EPA.
- 9VAC5-50-410. Designated standards of performance.
- 9VAC5-50-420. Word or phrase substitutions.

ARTICLE 6—MEDICAL WASTE INCINERATORS

(Effective 06/01/1995)

- 9VAC5-50-430. Applicability and designation of affected facility.
- 9VAC5-50-440. Definitions.
- 9VAC5-50-450. Standard for particulate matter.
- 9VAC5-50-460. Standard for carbon monoxide.
- 9VAC5-50-470. Standard for hydrogen chloride.
- 9VAC5-50-480. Standard for dioxins and furans.
- 9VAC5-50-490. Standard for visible emissions.
- 9VAC5-50-500. Standard for fugitive dust/emissions.
- 9VAC5-50-520. Standard for toxic pollutants.
- 9VAC5-50-530. Standard for radioactive materials.
- 9VAC5-50-540. Compliance.
- 9VAC5-50-550. Test methods and procedures.
- 9VAC5-50-560. Monitoring.
- 9VAC5-50-570. Notification, records and reporting.
- 9VAC5-50-580. Registration.
- 9VAC5-50-590. Facility and control equipment maintenance or malfunction.
- 9VAC5-50-600. Permits.

Chapter 60—Hazardous Air Pollutant Sources

PART I—SPECIAL PROVISIONS

(Effective 08/01/2002)

- 9VAC5-60-10. Applicability.
- 9VAC5-60-20. Compliance.

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9VAC5-60-30. Emission testing.
9VAC5-60-40. Monitoring.
9VAC5-60-50. Notification, records and reporting.

PART II—EMISSION STANDARDS

ARTICLE 1—EPA NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS
(Effective 03/02/2011)

9VAC5-60-60. General.
9VAC5-60-65. Authority to implement and enforce standards as authorized by EPA.
9VAC5-60-70. Designated emission standards.
9VAC5-60-80. Word or phrase substitutions.

ARTICLE 2—EPA MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY STANDARDS

(Effective 03/02/2011)

9VAC5-60-90. General.
9VAC5-60-92. Federal Hazardous Air Pollutant Program.
9VAC5-60-95. Authority to implement and enforce standards as authorized by EPA.
9VAC5-60-100. Designated emission standards.
9VAC5-60-110. Word or phrase substitutions.

ARTICLE 3—CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES OF HAZARDOUS AIR POLLUTANTS

(Effective 07/01/2004)

9VAC5-60-120. Applicability.
9VAC5-60-130. Definitions.
9VAC5-60-140. Approval process for new and existing affected sources.
9VAC5-60-150. Application content for case-by-case MACT determinations.
9VAC5-60-160. Preconstruction review procedures for new affected sources subject to 9VAC5-60-140C1.
9VAC5-60-170. Maximum achievable control technology (MACT) determinations for affected sources subject to case-by-case determination of equivalent emission limitations.
9VAC5-60-180. Requirements for case-by-case determination of equivalent emission limitations after promulgation of a subsequent MACT standard.

ARTICLE 4—TOXIC POLLUTANTS FROM EXISTING SOURCES

(Effective 05/01/2002)

9VAC5-60-200. Applicability and designation of affected facility.
9VAC5-60-210. Definitions.
9VAC5-60-220. Standard for toxic pollutants.
9VAC5-60-230. Significant ambient air concentration guidelines.
9VAC5-60-240. Submittal of information.
9VAC5-60-250. Determination of ambient air concentrations.
9VAC5-60-260. Compliance.
9VAC5-60-270. Public participation.

ARTICLE 5—TOXIC POLLUTANTS FROM NEW AND MODIFIED SOURCES

(Effective 05/01/2002)

9VAC5-60-300. Applicability and designation of affected facility.
9VAC5-60-310. Definitions.
9VAC5-60-320. Standard for toxic pollutants.
9VAC5-60-330. Significant ambient air concentration guidelines.
9VAC5-60-340. Submittal of information.
9VAC5-60-350. Determination of ambient air concentrations.
9VAC5-60-360. Compliance.
9VAC5-60-370. Public participation.

Chapter 70—Air Pollution Episode Prevention

(Effective 04/01/1999)

9VAC5-70-10. Applicability.
9VAC5-70-20. Definitions.
9VAC5-70-30. General.
9VAC5-70-40. Episode determination.
9VAC5-70-50. Standby emission reduction plans.
9VAC5-70-60. Control requirements.
9VAC5-70-70. Local air pollution control agency participation.

Chapter 80—Permits for Stationary Sources

PART I—PERMIT ACTIONS AND PUBLIC HEARINGS BEFORE THE BOARD

(Effective 11/12/2009)

9VAC5-80-5. Definitions.
9VAC5-80-15. Applicability.
9VAC5-80-25. Direct consideration of permit actions by the board.
9VAC5-80-35. Public hearings to contest permit actions.

PART II—PERMIT PROCEDURES

ARTICLE 1—FEDERAL (TITLE V) OPERATING PERMITS FOR STATIONARY SOURCES

(Effective 03/02/2011)

9VAC5-80-50. Applicability.
9VAC5-80-60. Definitions.
9VAC5-80-70. General.
9VAC5-80-80. Applications.
9VAC5-80-90. Application information required.
9VAC5-80-100. Emission caps.
9VAC5-80-110. Permit content.
9VAC5-80-120. General permits.
9VAC5-80-130. Temporary sources.
9VAC5-80-140. Permit shield.
9VAC5-80-150. Action on permit application.
9VAC5-80-160. Transfer of permits.
9VAC5-80-170. Permit renewal and expiration.
9VAC5-80-180. Permanent shutdown for emissions trading.
9VAC5-80-190. Changes to permits.
9VAC5-80-200. Administrative permit amendments.
9VAC5-80-210. Minor permit modifications.

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- 9VAC5-80-220. Group processing of minor permit modifications.
- 9VAC5-80-230. Significant modification procedures.
- 9VAC5-80-240. Reopening for cause.
- 9VAC5-80-250. Malfunction.
- 9VAC5-80-260. Enforcement.
- 9VAC5-80-270. Public participation.
- 9VAC5-80-280. Operational flexibility.
- 9VAC5-80-290. Permit review by EPA and affected states.
- 9VAC5-80-300. Voluntary inclusions of additional state-only requirements as applicable state requirements in the permit.

ARTICLE 2—PERMIT PROGRAM (TITLE V) FEES FOR STATIONARY SOURCES

(Effective 07/18/2001)

- 9VAC5-80-310. Applicability.
- 9VAC5-80-320. Definitions.
- 9VAC5-80-330. General.
- 9VAC5-80-340. Annual permit program fee calculation.
- 9VAC5-80-350. Annual permit program fee payment.

ARTICLE 4—INSIGNIFICANT ACTIVITIES

(Effective 01/01/2001)

- 9VAC5-80-710. General.
- 9VAC5-80-720. Insignificant activities.

ARTICLE 5—STATE OPERATING PERMITS

(Effective 12/31/2008)

- 9VAC5-80-800. Applicability.
- 9VAC5-80-810. Definitions.
- 9VAC5-80-820. General.
- 9VAC5-80-830. Applications.
- 9VAC5-80-840. Application information required.
- 9VAC5-80-850. Standards and conditions for granting permits.
- 9VAC5-80-860. Action on permit application.
- 9VAC5-80-870. Application review and analysis.
- 9VAC5-80-880. Compliance determination and verification by testing.
- 9VAC5-80-890. Monitoring requirements.
- 9VAC5-80-900. Reporting requirements.
- 9VAC5-80-910. Existence of permit no defense.
- 9VAC5-80-920. Circumvention.
- 9VAC5-80-930. Compliance with local zoning requirements.
- 9VAC5-80-940. Transfer of permits.
- 9VAC5-80-950. Termination of permits.
- 9VAC5-80-960. Changes to permits.
- 9VAC5-80-970. Administrative permit amendments.
- 9VAC5-80-980. Minor permit amendments.
- 9VAC5-80-990. Significant amendment procedures.
- 9VAC5-80-1000. Reopening for cause.
- 9VAC5-80-1010. Enforcement.
- 9VAC5-80-1020. Public participation.
- 9VAC5-80-1030. General permits.

- 9VAC5-80-1040. Review and evaluation of article.

ARTICLE 6—PERMITS FOR NEW AND MODIFIED STATIONARY SOURCES

(Effective 06/24/2009)

- 9VAC5-80-1100. Applicability.
- 9VAC5-80-1110. Definitions.
- 9VAC5-80-1120. General.
- 9VAC5-80-1140. Applications.
- 9VAC5-80-1150. Application information required.
- 9VAC5-80-1160. Action on permit application.
- 9VAC5-80-1170. Public participation.
- 9VAC5-80-1180. Standards and conditions for granting permits.
- 9VAC5-80-1190. Application review and analysis.
- 9VAC5-80-1200. Compliance determination and verification by performance testing.
- 9VAC5-80-1210. Permit invalidation, suspension, revocation and enforcement.
- 9VAC5-80-1220. Existence of permit no defense.
- 9VAC5-80-1230. Compliance with local zoning requirements.
- 9VAC5-80-1240. Transfer of permits.
- 9VAC5-80-1250. General permits.
- 9VAC5-80-1260. Changes to permits.
- 9VAC5-80-1270. Administrative permit amendments.
- 9VAC5-80-1280. Minor permit amendments.
- 9VAC5-80-1290. Significant amendment procedures.
- 9VAC5-80-1300. Reopening for cause.
- 9VAC5-80-1320. Permit exemption levels.

ARTICLE 7—PERMITS FOR NEW AND RECONSTRUCTED MAJOR SOURCES OF HAPS

(Effective 12/31/2008)

- 9VAC5-80-1400. Applicability.
- 9VAC5-80-1410. Definitions.
- 9VAC5-80-1420. General.
- 9VAC5-80-1430. Applications.
- 9VAC5-80-1440. Application information required.
- 9VAC5-80-1450. Action on permit application.
- 9VAC5-80-1460. Public participation.
- 9VAC5-80-1470. Standards and conditions for granting permits.
- 9VAC5-80-1480. Application review and analysis.
- 9VAC5-80-1490. Compliance determination and verification by performance testing.
- 9VAC5-80-1500. Permit invalidation, rescission, revocation and enforcement.
- 9VAC5-80-1510. Existence of permit no defense.
- 9VAC5-80-1520. Compliance with local zoning requirements.
- 9VAC5-80-1530. Transfer of permits.
- 9VAC5-80-1540. Changes to permits.
- 9VAC5-80-1550. Administrative permit amendments.
- 9VAC5-80-1560. Minor permit amendments.

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9VAC5-80-1570. Significant amendment procedures.
9VAC5-80-1580. Reopening for cause.
9VAC5-80-1590. Requirements for constructed or reconstructed major sources subject to a subsequently promulgated MACT standard or MACT requirements.

ARTICLE 8—PERMITS FOR MAJOR STATIONARY SOURCES AND MODIFICATIONS—PSD AREAS

(Effective 03/02/2011)

9VAC5-80-1605. Applicability.
9VAC5-80-1615. Definitions.
9VAC5-80-1625. General.
9VAC5-80-1635. Ambient air increments.
9VAC5-80-1645. Ambient air ceilings.
9VAC5-80-1655. Applications.
9VAC5-80-1665. Compliance with local zoning requirements.
9VAC5-80-1675. Compliance determination and verification by performance testing.
9VAC5-80-1685. Stack heights.
9VAC5-80-1695. Exemptions.
9VAC5-80-1705. Control technology review.
9VAC5-80-1715. Source impact analysis.
9VAC5-80-1725. Air quality models.
9VAC5-80-1735. Air quality analysis.
9VAC5-80-1745. Source information.
9VAC5-80-1755. Additional impact analyses.
9VAC5-80-1765. Sources affecting federal class I areas—additional requirements.
9VAC5-80-1773. Action on permit application.
9VAC5-80-1775. Public participation.
9VAC5-80-1785. Source obligation.
9VAC5-80-1795. Environmental impact statements.
9VAC5-80-1805. Disputed permits.
9VAC5-80-1815. Interstate pollution abatement.
9VAC5-80-1825. Innovative control technology.
9VAC5-80-1865. Actuals plantwide applicability limits (PALs).
9VAC5-80-1915. Actions to combine permit terms and conditions.
9VAC5-80-1925. Actions to change permits.
9VAC5-80-1935. Administrative permit amendments.
9VAC5-80-1945. Minor permit amendments.
9VAC5-80-1955. Significant amendment procedures.
9VAC5-80-1965. Reopening for cause.
9VAC5-80-1975. Transfer of permits.
9VAC5-80-1985. Permit invalidation, suspension, revocation, and enforcement.
9VAC5-80-1995. Existence of permit no defense.

ARTICLE 9—PERMITS FOR MAJOR STATIONARY SOURCES AND MODIFICATIONS—NONATTAINMENT AREAS

(Effective 03/02/2011)

9VAC5-80-2000. Applicability.
9VAC5-80-2010. Definitions.
9VAC5-80-2020. General.
9VAC5-80-2030. Applications.

9VAC5-80-2040. Application information required.
9VAC5-80-2050. Standards and conditions for granting permits.
9VAC5-80-2060. Action on permit application.
9VAC5-80-2070. Public participation.
9VAC5-80-2080. Compliance determination and verification by performance testing.
9VAC5-80-2090. Application review and analysis.
9VAC5-80-2091. Source obligation.
9VAC5-80-2110. Interstate pollution abatement.
9VAC5-80-2120. Offsets.
9VAC5-80-2130. De minimis increases and stationary source modification alternatives for ozone nonattainment areas classified as serious or severe in 9VAC5-20-204.
9VAC5-80-2140. Exemptions.
9VAC5-80-2144. Actuals plantwide applicability limits (PALs).
9VAC5-80-2150. Compliance with local zoning requirements.
9VAC5-80-2170. Transfer of permits.
9VAC5-80-2180. Permit invalidation, suspension, revocation and enforcement.
9VAC5-80-2190. Existence of permit no defense.
9VAC5-80-2195. Actions to combine permit terms and conditions.
9VAC5-80-2200. Actions to change permits.
9VAC5-80-2210. Administrative permit amendments.
9VAC5-80-2220. Minor permit amendments.
9VAC5-80-2230. Significant amendment procedures.
9VAC5-80-2240. Reopening for cause.

ARTICLE 10—PERMIT APPLICATION FEES FOR STATIONARY SOURCES

(Effective 12/01/2004)

9VAC5-80-2250. Applicability.
9VAC5-80-2260. Definitions.
9VAC5-80-2270. General.
9VAC5-80-2280. Permit application fee calculation.
9VAC5-80-2290. Permit application fee payment.
9VAC5-80-2300. Credit for payment of permit application fees.

Chapter 85—Permits for Stationary Sources of Pollutants Subject to Regulation (Greenhouse Gas Tailoring)

(Effective 01/02/2011)

PART I—APPLICABILITY

9VAC5-85-10. Applicability.

PART II—FEDERAL (TITLE V) OPERATING PERMIT ACTIONS

9VAC5-85-20. Federal (Title V) operating permit actions.
9VAC5-85-30. Definitions.

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PART III—PREVENTION OF SIGNIFICANT DETERIORATION AREA PERMIT ACTIONS

- 9VAC5-85-40. Prevention of significant deterioration area permit actions.
- 9VAC5-85-50. Definitions.

PART IV—STATE OPERATING PERMIT ACTIONS

- 9VAC5-85-60. State operating permit actions.
- 9VAC5-85-70. Definitions.

Chapter 130—Open Burning

(Effective 03/18/2009)

PART I—GENERAL PROVISIONS

- 9VAC5-130-10. Applicability.
- 9VAC5-130-20. Definitions.
- 9VAC5-130-30. Open burning prohibitions.
- 9VAC5-130-40. Permissible open burning.
- 9VAC5-130-50. Forest management and agricultural practices.
- 9VAC5-130-60. Waivers.

PART II—LOCAL ORDINANCES

- 9VAC5-130-100. Local ordinances on open burning.

Chapter 150—Transportation Conformity

(Effective 01/01/1998)

PART I—GENERAL DEFINITIONS

- 9VAC5-150-10. General.
- 9VAC5-150-20. Terms defined.

PART II—GENERAL PROVISIONS

- 9VAC5-150-30. Applicability.
- 9VAC5-150-40. Authority of board and DEQ.
- 9VAC5-150-80. Relationship of state regulations to federal regulations.

PART III—CRITERIA AND PROCEDURES FOR MAKING CONFORMITY DETERMINATIONS

- 9VAC5-150-110. Priority.
- 9VAC5-150-120. Frequency of conformity determinations.
- 9VAC5-150-130. Consultation.
- 9VAC5-150-140. Content of transportation plans.
- 9VAC5-150-150. Relationship of transportation plan and TIP conformity with the NEPA process.
- 9VAC5-150-160. Fiscal constraints for transportation plans and TIPs.
- 9VAC5-150-170. Criteria and procedures for determining conformity of transportation plans, programs, and projects: General.
- 9VAC5-150-180. Criteria and procedures: latest planning assumptions.
- 9VAC5-150-190. Criteria and procedures: latest emissions model.
- 9VAC5-150-200. Criteria and procedures: consultation.
- 9VAC5-150-210. Criteria and procedures: timely implementation of TCMs.

9VAC5-150-220. Criteria and procedures: currently conforming transportation plan and TIP.

9VAC5-150-230. Criteria and procedures: projects from a plan and TIP.

9VAC5-150-240. Criteria and procedures: localized CO and PM₁₀ violations (hot spots).

9VAC5-150-250. Criteria and procedures: compliance with PM₁₀ control measures.

9VAC5-150-260. Criteria and procedures: motor vehicle emissions budget (transportation plan).

9VAC5-150-270. Criteria and procedures: motor vehicle emissions budget (TIP).

9VAC5-150-280. Criteria and procedures: motor vehicle emissions budget (project not from a plan and TIP).

9VAC5-150-290. Criteria and procedures: localized CO violations (hot spots) in the interim period.

9VAC5-150-300. Criteria and procedures: interim period reductions in ozone and CO areas (transportation plan).

9VAC5-150-310. Criteria and procedures: interim period reductions in ozone and CO areas (TIP).

9VAC5-150-320. Criteria and procedures: interim period reductions for ozone and CO areas (project not from a plan and TIP).

9VAC5-150-330. Criteria and procedures: interim period reductions for PM₁₀ and NO₂ areas (transportation plan).

9VAC5-150-340. Criteria and procedures: interim period reductions for PM₁₀ and NO₂ areas (TIP).

9VAC5-150-350. Criteria and procedures: interim period reductions for PM₁₀ and NO₂ areas (project not from a plan and TIP).

9VAC5-150-360. Transition from the interim period to the control strategy period.

9VAC5-150-370. Requirements for adoption or approval of projects by recipients of funds designated under Title 23 USC or the Federal Transit Act.

9VAC5-150-380. Procedures for determining regional transportation-related emissions.

9VAC5-150-390. Procedures for determining localized CO and PM₁₀ concentrations (hot-spot analysis).

9VAC5-150-400. Using the motor vehicle emissions budget in the applicable implementation plan (or implementation plan submission).

9VAC5-150-410. Enforceability of design concept and scope and project-level mitigation and control measures.

9VAC5-150-420. Exempt projects.

9VAC5-150-430. Projects exempt from regional emissions analyses.

9VAC5-150-440. Special provisions for non-attainment areas which are not required to demonstrate reasonable further progress and attainment.

9VAC5-150-450. Review and confirmation of this chapter by board.

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Chapter 151—Transportation Conformity
(Effective 03/02/2011)

PART I—GENERAL DEFINITIONS

9VAC5-151-10. Definitions.

PART II—GENERAL PROVISIONS

9VAC5-151-20. Applicability.
9VAC5-151-30. Authority of board and DEQ.

PART III—CRITERIA AND PROCEDURES FOR MAKING CONFORMITY DETERMINATIONS

9VAC5-151-40. General.
9VAC5-151-50. Designated provisions.
9VAC5-151-60. Word or phrase substitutions.
9VAC5-151-70. Consultation.

Chapter 160—General Conformity
(Effective 03/02/2011)

PART I—GENERAL DEFINITIONS

9VAC5-160-10. General.
9VAC5-160-20. Terms defined.

PART II—GENERAL PROVISIONS

9VAC5-160-30. Applicability.
9VAC5-160-40. Authority of board and department.
9VAC5-160-80. Relationship of state regulations to federal regulations.

PART III—CRITERIA AND PROCEDURES FOR MAKING CONFORMITY DETERMINATIONS

9VAC5-160-110. General.
9VAC5-160-120. Conformity analysis.
9VAC5-160-130. Reporting requirements.
9VAC5-160-140. Public participation.
9VAC5-160-150. Frequency of conformity determinations.
9VAC5-160-160. Criteria for determining conformity.
9VAC5-160-170. Procedures for conformity determinations.
9VAC5-160-180. Mitigation of air quality impacts.
9VAC5-160-190. Savings provision.
9VAC5-160-200. Review and confirmation of this chapter by board.

Chapter 500—Exclusionary General Permit for Title V Permit
(Effective 07/01/1997)

PART I—DEFINITIONS

9VAC5-500-10. General.
9VAC5-500-20. Terms defined.

PART II—GENERAL PROVISIONS

9VAC5-500-30. Purpose.
9VAC5-500-40. Applicability.
9VAC5-500-50. General.
9VAC5-500-60. Existence of permit no defense.
9VAC5-500-70. Circumvention.

9VAC5-500-80. Enforcement of a general permit.

PART III—GENERAL PERMIT ADMINISTRATIVE PROCEDURES

9VAC5-500-90. Requirements for department issuance of authority to operate under the general permit.
9VAC5-500-100. Applications for coverage under the general permit.
9VAC5-500-110. Required application information.
9VAC5-500-120. General permit content.
9VAC5-500-130. Issuance of an authorization to operate under the general permit.
9VAC5-500-140. Transfer of authorizations to operate under the general permit.

PART IV—GENERAL PERMIT TERMS AND CONDITIONS

9VAC5-500-150. Emissions levels and requirements.
9VAC5-500-160. Emissions levels.
9VAC5-500-170. Compliance determination and verification by emission testing.
9VAC5-500-180. Compliance determination and verification by emission monitoring.
9VAC5-500-190. Recordkeeping requirements.
9VAC5-500-200. Reporting requirements.
9VAC5-500-210. Compliance certifications.
9VAC5-500-220. Consequences of failure to remain below emissions levels.
9VAC5-500-230. Enforcement.
9VAC5-500-240. Review and evaluation of regulation.

(2) [Reserved]

[57 FR 40806, Sept. 4, 1992]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting appendix A to Part 55, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

EFFECTIVE DATE NOTE: At 83 FR 30052, June 27, 2018, appendix A to part 55 was amended by revising paragraph (a)(1) under the heading "New Jersey," effective July 27, 2018. For the convenience of the user, the revised text is set forth as follows:

APPENDIX A TO PART 55—LISTING OF STATE AND LOCAL REQUIREMENTS INCORPORATED BY REFERENCE INTO PART 55, BY STATE

* * * * *

NEW JERSEY

(a) * * *

(1) The following State of New Jersey requirements are applicable to OCS Sources, as of January 16, 2018. New Jersey State Department of Environmental Protection—New Jersey Administrative Code. The following sections of Title 7:

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CHAPTER 27 SUBCHAPTER 2—CONTROL AND PROHIBITION OF OPEN BURNING (EFFECTIVE 6/20/1994)

- N.J.A.C. 7:27-2.1. Definitions
- N.J.A.C. 7:27-2.2. Open burning for salvage operations
- N.J.A.C. 7:27-2.3. Open burning of refuse
- N.J.A.C. 7:27-2.4. General provisions
- N.J.A.C. 7:27-2.6. Prescribed burning
- N.J.A.C. 7:27-2.7. Emergencies
- N.J.A.C. 7:27-2.8. Dangerous material
- N.J.A.C. 7:27-2.12. Special permit
- N.J.A.C. 7:27-2.13. Fees

CHAPTER 27 SUBCHAPTER 3—CONTROL AND PROHIBITION OF SMOKE FROM COMBUSTION OF FUEL (EFFECTIVE 2/4/2002)

- N.J.A.C. 7:27-3.1. Definitions
- N.J.A.C. 7:27-3.2. Smoke emissions from stationary indirect heat exchangers
- N.J.A.C. 7:27-3.3. Smoke emissions from marine installations
- N.J.A.C. 7:27-3.4. Smoke emissions from the combustion of fuel in mobile sources
- N.J.A.C. 7:27-3.5. Smoke emissions from stationary internal combustion engines and stationary turbine engines
- N.J.A.C. 7:27-3.6. Stack test
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**PART 56—REGIONAL
 CONSISTENCY**

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 56.1 Definitions.

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 56.5 Mechanisms for fairness and uniformity—Responsibilities of Regional Office employees.
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AUTHORITY: Sec. 301(a)(2) of the Clean Air Act as amended (42 U.S.C. 7601).

SOURCE: 45 FR 85405, Dec. 24, 1980, unless otherwise noted.

§ 56.1 Definitions.

As used in this part, all terms not defined herein have the meaning given them in the Clean Air Act.

Act means the Clean Air Act as amended (42 U.S.C. 7401 *et seq.*).

Administrator, Deputy Administrator, Assistant Administrator, General Counsel, Associate General Counsel, Deputy Assistant Administrator, Regional Administrator, Headquarters, Staff Office, Operational Office, and Regional Office are described in part 1 of this title.

Mechanism means an administrative procedure, guideline, manual, or written statement.

Program directive means any formal written statement by the Administrator, the Deputy Administrator, the Assistant Administrator, a Staff Office Director, the General Counsel, a Deputy Assistant Administrator, an Associate General Counsel, or a division Director of an Operational Office that is intended to guide or direct Regional Offices in the implementation or enforcement of the provisions of the act.

Responsible official means the EPA Administrator or any EPA employee who is accountable to the Administrator for carrying out a power or duty delegated under section 301(a)(1) of the act, or is accountable in accordance with EPA's formal organization for a particular program or function as described in part 1 of this title.

§ 56.2 Scope.

This part covers actions taken by:

- (a) Employees in EPA Regional Offices, including Regional Administrators, in carrying out powers and duties delegated by the Administrator under section 301(a)(1) of the act; and



START ACTION NOTICE # 2018-11

1. TYPE OF ACTION:

Amend 7 **DE Admin. Code** 1150, Outer Continental Shelf Air Regulations

2. PURPOSE OF ACTION:

The Division of Air Quality (DAQ) is proposing to amend 7 **DE Admin. Code** 1150 to incorporate updates to the federal Outer Continental Shelf (OCS) regulations at 40 CFR 55, which have been made since the regulation was adopted in 2010. Additionally, a consistency update must be provided to the EPA, as part of the update to the regulation, so that all of the amendments to Delaware's air regulations since 2010 can be incorporated into the OCS regulations at 40 CFR 55.

3. STATUTORY BASIS:

7 **Del. C.** Ch. 60, Environmental Control.

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE.

No

5. DATE OF MOST RECENT REVIEW/AMENDMENT:
(Please indicate if review was pursuant to EO-36 OR HB 147)

Adopted and effective on June 11, 2010. The regulation has not been amended since adoption.

