



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[EPA-R03-OAR-2021-0767; FRL-9366-02-R3]

Outer Continental Shelf Air Regulations; Consistency Update for Virginia

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 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 Virginia is the designated COA. The Commonwealth of Virginia's requirements discussed in this document will be incorporated by reference into the Code of Federal Regulations (CFR) and listed in the appendix to the Federal OCS air regulations.

DATES: This final rule is effective on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2021-0767. All documents in the docket are listed on the 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 www.regulations.gov, or at the U.S. Environmental Protection Agency, EPA Region 3 Regional Office, Air and Radiation Division, Four Penn Center, 1600 JFK Blvd., Philadelphia, PA 19103. EPA requests that you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Supplee, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2763. Ms. Supplee can also be reached via electronic mail at supplee.gwendolyn@epa.gov.

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I. Background and Purpose

On September 4, 1992, EPA promulgated 40 CFR part 55¹, which established requirements to control air pollution from 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 CAA. The regulations at 40 CFR part 55 apply to all OCS sources offshore of the states except those located in the Gulf of Mexico west of 87.5 degrees longitude. Section 328 of the CAA requires that for such sources located within 25 miles of a state's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA.

¹ The reader may refer to the notice of proposed rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792), for further background and information on the OCS regulations.

Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

On February 10, 2022 (87 FR 7790), EPA published a notice of proposed rulemaking (NPRM) proposing to incorporate various Virginia air pollution control requirements into 40 CFR part 55. 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. EPA's NPRM proposed to approve an annual update pursuant to 40 CFR 55.12(b). Subsequent to EPA's February 10, 2022, NPRM, Virginia amended state regulations relevant to the OCS, effective March 15, 2023. EPA intends to address these post-NPRM state amendments in its next annual update consistent with 40 CFR 55.12. This action addresses only those regulations identified for incorporation in NPRM, namely the Virginia regulations that were updated as of September 8, 2021.

EPA reviewed the Virginia Department of Environmental Quality ("Virginia DEQ") air rules for inclusion in 40 CFR part 55 in this action 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 rules², and requirements that regulate toxics which are not related to the attainment and maintenance of Federal and state ambient air quality standards.

² Each COA which has been delegated the authority to implement and enforce 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).

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.

The specific requirements of the consistency update and the rationale for EPA's action are explained in the February 10, 2022, NPRM. No comments were received on the NPRM.

II. Public Comments and EPA Responses

EPA did not receive any comments on the February 10, 2022, NPRM, 87 FR 7790.

III. Final Action

EPA is taking final action to incorporate the rules potentially applicable to OCS sources for which the Commonwealth of Virginia will be the COA. The rules that EPA is taking final action to incorporate are applicable provisions of the Virginia Administrative Code (VAC). The Virginia regulatory changes that EPA is taking final action to incorporate are (1) Chapter 20, General Provisions—9VAC5-20-21, Documents incorporated by reference; (2) Chapter 50, New and Modified Stationary Sources—9VAC5-50-400. General; (3) Chapter 60, Hazardous Air Pollutant Sources—9VAC5-60-60. General; (4) Chapter 60, Hazardous Air Pollutant Sources—9VAC5-60-90, as amended through September 8, 2021. The rules that EPA is taking final action to incorporate will replace the rules identified in the February 10, 2022, NPRM and

previously incorporated into “Commonwealth of Virginia Requirements Applicable to OCS Sources,” dated February 20, 2019. See 84 FR 56121; October 21, 2019. This action will have no effect on any provisions that were not subject to changes by Virginia and were also previously incorporated by reference into 40 CFR part 55 through EPA’s October 21, 2019 (84 FR 56121) final rule.

IV. 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 “Commonwealth of Virginia Requirements Applicable to OCS Sources,” dated September 8, 2021, which provides the text of the Virginia DEQ air rules in effect as of September 8, 2021, that would apply to OCS sources. 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).

V. 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, 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 Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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); and
- 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.

Additionally, Executive Order 12898 (59 FR 7629, February 16, 1994) directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations (people of color and/or Indigenous peoples) and low-income populations.