6. LIKELY AFFECTED PUBLIC:

These requirements will only affect projects which are expected to be constructed on the Outer Continental Shelf, within 25 miles of Delaware's (or Maryland's) seaward boundaries.

7. PROPOSED SCHEDULE OF ACTIVITIES:

DNREC staff outlines proposal – 2nd Quarter 2018
Complete Draft proposal – 2nd Quarter 2018
Public Workshops – None Anticipated
Publication in the Register – 3rd Quarter 2018
Public Hearing – 3rd Quarter 2018


8. REVIEW COMMITTEE:


A review committee is not required for this action. A public hearing will provide adequate opportunity for public education and input.

9. RESPONSIBLE STAFF MEMBER:
(name, physical address, phone and fax numbers, and e-mail address)

Mark Prettyman – DE DNREC – Division of Air Quality
100 West Water St, Suite 6A
Dover, DE 19904
Phone: 302-739-9402
Fax: 302-739-3106
Email: mark.prettyman@state.de.us

10. APPROVALS:

 6/4/18
[PRINT NAME HERE] Date
Responsible Staff Member

 6/7/18
[PRINT NAME HERE] Date
Director, Division of [DIVISION NAME]

 6/30/18
Shawn M. Garvin Date
Secretary

Regulatory Flexibility Analysis and Impact Statement Form

For Proposed New and Amended Regulations Affecting Small Businesses or Individuals

Introduction

Beginning January 1, 2016, agencies submitting proposed new or amended regulations that affect small businesses or individuals are required, under the new Regulatory Transparency and Accountability Acts of 2015 (see 80 Del. Laws, c. 112 and 113), to submit a Regulatory Flexibility Analysis (RFA) and a Regulatory Impact Statement (RIS) with the proposed regulation to the Registrar of Regulations (see **29 Del.C. Ch. 104**).

This RFA and RIS form is intended to benefit the small businesses and individuals impacted by proposed regulations by ensuring a reasonable level of consistency in the formatting of RFAs and RISs across different agencies and regulations.

State agencies proposing new or amended regulations that are substantially likely to impose additional costs or burdens on small businesses¹ or individuals² must submit a Regulatory Flexibility Analysis (RFA) and a Regulatory Impact Statement (RIS) to the Registrar of Regulations, with the proposed regulation. For agencies proposing amendments to existing regulations, the promulgating agency shall only be required to complete the RFA and RIS for the proposed amended portion of the existing regulation, and not for the entire existing regulation.

What is a Regulatory Flexibility Analysis (RFA)?

In each RFA, an agency must consider, where applicable, lawful, feasible and desirable, specific methods of reducing the burdens of the regulation on individuals and/or small businesses, including: (1) establishing less stringent requirements and deadlines; (2) establishing performance standards to replace design standards; (3) exempting individuals and small businesses from all or part of the regulation; and (4) examining other ways to accomplish the regulation's purpose, while minimizing the impact upon individuals and/or small businesses.

What is a Regulatory Impact Statement (RIS)?

Among other things, each RIS must (1) describe the purpose of the regulation; (2) identify the individuals and/or small businesses subject to it; (3) provide an estimate of the potential costs of compliance; and (4) describe any less intrusive or less costly alternative methods of achieving the purpose of the regulation. In addition, the Act further enhances transparency by requiring the Registrar of Regulations to transmit regulatory impact statements to the appropriate standing committee of the General Assembly.

¹"Small business" means any not-for-profit enterprise, sheltered workshop or business enterprise which is engaged in any phase of manufacturing, agricultural production or personal service, regardless of the form of its organization, when such enterprise or workshop employs fewer than 50 persons, has gross receipts of less than \$10,000,000 and is not owned, operated or controlled by another business enterprise.

²"Individual" means any natural person, including any sole proprietorship. The term "individual" does not include any natural person affected by a regulation in his/her capacity as an officer, director, or employee of an organization that is not a "small business"; e.g. the CEO of a large business.

Agencies, Boards, and Commissions: please fill out this form when proposing new or amended regulations for the purpose of informing the public and business community. All proposed regulations, even if an exemption applies, must have this form attached when submitting to the Registrar of Regulations.

Date 11/1/2018 Agency DNREC Division/Office DAQ

Contact Name Mark A. Prettyman

Contact Email (or mailing address for comments) mark.prettyman@state.de.us

Regulation # 1150 Title Outer Continental Shelf Air Regulations

Exemptions

- Exemption A:* This proposed regulation is **not subject to Chapter 104, Title 29 of the Delaware Code**, because it will not apply to small businesses or individuals at all.
- Exemption B:* The agency, board, or commission is exempt from completing the RFA and Impact Statement due to the nature of the proposed regulation.

Choose the reason for exemption:

- B1.* This proposed regulation is not substantially likely to impose additional costs or burdens upon individuals and/or small businesses. Explain this conclusion:
- B2.* This is an emergency regulation pursuant to **29 Del.C. §10119**.
- B3.* This proposed regulation is exempt from the procedural requirements of the Administrative Procedures Act, **29 Del.C. §10113(b)**. Choose which reason:
- B3a.* Descriptions of agency organization, operations and procedures for obtaining information
- B3b.* Rules of practice and procedure used by the agency
- B3c.* Delegations of authority to subordinates
- B3d.* Nonsubstantive changes in existing regulations to alter style or form or to correct technical errors
- B3e.* Amendments to existing regulations to make them consistent with changes in basic law but which do not otherwise alter the substance of the regulations
- B3f.* Codifications of existing agency or judicial principles of decision derived from previous decisions and rulings

- B4. This proposed regulation defines standard of conduct or qualifications of individuals applying for licensure or as licensed professionals. Identify which professional license or professional qualification this would apply to:

- B5. Regulations that are required by federal law and/or have already complied with the federal Regulatory Flexibility Act, 5 U.S.C. § 601 et seq. (If this is checked, the agency, board, or commission shall cite the federal law, regulation, directive, or guidance strictly mandating such state regulation and shall attach any applicable Federal RFA related to the regulation, if available. Attach the Federal RFA statement to this form, or provide the URL):

End of Exemption Section

Regulatory Flexibility Analysis

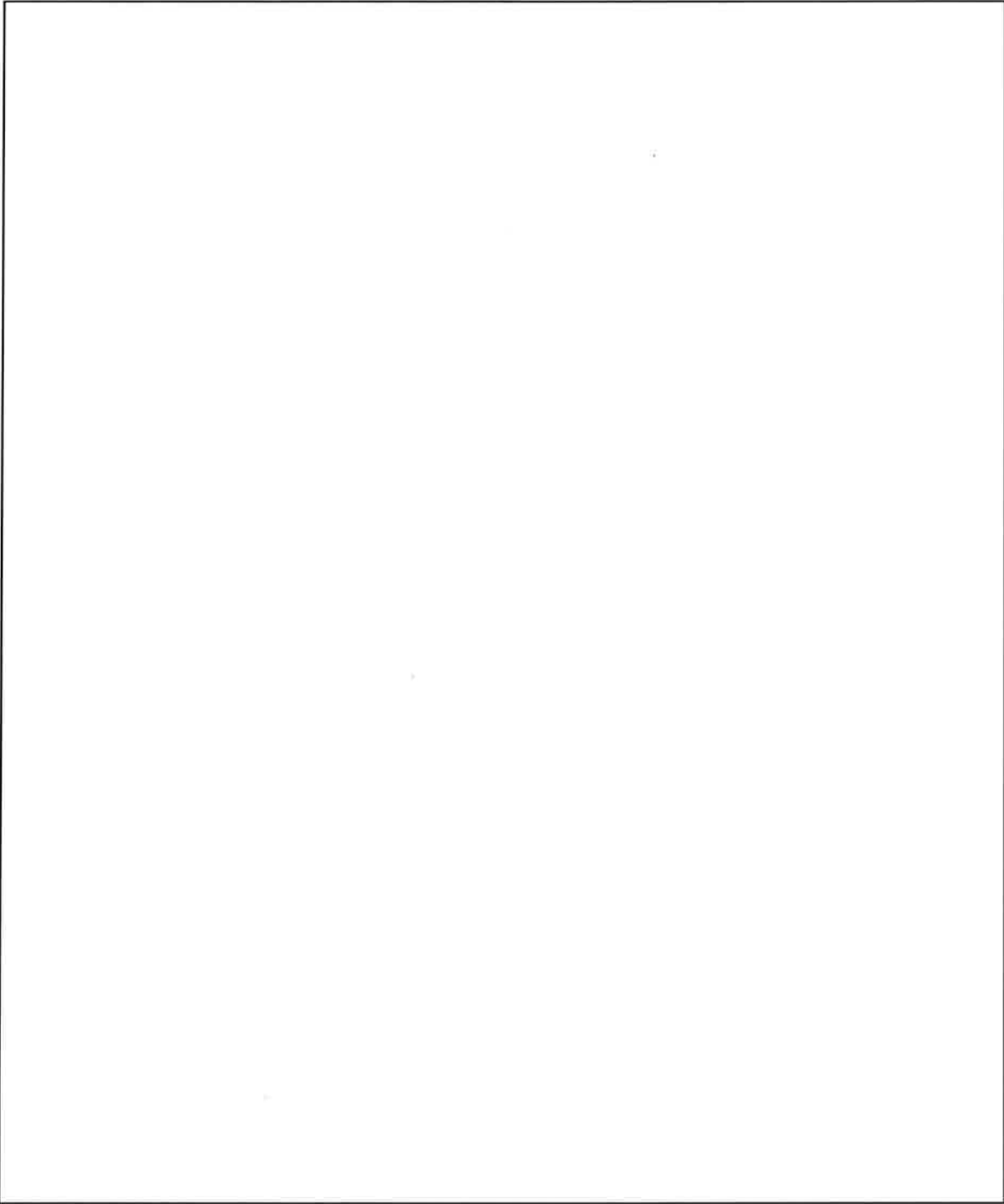
State agencies, boards, and commissions proposing to adopt or amend a regulation that is substantially likely to impose additional costs or burdens upon individuals and/or small businesses shall consider, where **applicable, lawful, feasible and desirable**, the following methods of reducing the additional costs and burdens of proposed regulations **on individuals and small businesses**:

1. The establishment of less stringent compliance or reporting requirements;
2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements;
3. The consolidation or simplification of compliance or reporting requirements;
4. The establishment of performance standards to replace design or operational standards required in the proposed regulation;
5. The exemption of certain individuals or small businesses from all or part of the requirements contained in the proposed regulation; and
6. Such other alternative regulatory methods that will accomplish the objectives of the proposed regulation while minimizing the adverse impact upon individuals and small businesses.

Explain whether each of the above methods would be applicable, lawful, feasible, and desirable to reduce the costs or burdens of the proposed regulation:

1.	
2.	
3.	
4.	
5.	
6.	

If the above RFA section does not address each of the six methods and there is not an exemption that applies, explain why the agency, board, or commission decided it was not applicable, lawful, feasible, and desirable to complete the RFA section above:



End of Regulatory Flexibility Analysis Section

Regulatory Impact Statement

Any agency, board, or commission that proposes to adopt or amend a regulation that is substantially likely to impose additional costs or burdens upon individuals and/or small businesses must submit the below Regulatory Impact Statement (RIS).

- Reference the statutory provision that allows for the adoption or amendment of the regulation and the statutory provisions that address the subject matter of the regulation. In addition, provide the URL to the specific section of the Delaware Code to allow the public easy access to view the provision.
 - Statutory Citation: _____
 - URL: _____
 - Subject Matter Statutory Citation: _____
 - URL: _____

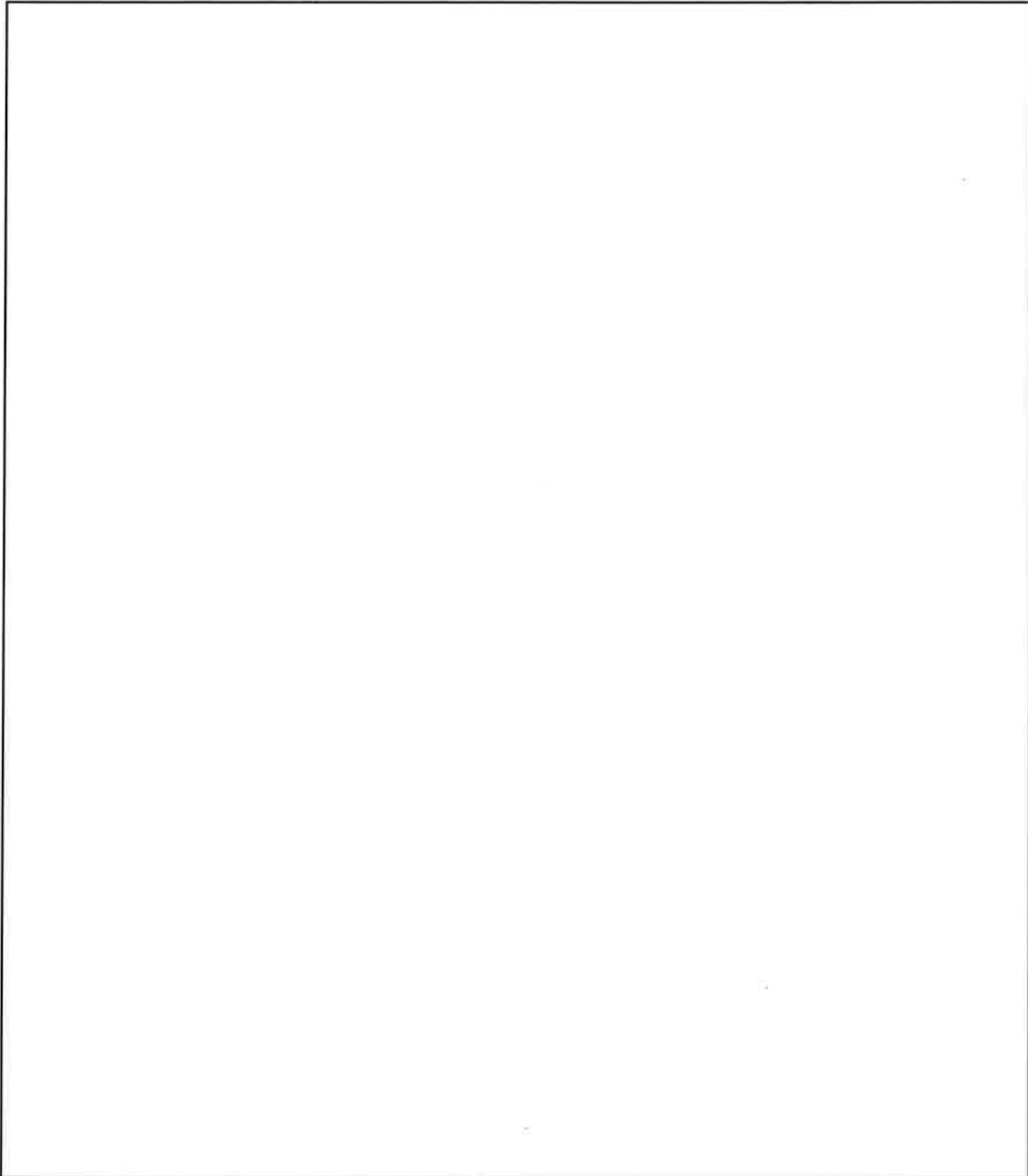
- Describe the purpose of the proposed regulation (what is the need for the proposed regulation?):

- What are the anticipated benefits of the proposed regulation? (Describe the benefits that are expected to accrue as a result of the implemented regulation). Please quantify such benefits, as feasible:

- Identify the types of individuals and/or small businesses that would be subject to compliance under the regulation:

- Provide a **good-faith estimate** of the potential cost of compliance for individuals and/or small businesses, which at minimum shall include the projected reporting, recordkeeping, and other administrative costs required to comply with the proposed regulation. Use the below space for a free-text response (*Cost Estimate Option 1*) or, use the questionnaire below to guide the response (*Cost Estimate Option 2*):

Cost Estimate Option 1:



Cost Estimate Option 2		Yes	No	Unknown
1	Is this regulation being proposed to implement a state or federal program that provides funds to Delaware?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2	If this regulation is not implemented, will individuals, businesses, or programs lose federal funding?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3	Does this regulation implement a plan that has already been approved by the federal government, after an opportunity for public comment?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4	Does this regulation follow industry standards and best practices?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5	Are there potential costs in not establishing these standards?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6	Does the regulation require capital costs (building costs, material costs, upgrades to property or structures, retrofitting of systems, etc.)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7	Does the regulation require additional recurring costs on small businesses or individuals?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8	Does the regulation impose additional administrative burden for a small business or individual?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8a	If answering yes to #8, is it ongoing reporting or one time? (Choose answer) <input type="radio"/> Ongoing <input type="radio"/> One Time <input type="radio"/> Unknown			
8b	If answering yes to #8, generally, how much administrative effort will be required to comply with the regulation? <input type="radio"/> Large Amount <input type="radio"/> Small Amount <input type="radio"/> Unknown			
9	Does the regulation require new or changed record keeping that will create new processes or change processes already in place for small businesses or individuals?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Cost Estimate Option 2 (continued)		Yes	No	Unknown
10	Would a small businesses or individual be required to hire an outside professional to comply with the proposed regulation (such as an attorney, accountant, tax advisor, environmental consultant, engineering firm, etc.)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10a	If answering yes to #10, estimate how many hours an outside professional may be needed to assist			
10b	If answering yes to #10, will a small business or individual be required to retain the services of the outside professional on an ongoing basis?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11	Does the regulation require small businesses to purchase goods or services that are unusual or not commercially reasonable?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12	Does the regulation require that small businesses exceed commercially reasonable data storage and transmission standards?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13	Will small businesses have to hire additional employees in order to comply with the proposed regulation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15	Does the regulation have the effect of creating additional licenses, taxes and/or fees for small businesses?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16	Does the regulation require small businesses to obtain additional education to keep up to date with regulatory requirements?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17	Please further explain any additional costs or burdens, which at a minimum shall include the projected reporting, recordkeeping, and other administrative costs required to comply with the proposed regulation.			

- Provide a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation, and why these methods were not preferred to a regulation:

- *(Optional)* Estimate the amount of agency, board, or commission staff hours it took to prepare this RFA and RIS statement:

- *(Optional)* Agencies are encouraged to list trade or industry groups, small businesses, or other stakeholders such as currently regulated parties that were consulted by the agency, board, or commission in preparing this RFA and RIS. The agency, board, or commission is further encouraged to send them a copy of the RFA and RIS upon completion:

End of Regulatory Impact Statement Section

a.m. on October 22, 2016, and the Isabel S. Holmes Bridge will be maintained in the closed-to-navigation position from 9:30 a.m. to 6 p.m. on October 22, 2016. These bridges are both double bascule drawbridges and have vertical clearances in the closed-to-navigation position of 20 feet and 40 feet, respectively, above mean high water.

The Atlantic Intracoastal Waterway is used by a variety of vessels including, small commercial fishing vessels and recreational vessels. The Northeast Cape Fear River is used by a variety of vessels including, small commercial fishing vessels, recreational vessels, and tug and barge traffic. The Coast Guard has carefully coordinated the restrictions with waterway users in publishing this temporary deviation.

Vessels able to pass through these bridges in their closed positions may do so at any time. These bridges will be able to open for emergencies and there are no immediate alternative routes for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedules for these bridges so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), these drawbridges must return to their regular operating schedules immediately at the end of the effective periods of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 13, 2016.

Hal R. Pitts,
Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2016-25183 Filed 10-17-16; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 33

[EPA-HQ-OA-2016-0457; FRL-9954-30-OA]

RIN 2090-AA40

Participation by Disadvantaged Business Enterprises in Procurements Under EPA Financial Assistance Agreements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because EPA received comments which could be construed as

adverse, we are withdrawing the direct final rule to amend Part 33—

Participation by Disadvantaged Business Enterprises in Procurements under EPA Financial Assistance Agreements published on July 28, 2016.

DATES: Effective October 18, 2016 the rule published in the **Federal Register** of July 28, 2016 (81 FR 49539) (FRL-9946-27-OA) is withdrawn.

FOR FURTHER INFORMATION CONTACT: Teree Henderson, Office of the Administrator, Office of Small Business Programs (mail code: 1230A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202-566-2222; fax number: 202-566-0548; email address: *henderson.teree@epa.gov*.

SUPPLEMENTARY INFORMATION: On July 28, 2016, we published a direct final rule (81 FR 49539) and a parallel proposal (81 FR 49591) amending the provisions for Part 33—Participation by Disadvantaged Business Enterprises in Procurements under EPA Financial Assistance Agreements. These amendments were issued as a direct final rule, along with a parallel proposal to be used as the basis for final action in the event EPA received any adverse comments on the direct final amendments. Because EPA received comments which could be construed as adverse, we are withdrawing the direct final rule to amend the general provisions for part 33 published on July 28, 2016.

We stated in the direct final rule that if we received adverse comment by August 29, 2016, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. We subsequently received comments that could be construed as adverse on that direct final rule. We will address those comments in a subsequent final action based on the parallel proposal published on July 28, 2016 (81 FR 49591). As stated in the direct final rule and the parallel proposed rule, we will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 33

Environmental protection, Grant programs.

Dated: October 12, 2016.

Gina McCarthy,
Administrator.

[FR Doc. 2016-25169 Filed 10-17-16; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 52, 55, 70, 71 and 124

[EPA-HQ-OAR-2015-0090; FRL-9954-10-OAR]

RIN 2060-AS59

Revisions to Public Notice Provisions in Clean Air Act Permitting Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is revising the public notice rule provisions for the New Source Review (NSR), title V and Outer Continental Shelf (OCS) permit programs of the Clean Air Act (CAA or Act) and corresponding onshore area (COA) determinations for implementation of the OCS air quality regulations. This final rule removes the mandatory requirement to provide public notice of a draft air permit (as well as certain other program actions) through publication in a newspaper. Instead, this final rule requires electronic notice (e-notice) for EPA actions (and actions by permitting authorities implementing the federal permitting rules) and allows for e-notice as an option for actions by permitting authorities implementing EPA-approved programs. When e-notice is provided, the final rule requires, at a minimum, electronic access (e-access) to the draft permit. However, this final rule does not preclude a permitting authority from supplementing e-notice with newspaper notice and/or additional means of notification to the public. The EPA anticipates that e-notice, which is already being practiced by many permitting authorities, will enable permitting authorities to communicate permitting and other affected actions to the public more quickly and efficiently and will provide cost savings over newspaper publication. The EPA further anticipates that e-access will expand access to permit-related documents.

DATES: The effective date of this final rule is November 17, 2016.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2015-0090. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on

the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For further general information on this rulemaking, contact Mr. Peter Keller, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division (C504-03), Research Triangle Park, NC 27711, telephone (919) 541-2065, email keller.peter@epa.gov, or Mr. Ben Garwood, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division (C504-03), Research Triangle Park, NC 27711, telephone (919) 541-1358, email garwood.ben@epa.gov; or Ms. Grecia Castro, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division (C504-03), Research Triangle Park, NC 27711, telephone (919) 541-1351, email at castro.grecia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Entities potentially affected by this final rule include permitting authorities responsible for the permitting of stationary and OCS sources of air pollution or for determining COA designation for implementation of the OCS air regulations. This includes the EPA Regions and both EPA-delegated and EPA-approved air permitting programs that are operated by state, local or tribal agencies. Entities also potentially affected by this final rule include owners and operators of stationary and OCS sources that are subject to air pollution permitting under the CAA, as well as members of the general public who would have an interest in knowing about permitting actions, public hearings and other agency actions.

B. Where can I obtain a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this document will be posted at: <http://www3.epa.gov/nsr/actions.html> and <http://www3.epa.gov/airquality/permits/actions.html>.

Upon its publication in the **Federal Register**, only the published version may be considered the final official version of the rule and will govern in the case of any discrepancies between the **Federal Register** published version and any other version.

C. How is this document organized?

The information presented in this document is organized as follows:

- I. General Information
 - A. Does this action apply to me?
 - B. Where can I obtain a copy of this document and other related information?
 - C. How is this document organized?
- II. Background for Final Rulemaking
- III. Summary of the Final Rule Requirements
 - A. E-Notice Provisions
 - B. E-Access Provision
 - C. EPA and Delegated Permitting Authorities Subject to Mandatory E-Notice and E-Access Requirements
 - D. Permitting Authorities Not Subject to Mandatory E-Notice and E-Access Requirements
 - E. Mailing Lists
 - F. Updated Information Regarding E-Notice and E-Access for Minor NSR Permits
 - G. Other Final Rule Provisions
- IV. Implementation of E-Notice and E-Access
 - A. Permitting Authorities Implementing Federal Preconstruction Permit Program Rules
 - B. Permitting Authorities Implementing EPA-Approved Preconstruction Permit Program Rules
 - C. Permitting Authorities Implementing EPA-Approved Operating Permit Programs
 - D. Permitting Authorities With EPA-Delegated Authority To Administer the Federal Operating Permit Program
 - E. Implementation in an Affected Indian Country
 - F. Best Practices for E-Notice and E-Access
- V. Responses to Significant Comments on the Proposed Rule
 - A. General Comments on the EPA's Proposal To Remove the Mandatory Newspaper Publication Requirement From Certain Regulations and Instead Provide for E-Notice
 - B. Comments on Requirement That Permitting Authorities Use a Consistent Noticing Method
 - C. Comments on Requirement To Make E-Notice Mandatory for Federal Permit Actions
 - D. Comments on Mandatory E-Access for Programs That Use E-Notice
 - E. Comments on Final E-Notice Rule Implementation Timeframe/Transition
 - F. Comments on Temporary Use of Alternative Noticing Methods
 - G. Comments on Documentation/Certification of E-Notices
 - H. Additional Guidance on E-Notice and E-Access for Minor NSR Permit Actions
- VI. Environmental Justice Considerations
- VII. Statutory and Executive Order Reviews
 - A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
 - B. Paperwork Reduction Act (PRA)
 - C. Regulatory Flexibility Act (RFA)
 - D. Unfunded Mandates Reform Act (UMRA)
 - E. Executive Order 13132: Federalism
 - F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

I. National Technology Transfer and Advancement Act

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

K. Congressional Review Act (CRA)

L. Judicial Review

VIII. Statutory Authority

II. Background for Final Rulemaking

The CAA requires stationary sources of air pollution to obtain permits and authorizes the EPA to administer and oversee the permitting of such sources. To implement the CAA, the EPA promulgated permitting regulations for construction of sources pursuant to the NSR program under title I of the CAA, for operation of major and certain other sources of air pollutants under title V of the CAA and for sources located on the OCS under CAA section 328. These regulations are contained in 40 Code of Federal Regulations (CFR) parts 51, 52, 55, 70, 71 and 124, and cover the requirements for federal permit actions (*i.e.*, when the EPA or a delegated air agency is the permitting authority¹) and the minimum requirements for EPA approval of state or tribal implementation plans (SIPs)² and title V permitting programs.³ These rules contain, among other things, requirements for public notice and availability of supporting information to allow for informed public participation in permit actions. These regulatory requirements for public participation in

¹ In lieu of "permitting authority," in this preamble and rule, we sometimes use the terms "permitting agency" and "reviewing authority." These terms generally denote all forms of air permitting authorities, including EPA Regions, EPA-delegated air programs, and air agencies that are operated by state, local and tribal governments and permitting authorities that implement their own rules under an EPA-approved implementation plan. Furthermore, the rules for the federal permit programs sometimes use the terms "Administrator" and "Director" in referring to the permitting authority.

² SIPs, as used in this preamble, includes state and tribal implementation plans (SIPs and TIPs).

³ NSR includes the minor NSR, Prevention of Significant Deterioration (PSD) and Nonattainment NSR (NNSR) permitting programs. Requirements for the NSR programs are contained in 40 CFR part 51 for approved state/tribal permitting programs and in 40 CFR part 52 for federal PSD permit programs. 40 CFR part 52 references part 124 for additional requirements. Requirements for approved title V operating permit programs are contained in 40 CFR part 70 and for federal operating permit programs in 40 CFR part 71. Requirements for the permitting of OCS sources and COA determinations are contained in 40 CFR part 55.

permitting and other actions are the subject of this final rule. The final rule revisions apply to the following: (1) Major source⁴ air permits and permits for certain minor sources subject to title V issued by the EPA or by state, local, or tribal air agencies exercising federal authority delegated by the EPA; (2) the requirements for obtaining EPA-approval of state, local, or tribal air permitting programs; and (3) OCS permits and COA determinations for implementation of the OCS air quality regulations.

While the CAA requires permitting authorities to offer the opportunity for public participation in the processing of air permits and other actions, it does not specify the best or preferred method for providing notice to the public. *See, e.g.*, CAA sections 165(a)(2) and 502(b)(6). In the late 1970s and early 1980s, when the EPA first developed air permitting regulations to provide public notice for the major NSR program, newspaper advertisement was the most commonly accepted method for providing notice to the public of permit actions under those programs and other agency actions. Over the years, however, the availability of and access to the Internet and other forms of electronic media have increased significantly in the United States. One effect of this development is that circulation of newspapers and other print media has declined, making printed newspaper notice less effective in providing widespread public notice of permit actions in many cases. Many permitting authorities electronically post permit notices on their agency Web sites. For example, many state title V programs regularly provide electronic postings to assure adequate public notice. 40 CFR 70.7(h)(1). Such electronic notice mechanisms provide an effective, convenient and cost-efficient way to communicate permitting-related information to the majority of the public.

Given these developments, the EPA has recognized that newspaper notice is no longer the only, or in many cases the most effective, method of communicating permitting actions to the public and has issued rules allowing alternate methods of communication. For example, in 2011, the EPA issued the Tribal NSR rules that contained, among other things, requirements for noticing of permits in Indian country that provided for options other than newspaper and print media. 76 FR

38748 (July 1, 2011). The July 2011 Tribal NSR rule provides options such as Web posting and email lists among the methods that the permitting authority may use to provide adequate public notice of such permits. *Id.* at 38764.

Based on the foregoing and the EPA's objective to modernize, enhance and improve consistency in the public noticing provisions applicable to air permit actions, in December 2015 the EPA issued a proposed rule. 80 FR 81234 (Dec. 29, 2015). In that proposed rule, the EPA proposed to remove the mandatory requirement that draft permits for sources subject to the major NSR, title V or OCS programs and certain other actions be noticed in a newspaper of general circulation and instead allow (or in some cases require) the use of Internet postings to provide notice (*i.e.*, e-notice). We also proposed these same revisions for COA designations in the OCS program, permit rescissions under the federal PSD program and for giving notice of EPA part 71 program effectiveness or delegation. In the case of permits issued by the EPA or other permitting authorities implementing 40 CFR parts 52, 55 or 71, we proposed to require that the permitting authority provide e-notice for all draft permits.⁵ For permits issued by other permitting authorities—specifically, agencies that implement an approved program meeting the requirements of 40 CFR parts 51 or 70—we proposed that those permitting authorities would have the option to adopt either e-notice or retain the newspaper noticing method. We proposed that these permitting authorities must, however, select either e-notice or newspaper notice as their consistent noticing method. In addition, for all their draft permits, they must provide notice to the public through the noticing method selected and must indicate the consistent noticing method selected in their permitting rules. We also proposed to require that, when a permitting authority adopts e-notice, it also must provide e-access. In the context of this rule, e-access means that the permitting authority must make the draft permit available electronically (*i.e.*, on the agency's public Web site or on a public Web site identified by the permitting authority) for the duration of the public comment period. This final rulemaking notice does not repeat all of the discussion from the proposed rule, but refers interested readers to the

preamble of the proposed rule for additional background.

III. Summary of the Final Rule Requirements

This section provides a brief summary of the requirements of the final rule. Further discussion of these requirements, including implementation and summaries of our responses to significant comments received on the proposed rule, are provided in subsequent sections.

In this final action, the EPA is revising the public notice provisions for the NSR, title V and OCS programs to remove the mandatory requirement to provide public notice of a draft permit (and certain other program actions) through publication in a newspaper of general circulation. This final rule requires the use of e-notice to provide public notice of draft permits for federal permits while allowing e-notice as an option for permits issued under EPA-approved programs. More specifically, to implement the shift from mandatory newspaper noticing to e-notice, this final rule includes revisions to the public notice provisions in 40 CFR 51.161 (state/tribal plan requirements); 40 CFR 51.165 (state/local/tribal NNSR permits); 40 CFR 51.166 (state/local/tribal PSD permits); 40 CFR 52.21 (EPA/delegated agency-issued PSD permits); 40 CFR part 70 (state/local/tribal title V operating permits); 40 CFR part 71 (EPA/delegated agency-issued title V operating permits); 40 CFR part 55 (EPA-issued OCS permits and COA designations); and the portions of 40 CFR part 124 applicable to EPA-issued PSD and OCS permits. This final action also requires that a permitting authority provide e-access when it adopts the e-notice method to provide public notice of a draft permit.

A. E-Notice Provisions

In order to satisfy the provision for e-notice of a draft permit, the permitting authority shall electronically post, for the duration of the public comment period, the following information on a publicly accessible Web site identified by the permitting authority: (1) Notice of availability of the draft permit for public comment; (2) Information on how to access the permit record (either electronically and/or physically); (3) Information on how to request and/or attend a public hearing on the draft permit; and (4) All other information currently required to be included in the public notice under the existing regulations. In addition, where already required by the current rules, the permitting authority shall maintain a mailing list of persons who request to be

⁴ The term "major source" in the title V program rules includes any "major stationary source" under the NSR program rules. *See, e.g.*, 40 CFR 52.21(b)(1)(i) and 40 CFR 71.2. In this preamble, we use the terms "major source" and "major stationary source" interchangeably.

⁵ We did not propose nor are we finalizing any changes to the public notice requirements for OCS permits issued by delegated permitting authorities pursuant to 40 CFR 55.11.

notified of the permitting activity and shall distribute (e.g., by email, postal service) the notice to those persons. While this final rule expressly requires that the draft permit notice direct interested parties to information on how to request and/or attend a public hearing and how to access additional information relevant to the draft permit, it does not alter any existing requirements regarding the content of the public notice. Requirements regarding additional information in the notice vary across the different sections of the permitting rules and may further vary among different individual permitting authorities. This final rule does not amend or affect regulatory requirements pertaining to the provision of notice of final permit decisions. See e.g., 40 CFR 124.15(a).⁶

B. E-Access Provision

In order to satisfy the requirement for e-access when e-notice is provided, the permitting authority shall electronically post, for the duration of the public comment period, the draft permit on a publicly accessible Web site identified by the permitting authority, which may include the permitting authority's public Web site, an online state permits register, or a publicly-available electronic document management Web site that allows for downloading documents. It is important to note that, while e-access in this final rule pertains to the availability of and access to the draft permit during the public comment period, nothing in this rule alters the

requirement for a permitting authority to maintain a record of the permit action and to make it available to the public. Furthermore, nothing in this final rule affects a permitting authority's record retention policies and requirements. A permitting authority that is satisfying the rule requirements for e-access by posting the draft permit on a Web site must also provide the public with reasonable access to the other materials that support the permit decision (e.g., the permit application, statement of basis, fact sheet, preliminary determination, final determination, and response to comments) as required by existing regulations. This final rule clarifies that access to the other materials comprising the permit record may be provided either electronically or at a physical location (such as a public library), or a combination of both methods, given that some documents (such as air quality modeling data) may be too large to post online on a Web site but may be made available as part of the permit record either as hardcopy or on a data storage device. The electronic posting of draft and final permits, including information supporting the permit decisions (e.g., permit applications), is subject to the applicable policies on CBI and requirements of the permitting authority. Consequently, some permit-related documents may be redacted or otherwise withheld from viewing on a Web site or public library if it is determined that the document contains CBI.

C. EPA and Delegated Permitting Authorities Subject to Mandatory E-Notice and E-Access Requirements

For permits that are issued by the EPA or by a permitting authority that implements the EPA's federal permitting rules (i.e., 40 CFR parts 52, 55, 71 or 124) under delegated federal authority, this final rule removes the mandatory requirements to provide newspaper notice and access to the draft permit information at a physical address, and replaces those requirements with mandatory e-notice and mandatory e-access, as those terms are defined in this rule, as the consistent noticing method for draft permit actions⁷ under the federal rules for NSR and title V, and for all EPA-issued OCS permits. While this final rule requires e-notice as the primary form of public notice for such draft permit actions

under the federal regulations, permitting authorities may, when appropriate, supplement the e-notice with an additional form (or forms) of notice (e.g., newspaper publication, fliers, or social media postings). Nothing in this final rule precludes the use of supplemental notice mechanisms.

D. Permitting Authorities Not Subject to Mandatory E-Notice and E-Access Requirements

For the noticing of draft permits issued by permitting authorities with their own EPA-approved rules under 40 CFR part 51 or 70, this final rule removes the mandatory newspaper notice requirement for these programs and provides the option for the agency rules to require either: (1) E-notice and e-access as these terms are used in the context of this rule, or (2) newspaper notice with either electronic access (e.g., Web site) and/or physical access (e.g., a public library). A key aspect of this approach is that the permitting authority is required to adopt one noticing method—known as the “consistent noticing method”—to be used for all of its permit notices. Thus, if a permitting authority selects e-notice as its consistent noticing method, it must provide e-notice (along with e-access) for all of its draft permit notices in order to ensure that the public has a consistent and reliable resource to turn to for all draft permit notices. There is a requirement in 40 CFR part 51 to make available, in at least one location in each region in which the proposed source would be constructed, a copy of certain elements of the permit record. We are clarifying that this requirement may be met by making such materials available at a physical location or on a public Web site identified by the permitting authority. Consistent with the requirements for notices issued by the EPA and delegated permitting authorities implementing the federal regulations, as discussed previously, nothing in this final rule precludes permitting authorities operating under EPA-approved rules from using additional forms of notice. Thus, if a permitting authority elects to use e-notice as its consistent noticing method, it may provide additional means of notice as appropriate, including newspaper publication or any other mechanism. Similarly, a permitting authority providing e-access may elect to also provide access to the elements of the administrative record for which e-access was provided at a physical location. The EPA encourages all permitting authorities to consider facility-specific and permit-specific facts such as expected public interest

⁶ The Environmental Appeals Board (EAB) has held that the notification requirements of 40 CFR 124.15(a) (and similar provisions) cannot be fulfilled by posting the final decision regarding a draft permit on a Web site. See *In Re Hillman Power Co., LLC*, 10 E.A.D. 673, 680 n. 4 (EAB 2002). Where there is an identified participant in the proceeding who has commented, the EPA reads section 124.15(a) to require that the permitting authority mail a copy of the final permit decision to the participant or provide some other form of personal notification. This may include email notification. For additional detail on the EAB's reasoning in the *Hillman Power* case, see Order Directing Service of PSD Permit Decision on Parties That Filed Written Comments on Draft PSD Permit, Denying Motions to Dismiss, and Directing Briefing on the Merits (May 24, 2002), available at: [https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/0CCE572C43D92F218525706C0067DACA/\\$File/hillman.pdf](https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/0CCE572C43D92F218525706C0067DACA/$File/hillman.pdf). While the EAB expressed concern in this order regarding the possibility that some parties may not see an Internet post immediately, this was in the context of providing identified persons with a right to appeal a permit decision. Further, the Board was contrasting the merits of Internet posting and direct personal notification, rather than comparing the merits of Internet and newspaper notice. As discussed elsewhere in this rule, posting notices of draft permits on the Internet offers some benefits that are not provided from a one-time publication in a print newspaper. In addition, this rule retains and enhances the option for interested persons to be placed on a list to receive personal notification of draft permits.

⁷ As used here and from this point forward in this final rule preamble, the term “permit” or “permit action” includes any major source or major modification preconstruction permit and title V permit actions subject to the public notice provisions affected by this final rule.

and environmental justice considerations in determining the appropriate method(s) for public notice and access to the administrative record for draft permits.

E. Mailing Lists

Some of the regulatory sections affected by this final rule have a mailing list requirement and some do not. This rule includes regulatory revisions to amend the EPA's solicitation obligations associated with required mailing lists, but otherwise keeps the mailing list requirements in place. With respect to the EPA's mailing list obligations for the federal title V program, we are removing the specific language within 40 CFR 71.11(d)(3)(i)(E) and 71.27(d)(3)(i)(E) that requires the EPA to solicit mailing list membership through area lists and periodic publication in the public press.⁸ We are making similar changes to 40 CFR 124.10(c), which contains public notice method requirements applicable to PSD and OCS permits. The rules now say that the permitting authority may use generally accepted methods (e.g., hyperlink sign-up function or radio button on an agency Web site or a sign-up sheet at a public hearing) that enable parties to subscribe to a mailing list.

F. Updated Information Regarding E-Notice and E-Access for Minor NSR Permits

Through guidance to permitting authorities issued in 2012, the EPA clarified its view on what constitutes public notice for minor NSR permit programs and what is considered adequate to meet the requirement of notice by prominent advertisement in 40 CFR 51.161(b)(3). See "EPA's 2012 Memorandum."⁹ Specifically, the EPA's 2012 Memorandum clarified that the regulatory requirement for notice by prominent advertisement was media neutral and thus sufficiently broad to allow for e-notice. In the proposed rule, the EPA stated that it intended to clarify that the EPA's interpretation of 40 CFR 51.161(b)(3) also applies to the requirement in 40 CFR 51.161(b)(1) to make available for public inspection, in

at least one location in the affected area, the information submitted by the owner or operator and the state or local agency's analysis of the proposed source's effect on air quality.

Specifically, we proposed to clarify that allowing e-access to this information by way of a Web site identified by the permitting authority satisfies the 40 CFR 51.161(b)(1) public inspection requirement. The EPA received no adverse comments regarding this proposed clarification. Therefore, in this final rule the EPA is revising 40 CFR 51.161(b)(1) to add the following: "This requirement may be met by making these materials available at a physical location or on a public Web site identified by the State or local agency."

In addition, the EPA has determined that the limitation in Footnote 1 in the EPA's 2012 Memorandum, excluding synthetic minor permits, is no longer appropriate.¹⁰ The EPA will attach a notification to the electronic version of the EPA's 2012 Memorandum indicating that the media neutral interpretation also applies to synthetic minor permits.

G. Other Final Rule Provisions

As proposed, the EPA is extending the use of e-notice methods to three non-permitting actions in this final rule. In each of the following cases, the regulatory provisions have previously required notice of the action by way of newspaper publication:

- The OCS air regulations in 40 CFR part 55 apply to more than just OCS permitting actions. Specifically, when the EPA makes a COA designation determination, it must do so by way of a process that allows for public comment on the draft determination. Through this final action, we are requiring e-notice of the COA designation determination.

- The existing federal PSD regulations contain a provision for permit rescission that only refers to newspaper notification. Specifically, paragraph 40 CFR 52.21(w)(4) requires that, if an agency rescinds a permit, it shall give adequate notice of the rescission, and that newspaper publication shall be considered adequate notice. In this final rule, the EPA is replacing the requirement for newspaper publication with a requirement that the Administrator notify the public of a permit rescission by e-notice.

¹⁰ A synthetic minor permit is a permit that contains restrictions to avoid applicability of major NSR requirements. Under the NSR program, such restrictions must be legally and practically enforceable. See, e.g., 67 FR 80186, 80191 (December 31, 2002).

- When the EPA takes action to administer and enforce an operating permits program in accordance with 40 CFR 71.4(g), it will publish a notice in the **Federal Register** and, to the extent practicable, publish notice in a newspaper of general circulation within the area subject to the part 71 program effectiveness or delegation. In this final rule, the EPA is replacing the newspaper publication provision with the provision for e-notice.

As proposed, the EPA is not in this final rule revising the public participation requirements in the plantwide applicability limitation regulations, which reference the public participation procedures in 40 CFR 51.161; 40 CFR 51.165(f)(5); 40 CFR 51.166(w)(5); Appendix S to part 51 section IV.K.5; and 40 CFR 52.21(aa)(5). Additionally, this final rule does not change the requirements for NNSR, minor NSR, and synthetic minor NSR permits in Indian country that are contained in 40 CFR part 49 and already provide means of public noticing other than newspaper publication. See 40 CFR 49.157 (minor NSR and synthetic minor NSR permits) and 40 CFR 49.171 (NNSR permits).

The EPA is not finalizing certain proposed revisions to paragraphs in 40 CFR parts 55, 51 and 71 that sought to clarify that the terms "send," "mail" and "in writing" and variants of those terms may include email. Specifically, the EPA proposed to revise 40 CFR 51.166(q)(2)(iv), 40 CFR 55.5(f)(2) and (f)(4), 40 CFR 71.11(d)(3)(i) introductory text and 40 CFR 71.27(d)(3)(i) introductory text by adding a parenthetical indicating that those terms may include email. Without necessarily commenting on these specific provisions, one commenter generally urged EPA to avoid language in the rules that might limit the use of new communications tools and require subsequent revisions to enable permitting authorities to use them. With this idea in mind, upon further consideration, the EPA determined that the existing rule language in the subject paragraphs can reasonably be interpreted to include email and other forms of communication. The EPA also determined that adding the proposed parentheticals could unintentionally limit flexibility to apply additional communications tools or imply a different meaning elsewhere in the regulations where those same terms are used and EPA did not propose adding the parenthetical. Therefore, we are not finalizing those proposed revisions.

⁸ The proposed rule had a minor typographical error stating that it was revising 40 CFR 71.27(d)(4)(i)(C). In the final rule, the EPA is adding 40 CFR 71.27(d)(4)(i)(H) with the text that was proposed in 40 CFR 71.27(d)(4)(i)(C).

⁹ Memorandum from Janet McCabe, Principal Deputy Assistant Administrator, Office of Air and Radiation, "Minor New Source Review Program Public Notice Requirements under 40 CFR 51.161(b)(3)" (April 17, 2012). See <http://www2.epa.gov/sites/production/files/2015-07/documents/pubnot.pdf>. The EPA's rules generally require less extensive public participation procedures for the permitting of minor sources and minor modifications.

IV. Implementation of E-Notice and E-Access

This section addresses implementation of this final rule and also recommends “best practices” for e-notice and e-access. As discussed in our responses to comments in Section V of this document, the EPA has expanded the list of best practices included in the proposed rule to address e-notice and e-access documentation and certification and measures to address periods of Web site unavailability (e.g., outages and emergencies), including the use of temporary alternative noticing methods. These best practices are not requirements under this final rule. Instead, they comprise recommendations intended to foster improved communication and outreach of permit notices beyond the minimum requirements.

A. Permitting Authorities Implementing Federal Preconstruction Permit Program Rules

Air permitting programs that implement the amended federal public notice provisions under 40 CFR parts 52, 55 and 124 are required to implement e-notice and e-access by the effective date of this final rule on November 17, 2016. This includes EPA Regions, air agencies that are delegated federal authority by the EPA to issue permits on behalf of the EPA (via a delegation agreement)¹¹ and any air agencies that have their own rules approved by the EPA in a SIP and the SIP incorporates by reference the federal program rules amended in this action and automatically updates when these EPA rules are amended. However, in the case of SIP rules that incorporate by reference the federal noticing provisions, the agency may instead select newspaper notice as their consistent noticing method by revising their SIP rules consistent with the part 51 provisions promulgated here.

As described in our responses to comments in Section V of this document, the EPA did not receive any comments that identified specific details about technical issues that affected permitting authorities are facing that would likely impede their ability to implement e-notice and e-access by the effective date of this rule. While we acknowledge that certain air agencies may need time to change their respective statutes, rules, programs or policies to fully implement e-notice (i.e., to remove mandatory newspaper publication from their own program

requirements), we believe that these agencies are in a position to comply with the requirements for e-notice and e-access on or before the date this final rule becomes effective. Since many of the affected programs already use e-notice and e-access as part of their public notice practices, little or no change would be necessary for those programs to comply with this final rule. Therefore, in order to avoid delay in implementation, we are not extending the effective date of this final rule for the EPA and other air agencies that implement the federal program rules.

B. Permitting Authorities Implementing EPA-Approved Preconstruction Permit Program Rules

To the extent a permitting authority with an approved program, meeting the requirements of 40 CFR part 51, is using a consistent noticing method and wants to retain the same noticing method, there is no need to revise the applicable program rules. A permitting authority with an approved program that chooses e-notice and e-access as its consistent noticing method may need to revise its applicable program rules and seek the EPA’s approval of the revision in order to begin to implement e-notice. Similarly, a permitting authority that implements rules that incorporate by reference the procedural requirements in the EPA’s federal program regulations (40 CFR part 52), but does not provide that its rules automatically update upon the EPA amending its rules, will need to amend its regulations and seek the EPA’s approval of those revisions in order to implement e-notice and e-access in lieu of newspaper notice. However, permitting authorities with NNSR programs approved under 40 CFR 51.165 have been subject to the public participation requirements at 40 CFR 51.161 and thus may be able to interpret their existing rules to currently allow for implementing e-notice in lieu of newspaper notice.¹²

Under this final rule, it is voluntary for these permitting authorities to move to e-notice and e-access. Likewise, nothing in the final 40 CFR part 51 rules prevents a permitting authority from continuing or beginning to implement e-notice and e-access methods. However, depending on the permitting authority’s

rules, there may be ongoing obligations to continue with newspaper notices until the agency revises its permitting rules.

C. Permitting Authorities Implementing EPA-Approved Operating Permit Programs

In accordance with 40 CFR 70.4(i), a program revision may be necessary when the relevant federal regulations are modified or supplemented. When 40 CFR part 70 is revised after the permitting authority program is approved, the EPA determines the need for conforming revisions. However, the approved program may initiate a program revision on its own initiative if the program revision is required to implement the revised 40 CFR part 70 rules. See, e.g., 40 CFR 70.4(a) and (i). The EPA is not soliciting program revisions for any approved programs in response to this final rule. Under this final rule, permitting authorities implementing part 70 have a choice as to whether or not to adopt e-notice as their consistent method of public notice of air permits. If a permitting authority chooses the e-notice approach and a program revision is necessary (e.g., additional authority is needed), then the permitting authority must initiate a program revision by undergoing a state rule change and submitting a program revision package to the EPA for review and approval as per 40 CFR 70.4(i)(2). Consistent with the duty to keep the EPA apprised of such proposed changes, if the permitting authority plans to change its implementation practice from newspaper to e-notice and e-access based on its analysis that its approved rules allow for e-notice and e-access without any changes, the permitting authority must forward the appropriate language to the Regional office prior to changing its practice. Upon review, the Regional office may request a formal submittal for a program revision.

In this final rule, the EPA supports the position that program revisions for converting part 70 programs to e-notice will generally be nonsubstantial given that the permitting authority needs only to revise its permitting rules to clarify its implementation of e-notice and e-access. It does not need to seek additional authority for giving notice by “other means.” In many cases, the permitting authority’s current practice includes electronic posting of public notices and the draft permit, showing that it has adequate resources for implementing the revised 40 CFR part 70 notice requirements. Accordingly, we note that EPA Regional offices would generally expect to process approvals of these program revisions using

¹¹ With the exception of permitting authorities that are delegated authority to issue permits under 40 CFR part 55.

¹² Although this rule adds public participation requirements to section 51.165 in new paragraph (i), this additional paragraph does not require a revision to a state NNSR program that already provides for a consistent noticing method by either newspaper or internet posting. Since section 51.161 does not address public hearings, this final rule does not include the language that was in the proposed version of 40 CFR 51.165(i) about providing information on requesting and/or attending a public hearing.

procedures for nonsubstantial program revisions.¹³

With regard to 40 CFR part 70, these final rule revisions remove only the mandatory aspect of newspaper noticing, allowing for the use of that method as a consistent method for general public notice, but also allowing e-notice as an alternative consistent method. All other obligations, such as the requirement to have or maintain a mailing list and provide notice by other means, as appropriate, remain unchanged. The EPA interprets the existing mailing list obligations to include either electronic or hardcopy mailing list or both.

D. Permitting Authorities With EPA-Delegated Authority To Administer the Federal Operating Permit Program

With regard to the 40 CFR part 71 program revisions, a permitting authority that has delegated federal authority to administer the 40 CFR part 71 program will likely need to update its delegation agreement to update its notice procedures consistent with the e-notice requirement in the federal rules.

E. Implementation in an Affected Indian Country

This final rule changes the requirements for PSD permits that the EPA issues in Indian country, as well as PSD permits that are issued by a tribe through a delegation agreement or by any tribe that has an approved TIP that incorporates by reference the public noticing requirements for PSD permits in the federal rules in 40 CFR part 124 (through incorporation of 40 CFR 52.21(q)). Since this final rule revises the noticing requirements in 40 CFR part 71, which applies to Indian country absent an approved 40 CFR part 70 program, the revisions would affect the public notice procedures for the majority of title V operating permits in tribal lands.¹⁴ A tribal agency with an approved 40 CFR part 70 program will have the option to implement e-notice under the same terms that apply to other approved 40 CFR part 70 programs (*i.e.*, when a conforming revision clarifying the consistent method becomes effective for the program).

¹³ See 40 CFR 70.4(i)(2)(iv).

¹⁴ All states, certain local permitting agencies and currently one tribe have approved part 70 programs. The EPA administers the 40 CFR part 71 federal program in most areas of Indian country (one tribe has been delegated implementation authority) and on the OCS (where there is no delegated state permitting authority).

F. Best Practices for E-Notice and E-Access

This section contains EPA-recommended best practices for e-notice and e-access. These best practices are not required to satisfy the e-notice and e-access provisions in this final rule, but may be helpful in the course of providing communication to the public about permitting actions. The recommended best practices for e-notice and e-access include:

- Providing notice of the final permit issuance on the Web site.¹⁵
- Soliciting for the mailing list on the Web site (*e.g.*, Web site equipped with radio button, hyperlink of “click here” function to subscribe).
- Providing options for email notification that enable subscribers to tailor the types of notifications they receive (*e.g.*, a person may request notification of only draft permit notices for major source actions rather than receiving notice of all permitting activity by the permitting authority).
- Providing, where practicable, hyperlinks on the Web site that refers users to e-notice postings and/or newspaper postings, access to draft permit Web postings and postings of other permitting actions.
- Continued posting of the draft permit on the Web site beyond the date of the end of the public comment period (*e.g.*, until the issuance of the final permit or until the permit application has been denied or withdrawn).
- Posting the final permit on the Web site for a specific period of time after the issuance of the permit (*e.g.*, through the permit appeal period or petition period).¹⁶
- Posting (or hyperlinking to) other key permit support documents on the agency Web site or on a publicly-available online document management site (*e.g.*, Federal Docket Management System (FDMS¹⁷)), such as the permit

¹⁵ Noticing a final permit decision on the Web site is not a substitute for complying with the regulatory requirements for the provision of notice on final permit decisions. See footnote 6, *supra*, referencing the EAB’s decision in *In Re Hillman Power Co., LLC*.

¹⁶ Noticing a final permit decision on the Web site is not a substitute for complying with the regulatory requirements for the provision of notice on final permit decisions. See footnote 6, *supra*, referencing the EAB’s decision in *In Re Hillman Power Co., LLC*.

¹⁷ The FDMS at <http://www.regulations.gov> is a Web-based docket system used for, among other things, federal permitting actions that require public notice and comment. This searchable docket system allows for public access and downloading of the draft permit and permit-related documents. The Web site also allows the public to register to receive email alerts to track activity on selected dockets. Similar online data management systems exist in a number of states and allow permitting

application, statement of basis, fact sheet, preliminary determination, final determination, and response to comments.¹⁸

- Providing evidence or a certification of the posting of the e-notice and draft permit to the Web site in the permit record indicating the date(s) of the availability of the notice and draft permit on the Web site pursuant to applicable permitting authority regulations or policies. One example of such certification would be providing a printout of the applicable Web site pages and a “Memorandum to the File” by the permit writer documenting the date the e-notice was posted, the Web site address where the e-notice was posted and the date through which the posting remained available.
 - Providing for alternative notice methods or public comment period extension in the event of prolonged Web site unavailability (*e.g.*, due to malfunctions, transitions to a different Web site platform, or emergency situations that result in prolonged e-notice and e-access system outages) during the public comment period.
- Since mid-2015, the EPA has been developing a National Public Notices Web site for publishing public notices for all EPA actions subject to such notice requirements. This project is expected to be completed and implemented by the end of 2016, providing a single location for all EPA public notices (<https://www.epa.gov/publicnotices>). Each individual public notice Web page will be listed on the EPA National Public Notices Web site’s dynamic list throughout the public comment period, and the list will be searchable and filterable. The public notice Web pages will be designed to contain all related documents or a link to such documents and may include a sign-up option for the public to receive email notifications. We welcome other permitting authorities to explore the forthcoming EPA National Public Notices Web site when it is deployed and to use it as a guide to designing and implementing, or improving, their own e-notice and e-access platforms.

agencies to provide electronic access to permits and other records.

¹⁸ While the EPA believes it is a best practice to electronically post as many of the key permit decision related documents and information as possible, we recognize that air quality modeling runs and other permit data files may not be compatible with e-access. These documents typically cannot be uploaded to an electronic format due to the size and storage requirements in the electronic posting. In some cases, permitting authorities may choose to upload a description of these documents with directions on how to access the files.

In addition, permitting authorities may wish to consider the recommendations provided by the National Environmental Justice Advisory Council (NEJAC) in a 2011 report¹⁹ for improving noticing methods for reaching underserved and environmental justice (EJ) communities. These recommendations emphasize direct communication in appropriate languages and include many of the practices identified above, as well as press releases, radio announcements and posting of signs.

V. Responses to Significant Comments on the Proposed Rule

The EPA received 29 comments on the proposed rule. In this section, we summarize the major comments and our responses. For details of all the significant comments and our responses, please refer to the Response to Comments document in the docket for this rulemaking.

A. General Comments on the EPA's Proposal To Remove the Mandatory Newspaper Publication Requirement From Certain Regulations and Instead Provide for E-Notice

1. Summary of Proposal

The EPA proposed to revise the public notice rule provisions for the NSR, title V and OCS permit programs of the CAA and the corresponding COA determinations for implementation of the OCS air quality regulations by removing the mandatory requirement to provide public notice of a draft air permit, as well as certain other program actions, through publication in a newspaper and instead provide for e-notice of these actions.

2. Brief Summary of Comments

The EPA received numerous comments supporting the transition from newspaper publication to e-notice and the vast majority of commenters supported the proposal in general. All state and local agency commenters generally supported the proposal, stating that e-notice would: (1) Significantly improve communication with the public on permit actions in comparison to a one-day newspaper notice; (2) result in broader and better informed public participation; (3) reduce costs and conserve air agency resources; (4) improve public access by making permit actions immediately available through convenient and

reliable electronic media outlets; (5) improve communication with EJ communities and other target audiences; (6) allow for information to be made available for an extended time period; and (7) provide flexibility for permitting authorities and sources by avoiding time delays associated with newspaper publication and allowing for faster correction of errors and rescheduling of events. Several of the state and local air agency commenters indicated that they currently provide e-notice and e-access for their draft permits and had realized many of the benefits cited. State agency commenters cited specific costs associated with newspaper publication of permit notices, ranging from \$13,500 to \$24,000 per year, and stated that they anticipated cost savings of similar magnitude after implementing e-notice.

Several commenters supported the EPA's conclusion that there have been substantial changes in technology, the media and the way the public accesses information. Commenters noted that electronic media, such as the Internet, have become the predominant means of communicating, generally making such media a more effective means of public notification than newspaper publication. Commenters noted that this conclusion applied not only to the public in general, but also for EJ communities. One commenter noted that EJ communities today obtain and share more information through the Internet than through newspaper circulation. One state commenter noted that they have been e-noticing draft PSD and title V permits in the same manner the EPA proposed for more than 10 years, and that they found e-notice to be a highly effective mechanism for communicating actions to the general public. Another commenter noted that they believe e-notices have been an effective and convenient way to communicate permitting-related information to the public, enabling broader and faster dissemination of information to the public as compared to newspaper notices. Another commenter noted that their district had already been encouraged to provide e-notice by EJ advocates, noting that such notices improve the level of available information and customer service offered to the public, including disadvantaged communities, by allowing the district to immediately make available bilingual copies of permitting action notices. Further, the commenter noted that public outreach initiatives cannot be nearly as effective with just newspaper notification.

Several commenters urged the EPA not to require permitting authorities that implement the federal permitting

regulations to use solely e-notice, and rather to allow such agencies to retain the ability to provide alternative forms of notice, such as newspaper, in addition to the mandatory e-notice provisions. One commenter indicated that it was not entirely clear in the proposed language in 40 CFR 124.10 that such supplemental noticing methods were not precluded.

Three commenters, including a newspaper industry association (newspaper group), opposed the proposal to remove the mandatory newspaper publication requirements from the regulations and instead allow for e-notice. The newspaper group, while supporting the EPA's intention to provide e-notice of draft permits and certain other actions under the CAA, objected to the removal of mandatory newspaper publication requirements for public notices on several grounds. The commenter did not believe that e-notice constitutes sufficient notice and felt that the proposal would result in less public awareness of permits issued under the CAA. The commenter opined that the newspaper industry specialized in noticing and would generally provide a better method for noticing due to a much broader readership and ability to reach certain audiences. The commenter stated that relying solely on the Internet to provide public notice would disadvantage significant numbers of rural, elderly, low-income and/or less-educated Americans without Internet access. The commenter also contended that the proposal runs counter to over 200 years of tradition, suggesting that a public notice should be published by an independent third party, provide archiving ability, be accessible and be verifiable. The commenter further thought that the government's Web sites will not be as user-friendly as some newspapers that provide print and Internet notification. Finally, the commenter thought that the cost savings from eliminating newspaper notices is most likely illusory. Another commenter, representing a neighborhood organization, believed that e-notice would result in less notification and less citizen engagement in the decision process and that e-notice has not been shown to meet or exceed the standards established by newspaper publication.

3. EPA Response

We agree with the majority of commenters that e-notice meets the public notice requirements and that, compared to newspaper notice, e-notice is at least as effective and, in most cases, more effective, to provide notice to the public about draft air permits and other

¹⁹ "Enhancing Environmental Justice in EPA Permitting Programs," National Environmental Justice Advisory Council (April, 2011), pages 20-21, available at <https://www.epa.gov/sites/production/files/2015-02/documents/ej-in-permitting-report-2011.pdf>.

subject actions. E-notice is more efficient and will result in cost savings to permitting authorities. Therefore, the EPA is finalizing the e-notice rule provisions substantially as proposed. We found the comments from air agencies particularly compelling. These air agencies (who serve as permitting authorities) found that e-notice and e-access have been an effective and convenient way to communicate permitting-related information to the public, enabling broader and faster dissemination of information to the public as compared to newspaper notices. In particular, air agencies found that e-notices improve the level of available information and customer service offered to the public, including EJ communities. In response to commenter concerns that the proposed rule would preclude the use of supplemental noticing methods for any affected permitting authorities, we would like to clarify that this is not the case. The EPA indicated in the proposed rule and reiterates in this final rule that all affected permitting authorities, including those that implement the federal program regulations (*i.e.*, the EPA, delegated programs and programs that incorporate by reference the federal regulations), will continue to have the authority to use additional means of public notice as appropriate, including newspaper publication or any other communication means. Nothing in this final rule precludes such supplemental notice measures when appropriate and the EPA encourages it. In response to the request for more clarity that 40 CFR 124.10 provides discretion for supplemental notice, we note that 40 CFR 124.10(c)(4) already provides for the use of any other noticing method.

With regard to the comments received opposing our proposal to remove the mandatory newspaper notice requirement for permit actions, we disagree that this shift will diminish the public notice process and its effectiveness. To the contrary, as noted previously, the majority of comments received support the shift to e-notice to meet the public notice regulatory requirements. Many of those commenters were state and local air agencies that cited specific experience in implementing e-notice that resulted in significant benefits in the public notice process, including reaching target communities such as EJ communities. The newspaper group alleges that e-notices are insufficient and cite to several studies that they claim support the effectiveness of newspaper advertisement. The EPA does not dispute the fact that newspaper

advertisements, including public notices, may be effective in some cases, and this final rule does not preclude the use of newspaper public notices under any circumstances. However, recent studies strongly support the EPA's position that newspaper circulation has declined, and continues to decline, and that the Internet has become the predominant medium by which the public obtains information. The Pew Research Center estimates that daily circulation of printed newspapers declined 30 percent, from 62.3 million in 1990 to 43.4 million in 2010.²⁰ More recent data from the Pew Research Center show that this trend has continued through 2015, with average weekday newspaper circulation, print and digital combined, falling 7 percent in 2015, the greatest decline since 2010.²¹ While digital circulation crept up 2 percent in 2015, it accounted for only 22 percent of total newspaper circulation.²² Conversely, Internet use among the public in the United States has expanded tremendously and continues to penetrate all demographic groups. The Department of Commerce reports that as of July 2015, about 75 percent of all adults and children aged 3 years and older use the Internet.²³ Internet use through libraries provides the most widespread availability of free regular Internet access to the general public. The American Library Association's (ALA) "Public Library Funding & Technology Access Study (2010–2011)" reports that 99.3 percent of public libraries offer public access to computers and the Internet.²⁴

During the last decade, the federal government and many state governments have been gravitating toward Internet publishing of notices, announcements and other information, further supporting the adequacy of Internet publication of such notices. In the federal sphere, this trend is exemplified by: (1) The E-Government Act of 2002,²⁵ which generally requires

and encourages federal agencies to better manage and promote Internet and information technology use to bring about improvements in government operations and customer service; (2) Executive Order 13563 (January 18, 2011), *Improving Regulation and Regulatory Review*, which directs the federal government to modify and streamline outmoded and burdensome regulations and specifically states that each agency shall afford the public a meaningful opportunity to comment through the Internet on any proposed regulation; and (3) Executive Order 13576 (June 13, 2011), *Delivering an Efficient, Effective, and Accountable Government*, which encourages federal agencies to cut waste, streamline structure and operations, and reinforce performance and management reform. With these actions, Congress and the President have demonstrated their interest in making government more efficient and effective through information technology, and several federal agencies (including the EPA) have promulgated rules that provide for publishing public notices on a government Web site in lieu of newspaper publication.²⁶ As mentioned previously, the EPA issued a tribal minor NSR rule in 2011 that provided for e-notice.²⁷ Each of these rules, consistent with this rule, was justified based on the effectiveness and efficiency of Internet publication and associated cost savings.

of Management and Budget (OMB), an Office of Electronic Government and imposes responsibilities on various high-level government officials including heads of Federal Government agencies. The Act defines "electronic Government" as "the use by the Government of Web-based Internet applications and other information technologies, combined with processes that implement these technologies, to: (A) Enhance the access to and delivery of Government information and services to the public, other agencies, and other Government entities; or (B) bring about improvements in Government operations that may include effectiveness, efficiency, service quality, or transformation." 44 U.S.C. 3601(3). While the Act does not mandate Internet publication of the EPA's or other agencies' public notices, it evidences the inexorable movement to broader Internet use by the federal government under congressional direction.

²⁰ See, e.g., Consolidation of Seizure and Forfeiture Regulations, Department of Justice, Drug Enforcement Administration, 77 FR 56093 (September 12, 2012); Internet Publication of Administrative Seizure and Forfeiture Notices, Department of Homeland Security, U.S. Customs and Border Protection, 78 FR 6027 (January 29, 2013); National Oil and Hazardous Substances Pollution Contingency Plan (NCP): Amending the NCP for Public Notices for Specific Superfund Activities, Environmental Protection Agency, 80 FR 17703 (April 2, 2015); and Medicaid Program; Methods for Assuring Access to Covered Medicaid Programs, Department of Health and Human Services, Centers for Medicare and Medicaid Services, 80 FR 67576 (November 2, 2015).

²⁷ 76 FR 38748 (July 1, 2011).

²⁰ Pew Research Center, *The State of the News Media 2011*, available at <http://www.stateofthemedial.org/2011/newspapers-essay/data-page-6>.

²¹ Pew Research Center, *The State of the News Media 2016*, page 4, available at <http://www.journalism.org/2016/06/15/state-of-the-news-media-2016/>.

²² *Id.*

²³ U.S. Department of Commerce, National Telecommunications & Information Administration, *Digital National Data Explorer*, available at <https://www.ntia.doc.gov/other-publication/2016/digital-national-data-explorer>.

²⁴ See Executive Summary of the ALA study, page 7, available at http://www.ala.org/research/sites/ala.org/research/files/content/initiatives/plftas/2010_2011/plftas11-execsummary.pdf.

²⁵ Public Law 107–347, 116 Stat. 2899. The E-Government Act of 2002 establishes in the Office

The EPA believes that in those instances when Internet posting is the sole notice provided, it will be fully adequate to meet the purpose for which notice is intended—to provide, to as many of the public at large as can reasonably be expected to be interested, access to important information regarding draft permits. In addition, Internet publishing provides the potential to reach unknown interested parties. Residents in a local jurisdiction may not subscribe to a local paper or happen to see a one-day posting in the legal notices section of the newspaper. At any given time, residents may be out of town and/or relying on the Internet for news. The fact that e-notices will remain on the Internet for the duration of the public comment period vastly increases the likelihood that interested parties will receive notice about draft permits. In addition, interested parties would not have the burden of traveling to a physical location to review a copy of the draft permit since that document would also be posted on the Internet. Given the widespread use of the Internet in our mobile society, the EPA believes that e-notice's reach will improve the public notice process and yield positive results. In addition, the EPA believes that e-access to draft permits will expand access to permit-related documents.

With regard to the comment that relying solely on the Internet to provide public notice would disadvantage significant numbers of rural, elderly, low-income and/or less-educated Americans without Internet access, the EPA is sensitive to this concern but does not agree that using the Internet to provide public notice of draft permits will adversely affect these groups. As previously noted, Internet access is widely available even for those who do not own a computer. According to a 2010 University of Washington study, those living below the poverty line had the highest use of library computers, with 44 percent having reported using public library computers and Internet access during the previous year.²⁸ We do not dispute that some individuals may continue to rely on newspapers rather than the Internet to obtain information and that there may be greater concentrations of such persons in some communities. However, even if newspapers remain an effective means for reaching some individuals, this does not take away the added benefits cited

by other commenters of reaching additional individuals through the Internet and providing notice continuously during the public comment period. Furthermore, this rule does not preclude supplemental means of public notice to reach populations that do not have access to or use the Internet. Permitting authorities that are required to provide e-notice and e-access may continue to employ newspaper notice routinely as a parallel mechanism with e-notice or to supplement e-notice on a permit-by-permit basis. The same is true for permitting authorities that are not required to, but may select, e-notice as their consistent noticing method.

The newspaper group claims that government Internet posting of public notices does not comport with a “long tradition” that a public notice must include four elements: The notice must be published by an independent third party, the publication must be capable of being archived at a reasonable cost, the notice must be accessible, and the notice must be verifiable. The newspaper group does not reference any statutory authority or case law to support the proposition that a public notice must include these four elements. The EPA notes that the applicable requirements for notice are encompassed in the constitutional due process standard governing public notice. The Supreme Court has held that, in providing public notice of governmental action, due process requires only that “the Government’s effort be ‘reasonably calculated’ to apprise a party of the pendency of the action.” *Dusenbery v. United States*, 534 U.S. 161, 170–71 (2002) (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950)). Although *Dusenbery* involved direct notice of an administrative forfeiture, the same due process standard applies to published notices as well. See, e.g., *United States v. Young*, 421 Fed. Appx. 229, 230–31, 2011 U.S. App. LEXIS 6741, at *4 (3d Cir. Apr. 1, 2011). The CAA does not specify the means by which public notice shall be provided under the programs affected by this final rule.²⁹ However, the CAA permitting provisions do reflect a goal to provide adequate opportunities for informed public participation.³⁰ Publication of draft permit notices via the Internet, with its widespread and broad availability within and well beyond the limits of the local jurisdiction, is clearly in compliance with this standard. The Internet’s ability to provide unlimited

access to public notices throughout the duration of the public comment period is, in this Internet era, much less limiting than a single day’s posting in a local newspaper, which has been found to meet due process requirements.

The element referenced in the newspaper group’s comment requiring that notice be published by an independent third party presumes that newspapers, being independent of the government, provide the public with “an extra layer of confidence” in the notice compared to the government publishing the notice itself. But this argument mistakes why newspapers were used in the past and the role they serve in the notice process. Newspapers were historically used to provide public notice because, until the Internet, there was no comparable alternative method that was “reasonably calculated” to apprise a party of the pendency of a draft permit or other subject action. It had nothing to do with their status as an “independent and neutral third party.” In fact, for these purposes, there is nothing inherently beneficial about newspapers being independent from the government given that they merely act as a vehicle for publishing notices prepared and provided by the permitting authority. The commenter has not demonstrated that newspapers generally exercise independent editorial control over the content of legal notices or classified advertisements or that newspaper staff otherwise seek to check the veracity of what the newspaper company is paid to print in these sections of its publication.

In response to newspaper group’s comments about the preservation of e-notices for future reference and verification of the e-notice posting, we note that permitting authorities have been required to keep and retain permit records (including, for example, a copy of the newspaper notice), and are required to continue to do so, in accordance with applicable record retention requirements. Therefore, we have included a best practice suggestion of evidence to include in the permit record, when e-notice and e-access are provided, to certify the date(s) of availability of the e-notice and draft permit postings on the Web site. In addition, in response to the newspaper group’s claim that the EPA’s Web site does not include hyperlinks to refer users to public notices, we have included a best practice suggestion that, where practicable, permitting authorities include hyperlinks on their Web site to e-notice and/or newspaper postings, postings of draft permits and other permitting actions. We also identified, in Section IV of this

²⁸ Samantha Becker, et al., *Opportunity for All: How the American Public Benefits From Internet Access at U.S. Libraries*, at pages 1–2, available at http://impact.ischool.washington.edu/documents/OPP4ALL_FinalReport.pdf.

²⁹ See, e.g., CAA sections 165(a)(2) and 502(b)(6).

³⁰ See, e.g., CAA section 160(5).

document, a forthcoming National Public Notices Web site that the EPA will utilize for all EPA public notices and stated that we welcome other permitting authorities to review that platform for these and other best practices. The EPA notes that the process of providing legal verification of Internet notice is dramatically streamlined when it is the government that can retrieve the required data from its own Web site, as opposed to seeking such verification from newspapers. Finally, the EPA notes that this regulatory change should correspondingly decrease the burden on newspapers of having to provide such information.

The newspaper group claims that many newspapers have adopted a marketing strategy to publish print issues on the newspaper's Internet site. They believe the government's Internet sites will not be as user-friendly as the newspaper's dual method of print and Internet notification. They also claim that state press associations aggregate printed notices and post them on statewide public-notice Web sites. The EPA does not agree that posting draft permit notices on newspaper Web sites or press association Web sites is superior to posting them on a permitting authority's Web site. Online posting is not part of the EPA's contracts for publication of draft permit notices, so newspapers are under no obligation to make them freely available to the public online. Newspapers are likewise under no obligation to contract with state press associations for online posting of draft permit notices. Moreover, some newspaper Web sites restrict access to the full online version of the newspaper to print subscribers or those who pay for full online access. A potential interested party searching for a draft permit notice on such a Web site would either need a subscription to the newspaper that is publishing the Internet notice or would have to pay a daily access fee. The EPA believes it is unrealistic to assume that such a process would provide more effective notice than a freely available Web site that posts the desired notice as well as a copy of the draft permit, 24 hours a day, for the duration of the public comment period, in a searchable database.

The EPA disagrees with the newspaper group's claim that the cost savings to eliminate mandatory newspaper notices is illusory. The commenter makes a valid point that there are also costs involved in maintaining a Web site and posting information on the Internet. However, the commenter did not quantify the costs or show that they are greater than

the costs of newspaper advertisements. Many state regulatory agencies have established Web sites for the purpose of serving broader communication objectives. So an appropriate cost comparison for purposes of this rule is the cost of adding e-notices for specific actions to a Web site infrastructure that an agency already maintains or might create for other reasons. State regulatory agencies with Web sites have budgets to cover the costs of running a Web site for various reasons (not just permitting). To the extent that there could be some additional cost to add permit notices to a Web site, those marginal costs would be offset by the savings realized by eliminating newspaper notices. As noted previously in the summary of comments in this section, air agency commenters cited specific costs associated with newspaper notices and anticipated cost-savings after implementing e-notice. In addition, most permitting authorities commented positively about the cost and other efficiencies that e-notice provides. The EPA believes it has demonstrated earlier how providing public notice through the Internet can—and indeed already does—reach more people, more easily, and more directly, than newspaper notice. Data from permitting authorities with real-world experience implementing public notice requirements under the current regulations (in many cases also including e-notice) supports the EPA's conclusion that e-notice will be at least as effective, and in most cases more effective, and cheaper overall than notice by newspaper.³¹

B. Comments on Requirement That Permitting Authorities Use a Consistent Noticing Method

1. Summary of Proposal

In lieu of newspaper publication, we proposed to require e-notice for the noticing of air permits issued by the EPA and other permitting authorities that implement the federal air permitting rules. For permits issued by permitting authorities that implement their own rules approved by the EPA, the proposed rule provided the option for permitting authorities to use either e-notice or traditional newspaper notice. However, those permitting authorities

must adopt a single, consistent noticing method for all of their affected permit actions in their air rules. Thus, we proposed that where a permit agency opts to post notices of draft permits on a Web site in lieu of newspaper publication, it must post all notices to that Web site in order to ensure that the public has a consistent and reliable location for all permit notices.

2. Brief Summary of Comments

The majority of commenters supported the EPA's proposal to require a consistent noticing method. Several commenters indicated that it was critical for permitting authorities to use a consistent noticing method to avoid inconsistency in implementation and confusion on the part of the public in understanding how to access permit information. Several commenters also noted that it is important for permitting authorities to be allowed to use supplementary noticing methods when appropriate. Although two of these commenters indicated that they understood that the rule language, as proposed, would not preclude the use of additional, supplemental means of public notice, others seemed to be confused on this point and therefore objected to the proposed consistent noticing method requirement on the same grounds.

Some commenters did not support the proposed requirement to use a consistent noticing method and instead favored alternative approaches or increased flexibility. One of these commenters indicated that, in some cases, traditional newspaper publication may be appropriate or necessary, and that some permitting authorities may have technical or budgetary constraints affecting their ability to provide e-notice and e-access while some may also have a statutory requirement for newspaper notice. That commenter urged the EPA to provide flexibility for a permitting authority to choose the type of notice that is appropriate for the location and circumstances of a project. Another commenter stated that forcing a state to make a formal commitment to a single form of public notice, whether electronic or print, defeats the purpose of public notice and also questioned how a state would "adopt" a "consistent noticing method." Two commenters supported media neutral, flexible approaches based on a "method reasonably likely to provide routine and ready access to the public" as opposed to only one "consistent noticing method." Finally, one commenter favoring a flexible approach indicated that a consistent noticing method does not work in states with diverse

³¹ A survey of EPA Regional offices indicated an average newspaper advertising cost per permit (not including indirect costs) of approximately \$1,034. See Memorandum: "U.S. EPA Regional Office NSR, title V and OCS Newspaper Public Notice Cost Estimates: FY 2013, 2014 and 2015" contained in this rulemaking docket. To the extent any additional costs are incurred as a result of implementing e-notice and e-access, such costs would be *de minimis* in comparison.

populations that benefit from different noticing methods, and that restrictions may inhibit effectively communicating important information to diverse communities. Further, the commenter indicated that a consistent notice approach does not allow the flexibility to transition from newspaper to e-notice.

3. EPA Response

The EPA is finalizing the requirement for authorities to use a consistent noticing method as proposed. We agree with commenters that believe that the random use of alternative notice methods for different permit actions could confuse the public in their efforts to access air permit public notices. In response to the negative comments received that seem to have interpreted the requirement for using a consistent noticing method for public notice of draft permit actions as precluding the use of additional noticing mechanisms, we would like to clarify that, consistent with the proposed rule, nothing in this final rule prohibits or precludes a permitting authority from using additional, supplemental forms of notice, including newspaper publication. Indeed, several state and local permitting agency commenters indicated that they already practice multiple forms of public notice on such permit actions, including both e-notice and newspaper publication and in some cases additional parallel forms of notice. Such permitting authorities that implement EPA-approved permitting rules would be required to adopt a consistent noticing method (*i.e.*, e-notice or newspaper publication), but could continue to use any and all additional forms of notice, either consistently or on a permit-by-permit basis, as appropriate. Additionally, we would like to clarify that for permitting authorities that implement EPA-approved permitting rules, adopting rule changes and submitting a plan or program revision incorporating the final e-notice rule provisions is optional. Such air agencies may choose to continue to operate under their existing EPA-approved rules and regulations that require newspaper notification in all cases. This would qualify as a “consistent noticing method” under the revised regulations.

Those commenters who argued for flexibility to choose the noticing method on a permit-by-permit basis have not shown how the “consistent noticing method” requirement frustrates the goals they seek to achieve through this flexibility. As discussed previously, the rule does not preclude using multiple methods of public notice, as long as the

consistent method is still one of the methods used. These commenters have not shown any detrimental effect that would result to the commenters or the public from requiring permitting authorities to use one consistent method of notice for all draft permits. The benefits derived from the flexibility sought by these commenters does not eliminate the benefits that result from a consistent noticing method—ensuring that interested parties can rely on one form of notice in all cases and will not miss notices because of continuous changes in noticing methods.

The EPA does not intend for the rule to preclude a permitting authority from subsequently changing its “consistent noticing method” on a programmatic basis. For example, if a state permitting authority follows a particular noticing method and then decides that a different form of notice would be more effective going forward, the state may revise its regulations to change its consistent method. Regarding the concern about how a state would “adopt” a consistent method, this rule makes clear that such method should be specified in EPA-approved permitting regulations for the appropriate jurisdiction.

C. Comments on Requirement To Make E-Notice Mandatory for Federal Permit Actions

1. Summary of Proposal

The EPA proposed that permitting authorities that implement the federal permitting rules, including the EPA and other permitting authorities that have been delegated the authority to implement the federal permitting rules, would be required to adopt e-notice as the consistent noticing method. We proposed this approach because we believe that e-notice represents the best current practice for noticing major source air permit actions. Accordingly, while the proposed rule made e-notice optional for permitting authorities implementing EPA-approved permitting rules, we did not extend the same flexibility to the EPA and other air agencies that implement the federal permitting rules.

2. Brief Summary of Comments

We received one comment opposing the requirement that permitting authorities implementing the federal permitting rules be required to adopt e-notice as the consistent noticing method. The commenter believed that such programs should have the same option as EPA-approved programs to choose e-notice or newspaper on a programmatic basis, allowing the permitting agency to determine the best

method for communicating with the public. The same commenter further indicated that providing this option would allow for transition to e-notice at a pace consistent with available resources.

3. EPA Response

We are maintaining the requirement that permitting authorities implementing the federal permitting rules use e-notice as their consistent noticing method consistent with the proposal and our stated objective to implement these best practices. As discussed further in Section V of this document, the EPA did not receive any comments demonstrating that one or more affected permitting authorities have infrastructure and/or resource constraints that would render them unable to implement e-notice and e-access as of the effective date of the final rule or that implementation would cause a significant additional burden. With regard to the equity point raised by the commenter, delegated permitting authorities are, by definition, not the same as EPA-approved permitting authorities. A permitting authority that elects to administer the federal program under a delegation agreement accepts the obligation to apply the EPA’s regulations.

D. Comments on Mandatory E-Access for Programs That Use E-Notice

1. Summary of Proposal

The EPA proposed to require that, when a permitting authority adopts the e-notice approach, it also must provide e-access. In the context of this rule, e-access means that the permitting authority must make the draft permit available electronically (*i.e.*, on the agency’s public Web site or on a public Web site identified by the permitting authority) for the duration of the public comment period.

2. Brief Summary of Comments

Several commenters supported e-notice with e-access and further recommended that e-access be provided using commonly available, free software. One commenter noted that e-access was important to increasing overall project awareness and providing for more effective public review and comment. Another commenter agreed with the EPA’s proposed approach to limit e-access to the draft permit, and agreed that the method of making available other elements of the permit record should be left to the permitting authority to avoid potential resource constraints.

Commenters opposed to the proposed mandatory e-access requirement generally cited resource and information technology infrastructure constraints, stating that the requirement should be for e-notice only due to the added burden associated with posting additional records without sufficient time, infrastructure or economic capability to do so. Two commenters noted that the addition of e-access makes the rule more stringent than existing law.

3. EPA Response

The EPA is finalizing the requirement that permitting authorities that adopt e-notice also adopt e-access consistent with the proposed rule. The EPA believes that coupling e-notice and e-access provides the affected public with ready and efficient access to both the notice and the draft permit, and that such access supports informed public participation in the permitting process. Further, the EPA believes that the additional scanning and/or uploading of the draft permit to meet the e-access requirement would be minimally burdensome. We agree with the commenters that recommended that e-access be provided using commonly available, free software, and our assessment indicates that this is the current practice of permitting authorities that provide e-access to elements of their draft permit records. Therefore, we do not believe that rule language requiring the use of commonly available, free software for providing e-access is necessary and the final rule does not contain such a requirement.

We disagree with the comments that the requirement to provide e-access makes the noticing rules more stringent in a way with which permitting authorities are not readily capable of complying or that is contrary to law. The CAA does not prescribe the means or content of a public notice under the permitting programs addressed in the final rule. Comments received from state and local air agencies confirm that many of these agencies already provide e-access, and in some cases provide e-access to significantly more elements of the permit record than just the draft permit. Thus, we see the requirement for e-access as a logical and appropriate extension of the current requirement to make elements of the permit record available at a location. In addition, the EPA notes that the rule provides that access to documents supporting a draft permit may be provided at a physical location such as a public library. Based on comments received, the EPA believes that the e-access requirement for simply providing, at a minimum, e-access to the

draft permit can be readily met by permitting authorities.

E. Comments on Final E-Notice Rule Implementation Timeframe/Transition

1. Summary of Proposal

The EPA did not propose a transition period for technological or other reasons, and proposed instead that once the e-notice rule becomes effective, e-notice and e-access would be required for covered actions by permitting authorities that implement the federal program rules under 40 CFR parts 52, 55, 71 and 124. This includes EPA Regions, permitting authorities that are delegated authority by the EPA to issue permits on behalf of the EPA (via a delegation agreement), and permitting authorities that have their own rules approved by the EPA in a SIP where the SIP incorporates by reference the federal program procedures and automatically updates when the EPA's rules are amended. Under this rule, these programs will be required to implement e-notice and e-access, with the exception of states that are delegated authority to issue permits under part 55.

2. Brief Summary of Comments

The EPA received three comments expressing concern about the proposed effective date of the final rule and the need for additional transition time for implementation. One industry association commenter stated that establishing electronic notification systems and Web sites for e-access requires careful planning, development and testing, and recommended a one year implementation timeframe. Another industry association commenter noted that the support of e-access capabilities typically necessitates substantive changes to an agency's Web site which will stretch far past the effective date of the rule. Another commenter indicated that a local air agency has several rules that mandate newspaper notice and requested a six month transition to allow for amendment of its rules.

3. EPA Response

The EPA is retaining the proposed effective date of the final rule. As discussed previously, the EPA did not receive any comments demonstrating that one or more affected permitting authorities have infrastructure and/or resource constraints that would render them unable to implement e-notice and e-access as of the effective date of the final rule or that implementation would cause a significant additional burden. Industry commenters only conveyed a general concern and did not identify

any specific affected permitting authorities that would be unable to meet the final rule requirements in accordance with the proposed effective date. The other commenter, a local air agency with a partially-delegated permitting program, said a transition is necessary to allow for agency rule changes. However, that same commenter indicated that the agency already practices e-notice and e-access on its own Web site. Therefore, it seems this air agency would not be required to implement any changes to its rules to comply with its obligations as a delegated permitting program after the final rule becomes effective. To the extent that a delegated permitting authority must separately comply with a state requirement to provide notice via a newspaper, nothing in this rule precludes a permitting authority from continuing to comply with such a state requirement while at the same time satisfying the federal requirement for e-notice under this regulation. This rule does not preclude delegated permitting authorities from continuing to provide newspaper notice, either on a discretionary basis or as required separately by state law and/or rule. Under the amended rules, such a permitting authority should be able to transition away from mandatory newspaper noticing over a period of time without any need for a delay in realizing the benefits of e-notice for EPA-issued permits or permits issued by other air agencies that administer delegated programs.

With regard to permitting authorities that administer EPA-approved permitting programs, this rule does not necessarily require any changes to those programs, and air agencies that wish to make changes have discretion to do so. An approved state whose rules currently require newspaper publication for all draft permits is not required by the rule to make any changes to its public notice requirements. To the extent such a state elects to replace newspaper notice with e-notice, this rule establishes no timetable for the state to make this transition. The state may continue providing newspaper notices until it can complete changes to its regulations to remove a mandatory newspaper publication requirement. Thus, with respect to rule changes by air agencies with EPA-approved programs that elect to implement e-notice alone (*i.e.*, to no longer be required by state or local rules to publish notices in a newspaper), such agencies are free to pursue such changes on their own schedule. A delay in the effective date in this final rule is not necessary to accommodate air agencies

with EPA-approved programs that may need time to adopt e-notice into their rules. The fact that a state may need time to move to e-notice if they choose that as their consistent noticing method does not justify delaying the effective date of this rule for other air agencies with EPA-approved programs that may be able to adopt e-notice more quickly.

F. Comments on Temporary Use of Alternative Noticing Methods

1. Summary of Proposal

In the proposed rule, the EPA noted that there may be temporary instances of Web site failure or failure in the availability for public review of the posted e-notice and the draft permit (e-access). This raises the question about what constitutes a significant interruption in time sufficient to require an extension of the public comment period or other measure(s) to cover the period of interruption. The EPA stated in the proposal that the requirement that e-notice and e-access postings be maintained “for the duration of the comment period” should not be interpreted as a requirement for uninterrupted access. However, we sought comment on the EPA’s proposed approach for the phrase “for the duration of the comment period.” The EPA also solicited comments regarding whether we should include a provision in the regulations that allows a permitting authority to use an alternative noticing (and/or access) method to reach the affected public when the Web site is unavailable.

2. Brief Summary of Comments

Several commenters indicated that they felt temporary alternative notice methods were unnecessary. Some of these commenters recommended that the notice be extended for the duration of the downtime of the Web site. Several commenters noted that having the draft permit and public notice available on the Web site during the comment period, compared to the single day publication in the newspaper, results in a significant increase in public access to the proposed permitting action, even if Web site outages occur, and thus temporary alternative notice/access methods should not be required. Commenters also believed that any inability to provide e-notice would likely be resolved quickly and the public would have sufficient access to a draft permit during the comment period despite temporary Web site outages. Several commenters supported the EPA’s position that “for the duration of the comment period” should not be interpreted as a requirement for

uninterrupted access. One commenter suggested that the requirement for 30-day notice is satisfied when the notice first appears and noted that there is nothing in the statute or current regulations that requires continuous notice.

Several commenters also favored rule requirements for temporary alternative noticing. One commenter suggested that alternative noticing criteria should be built into the rules to ensure that Web site interruptions do not have a significant impact on public’s ability to review and comment on the permitting schedule, and that it was critical that agencies have the flexibility to choose their own approach and not be left with the sole option of extending the public notice period when there is a significant Web site interruption. Two commenters suggested that a definition of “the duration of the public comment period” should be added to the rule.

3. EPA Response

The EPA is not finalizing any specific requirements regarding temporary alternative noticing of permit actions to address the temporary unavailability of the notice and/or draft permit due to Web site outages, nor are we specifically defining “the duration of the public comment period.” We do not believe that, in general, there are, or will be, significant issues with e-notice and e-access availability on Web sites used by permitting authorities, and we believe that permitting authorities are in the best position to determine the appropriate methods to address any situations that may arise on specific permitting actions. In addition, we agree that there is no statutory requirement for continuous notice of a draft permit during the entire duration of the comment period. While there is significant added value in posting a notice throughout the comment period, we do not see a need for the EPA to define “the duration of the public comment period” as a requirement for uninterrupted access. We support the flexibility for the permitting authority to enact measures to address Web site unavailability, including possibly extending the public comment period. We have addressed this in the “best practices” in Section IV of this document.

G. Comments on Documentation/Certification of E-Notices

1. Summary of Proposal

The proposed rule did not specifically address documenting and/or certifying the posting of an e-notice to a Web site for the duration of the comment period.

However, the EPA received comments on this topic.

2. Brief Summary of Comments

Several commenters supported the need for documentation and/or certification of the e-notice in the administrative record for the draft permit, further stating that it is critical that states document this information in the event the decision is challenged. Two commenters suggested that the EPA could address this issue in “best practices” and provided specific examples.

3. EPA Response

We agree with commenters that it is important for permitting authorities to establish a record that they have provided notice of a draft permit and the opportunity for public comment, but we do not believe a specific certification requirement is necessary. EPA rules have not required a certification of public notice and nothing in the CAA requires it. The EPA has addressed documentation of e-notices in the “best practices” in Section IV of this document. We support flexibility for permitting authorities to comply with their specific statutory, policy or regulatory provisions for e-notice and e-access and to ensure that there is adequate documentation of the notice in the administrative record for the draft permit.

H. Additional Guidance on E-Notice and E-Access for Minor NSR Permit Actions

1. Summary of Proposal

In the proposed rule, we indicated our intent to clarify that the EPA’s 2012 Memorandum’s interpretation of prominent advertisement in 40 CFR 51.161(b)(3) as media neutral also applies to 40 CFR 51.161(b)(1). More specifically, we proposed that allowing e-access (*i.e.*, Web site access) to the information submitted by the owner or operator and access to the agency’s analysis of the effect on air quality would satisfy the requirement that this information be available for public inspection in at least one location in the area affected. We believe this approach is consistent with the EPA’s 2012 Memorandum with respect to allowing the use of electronic and other methods to provide notice of minor NSR actions, and it is reasonable, for reasons discussed in this preamble, to allow e-access to permit documents for major NSR permits.

In addition, in issuing the EPA’s 2012 Memorandum, the EPA indicated that our interpretation of the term prominent

advertisement in 40 CFR 51.161(b)(3) applies only to minor sources and not to synthetic minor sources.³² Given the statement in the memorandum, which raised uncertainty about the flexibility to use media neutral methods for synthetic minor NSR permits, the EPA has now determined that it is not appropriate to exclude such synthetic minor permits in this regard, and the Agency proposal clarified that the limitation established in Footnote 1 of the EPA's 2012 Memorandum is no longer appropriate.

2. Brief Summary of Comments

All commenters supported the extension of the interpretation in the EPA's 2012 Memorandum to synthetic minor NSR permits. One commenter recommended that the EPA either propose changes to 40 CFR 51.161(b)(1) similar to what was proposed for the other sections of the CFR in the rule proposal or expand the EPA's existing interpretation of "media neutral" notification for minor NSR programs to specifically indicate that information available electronically meets the requirements of 40 CFR 51.161(b)(1).

3. EPA Response

The EPA agrees that we should revise the text of 40 CFR 51.161(b)(1) similar to what was proposed for other sections of the CFR. This better communicates our view that Internet posting of this information is sufficient to meet the subject records availability requirements under the existing rule language. The EPA does not agree, however, that it needs to propose the revised text before adopting it in this final rule. The proposed rule provided adequate notice of the EPA's intent to clarify that the requirements of 40 CFR 51.161(b)(1) are satisfied by making the information available electronically. We received no adverse comments on this point. The text the EPA is adding to 40 CFR 51.161(b)(1) is similar to the text the EPA proposed to add to 40 CFR 51.166(q)(2)(ii). We received no adverse comments regarding that text. Therefore, in this final rule, the EPA is revising 40 CFR 51.161(b)(1) to add the following: "This requirement may be met by making these materials available at a physical location or on a public Web site identified by the State or local agency."

This final rule preamble also serves to extend the EPA's media neutral interpretation of prominent

advertisement under 40 CFR 51.161 to synthetic minor permits. The EPA will attach a notification to the electronic version of the EPA's 2012 Memorandum indicating that the media neutral interpretation also applies to synthetic minor permits.

VI. Environmental Justice Considerations

The 1990 CAA Amendments generally require that the EPA or the permitting authority provide adequate procedural opportunities for the general public to have informed participation in the air permitting process in the areas affected by a proposed permit. These areas include EJ communities.

The effectiveness of noticing methods for reaching underserved and EJ communities is a substantial concern to the EPA. A 2011 report issued by the NEJAC found that publication in the legal section of a regional newspaper is antiquated and ineffective, and is not ideal for providing notice to affected EJ communities. Regarding public participation, the report recommends the following to the EPA: "To ensure meaningful public participation, the public notice and outreach process must include direct communication in appropriate languages through telephone calls and mailings to EJ and tribal communities, press releases, radio announcements, electronic and regular mail, Web site postings and the posting of signs."³³ Thus, the NEJAC specifically listed Web site postings as a method to ensure meaningful public participation. Furthermore, several comments received on the proposed rule, including comments from air agencies with practical experience implementing e-notice and e-access, strongly supported these mechanisms as more effective in providing public notice of permitting actions to EJ communities. However, notwithstanding our conclusion that e-notice and e-access are a viable and effective means of making information widely available to the public, including EJ communities, we strongly encourage permitting authorities to provide additional notice and access to the draft permit (and other elements of the administrative records for which they choose to provide e-access) where they determine that a specific jurisdiction or population would be better served with supplemental notice in the newspaper and/or another noticing method, such as

those suggested by the NEJAC, and access to elements of the administrative record (for which e-access was provided) at a physical location.

VII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant action and was, therefore, not submitted to the OMB for review.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. This final rule revises regulations to address public noticing method requirements for draft permits for certain sources of air pollution. It is important to note that the final rule revisions do not require air agencies that implement the permitting program through an EPA-approved title V program or SIP to use e-notice. These agencies may continue to provide notice by newspaper publication or they may adopt e-notice as their consistent notification method. Only in the latter case would an air agency be required to revise the title V program rules or undertake a SIP revision. For EPA-delegated agencies, and for agencies that incorporate by reference the federal rules and their rules automatically update, no rulemaking action is required by the agency to adopt the e-notice requirements. However, if any of these agencies decides to retain newspaper publication as their consistent notification method, they could request removal of delegation, revise their program rules consistent with the rules for state programs (*e.g.*, 40 CFR 51.166), and undertake a SIP revision. In addition, an agency delegated a 40 CFR part 71 program may need to update its delegation agreement. An air agency delegated the 40 CFR part 71 program may have to choose between implementing e-notice, obtaining approval for implementing a 40 CFR part 70 program, or relinquishing their title V program. To the extent that a SIP revision or a title V program revision is necessary to effect the changes being proposed, we believe that the burden to revise SIPs is already accounted for under the PSD and NNSR information collection request (ICR) No. 1230.29 (OMB Control No. 2060-0003) and the burden to revise title V programs is included in ICR Nos. 1587.13 and 1713.11 (OMB Control Nos. 2060-0243 and 2060-0336).

³² Synthetic minor sources are those sources that have the potential to emit regulated NSR pollutants at or above the major source thresholds, but that have taken enforceable limitations to restrict their potential to emit below such thresholds.

³³ "Enhancing Environmental Justice in EPA Permitting Programs," National Environmental Justice Advisory Council (April, 2011), pages 20-21, available at <https://www.epa.gov/sites/production/files/2015-02/documents/ej-in-permitting-report-2011.pdf>.

This action has no burden on industry sources since permitting authorities are responsible for the noticing of permits. Therefore, the final rule revisions do not contain any information collection activities.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements directly on small entities. This final rule revises regulations to address public noticing method requirements for draft permits for certain sources of air pollution.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded federal mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly affect small governments. This final action imposes no enforceable duty on any state, local or tribal governments, or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This final action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effect on tribal governments, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 as applying to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045

because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

The final rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. The results of this evaluation are contained in Section VI of this document titled “Environmental Justice Considerations.”

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of any nationally applicable regulation, or any action the Administrator “finds and publishes” as based on a determination of nationwide scope or effect must be filed in the United States Court of Appeals for the District of Columbia Circuit within 60 days of the date the promulgation, approval, or action appears in the **Federal Register**. This final rule is nationally applicable, as it revises the rules for public notice under the minor NSR, PSD, NNSR, title V and OCS permitting programs in 40 CFR 51.161, 40 CFR 51.166, 40 CFR 51.165, 40 CFR 52.21, 40 CFR part 124, 40 CFR part 70, 40 CFR part 71 and 40 CFR part 55. As a result, petitions for review of this rule must be filed in the United States Court of Appeals for the District of Columbia Circuit within December 19, 2016. CAA section 307(d)(7)(B) further provides that “[o]nly an objection to a rule or procedure that was raised with reasonable specificity during the period for public comment (including any public hearing) may be

raised during judicial review.” This section also provides a mechanism for the EPA to reconsider the rule “[i]f the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.” Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, EPA WJC, 1200 Pennsylvania Ave. NW., Washington, DC 20460, with a copy to all person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this final rule, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Filing a petition for reconsideration by the Administrator of this final action does not affect the finality of this action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of this action.

VIII. Statutory Authority

The statutory authority for this action is provided by 23 U.S.C. 101; 42 U.S.C. 6901, *et seq.*; 42 U.S.C. 300f, *et seq.* 33 U.S.C. 1251, *et seq.*; 42 U.S.C. 7401, *et seq.*

List of Subjects

40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements.

40 CFR Part 55

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements.

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

40 CFR Part 71

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

40 CFR Part 124

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: October 5, 2016.

Gina McCarthy, Administrator.

For the reasons stated in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

Subpart I—Review of New Sources and Modifications

■ 2. Section 51.161 is amended by revising paragraph (b)(1) to read as follows:

§ 51.161 Public availability of information.

* * * * *

(b) * * *

(1) Availability for public inspection in at least one location in the area affected of the information submitted by the owner or operator and of the State or local agency's analysis of the effect on air quality. This requirement may be met by making these materials available at a physical location or on a public Web site identified by the State or local agency;

* * * * *

■ 3. Section 51.165 is amended by adding paragraph (i) to read as follows:

§ 51.165 Permit requirements.

* * * * *

(i) *Public participation requirements.* The reviewing authority shall notify the public of a draft permit by a method described in either paragraph (i)(1) or (2) of this section. The selected method, known as the "consistent noticing method," shall comply with the public participation procedural requirements of § 51.161 of this chapter and be used for all permits issued under this section and may, when appropriate, be supplemented by other noticing methods on individual permits.

(1) Post the information in paragraphs (i)(1)(i) through (iii) of this section, for the duration of the public comment period, on a public Web site identified by the reviewing authority.

(i) A notice of availability of the draft permit for public comment;

(ii) The draft permit; and

(iii) Information on how to access the administrative record for the draft permit.

(2) Publish a notice of availability of the draft permit for public comment in a newspaper of general circulation in the area where the source is located. The notice shall include information on how to access the draft permit and the administrative record for the draft permit.

■ 4. Section 51.166 is amended by revising paragraphs (q)(2)(ii), (iii), (vi), and (viii) to read as follows:

§ 51.166 Prevention of significant deterioration of air quality.

* * * * *

(q) * * *

(2) * * *

(ii) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination. This requirement may be met by making these materials available at a physical location or on a public Web site identified by the reviewing authority.

(iii) Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and of the opportunity for comment at a public hearing as well as through written public comment. Alternatively, these notifications may be made on a public Web site identified by the reviewing authority. However, the reviewing authority's selected notification method (*i.e.*, either newspaper or Web site), known as the "consistent noticing method," shall be used for all permits subject to notice under this section and may, when appropriate, be supplemented by other noticing methods on individual permits. If the reviewing authority selects Web site notice as its consistent noticing method, the notice shall be available for the duration of the public comment period and shall include the notice of public comment, the draft permit, information on how to access the administrative

record for the draft permit and how to request and/or attend a public hearing on the draft permit.

* * * * *

(vi) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing in making a final decision on the approvability of the application. The reviewing authority shall make all comments available for public inspection at the same physical location or on the same Web site where the reviewing authority made available preconstruction information relating to the proposed source or modification.

* * * * *

(viii) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location or on the same Web site where the reviewing authority made available preconstruction information and public comments relating to the proposed source or modification.

* * * * *

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 5. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart A—General Provisions

■ 6. Section 52.21 is amended by revising paragraphs (q) and (w)(4) to read as follows:

§ 52.21 Prevention of significant deterioration of air quality.

* * * * *

(q) *Public participation.* The administrator shall follow the applicable procedures of 40 CFR part 124 in processing applications under this section.

* * * * *

(w) * * *

(4) If the Administrator rescinds a permit under this paragraph, the Administrator shall post a notice of the rescission determination on a public Web site identified by the Administrator within 60 days of the rescission.

* * * * *

PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS

■ 7. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101–549.

■ 8. Section 55.5 is amended by revising paragraphs (f)(1)(i) and (ii) to read as follows:

§ 55.5 Corresponding onshore area designation.

* * * * *

(f) * * *
(1) * * *

(i) Make available, in at least one location in the NOA and in the area requesting COA designation, which may be a public Web site identified by the Administrator, a copy of all materials submitted by the requester, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making the preliminary determination; and

(ii) Notify the public, by prominent advertisement in a newspaper of general circulation in the NOA and the area requesting COA designation or on a public Web site identified by the Administrator, of a 30-day opportunity for written public comment on the available information and the Administrator's preliminary COA designation.

* * * * *

■ 9. Section 55.6 is amended by revising paragraph (a)(3) to read as follows:

§ 55.6 Permit requirements.

(a) * * *

(3) Administrative procedures and public participation. The Administrator will follow the applicable procedures of 40 CFR part 71 or 40 CFR part 124 in processing applications under this part. When using 40 CFR part 124, the Administrator will follow the procedures used to issue Prevention of Significant Deterioration ("PSD") permits.

* * * * *

■ 10. Section 55.7 is amended by revising paragraphs (f)(4)(ii) and (iii) to read as follows:

§ 55.7 Exemptions.

* * * * *

(f) * * *
(4) * * *

(ii) Make available, in at least one location in the COA and NOA, which may be a public Web site identified by the Administrator or delegated agency, a copy of all materials submitted by the requester, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the COA and NOA or on a public Web site identified by the Administrator or delegated agency, of a

30-day opportunity for written public comment on the information submitted by the owner or operator and on the preliminary determination.

* * * * *

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 11. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

■ 12. Section 70.7 is amended by revising paragraphs (h)(1) and (2) to read as follows:

§ 70.7 Permit issuance, renewal, reopenings, and revisions.

* * * * *

(h) * * *

(1) Notice shall be given by one of the following methods: By publishing the notice in a newspaper of general circulation in the area where the source is located (or in a State publication designed to give general public notice) or by posting the notice, for the duration of the public comment period, on a public Web site identified by the permitting authority, if the permitting authority has selected Web site noticing as its "consistent noticing method." The consistent noticing method shall be used for all draft permits subject to notice under this paragraph. If Web site noticing is selected as the consistent noticing method, the draft permit shall also be posted, for the duration of the public comment period, on a public Web site identified by the permitting authority. In addition, notice shall be given to persons on a mailing list developed by the permitting authority using generally accepted methods (e.g., hyperlink sign-up function or radio button on an agency Web site, sign-up sheet at a public hearing, etc.) that enable interested parties to subscribe to the mailing list. The permitting authority may update the mailing list from time to time by requesting written indication of continued interest from those listed. The permitting authority may delete from the list the name of any person who fails to respond to such a request within a reasonable timeframe. The permitting authority may use other means to provide adequate notice to the affected public;

(2) The notice shall identify the affected facility; the name and address of the permittee; the name and address of the permitting authority processing the permit; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person (or an

email or Web site address) from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including those set forth in § 70.4(b)(3)(viii) of this part, and all other materials available to the permitting authority (except for publicly-available materials and publications) that are relevant to the permit decision; a brief description of the comment procedures required by this part; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled);

* * * * *

PART 71—FEDERAL OPERATING PERMIT PROGRAMS

■ 13. The authority citation for part 71 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

Subpart A—Operating Permits

■ 14. Section 71.4 is amended by revising paragraph (g) to read as follows:

§ 71.4 Program implementation.

* * * * *

(g) Public notice of part 71 programs. In taking action to administer and enforce an operating permits program under this part, the Administrator will publish a notice in the Federal Register informing the public of such action and the effective date of any part 71 program as set forth in § 71.4(a), (b), (c), or (d)(1)(ii). The publication of this part in the Federal Register on July 1, 1996 serves as the notice for the part 71 permit programs described in § 71.4(d)(1)(i) and (e). The EPA will also publish a notice in the Federal Register of any delegation of a portion of the part 71 program to a State, eligible Tribe, or local agency pursuant to the provisions of § 71.10. In addition to notices published in the Federal Register under this paragraph (g), the Administrator will, to the extent practicable, post a notice on a public Web site identified by the Administrator of the part 71 program effectiveness or delegation, and will send a letter to the Tribal governing body for an Indian Tribe or the Governor (or his or her designee) of the affected area to provide notice of such effectiveness or delegation.

* * * * *

■ 15. Section 71.11 is amended by revising paragraphs (d)(3)(i)(E), (d)(3)(ii), and (d)(4)(i)(G) to read as follows:

§ 71.11 Administrative record, public participation, and administrative review.

* * * * *

(d) * * *

(3) * * *

(i) * * *

(E) Persons on a mailing list, including those who request in writing to be on the list. As part of this requirement, the permitting authority shall notify the public of the opportunity to be put on the mailing list by way of generally accepted methods (e.g., hyperlink sign-up function or radio button on an agency Web site, sign-up sheet at a public hearing, etc.) that enable interested parties to subscribe to the mailing list. The permitting authority may update the mailing list from time to time by requesting written indication of continued interest from those listed. The permitting authority may delete from the list the name of any person who fails to respond to such a request within a reasonable timeframe.

(ii) By posting a notice on a public Web site identified by the permitting authority for the duration of the public comment period. The notice shall be consistent with paragraph (d)(4)(i) of this section and be accompanied by a copy of the draft permit.

* * * * *

(4) * * *

(i) * * *

(G) The physical location and/or Web site address of the administrative record, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant are available as part of the administrative record; and

* * * * *

Subpart B—Permits for Early Reductions Sources

■ 16. Section 71.27 is amended by revising paragraphs (d)(3)(i)(E), (d)(3)(ii), and (d)(4)(i)(F) and (G) and adding paragraph (d)(4)(i)(H) to read as follows:

§ 71.27 Public participation and appeal.

* * * * *

(d) * * *

(3) * * *

(i) * * *

(E) Persons on a mailing list, including those who request in writing to be on the list. As part of this requirement, the Administrator shall notify the public of the opportunity to be put on the mailing list by way of generally accepted methods (e.g., hyperlink sign-up function or radio button on an agency Web site, sign-up sheet at a public hearing, etc.) that

enable interested parties to subscribe to the mailing list. The Administrator may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Administrator may delete from the list the name of any person who fails to respond to such a request within a reasonable timeframe;

* * * * *

(ii) By posting a notice on a public Web site identified by the Administrator for the duration of the public comment period. The notice shall be consistent with paragraph (d)(4)(i) of this section and be accompanied by a copy of the draft permit.

* * * * *

(4) * * *

(i) * * *

(F) A brief description of the comment procedures required by paragraphs (e) and (f) of this section and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;

(G) Any additional information considered necessary or proper; and

(H) The physical location and/or Web site address of the administrative record, the times at which the record will be open for public inspection and a statement that all data submitted by the applicant are available as part of the administrative record.

* * * * *

PART 124—PROCEDURES FOR DECISIONMAKING

■ 17. The authority citation for part 124 continues to read as follows:

Authority: Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*; Safe Drinking Water Act, 42 U.S.C. 300f *et seq.*; Clean Water Act, 33 U.S.C. 1251 *et seq.*; Clean Air Act, 42 U.S.C. 7401 *et seq.*

Subpart A—General Program Requirements

■ 18. Section 124.10 is amended by adding paragraph (c)(2)(iii) to read as follows:

§ 124.10 Public notice of permit actions and public comment period.

* * * * *

(c) * * *

(2) * * *

(iii) For PSD permits:

(A) In lieu of the requirement in paragraphs (c)(1)(ix)(B) and (C) of this section regarding soliciting persons for “area lists” and notifying the public of the opportunity to be on a mailing list,

the Director may use generally accepted methods (e.g., hyperlink sign-up function or radio button on an agency Web site, sign-up sheet at a public hearing, etc.) that enable interested parties to subscribe to a mailing list. The Director may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Director may delete from the list the name of any person who fails to respond to such a request within a reasonable timeframe.

(B) In lieu of the requirement in paragraph (c)(2)(i) of this section to publish a notice in a daily or weekly newspaper, the Director shall notify the public by posting the following information, for the duration of the public comment period, on a public Web site identified by the Director: A notice of availability of the draft permit for public comment (or the denial of the permit application), the draft permit, information on how to access the administrative record, and information on how to request and/or attend a public hearing on the draft permit.

(C) In lieu of the requirement in paragraph (d)(1)(vi) of this section to specify a location of the administrative record for the draft permit, the Director may post the administrative record on an identified public Web site.

* * * * *

[FR Doc. 2016-24911 Filed 10-17-16; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R05-OAR-2015-0522; FRL-9954-21-Region 5]

Air Plan Approval; Ohio; Removal of Gasoline Vapor Recovery Requirements**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving, as a revision under the Clean Air Act (CAA) to the Ohio state implementation plan (SIP), submittals from the Ohio Environmental Protection Agency (Ohio EPA) dated July 15, 2015, and February 29, 2016. The revision addresses the state’s Stage II vapor recovery (Stage II) program for the Cleveland, Cincinnati, and Dayton ozone areas in Ohio. The revision removes Stage II requirements for the three areas as a component of the Ohio ozone SIP. The revision also includes a demonstration that addresses emission

action” as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an “economically significant” rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866, and that imposes total costs greater than zero, it must identify two deregulatory actions. For FY 2019, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. Because the proposed regulatory action is not significant, the requirements of Executive Order 13771 do not apply.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are issuing these final priorities, requirements, definitions, and performance measures only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this final regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

These final priorities, requirements, definitions, and performance measures are needed to implement the CC program award process in the manner that the Department believes will best enable the program to achieve its objectives of providing capacity-building services to SEAs, REAs, LEAs, and schools that help improve educational outcomes for all students, close achievement gaps, and improve the quality of instruction.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 1, 2019.

Frank Brogan,
Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2019-06583 Filed 4-3-19; 8:45 am]

BILLING CODE 4000-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[EPA-R03-OAR-2009-0238; FRL-9990-18-Region 3]

Outer Continental Shelf Air Regulations; Consistency Update for Delaware

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is updating a portion of the Outer Continental Shelf (OCS) Air Regulations. Requirements applying to OCS sources located within 25 miles of states’ seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (COA), as mandated by section 328(a)(1) of the Clean Air Act (CAA). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which Delaware is the designated COA. The State of Delaware’s requirements discussed in this document are incorporated by reference into the Code of Federal Regulations and listed in the appendix to the federal OCS air regulations.

DATES: This rule is effective on May 6, 2019. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of May 6, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2009-0238. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Mrs. Amy Johansen, Office of Permits and State Programs (3AP10), Air Protection Division, U.S. Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2156. Mrs. Johansen can also be reached via electronic mail at johansen.amy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On December 3, 2018 (83 FR 62283), EPA published a Notice of Proposed Rulemaking (NPRM) proposing to incorporate various Delaware air pollution control requirements into 40 CFR part 55. EPA received two sets of comments in response to the December 3, 2018 NPRM. The comments did not concern any of the specific issues raised in the NPRM, nor did they address EPA's rationale for the proposed approval of this Consistency Update for OCS requirements. Therefore, EPA is not responding to those comments.

Pursuant to 40 CFR 55.12, consistency reviews will occur (1) at least annually; (2) upon receipt of a Notice of Intent (NOI) under 40 CFR 55.4; or (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in 40 CFR part 55. This action is being taken in response to the submittal of a NOI on August 8, 2018, by Deepwater Wind, LLC on behalf of Garden State Offshore Energy, LLC for the proposed installation of a meteorological buoy for the purposes of gathering meteorological data to support development of offshore wind projects.

Section 328(a) of the CAA requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into 40 CFR part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into 40 CFR part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the CAA. Consistency updates may result in the inclusion of state or local rules or regulations into 40 CFR part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the CAA for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

EPA reviewed Delaware's rules for inclusion in 40 CFR part 55 to ensure that they are rationally related to the attainment or maintenance of Federal or state ambient air quality standards and compliance with part C of title I of the CAA, that they are not designed expressly to prevent exploration and development of the OCS, and that they are potentially applicable to OCS sources. See 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. See 40 CFR 55.12(e). In addition, EPA has excluded administrative or procedural rules,¹ and requirements that regulate toxics which are not related to the attainment and maintenance of Federal and state ambient air quality standards. Other specific requirements of the consistency update and the rationale for EPA's proposed action are explained in the December 3, 2018 NPRM and will not be restated here.

II. Final Action

EPA is taking final action to incorporate the rules potentially applicable to OCS sources for which the State of Delaware will be the COA. The rules that EPA is taking final action to

¹ Each COA which has been delegated the authority to implement and enforce 40 CFR part 55 will use its administrative and procedural rules as onshore. However, in those instances where EPA has not delegated authority to implement and enforce 40 CFR part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements. See 40 CFR 55.14(c)(4).

incorporate are applicable provisions of Title 7 of the Delaware Administrative Code, as amended through November 11, 2018. The rules that EPA is taking final action to incorporate will replace the rules previously incorporated into 40 CFR part 55 for Delaware. See 74 FR 40498 (August 13, 2009).

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Title 7 of the Delaware Administrative Code described in the amendments to 40 CFR part 55 set forth below. EPA has made, and will continue to make, these materials available through www.regulations.gov and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore air pollution control requirements. To comply with this statutory mandate, the EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. See 42 U.S.C. 7627(a)(1); 40 CFR 55.12. Thus, in promulgating OCS consistency updates, EPA's role is to maintain consistency between OCS regulations and the regulations of onshore areas, provided that they meet the criteria of the CAA. Accordingly, this action simply updates the existing OCS requirements to make them consistent with requirements onshore, without the exercise of any policy direction by EPA. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule incorporating by reference sections of Title 7 of the Delaware Administrative Code, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because this action is not approved to apply in Indian country located in the state, and EPA notes that it does not impose substantial direct costs on tribal governments or preemptive tribal law.

Under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has approved the information collection requirements contained in 40 CFR part 55 and, by extension, this update to the rules, and has assigned OMB control number 2060–0249. OMB approved the EPA Information Collection Request (ICR) No. 1601.08 on September 18, 2017.¹ The current approval expires September 30, 2020. The annual public reporting and recordkeeping burden for collection of information under 40 CFR part 55 is estimated to average 643 hours per response, using the definition of burden provided in 44 U.S.C. 3502(2).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 3, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

EPA is incorporating the rules potentially applicable to sources for which the State of Delaware is the COA. The rules that EPA is incorporating are applicable provisions of Title 7 of the Delaware Administrative Code, specifically, Air Quality Management Section 1100.

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Outer continental shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 14, 2019.

Cosmo Servidio,
Regional Administrator, Region III.

Part 55 of Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS

- 1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended by Public Law 101–549.

- 2. Section 55.14 is amended by revising paragraph (e)(5)(i)(A) to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.

* * * * *

(e) * * *

(5) * * *

(i) * * *

(A) State of Delaware Requirements Applicable to OCS Sources, November 11, 2018.

* * * * *

- 3. Appendix A to part 55 is amended under “Delaware” by revising paragraph (a)(1) and adding paragraph (b) to read as follows:

Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

* * * * *

Delaware

(a) * * *

(1) The following State of Delaware requirements are applicable to OCS Sources, November 11, 2018, State of Delaware—Department of Natural Resources and Environmental Control. The following sections of Title 7 Delaware Administrative Code 1100—Air Quality Management Section:

7 DE Admin. Code 1101: Definitions and Administrative Principals

Section 1.0: General Provisions (Effective 02/01/1981)

Section 2.0: Definitions (Effective 12/11/2016)

Section 3.0: Administrative Principals (Effective 11/11/2013)

Section 4.0: Abbreviations (Effective 02/01/1981)

7 DE Admin. Code 1102: Permits

Section 1.0: General Provisions (Effective 06/11/2006)

Section 2.0: Applicability (Effective 06/11/2006)

Section 3.0: Application/Registration Prepared by Interested Party (Effective 06/01/1997)

Section 4.0: Cancellation of Construction Permits (Effective 06/01/1997)

Section 5.0: Action on Applications (Effective 06/01/1997)

Section 6.0: Denial, Suspension or Revocation of Operating Permits (Effective 06/11/2006)

Section 7.0: Transfer of Permit/Registration Prohibited (Effective 06/01/1997)

Section 8.0: Availability of Permit/Registration (Effective 06/01/1997)

Section 9.0: Registration Submittal (Effective 06/01/1997)

Section 10.0: Source Category Permit Application (Effective 06/01/1997)

¹ OMB's approval of the ICR can be viewed at www.reginfo.gov.

Section 11.0: Permit Application (Effective 06/11/2006)
 Section 12.0: Public Participation (Effective 06/11/2006)
 Section 13.0: Department Records (Effective 06/01/1997)
 Appendix A (Effective 06/11/2006)

7 DE Admin. Code 1103: Ambient Air Quality Standards

Section 1.0: General Provisions (Effective 01/11/2014)
 Section 2.0: General Restrictions (Effective 02/01/1981)
 Section 3.0: Suspended Particulates (Effective 02/01/1981)
 Section 4.0: Sulfur Dioxide (Effective 01/11/2014)
 Section 5.0: Carbon Monoxide (Effective 02/01/1981)
 Section 6.0: Ozone (Effective 01/11/2014)
 Section 7.0: Hydrocarbons (Effective 02/01/1981)
 Section 8.0: Nitrogen Dioxide (Effective 01/11/2014)
 Section 9.0: Hydrogen Sulfide (Effective 02/01/1981)
 Section 10.0: Lead (Effective 01/11/2014)
 Section 11.0: PM₁₀ and PM_{2.5} Particulates (Effective 01/11/2014)

7 DE Admin. Code 1104: Particulate Emissions From Fuel Burning Equipment

Section 1.0: General Provisions (Effective 01/11/2017)
 Section 2.0: Emission Limits (Effective 01/11/2017)

7 DE Admin. Code 1105: Particulate Emissions From Industrial Process Operations

Section 1.0: General Provisions (Effective 01/11/2017)
 Section 2.0: General Restrictions (Effective 01/11/2017)
 Section 3.0: Restrictions on Hot Mix Asphalt Batching Operations (Effective 02/01/1981)
 Section 4.0: Restrictions on Secondary Metal Operations (Effective 01/11/2017)
 Section 5.0: Restrictions on Petroleum Refining Operations (Effective 01/11/2017)
 Section 6.0: Restrictions on Prill Tower Operations (Effective 02/01/1981)
 Section 7.0: Control of Potentially Hazardous Particulate Matter (Effective 02/01/1981)

7 DE Admin. Code 1106: Particulate Emissions From Construction and Materials Handling

Section 1.0: General Provisions (Effective 02/01/1981)
 Section 2.0: Demolition (Effective 02/01/1981)
 Section 3.0: Grading, Land Clearing, Excavation and Use of Non-Paved Roads (Effective 02/01/1981)
 Section 4.0: Material Movement (Effective 02/01/1981)
 Section 5.0: Sandblasting (Effective 02/01/1981)
 Section 6.0: Material Storage (Effective 02/01/1981)

7 DE Admin. Code 1107: Emissions From Incineration of Noninfectious Waster

Section 1.0: General Provisions (Effective 10/13/1989)
 Section 2.0: Restrictions (Effective 10/13/1989)

7 DE Admin. Code 1108: Sulfur Dioxide Emissions From Fuel Burning Equipment

Section 1.0: General Provisions (Effective 07/11/2013)
 Section 2.0: Limit on Sulfur Content of Fuel (Effective 07/11/2013)
 Section 3.0: Emission Control in Lieu of Sulfur Content Limits of 2.0 of This Regulation (Effective 07/11/2013)
 Section 4.0: Sampling and Testing Methods and Requirements (Effective 07/11/2013)
 Section 5.0: Recordkeeping and Reporting (Effective 07/11/2013)

7 DE Admin. Code 1109: Emissions of Sulfur Compounds From Industrial Operations

Section 1.0: General Provisions (Effective 05/09/1985)
 Section 2.0: Restrictions on Sulfuric Acid Manufacturing Operations (Effective 02/01/1981)
 Section 3.0: Restriction on Sulfuric Recovery Operations (Effective 02/01/1981)
 Section 4.0: Stack Height Requirements (Effective 02/01/1981)

7 DE Admin. Code 1110: Control of Sulfur Dioxide Emissions—Kent and Sussex Counties

Section 1.0: Requirements for Existing Sources of Sulfur Dioxide (Effective 01/18/1982)
 Section 2.0: Requirements for New Sources of Sulfur Dioxide (Effective 02/01/1981)

7 DE Admin. Code 1111: Carbon Monoxide Emissions From Industrial Process Operations New Castle County

Section 1.0: General Provisions (Effective 02/01/1981)
 Section 2.0: Restrictions on Petroleum Refining Operations (Effective 02/01/1981)

7 DE Admin. Code 1112: Control of Nitrogen Oxide Emissions

Section 1.0: Applicability (Effective 11/24/1993)
 Section 2.0: Definitions (Effective 11/24/1993)
 Section 3.0: Standards (Effective 11/24/1993)
 Section 4.0: Exemptions (Effective 11/24/1993)
 Section 5.0: Alternative and Equivalent RACT Determinations (11/24/1993)
 Section 6.0: RACT Proposals (11/24/1993)
 Section 7.0: Compliance Certification, Recordkeeping, and Reporting Requirements (Effective 11/24/1993)

7 DE Admin. Code 1113: Open Burning

Section 1.0: Purpose (Effective 04/11/2007)
 Section 2.0: Applicability (Effective 04/11/2007)
 Section 3.0: Definitions (Effective 04/11/2007)
 Section 4.0: Prohibitions and Related Provisions (Effective 04/11/2007)
 Section 5.0: Season and Time Restrictions (Effective 04/11/2007)

Section 6.0: Allowable Open Burning (Effective 04/11/2007)

Section 7.0: Exemptions (Effective 04/11/2007)

7 DE Admin. Code 1114: Visible Emissions

Section 1.0: General Provisions (Effective 11/11/2013)
 Section 2.0: Requirements (Effective 05/11/2018)
 Section 3.0: Alternate Opacity Requirements (Effective 07/17/1984)
 Section 4.0: Compliance With Opacity Standards (Effective 07/17/1984)

7 DE Admin. Code 1115: Air Pollution Alert and Emergency Plan

Section 1.0: General Provisions (Effective 07/17/1984)
 Section 2.0: Stages and Criteria (Effective 03/29/1988)
 Section 3.0: Required Actions (Effective 02/01/1981)
 Section 4.0: Standby Plans (Effective 02/01/1981)

7 DE Admin. Code 1116: Sources Having an Interstate Air Pollution Potential

Section 1.0: General Provisions (Effective 02/01/1981)
 Section 2.0: Limitations (Effective 02/01/1981)
 Section 3.0: Requirements (Effective 02/01/1981)

7 DE Admin. Code 1117: Source Monitoring, Record Keeping and Reporting

Section 1.0: Definitions and Administrative Principals (Effective 01/11/1993)
 Section 2.0: Sampling and Monitoring (Effective 07/17/1984)
 Section 3.0: Minimum Emissions Monitoring Requirements For Existing Sources (Effective 07/17/1984)
 Section 4.0: Performance Specifications (Effective 07/17/1984)
 Section 5.0: Minimum Data Requirements (Effective 07/17/1984)
 Section 6.0: Data Reduction (Effective 07/17/1984)
 Section 7.0: Emission Statement (Effective 01/11/1993)

7 DE Admin. Code 1120: New Source Performance Standards

Section 1.0: General Provisions (Effective 12/07/1988)
 Section 2.0: Standards of Performance for Fuel Burning Equipment (Effective 04/18/1983)
 Section 3.0: Standards of Performance for Nitric Acid Plants (Effective 04/18/1983)
 Section 5.0: Standards of Performance for Asphalt Concrete Plants (Effective 04/18/1983)
 Section 6.0: Standards of Performance for Incinerators (Effective 04/18/1983)
 Section 7.0: Standards of Performance for Sewage Treatment Plants (Effective 04/18/1983)
 Section 8.0: Standards of Performance for Sulfuric Acid Plants (Effective 04/18/1983)
 Section 9.0: Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced

- After September 18, 1978 (Effective 04/18/1983)
- Section 10.0: Standards of Performance for Stationary Gas Turbines (Effective 11/27/1985)
- Section 11.0: Standards of Performance for Petroleum Refineries (Effective 11/27/1985)
- Section 12.0: Standards of Performance for Steel Plants: Electric Arc Furnaces (Effective 11/27/1985)
- Section 20.0: Standards of Performance for Bulk Gasoline Terminals (Effective 11/27/1985)
- Section 22.0: Standards of Performance for Equipment Leaks at Petroleum Refineries (Effective 11/27/1985)
- Section 27.0: Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984 (Effective 12/07/1988)
- Section 28.0: Standards of Performance for Municipal Solid Waste Landfills (Effective 04/11/1998)
- Section 30.0: Standards of Performance for Municipal Solid Waste Landfills after July 11, 2017 (Effective 07/11/2017)
- 7 DE Admin. Code 1122: Restriction on Quality of Fuel in Fuel Burning Equipment**
- Section 1.0: Prohibition of Waste Oil (Effective 11/27/1985)
- 7 DE Admin. Code 1124: Control of Volatile Organic Compounds**
- Section 1.0: General Provisions (Effective 01/11/2017)
- Section 2.0: Definitions (Effective 04/11/2010)
- Section 3.0: Applicability (Effective 01/11/1993)
- Section 4.0: Compliance, Certification, Recordkeeping, and Reporting Requirements for Coating Sources (Effective 11/29/1994)
- Section 5.0: Compliance, Certification, Recordkeeping, and Reporting Requirements for non-Coating Sources (Effective 01/11/1993)
- Section 6.0: General Recordkeeping (Effective 01/11/1993)
- Section 7.0: Circumvention (Effective 01/11/1993)
- Section 8.0: Handling, Storage, and Disposal of Volatile Organic Compounds (VOCs) (Effective 03/11/2011)
- Section 9.0: Compliance, Permits, Enforceability (Effective 01/11/1993)
- Section 10.0: Aerospace Coatings (Effective 02/11/2003)
- Section 11.0: Mobile Equipment Repair and Refinishing (Effective 10/11/2010)
- Section 12.0: Surface Coating of Plastic Parts (Effective 10/11/2011)
- Section 13.0: Automobile and Light-Duty Truck Coating Operations (Effective 03/11/2011)
- Section 14.0: Can Coating (Effective 01/11/1993)
- Section 15.0: Coil Coating (Effective 01/11/1993)
- Section 16.0: Paper, Film, and Foil Coating (Effective 03/11/2011)
- Section 17.0: Fabric Coating (Effective 01/11/1993)
- Section 18.0: Vinyl Coating (Effective 01/11/1993)
- Section 19.0: Coating of Metal Furniture (Effective 10/11/2011)
- Section 20.0: Coating of Large Appliances (Effective 10/11/2011)
- Section 21.0: Coating of Magnet Wire (Effective 11/29/1994)
- Section 22.0: Coating of Miscellaneous Metal Parts (Effective 10/11/2011)
- Section 23.0: Coating of Flat Wood Paneling (Effective 03/11/2011)
- Section 24.0: Bulk Gasoline Plants (Effective 01/11/1993)
- Section 25.0: Bulk Gasoline Terminals (Effective 11/29/1994)
- Section 26.0: Gasoline Dispensing Facility Stage I Vapor Recovery (Effective 01/11/2002)
- Section 27.0: Gasoline Tank Trucks (Effective 01/11/1993)
- Section 28.0: Petroleum Refinery Sources (Effective 01/11/1993)
- Section 29.0: Leaks from Petroleum Refinery Equipment (Effective 11/29/1994)
- Section 30.0: Petroleum Liquid Storage in External Floating Roof Tanks (Effective 11/29/1994)
- Section 31.0: Petroleum Liquid Storage in Fixed Roof Tanks (Effective 11/29/1994)
- Section 32.0: Leaks from Natural Gas/Gasoline Processing Equipment (Effective 11/29/1994)
- Section 33.0: Solvent Cleaning and Drying (Effective 11/11/2001)
- Section 34.0: Cutback and Emulsified Asphalt (Effective 01/11/1993)
- Section 35.0: Manufacture of Synthesized Pharmaceutical Products (Effective 11/29/1994)
- Section 36.0: Vapor Emission Control at Gasoline Dispensing Facilities (Effective 09/11/2015)
- Section 37.0: Graphic Arts Systems (Effective 03/11/2011)
- Section 38.0: Petroleum Solvent Dry Cleaners (Effective 01/11/1993)
- Section 40.0: Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment (Effective 01/11/1993)
- Section 41.0: Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins (Effective 01/11/1993)
- Section 42.0: Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry (Effective 01/11/1993)
- Section 43.0: Bulk Gasoline Marine Tank Vessel Loading Facilities (Effective 08/08/1994)
- Section 44.0: Batch Processing Operations (Effective 11/29/1994)
- Section 45.0: Industrial Cleaning Solvents (Effective 03/11/2011)
- Section 46.0: Crude Oil Lightening Operations (Effective 05/11/2007)
- Section 47.0: Offset Lithographic Printing (Effective 04/11/2011)
- Section 48.0: Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry (Effective 11/29/1994)
- Section 49.0: Control of Volatile Organic Compound Emissions from Volatile Organic Liquid Storage Vessels (Effective 11/29/1994)
- Section 50.0: Other Facilities that Emit Volatile Organic Compounds (VOCs) (Effective 11/29/1994)
- 7 DE Admin. Code 1124: Control of Organic Compound Emissions—Appendices**
- Appendix A General Provisions: Test Methods and Compliance Procedures (Effective 11/29/1994)
- Appendix B: Determining the Volatile Organic Compound (VOC) Content of Coatings and Inks (Effective 11/29/1994)
- Appendix C: Alternative Compliance Methods for Surface Coating (Effective 11/29/1994)
- Appendix D: Emission Capture and Destruction or Removal Efficiency and Monitoring Requirements (Effective 11/29/1994)
- Method 30: Criteria for and Verification of a Permanent or Temporary Total Enclosure (Effective 11/29/1994)
- Method 30A: Volatile Organic Compounds Content in Liquid Input Stream (Effective 11/29/1994)
- Method 30B: Volatile Organic Compounds Emissions in Captured Stream (Effective 11/29/1994)
- Method 30C: Volatile Organic Compounds Emissions in Captured Stream (Dilution Technique) (Effective 11/29/1994)
- Method 30D: Volatile Organic Compounds Emissions in Fugitive Stream from Temporary Total Enclosure (Effective 11/29/1994)
- Method 30E: Volatile Organic Compounds Emissions in Fugitive Stream from Building Enclosure (Effective 11/29/1994)
- Appendix E: Determining the Destruction or Removal Efficiency of a Control Device (Effective 11/29/1994)
- Appendix F: Leak Detection Methods for Volatile Organic Compounds (VOCs) (Effective 11/29/1994)
- Appendix G: Performance Specifications for Continuous Emissions Monitoring of Total Hydrocarbons (Effective 11/29/1994)
- Appendix H: Quality Control Procedures for Continuous Emission Monitoring Systems (CEMS) (Effective 11/29/1994)
- Appendix I: Method to Determine Length of Rolling Period for Liquid/Liquid Material Balance (Effective 11/29/1994)
- Appendix K: Emissions Estimation Methodologies (Effective 11/29/1994)
- Appendix L: Method to Determine Total Organic Carbon for Offset Lithographic Solutions (Effective 11/29/1994)
- Appendix M: Test Method for Determining the Performance of Alternative Cleaning Fluids (Effective 11/29/1994)
- 7 DE Admin. Code 1125: Requirements for Preconstruction Review**
- Section 1.0: General Provisions (Effective 12/11/2016)
- Section 2.0: Emission Offset Provisions (EOP) (Effective 02/11/2012)¹

¹ On October 20, 2016, EPA disapproved Delaware's emissions offset provisions. EPA last

Section 3.0: Prevention of Significant Deterioration of Air Quality (Effective 12/11/2016)

Section 4.0: Minor New Source Review (MNSR) (Effective 12/11/2016)

7 DE Admin. Code 1127: Stack Heights

Section 1.0: General Provisions (Effective 07/06/1982)

Section 2.0: Definitions Specific to this Regulation (Effective 12/07/1988)

Section 3.0: Requirements for Existing and New Sources (Effective 02/18/1987)

Section 4.0: Public Notification (Effective 02/18/1987)

7 DE Admin. Code 1129: Emissions From Incineration of Infectious Waste

Section 1.0: General Provisions (Effective 10/13/1989)

Section 2.0: Exemptions (Effective 10/13/1989)

Section 3.0: Permit Requirements (Effective 10/13/1989)

Section 4.0: Methods of Treatment and Disposal (Effective 10/13/1989)

Section 5.0: Recordkeeping and Reporting Requirements (Effective 10/13/1989)

Section 6.0: Evidence of Effectiveness of Treatment (Effective 10/13/1989)

Section 7.0: Incineration (Effective 10/13/1989)

7 DE Admin. Code 1130: Title V Operating Permit Program

Section 1.0: Program Overview (Effective 12/11/2010)

Section 2.0: Definitions (Effective 11/15/1993)

Section 3.0: Applicability (Effective 11/15/1993)

Section 5.0: Permit Applications (Effective 11/15/1993)

Section 6.0: Permit Contents (Effective 12/11/2000)

Section 7.0: Permit Issuance, Renewal, Reopening, And Revisions (Effective 12/11/2000)

Section 8.0: Permit Review by EPA and Affected States (Effective 11/15/1993)

Section 9.0: Permit Fees (Effective 11/15/1993)

Appendix A: Insignificant Activities (Effective 11/15/1993)

7 DE Admin. Code 1132: Transportation Conformity

Section 1.0: Purpose (Effective 11/11/2007)

Section 2.0: Definitions (Effective 11/11/2007)

Section 3.0: Consultation (Effective 11/11/2007)

Section 4.0: Written Commitments for Control and Mitigation Measures (Effective 11/11/2007)

approved Regulation 1125, Section 2.0 for the Delaware SIP on October 2, 2012, these emissions offset provisions address requirements in CAA 173(c)(1), 40 CFR 51.165, and part 51, appendix S, section IV.D. The State effective date of this version of Regulation 1125, Section 2.0, Emission Offset Provisions was February 11, 2012, and it is this version of Regulation 1125, Section 2.0 that Delaware is required to implement and EPA incorporated by reference into 40 CFR part 55.

7 DE Admin Code 1134: Emission Banking and Trading Program

Section 1.0: Program Overview (Effective 10/06/1997)

Section 2.0: Definitions (Effective 10/06/1997)

Section 3.0: Applicability (Effective 10/06/1997)

Section 4.0: Generating an Emission Reduction (Effective 10/06/1997)

Section 5.0: Application for Certification of an Emission Reduction as an ERC (Effective 10/06/1997)

Section 6.0: Source Baseline (Effective 10/06/1997)

Section 7.0: Post-Reduction Emission Rate (Effective 10/06/1997)

Section 8.0: Certification of an Emission Reduction (Effective 11/11/2018)

Section 9.0: Trading and Use of ERCs (Effective 10/06/1997)

Section 10.0: Record Keeping Requirements (Effective 10/06/1997)

Section 11.0: ERC Banking System (Effective 10/06/1997)

Section 12.0: Fees (Effective 10/06/1997)

Section 13.0: Enforcement (Effective 10/06/1997)

Section 14.0: Program Evaluation and Individual Audits (Effective 10/06/1997)

7 DE Admin. Code 1135: Conformity of General Federal Actions to the State Implementation Plans

Section 1.0: Purpose (Effective 08/14/1996)

Section 2.0: Definitions (Effective 08/14/1996)

Section 3.0: Applicability (Effective 08/14/1996)

Section 4.0: Conformity Analysis (Effective 08/14/1996)

Section 5.0: Reporting Requirements (Effective 08/14/1996)

Section 6.0: Public Participation and Consultation (Effective 08/14/1996)

Section 7.0: Frequency of Conformity Determinations (Effective 08/14/1996)

Section 8.0: Criteria for Determining Conformity of General Federal Actions (Effective 08/14/1996)

Section 9.0: Procedures for Conformity Determinations of General Federal Actions (Effective 08/14/1996)

Section 10.0: Mitigation of Air Quality Impacts (Effective 08/14/1996)

Section 11.0: Savings Provision (Effective 08/14/1996)

7 DE Admin. Code 1140: Delaware Low Emission Vehicle Program

Section 1.0: Purpose (Effective 12/11/2013)

Section 2.0: Applicability (Effective 12/11/2013)

Section 3.0: Definitions (Effective 03/11/2018)

Section 4.0: Emission Certification Standards (Effective 12/11/2013)

Section 5.0: New Vehicle Emission Requirements (Effective 03/11/2018)

Section 6.0: Manufacturer Fleet Requirements (Effective 12/11/2013)

Section 7.0: Warranty (Effective 03/11/2018)

Section 8.0: Reporting and Record-Keeping Requirements (Effective 12/11/2013)

Section 9.0: Enforcement (Effective 12/11/2013)

Section 10.0: Incorporation by Reference (Effective 03/11/2018)

Section 11.0: Document Availability (Effective 03/11/2018)

Section 12.0: Severability (Effective 12/11/2013)

7 DE Admin. Code 1141: Limiting Emissions of Volatile Organic Compounds From Consumer and Commercial Products

Section 1.0: Architectural and Industrial Maintenance Coatings (Effective 12/11/2016)

Section 2.0: Consumer Products (Effective 02/11/2016)

Section 3.0: Portable Fuel Containers (Effective 04/11/2010)

Section 4.0: Adhesives and Sealants (Effective 04/11/2009)

7 DE Admin. Code 1142: Specific Emission Control Requirements

Section 1.0: Control of NO_x Emissions from Industrial Boilers (Effective 12/12/2001)

7 DE Admin. Code 1144: Control of Stationary Generator Emissions

Section 1.0: General (Effective 01/11/2006)

Section 2.0: Definitions (Effective 01/11/2006)

Section 3.0: Emissions (Effective 01/11/2006)

Section 4.0: Operating Requirements (Effective 01/11/2006)

Section 5.0: Fuel Requirements (Effective 01/11/2006)

Section 6.0: Record Keeping and Reporting (Effective 01/11/2006)

Section 7.0: Emissions Certification, Compliance, and Enforcement (Effective 01/11/2006)

Section 8.0: Credit for Concurrent Emissions Reductions (Effective 01/11/2006)

Section 9.0: DVFA Member Companies (Effective 01/11/2006)

7 DE Admin. Code 1145: Excessive Idling of Heavy Duty Vehicles

Section 1.0: Applicability (Effective 04/11/2005)

Section 2.0: Definitions (Effective 04/11/2005)

Section 3.0: Severability (Effective 04/11/2005)

Section 4.0: Operational Requirements for Heavy Duty Motor Vehicles (Effective 04/11/2005)

Section 5.0: Exemptions (Effective 04/11/2005)

Section 6.0: Enforcement and Penalty (Effective 04/11/2005)

7 DE Admin. Code 1146: Electric Generating Unit (EGU) Multi-Pollutant Regulation

Section 1.0: Preamble (Effective 12/11/2006)

Section 2.0: Applicability (Effective 12/11/2006)

Section 3.0: Definitions (Effective 12/11/2006)

Section 4.0: NO_x Emissions Limitations (Effective 12/11/2006)

Section 5.0: SO₂ Emissions Limitations (Effective 12/11/2006)

Section 6.0: Mercury Emissions Limitations (Effective 12/11/2006)

Section 7.0: Record Keeping and Reporting (Effective 12/11/2006)

Section 8.0: Compliance Plan (Effective 12/11/2006)

Section 9.0: Penalties (Effective 12/11/2006)

7 DE Admin. Code 1147: CO₂ Budget Trading Program

Section 1.0: CO₂ Budget Trading Program General Provisions (Effective 12/11/2013)

Section 2.0: CO₂ Authorized Account Representative for CO₂ Budget Source (Effective 11/11/2008)

Section 3.0: Permits (Effective 11/11/2018)

Section 4.0: Compliance Certification (Effective 12/11/2013)

Section 5.0: CO₂ Allowance Allocations (Effective 12/11/2013)

Section 6.0: CO₂ Allowance Tracking System (Effective 12/11/2013)

Section 7.0: CO₂ Allowance Transfers (Effective 12/11/2013)

Section 8.0: Monitoring and Reporting (Effective 12/11/2013)

Section 9.0: Auction of CO₂ CCR allowances (Effective 12/11/2013)

Section 10.0: CO₂ Emissions Offset Projects (Effective 12/11/2013)

Section 11.0: CO₂ Emissions Auction (Effective 12/11/2013)

7 DE Admin. Code 1148: Control of Stationary Combustion Turbine Electric Generating Unit Emissions

Section 1.0: Purpose (Effective 07/11/2007)

Section 2.0: Applicability (Effective 07/11/2007)

Section 3.0: Definitions (Effective 07/11/2007)

Section 4.0: NO_x Emissions Limitations (Effective 07/11/2007)

Section 5.0: Monitoring and Reporting (Effective 07/11/2007)

Section 6.0: Recordkeeping (Effective 07/11/2007)

Section 7.0: Penalties (Effective 07/11/2007)

(2) [Reserved]

(b) Local requirements.

* * * * *

[FR Doc. 2019-06488 Filed 4-3-19; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2019-0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbabit@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at

selected locations in each community are shown.

National Environmental Policy Act. FEMA included flood hazard mapping data dissemination determinations as part of the NFIP Nationwide Programmatic Environmental Impact Statement, published on November 3, 2017, and completed in accordance with the Council on Environmental Quality's National Environmental Policy Act implementing regulations in 40 CFR 1500-1508 and therefore has determined that this action will not have a significant effect on the human environment.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

David I. Maurstad,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

PROPOSED REGULATIONS

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL****DIVISION OF AIR QUALITY**

Statutory Authority: 7 Delaware Code, Sections 6010(a) and 6010(c)
(7 Del.C., §§6010(a) and 6010(c))
7 DE Admin. Code 1150

**REGISTER NOTICE
SAN # 2018-11**

1150 Outer Continental Shelf Air Regulations

1. TITLE OF THE REGULATIONS:

Proposed amendments to 7 DE Admin. Code 1150, Outer Continental Shelf Air Regulations.

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The Division of Air Quality (DAQ) is proposing to amend 7 DE Admin. Code 1150 to incorporate updates to the federal Outer Continental Shelf (OCS) regulations at 40 CFR 55, which have been made since the regulation was adopted in 2010.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Del.C. Ch. 60, Sections 6010(a) and 6010(c).

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

None

6. NOTICE OF PUBLIC COMMENT:

The hearing record on the proposed amendments to 7 DE Admin. Code 1150, Outer Continental Shelf Air Regulations will open May 1, 2019. Individuals may submit written comments regarding the proposed changes via e-mail to Lisa.Vest@delaware.gov or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. A public hearing on the proposed amendments to 7 DE Admin. Code 1150, Outer Continental Shelf Air Regulations will be held on May 22, 2019 beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901. Public comments open May 1 and will be received until close of business Thursday, June 6, 2019.

7. PREPARED BY:

Mark A. Prettyman – mark.prettyman@delaware.gov – 302-739-9402

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/may2019/proposed/22 DE Reg 928RFA 05-01-19.pdf>

1150 Outer Continental Shelf Air Regulations

06/11/2019XX/XX/2019

1.0 Applicability

Upon delegation of authority by the Administrator of the EPA to the Department, this regulation shall apply to the owner or operator of any OCS source for which Delaware is the corresponding onshore area (COA) as authorized under Section 328 of the federal Clean Air Act Amendments (42 U.S.C.

PROPOSED REGULATIONS

929

7627), Outer Continental Shelf technical changes of 84 Fed. Reg. 13132 (April 4, 2019), and 40 CFR Part 55 (July 1, ~~2009~~2018 ed.).

~~06/11/2010~~XX/XX/2019

2.0 Requirements

The provisions of Part 40 CFR Part 55 (July 1, ~~2009~~2018 ed.) and the Outer Continental Shelf technical changes of 84 Fed. Reg. 13132 (April 4, 2019) are incorporated herein as 7 **DE Admin. Code** 1150. OCS sources shall comply with all requirements of 1100 Air Quality Management Section of Title 7 of the Delaware Administrative Code to the extent that they are incorporated by EPA into 40 CFR Part 55.14.

This rule incorporates the following provisions of 40 CFR Part 55:

Outer Continental Shelf Air Regulations

55.1	Statutory authority and scope.
55.2	Definitions.
55.3	Applicability.
55.4	Requirements to submit a notice of intent.
55.6	Permit requirements.
55.7	Exemptions.
55.8	Monitoring, reporting, inspections, and compliance.
55.9	Enforcement.
55.10	Fees.
55.13	Federal requirements that apply to OCS sources.
55.14	Requirements that apply to OCS sources located within 25 miles of states' seaward boundaries, by State.
55.15	Specific designation of corresponding onshore areas.
Appendix A to 40 CFR Part 55	Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Sections 1902(a), 1501, 1503, 2505 and 2507
(7 **Del.C.** §§1902(a), 1501, 1503, 2505 & 2507)
7 DE Admin. Code 3700

REGISTER NOTICE

SAN #2019-03

3700 Shellfish

3723 Jonah Crab (*Cancer borealis*)

3755 Lobsters

1. TITLE OF THE REGULATIONS:

7 **DE Admin. Code** 3700 Shellfish to include:

3723 Jonah Crab [new]; 3755 Lobsters; 3756 Lobsters - Pot Design; 3757 Lobsters - Pot, Season And Limits For Commercial Lobster Pot License; and, 3758 Possession Of V-notched Lobsters Prohibited

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The Atlantic States Marine Fisheries Commission (ASMFC) approved an Interstate Fishery Management Plan (FMP) for Jonah Crab under the authority of the Atlantic Coastal Fisheries Cooperative Management Act

RECEIVED
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Kent

332063

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State of Delaware:

County of Kent:

Before me, a Notary Public, for the County and State aforesaid. Darel LaPrade, known to me to be such, who being sworn according to law deposed and says that he is the publisher of the ~~Delaware State News~~, a daily newspaper published at Dover, County of Kent, and State of Delaware, and that the notice, a copy of which is hereto attached, as published in the ~~Delaware State News~~ in its issue of _____

April 21, 2019

Darel LaPrade

Publisher
Delaware State News

Sworn to and subscribed before me this 21st

Day of April A.D. 2019



Janet E. Levy
Notary Public



DNREC – Division of Air Quality

LEGAL NOTICE

7 DE Admin. Code 1102 NATURAL MINOR PERMIT APPLICATIONS

Notice has been given that:

GSOE I, LLC, requests a permit to construct, operate, and decommission an unmanned Meteorological Buoy (Met Buoy) to collect meteorological data in Delaware's Outer Continental Shelf approximately 16.5 statute miles off the coast of Rehoboth Beach. The Met Buoy is powered by wind turbines and solar panels with a 6 kW backup diesel generator. The construction, maintenance, and decommissioning of the Met Buoy has the potential to emit (PTE): 0.33 TPY of VOC; 6.43 TPY of NO_x; 3.27 TPY of CO; 0.38 TPY of PM₁₀; 0.005 TPY of SO_x; and 0.07 TPY of HAPs. (Permits: **APC-2019/0042**, and **APC-2019/0043**).

The application for this permit may be reviewed at the offices of the Division of Air Quality, State Street Commons, 100 W. Water Street, Suite 6A, Dover, Delaware or 715 Grantham Lane, New Castle, Delaware. For additional information or for an appointment to review the application, please contact Tracy Mattson at (302) 739-9402.

A public hearing on any of the above applications will NOT be held unless the Secretary of DNREC receives a request for a hearing regarding that application within 15 days from the date of this notice, ending May 6, 2019. A request for a hearing shall be in writing. The request must also show a familiarity with the application and a reasoned statement of the permit's probable impact.

All comments and public hearing requests should be mailed to the following address:

**DIVISION OF AIR QUALITY
STATE STREET COMMONS
100 W. WATER STREET, SUITE 6A
DOVER, DE 19904
(302) 739-9402**

332063 DSN 4/21/2019



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Of the **The News Journal Media Group**, a newspaper printed, published and circulated in the State of Delaware, who being duly sworn, deposeth and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

04/21/19 A.D 2019

Kathleen A. Gibson

Sworn and subscribed before me, this 21 day of April, 2019

Diana

Ad Number: 0003514404

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**DNREC Division of Air Quality
LEGAL NOTICE**

PUBLIC HEARING

The Department of Natural Resources and Environmental Control (DNREC) Division of Air Quality will conduct a public hearing on proposed amendments to 7 **DE Admin. Code** 1150, Outer Continental Shelf Air Regulations.

7 **DE Admin. Code** 1150 was promulgated in June 2010 to allow Delaware to regulate air emissions pursuant to the United States Environmental Protection Agency's regulations codified at 40 CFR Part 55, which were issued under Section 328(a)(1) of the federal Clean Air Act. The EPA's regulations apply to all sources of air emissions from within the Outer Continental Shelf (OCS). For Delaware, the OCS is the area that is within 25 miles of Delaware's coastal boundaries along the Atlantic Ocean. This means that air emissions from within the OCS are regulated in the same manner as if the source was located on Delaware's land. In practice, this regulation allows the Department to issue permits for any source to be regulated under 40 CFR Part 55, thereby effectively regulating air pollutants emitted in the OCS consistent with state and federal laws and regulations.

The Division of Air Quality (DAQ) is proposing to amend 7 **DE Admin. Code** 1150 to incorporate updates to the federal OCS regulations at 40 CFR Part 55, which have been finalized since the state regulation was adopted in 2010.

The public hearing on the proposed amendments to 7 DE Admin. Code 1150, will be held at 6:00 pm on Wednesday, May 22, 2019 in the DNREC R&R Auditorium, located at 89 Kings Highway, Dover, DE 19901.

The proposed amendments may be inspected at the Department's offices located at State Street Commons, 100 W. Water Street, Suite 6A, Dover, DE 19904.

For additional information or any appointments to inspect the proposed amendments to 7 **DE Admin. Code** 1150, please contact Mark A. Prettyman with the Division of Air Quality's offices located at State Street Commons, 100 W. Water Street, Suite 6A, Dover, DE 19904, by phone at 302-739-9402, or by email at mark.prettyman@delaware.gov.

Persons wishing to comment on the aforementioned proposed amendments may do so either orally or in written form at the public hearing on May 22, 2019. The hearing record will open on May 1 and will remain open for receipt of comment through the close of business on Thursday, June 6, 2019. In lieu of attending the public hearing, written comments may be submitted to the Hearing Officer either via email to Lisa.Vest@delaware.gov or via USPS to the following address:

Lisa A. Vest
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

THIS IS THE ONLY TIME THIS NOTICE WILL APPEAR.

4/21-NJ

Prettyman, Mark A. (DNREC)

From: DAWM Newsletter List <michael.polo@state.de.us>
Sent: Tuesday, April 30, 2019 9:26 AM
To: DAWM_Newsletter
Subject: DNREC E Newsletter 4/30/19

NEWS FROM DNREC'S DIVISIONS OF AIR AND WASTE, 04/30/19

The biweekly E-News Update features current information on the Divisions of Air Quality (DAQ) and Waste and Hazardous Substances (WHS) regarding public meetings, workshops, hearings, and regulatory documents available for public comment, as well as general news updates.

Suggestions? Additions? Please call Caroline Miller Horton at 302-739-9400, or send an email to caroline.miller-horton@delaware.gov

To subscribe go to: <http://www.dnrec.delaware.gov/dwhs/Info/E-News/Pages/E-News.aspx>
Published by the Divisions of Air Quality and Waste and Hazardous Substances.

UPCOMING AIR & WASTE, RELATED HEARINGS, MEETINGS, & EVENTS

Recycling Public Advisory Council Meeting

DNREC Division of Waste and Hazardous Substances / Waste and Hazardous Substances / Natural Resources and Environmental Control

To discuss recycling issues for the State of Delaware

May 01 at 1:00 PM, Department of Natural Resources & Environmental Control, 100 W Water St, Dover DE 19904. Contact: adam.schlachter@delaware.gov or 302-739-9403. You may also

visit: <https://publicmeetings.delaware.gov/Meeting/62760>

LEGAL NOTICE - PUBLIC HEARING

The Department of Natural Resources and Environmental Control (DNREC) Division of Air Quality will conduct a public hearing on proposed amendments to 7 DE Admin. Code 1150, Outer Continental Shelf Air Regulations. 7 DE Admin. Code 1150 was promulgated in June 2010 to allow Delaware to regulate air emissions pursuant to the United States Environmental Protection Agency's regulations codified at 40 CFR Part 55, which were issued under Section 328(a)(1) of the federal Clean Air Act. The EPA's regulations apply to all sources of air emissions from within the Outer Continental Shelf (OCS). For Delaware, the OCS is the area that is within 25 miles of Delaware's coastal boundaries along the Atlantic Ocean. This means that air emissions from within the OCS are regulated in the same manner as if the source was located on Delaware's land. In practice, this regulation allows the Department to issue permits for any source to be regulated under 40 CFR Part 55, thereby effectively regulating air pollutants emitted in the OCS consistent with state and federal laws and regulations.

The Division of Air Quality (DAQ) is proposing to amend 7 DE Admin. Code 1150 to incorporate updates to the federal OCS regulations at 40 CFR Part 55, which have been finalized since the state regulation was adopted in 2010. A public hearing on the proposed amendments to 7 DE Admin. Code 1150, will be held at **6:00 pm on Wednesday, May 22** in the DNREC R&R Auditorium, and located at 89 Kings Highway, Dover, DE 19901.

The proposed amendments may be inspected at the Department's offices located at State Street Commons, 100 W. Water Street, Suite 6A, Dover, DE 19904.

For additional information or any appointments to inspect the proposed amendments to 7 DE Admin. Code 1150, please contact Mark A. Prettyman with the Division of Air Quality's offices located at State Street Commons, 100 W. Water Street, Suite 6A, Dover, DE 19904, by phone at 302-739-9402, or by email at mark.prettyman@delaware.gov.

Persons wishing to comment on the aforementioned proposed amendments may do so either orally or in written form at the public hearing on May 22, 2019. The hearing record will open on May 1 and will remain open for receipt of comment through the close of business on Thursday, June 6, 2019. In lieu of attending the public hearing, written comments may be submitted to the Hearing Officer either via email to Lisa.Vest@delaware.gov or via USPS to the following address:

Lisa A. Vest, DNREC – Office of the Secretary, 89 Kings Highway, Dover, DE 19901

THIS IS THE ONLY TIME THIS NOTICE WILL APPEAR. For more information

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4652&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

HSCA Advisory Committee (Updated)

DNREC Division of Waste and Hazardous Substances / Waste and Hazardous Substances / Natural Resources and Environmental Control

Review and provide guidance and input for DNREC's cleanup programs regulated under the Hazardous Substance Cleanup Act (HSCA). Interested parties are invited to attend the advisory committee meetings.

Additional information such as brownfield certification, possible grant funding, success stories and other related documentation can be found at the following website:

<http://www.awm.delaware.gov/SIRB/Pages/Brownfields.aspx>. For more information, contact

sandra.waltz@delaware.gov or 302-395-2600. The next meeting will be held on **June 06 at 10:00 AM**, Shoreline & Waterway Management, 901 Pilottown Rd, Lewes DE 19958. You may also

visit: <https://publicmeetings.delaware.gov/Meeting/62579>

DIVISION OF AIR QUALITY

AIR QUALITY PERMITTING PROGRAM – Notice has been given that the facilities listed below have submitted applications for air quality management permits. The applications, the “draft/proposed” permits, all materials that the applicant has submitted (other than those granted confidential treatment under DNREC rules), and a copy of summary of other materials, if any, considered in preparing the “draft/proposed” permit, may be inspected at the offices of the Division of Air Quality, 100 W. Water Street, Suite 6A, Dover, 19904. **All comments and public hearing requests** should be mailed to the following address: DIVISION OF AIR QUALITY, 100 W. Water Street, Suite 6A, Dover 19904. To submit comments, for additional information, or for an appointment to inspect the application, please contact Tracy Mattson at (302) 739-9402.

LEGAL NOTICE - 7 DE Admin. Code 1102 NATURAL MINOR PERMIT APPLICATIONS

Notice has been given that:

GSOE I, LLC, requests a permit to construct, operate, and decommission an unmanned Meteorological Buoy (Met Buoy) to collect meteorological data in Delaware's Outer Continental Shelf approximately 16.5 statute miles off the coast of Rehoboth Beach. The Met Buoy is powered by wind turbines and solar panels with a 6 kW backup diesel generator. The construction, maintenance, and decommissioning of the Met Buoy has the potential to emit (PTE): 0.33 TPY of VOC; 6.43 TPY of NOx; 3.27 TPY of CO; 0.38 TPY of PM10; 0.005 TPY of SOx; and 0.07 TPY of HAPs. (Permits: APC-2019/0042, and APC-2019/0043).

The application for this permit may be reviewed at the offices of the Division of Air Quality, State Street Commons, 100 W. Water Street, Suite 6A, Dover, Delaware or 715 Grantham Lane, New Castle, Delaware. For additional information or for an appointment to review the application, please contact Tracy Mattson at (302) 739-9402.

A public hearing on any of the above applications will NOT be held unless the Secretary of DNREC receives a request for a hearing regarding that application within 15 days from the date of this notice, ending **May 6**. A request for a hearing shall be in writing. The request must also show a familiarity with the application and a reasoned statement of the permit's probable impact. All comments and public hearing requests should be mailed to the following address:

DIVISION OF AIR QUALITY, STATE STREET COMMONS 100 W. WATER STREET, SUITE 6A

DOVER, DE 19904, (302) 739-9402. For more information visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4656&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAIItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

Title IV Permit Renewal Application

Notice is hereby given that Calpine Mid-Atlantic Generation, LLC. Hay Road Energy Center having a facility at 198 Hay Road in Wilmington, Delaware, has submitted a request for permit renewal pursuant to 40 CFR Part 72.30(c). Based on the data and certifications contained in the applications, the Division of Air Quality concludes that the applicant meets all applicable requirements promulgated by the Environmental Protection Agency (EPA) and the Department of Natural Resources and Environmental Control (DNREC). Therefore, the “draft/proposed” permit renewals have been prepared. There has been no change to the applicable requirements and all existing permit conditions will transfer into the renewal permit for the Title IV.

The application, the “draft/proposed” permit renewal, Permit: AQM-003/00388-IV (Renewal 4), all materials that the applicant has submitted (other than those granted confidential treatment under DNREC rules), and a copy of summary of other materials, if any, considered in preparing the “draft/proposed” permit renewals may be inspected at the offices of the Division of Air Quality, State Street Commons, 100 W. Water Street, Suite 6A, Dover, Delaware and 715 Grantham Lane, New Castle, Delaware. To submit comments, for additional information or for an appointment to inspect the application, please contact Tracy Mattson at the Dover Office at (302) 739-9402.

The “Draft/Proposed” permit renewal is being submitted to EPA prior to the public comment period for concurrent processing. If there are no significant comments, the “Draft/Proposed” permit renewal will be issued as final

permit after expiration of the EPA review period.

A public hearing concerning the permitting action will not be held unless the Secretary of the Department of Natural Resources and Environmental Control receives a request for such hearing within thirty (30) days from the date of this notice, ending **May 6**. A request for a hearing shall be in writing and must show a familiarity with the application and a reasoned statement of the permit renewal's probable impact. DIVISION OF AIR QUALITY, STATE STREET COMMONS 100 W. WATER STREET, SUITE 6A DOVER, DE 19904, (302) 739-9402. For more information visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4639&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeld=0x010034FD6D348B0CF04392485E93FC15AB3A>

Title V Permit Renewal Applications

Notice is hereby given that Calpine Mid-Atlantic Generation, LLC- Hay Road Energy Center having a facility at 198 Hay Road, Wilmington, Delaware, has submitted a request for permit renewal pursuant to 7 DE Admin. Code 1130, Section 7 for operating permit: AQM-003/00388(Renewal 3). Based on the data and certifications contained in the application, the Division of Air Quality concludes that the applicant meets all applicable requirements promulgated by the Environmental Protection Agency (EPA) and the Department of Natural Resources and Environmental Control (DNREC). Therefore a "draft/proposed" permit renewal has been prepared.

The following 7 DE Admin. Code 1102 permits were also amended:

Permit: APC-88/0127-OPERATION

Permit: APC-88/0128-OPERATION

Permit: APC-90/0152-OPERATION

Permit: APC-2000/0281-OPERATION

The application, the "draft/proposed" permit renewal (AQM-003/00388(Renewal 3)) all materials that the applicant has submitted (other than those granted confidential treatment under DNREC rules), and a copy of summary of other materials, if any, considered in preparing the "draft/proposed" permit renewal may be inspected at the offices of the Division of Air Quality, State Street Commons, 100 W. Water Street, Suite 6A, Dover, Delaware and 715 Grantham Lane, New Castle, Delaware. To submit comments, for additional information or for an appointment to inspect the application, please contact Tracy Mattson at the Dover Office at (302) 739-9402.

The "draft/proposed" permit renewal is being submitted to EPA for concurrent processing. If there are no significant comments, the "draft/proposed" permit renewal will be issued as a final permit after expiration of the EPA review period.

A public hearing concerning the permitting action will not be held unless the Secretary of the Department of Natural Resources and Environmental Control receives a request for such hearing within thirty (30) days from the date of this notice, ending **May 6**. A request for a hearing shall be in writing and must show a familiarity with the application and a reasoned statement of the permit renewal's probable impact. DIVISION OF AIR QUALITY, STATE STREET COMMONS 100 W. WATER STREET, SUITE 6A, DOVER, DE 19904, (302) 739-9402. For more information visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4638&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeld=0x010034FD6D348B0CF04392485E93FC15AB3A>

Federally Enforceable 7 DE Admin. Code 1102 Applications

Notice is hereby given that MEDAL Air Liquide d/b/a Air Liquide Advance Technologies U.S. LLC having a facility at 305 Water St., Newport, New Castle County, Delaware, has requested a federally enforceable 7 DE Admin. Code 1102 construction permit (Draft/Proposed Permit: APC-2019/0062-CONSTRUCTION(FE)) for a new regenerative thermal oxidizer (RTO). The RTO will be permitted to emit 0.04 ton per rolling twelve (12) month period of particulate matter (PM10), 0.003 ton per rolling twelve (12) month period of sulfur dioxide (SO2), 0.52 ton per rolling twelve (12) month period of nitrogen oxides (NOx), 0.43 ton per rolling twelve (12) month period of Carbon Monoxide (CO), and 1.34 tons per rolling twelve (12) month period of volatile organic compounds (VOC) by Draft/Proposed Permit: APC-2019/0062-CONSTRUCTION(FE).

Upon completion of construction, the Department will incorporate the operating conditions and limits of the 7 DE Admin. Code 1102 Construction permit into the facility's existing Synthetic Minor permit (Permit: APC-96/0911-OPERATION(Amendment 9)(VOC RACT)(SM)) via an Administrative Amendment.

The application, the "draft/proposed" construction permit, all materials that the applicant has submitted (other than those granted confidential treatment under DNREC rules), and a copy of summary of other materials, if any, considered in preparing the "draft/proposed" permit may be inspected at the offices of the Division of Air Quality, State Street Commons, 100 W. Water Street, Suite 6A, Dover, Delaware and 715 Grantham Lane, New Castle, Delaware. To submit comments, for additional information or for an appointment to inspect the application, please contact Tracy Mattson at the Dover Office at (302)739-9402.

The "draft/proposed" construction permit is being submitted to EPA for concurrent processing. If there are no significant comments, the "draft/proposed" construction permit will be issued as a final permit after the expiration

of the EPA review period.

A public hearing on the above application will NOT be held unless the Secretary of DNREC receives a request for a hearing regarding that application within 30 days from the date of this notice, ending Monday, **May 6**. A request for a hearing shall be in writing. The request must also show a familiarity with the application and a reasoned statement of the permit's probable impact.

All comments and public hearing requests should be mailed to the following address:

DIVISION OF AIR QUALITY, STATE STREET COMMONS, 100 W. WATER STREET, SUITE 6A, DOVER, DE 19904, (302) 739-9402. For more information

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4636&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

Title V Permit Renewal Applications

Notice is hereby given that Veolia Red Lion Plant having a facility at 766 Governor Lea Road, New Castle, Delaware, has submitted a request for permit renewal pursuant to 7 DE Admin. Code 1130, Section 7 Permit: AQM-003/00673 Renewal 1 and associated Permit: APC-2003/0739-OPERATION (Amendment 3)(NSPS)(CAP). Based on the data and certifications contained in the application, the Division of Air Quality concludes that the applicant meets all applicable requirements promulgated by the Environmental Protection Agency (EPA) and the Department of Natural Resources and Environmental Control (DNREC). Therefore a "draft/proposed" permit renewal has been prepared. This "draft/proposed" permit renewal updates facility details, permit references and identifies PAL permit conditions as CAP permit conditions.

The application, the "draft/proposed" permit renewal, Permit: AQM-003/00673 Renewal 1 and associated Permit: APC-2003/0739-OPERATION (Amendment 3)(NSPS)(CAP), all materials that the applicant has submitted (other than those granted confidential treatment under DNREC rules), and a copy of summary of other materials, if any, considered in preparing the "draft/proposed" permit renewal may be inspected at the offices of the Division of Air Quality, State Street Commons, 100 W. Water Street, Suite 6A, Dover, Delaware and 715 Grantham Lane, New Castle, Delaware. To submit comments, for additional information or for an appointment to inspect the application, please contact Tracy Mattson at the Dover Office at 739-9402.

The "draft/proposed" permit renewal is being submitted to EPA for concurrent processing. If there are no significant comments, the "draft/proposed" permit renewal will be issued as a final permit after expiration of the EPA review period.

A public hearing concerning the permitting action will not be held unless the Secretary of the Department of Natural Resources and Environmental Control receives a request for such hearing within thirty (30) days from the date of this notice, ending **May 13**. A request for a hearing shall be in writing and must show a familiarity with the application and a reasoned statement of the permit renewal's probable impact.

DIVISION OF AIR QUALITY, STATE STREET COMMONS 100 W. WATER STREET, SUITE 6A, DOVER, DE 19904, (302) 739-9402. For more information

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4651&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

Title V Permit Renewal Applications

Notice is hereby given that Delaware Solid Waste Authority having a facility at 28560 Landfill Lane, Georgetown, Delaware, has submitted a request for permit renewal pursuant to 7 DE Admin. Code 1130, Section 7 for operating permit: AQM-005/00099. Based on the data and certifications contained in the application, the Division of Air Quality concludes that the applicant meets all applicable requirements promulgated by the Environmental Protection Agency (EPA) and the Department of Natural Resources and Environmental Control (DNREC). Therefore a "draft/proposed" permit renewal has been prepared. This "draft/proposed" permit renewal will allow the DSWA to operate the landfill in Georgetown, DE.

The application, the "draft/proposed" permit renewal, AQM-005/00099(R-3), all materials that the applicant has submitted (other than those granted confidential treatment under DNREC rules), and a copy of summary of other materials, if any, considered in preparing the "draft/proposed" permit renewal may be inspected at the offices of the Division of Air Quality, State Street Commons, 100 W. Water Street, Suite 6A, Dover, Delaware and 715 Grantham Lane, New Castle, Delaware. To submit comments, for additional information or for an appointment to inspect the application, please contact Tracy Mattson at the Dover Office at 7399402.

The "draft/proposed" permit renewal is being submitted to EPA for concurrent processing. If there are no significant comments, the "draft/proposed" permit renewal will be issued as a final permit after expiration of the EPA review period.

A public hearing concerning the permitting action will not be held unless the Secretary of the Department of Natural Resources and Environmental Control receives a request for such hearing within thirty (30) days from the date of this notice, ending **May 13**. A request for a hearing shall be in writing and must show a familiarity with the application and a reasoned statement of the permit renewal's probable impact.

DIVISION OF AIR QUALITY, STATE STREET COMMONS 100 W. WATER STREET, SUITE 6A, DOVER, DE

19904, (302) 739-9402. For more information

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4647&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAIItems%2Easpx&ContentTypeld=0x010034FD6D348B0CF04392485E93FC15AB3A>

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

SITE INVESTIGATION AND RESTORATION SECTION (SIRS) is responsible for the identification, evaluation, and remediation of sites in Delaware that have had past releases of hazardous substances. The section manages the contaminated sites under three major programs in accordance with the Hazardous Substance Cleanup Act (HSCA). The three programs are the **Brownfields Development Program**, the **Voluntary Cleanup Program (VCP)**, and the **HSCA Enforcement Program** (for sites requiring enforcement action).

The **Brownfields Development Program** encourages the cleanup and redevelopment of either the entire property, the expansion of the property, or the reuse of the property which may be hindered by the reasonable held belief that the property may be contaminated. A party seeking to develop such a property negotiates with SIRS for a **Brownfields Development Agreement (BDA)** to perform an investigation and, if necessary, a remedy, for the purpose of addressing the risks posed by past releases of hazardous substances at these sites. However, a BDA is only available to parties that are not current owners or operators of the site. The **Voluntary Cleanup Program (VCP) Agreement** is available to site owners who want to clean up their sites and are already liable as a potentially responsible party for the site.

NOTIFICATION OF NEGOTIATIONS FOR A BROWNFIELDS DEVELOPMENT AGREEMENT FOR THE A.M. DOMINO JR SALVAGE COMPANY SITE (DE-1173)

Pursuant to the Hazardous Substance Cleanup Act (HSCA), 7 Del. C. Chapter 91, §9126, the Department of Natural Resources and Environmental Control (DNREC) is required to issue a public notice within twenty days after entering into negotiations for a Brownfields Development Agreement (BDA). A BDA is an agreement between DNREC and a Brownfields developer with respect to a Certified Brownfields Site that sets forth a scope of work and schedule of remedial activities during the development of the Site.

DNREC's Site Investigation and Restoration Section (DNREC-SIRS) is negotiating a BDA with Riverfront Development Corporation of Delaware regarding the A.M. Domino Jr Salvage Company Site (Site), located at 810 South Walnut Street in Wilmington, Delaware. Identified by as New Castle County as tax parcel number 10-001.00-021 the Site may have had a release of hazardous substances as a result of salvage activities on site. For more information, please see DNREC's navigator at: <http://www.nav.dnrec.delaware.gov/DEN3>.

Learn more about this Site and other Brownfields sites by accessing DNREC-SIRS' web page at <http://www.awm.delaware.gov/SIRB/Pages/Brownfields.aspx> or

by contacting the DNREC-SIRS Project Manager, Stephanie Gordon at (302) 395-2600 or Stephanie.gordon@delaware.gov. You may also

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4654&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAIItems%2Easpx&ContentTypeld=0x010034FD6D348B0CF04392485E93FC15AB3A>

NOTIFICATION OF NEGOTIATIONS FOR A BROWNFIELDS DEVELOPMENT AGREEMENT FOR THE 12 and 14 GORDON STREET SITE, (DE-1697)

Pursuant to the Hazardous Substance Cleanup Act (HSCA), 7 Del. C. Chapter 91, §9126, the Department of Natural Resources and Environmental Control (DNREC) is required to issue a public notice within twenty days after entering into negotiations for a Brownfields Development Agreement (BDA). A BDA is an agreement between DNREC and a Brownfields developer with respect to a Certified Brownfield Site that sets forth a scope of work and schedule of remedial activities during the development of the Site.

DNREC's Site Investigation and Restoration Section (DNREC-SIRS) is negotiating a BDA with the Wilmington Neighborhood Conservancy Land Bank regarding the 12 and 14 Gordon Street Site (Site), located at 12 and 14 Gordon Street in Wilmington, Delaware. Identified by New Castle County as tax parcel numbers 26-022.30-367 and 26-022.30-366 the Site may have had a release of hazardous substances as a result of historical activities on site. For more information, please see DNREC's navigator at: <http://www.nav.dnrec.delaware.gov/DEN3>.

Learn more about this Site and other Brownfields sites by accessing DNREC-SIRS' web page at <http://www.awm.delaware.gov/SIRB/Pages/Brownfields.aspx> or by contacting the DNREC-SIRS Project Manager Mariya Chiger, at (302) 395-2600 or Mariya.Chiger@delaware.gov. You may also

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4645&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAIItems%2Easpx&ContentTypeld=0x010034FD6D348B0CF04392485E93FC15AB3A>

NOTIFICATION OF PUBLIC COMMENT FOR A BROWNFIELDS DEVELOPMENT AGREEMENT FOR THE RIVERHOUSE I SITE, 401 A STREET, WILMINGTON (DE-1696)

Pursuant to the Hazardous Substance Clean-up Act (HSCA), 7 Del. C. Chapter 91, §9126, the Department of Natural Resources and Environmental Control (DNREC) is required to issue a public notice within twenty days after entering into negotiations for a Brownfields Development Agreement (BDA). A BDA is an agreement between DNREC and a Brownfields developer with respect to a Certified Brownfields Site that sets forth a scope of work and schedule of remedial activities during the development of the Site.

DNREC's Site Investigation and Restoration Section (DNREC-SIRS) negotiated a BDA with WPE-A Street, LLC regarding the RiverHouse I Site (Site), located at 401 A Street in Wilmington, Delaware. Identified by New Castle County as tax parcel number 26-050.00-036 the Site may have had a release of hazardous substances as a result of historical activities on site. For more information, please see DNREC's navigator at: <http://www.nav.dnrec.delaware.gov/DEN3>. The public comment period begins Monday, April 22 and will close at the end of the business day (4:30 p.m.) on Monday, **May 13**. Please submit written comments to the DNREC-SIRS Project Manager, Caleb Melvin at DNREC-SIRS, 391 Lukens Drive, New Castle, DE 19720. A copy of the BDA is available at the office of DNREC – SIRS or by accessing the DNREC-SIRS' site files database. Learn more about this Site and other Brownfields sites by accessing DNREC-SIRS' web page at <http://www.awm.delaware.gov/SIRB/Pages/Brownfields.aspx> or by contacting the DNREC-SIRS Project Manager, Caleb Melvin, at (302) 395-2600 or Caleb.Melvin@delaware.gov. You may also visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4657&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

CONTACT INFORMATION

24-Hour Environmental Report and Spill Notification Line - 1-800-662-8802

Aboveground Storage Tanks - 302-395-2500
Air Quality - New Castle Office - 302-323-4542
Air Quality – Kent & Sussex – 302-739-9402
Asbestos New Castle - 302-323-4542
Asbestos Kent & Sussex - 302-739-9402
Biosolids Permits - 302-739-9946
Boiler Safety - 302-395-2500
Brownfields - 302-395-2600
Community Ombudsman - 302-739-9040
Community Services - 302-739-9959
Delaware Estuary Program - 302-739-9283 (Delaware Coastal Management Program)
Division of Air Quality Director's Office - 302-739-9402
Division of Energy & Climate - 302-735-3480
Division of Waste and Hazardous Substances Director's Office - 302-739-9400
Division of Water Information - 302-739-9950
Dock/Dredging/Bulkheads/Rip-Rap/Wetlands & Subaqueous Lands - 302-739-9943
Emergency Prevention and Response - 302-739-9404
Environmental Crimes Unit - 302-739-9401 or 1-800-662-8802
Environmental Laboratory - 302-739-9942
Hazardous Waste - 302-739-9403
Hazardous Chemical and Toxic Release Inventories – 302-739-9404
Industrial Stormwater Permits - 302-739-9946
Loans & Grants for Wastewater and Septic's (Environmental Finance) - 302-739-9941
Medical Waste - 302-739-9403
Non-Hazardous Liquid Waste Transporters - 302-739-9948
On-site Wastewater Licensing Program - 302-739-9948
Open Burning - 302-739-9402
Outreach Ombudsman - 302-395-2600
Recycling - 302-739-9403
Septic System Permits - Large Systems (Community & I/A) Statewide - 302-739-9948
Septic System Permits - Small Systems for Kent & New Castle Counties - 302-739-9947
Septic System Permits - Small Systems for Sussex Co. & Holding Tank Compli. Program - 302-856-4561
Site Investigation & Restoration Section (Superfund/Brownfields) - 302-395-2600
Small Business Ombudsman - 302-739-9069
Solid Waste - 302-739-9403

Source Water Protection - 302-739-9945
Surface Water Discharge Permits (NPDES) - 302-739-9946
Underground Injection Control & Spray Irrigation - 302-739-9948
Underground Storage Tanks - 302-395-2500
Wastewater Collection, Conveyance, and/or Treatment Facility Construction Permits - 302-739-9946
Wastewater Treatment Facility Operators - 302-739-9946
Water Allocation Permits - 302-739-9945
Water Testing - Drinking Water (Division of Public Health) - 302-741-8630
Water Supply - 302-739-9945
Well Driller's License - 302-739-9944
Well Permits & Licensing - 302-739-9944
Wells - 302-739-9944
Wetlands and Subaqueous Lands Section - 302-739-9943

C. E. Miller Horton
Administrative Specialist
Department of Natural Resources and Environmental Control
Division of Waste & Hazardous Substances
Director's Office
(p) 302-739-9400 (f) 302-739-5060

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Outer Continental Shelf Air Regulations Public Hearing




06:00 PM - 06:00 PM Wednesday May 22, 2019

DNREC Division of Air Quality / Air Quality / Natural Resources and Environmental Control

MEETING DESCRIPTION

The Division of Air Quality (DAQ) is proposing to amend 7 DE Admin. Code 1150 to incorporate updates to the federal OCS regulations at 40 CFR Part 55, which have been finalized since the state regulation was adopted in 2010. The EPA's regulations apply to all sources of air emissions from within the Outer Continental Shelf (OCS). For Delaware, the OCS is the area that is within 25 miles of Delaware's coastal boundaries along the Atlantic Ocean. This means that air emissions from within the OCS are regulated in the same manner as if the source was located on Delaware's land. In practice, this regulation allows the Department to issue permits for any source to be regulated under 40 CFR Part 55, thereby effectively regulating air pollutants emitted in the OCS consistent with state and federal laws and regulations. Persons wishing to comment on the aforementioned proposed amendments may do so either orally or in written form at the public hearing on May 22, 2019. The hearing record will open on May 1 and will remain open for receipt of comment through the close of

CONTACT INFORMATION

Mark Prettyman
 [302-739-9402](tel:302-739-9402)
 mark.prettyman@delaware.gov
 [Website](#)

ADDRESS

Richardson & Robbins Building
89 Kings Hwy
Dover DE 19901
Auditorium

VIRTUAL MEETING INFORMATION

None

DOCUMENTS

None

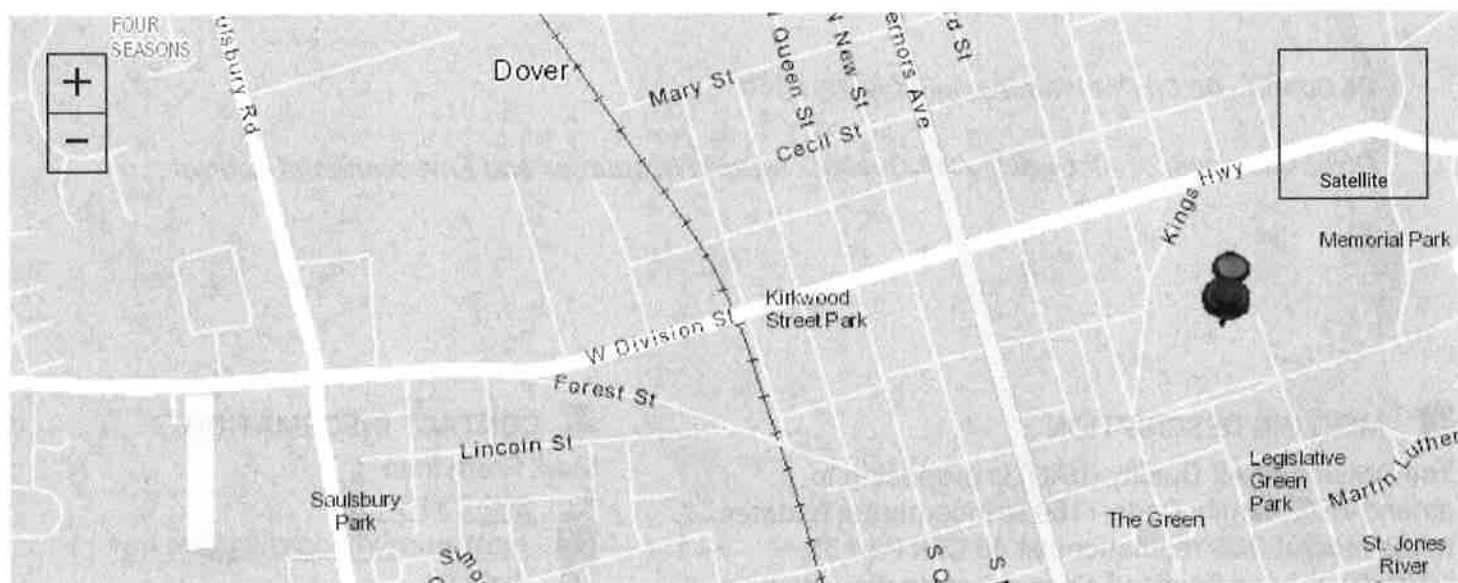
CHANGE HISTORY

business on Thursday, June 6, 2019. In lieu of attending the public hearing, written comments may be submitted to the Hearing Officer either via email to Lisa.Vest@delaware.gov or via USPS to the following address: Lisa A. Vest, DNREC Office of the Secretary, 89 Kings Highway, Dover, DE 19901

Date	Reason
04/18/2019	New

Meeting Location

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GOVERNMENT :::

- Cities & Towns
- Delaware Courts
- Delaware State Code
- Elected Officials
- General Assembly
- Delaware Governor
- Locations Directory

- Phone Directory
- State Employees
- State Agencies
- State Regulations
- Transparency
- Calendar API
- Make a FOIA Request



**TITLE 7 NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DELAWARE ADMINISTRATIVE CODE**

1

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL**

**DIVISION OF AIR QUALITY
Air Quality Management Section**

1150 Outer Continental Shelf Air Regulations

06/11/2010###/###/2019

1.0 Applicability

Upon delegation of authority by the Administrator of the EPA to the Department, this regulation shall apply to the owner or operator of any OCS source for which Delaware is the corresponding onshore area (COA) as authorized under Section 328 of the federal Clean Air Act Amendments (42 U.S.C. 7627), Outer Continental Shelf technical changes of 84 Fed. Reg. 13132 (April 4, 2019), and 40 CFR Part 55 (July 1, ~~2009~~2018 ed.).

06/11/2010###/###/2019

2.0 Requirements

The provisions of Part 40 CFR Part 55 (July 1, ~~2009~~2018 ed.) and the Outer Continental Shelf technical changes of 84 Fed. Reg. 13132 (April 4, 2019) are incorporated herein as 7 **DE Admin. Code** 1150. OCS sources shall comply with all requirements of 1100 Air Quality Management Section of Title 7 of the Delaware Administrative Code to the extent that they are incorporated by EPA into 40 CFR Part 55.14.

This rule incorporates the following provisions of 40 CFR Part 55:

Outer Continental Shelf Air Regulations

55.1	Statutory authority and scope.
55.2	Definitions.
55.3	Applicability.
55.4	Requirements to submit a notice of intent.
55.6	Permit requirements.
55.7	Exemptions.
55.8	Monitoring, reporting, inspections, and compliance.
55.9	Enforcement.
55.10	Fees.
55.13	Federal requirements that apply to OCS sources.
55.14	Requirements that apply to OCS sources located within 25 miles of states' seaward boundaries, by State.
55.15	Specific designation of corresponding onshore areas.
Appendix A to 40 CFR Part 55	Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State