EPA believes that this specific action does not concern human health or environmental conditions and therefore cannot be evaluated with respect to potentially disproportionate and adverse effects on people of color, low-income populations and/or Indigenous peoples. This

action simply fulfills EPA's statutory mandate to ensure regulatory consistency between the COA and inner OCS consistent with the stated objectives of CAA section 328(a)(1). Specifically, section 328(a)(1) requires EPA to establish requirements to control air pollution from OCS sources "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 CAA]" and, for inner OCS sources (located within 25 miles of the seaward boundary of such states), to establish requirements that are "the same as would be applicable if the source were located in the COA." This section of the Act also states that "the Administrator shall update such requirements as necessary to maintain consistency with onshore regulations and this chapter." As noted in the preamble, compliance with this requirement limits EPA's discretion in deciding what will be incorporated into 40 CFR part 55.

From the time of EPA's last consistency update for Virginia (84 FR 56121, October 21, 2019) to the publication of the NPRM (87 FR 7790, February 10, 2022), state regulations relevant to the OCS were simply amended to update references to the CFR. This action incorporates into the CFR those minor updates to state regulations, which are already effective onshore, to ensure regulatory consistency with the COA as mandated by CAA section 328(a)(1). This is a routine and ministerial consistency update that does not directly affect any human health or environmental conditions in the commonwealth of Virginia. In addition, EPA provided for meaningful public involvement on this rule through the notice and comment process, through which EPA received no comments. This rule was in addition to the State-level notice and comment process held by Virginia.

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not have a substantial direct effect on one or more Indian tribes, 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, nor does it impose substantial direct compliance costs on tribal governments or preempt tribal law.

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. 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 **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. 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).).

This action does not impose any new information collection burden under the Paper Reduction Act (PRA). See 44 U.S.C 3501. The Office of Management and Budget (OMB) has previously approved the information collection activities contained in the existing regulations at 40 CFR part 55 and, by extension, this update to part 55, and has assigned OMB control number 2060-0249³. This action does not impose a new information burden under PRA because this

³ OMB’s approval of the information collection requirement (ICR) can be viewed at www.reginfo.gov.

action only updates the state rules that are incorporated by reference into 40 CFR part 55, appendix A.

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.

Adam Ortiz,
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 Pub. L. 101-549.

2. Section 55.14 is amended by revising paragraph (e)(22)(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) * * *

(22) * * *

(i) * * *

(A) Commonwealth of Virginia Requirements Applicable to OCS Sources, September 8, 2021.

* * * * *

3. Appendix A to part 55 is amended by revising paragraph (a)(1) under the heading “Virginia” to read as follows:

Appendix A to Part 55 – Listing of State and Local Requirements Incorporated by

Reference Into Part 55, by State

* * * * *

Virginia:

(a) * * *

(1) The following Commonwealth of Virginia requirements are applicable to OCS Sources, September 8, 2021, 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 05/19/2017)

9VAC5-10-10. General.

9VAC5-10-20. Terms defined.

9VAC5-10-30. Abbreviations.

Chapter 20—General Provisions

(Effective 02/19/2018 Except Where Noted)

Part I—Administrative

9VAC5-20-10. Applicability.

9VAC5-20-21. Documents incorporated by reference. (Effective 11/11/2020).

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.

9VAC5-20-203. 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 05/15/2017)

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).
- 9VAC5-30-57. Ozone (8-hour, 0.070 ppm).
- 9VAC5-30-60. Particulate matter (PM₁₀).
- 9VAC5-30-65. Particulate matter (PM_{2.5}).
- 9VAC5-30-66. Particulate matter (PM_{2.5}).
- 9VAC5-30-67. Particulate matter (PM_{2.5}).
- 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.

9VAC5-40-360. 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.
- 9VAC5-40-800. 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.
- 9VAC5-40-980. 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.

9VAC5-40-1890. 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.

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.

9VAC5-40-2320. 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.

9VAC5-40-2470. 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.

9VAC5-40-2620. 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.

9VAC5-40-3340. 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.
- 9VAC5-40-3490. 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 02/01/2016)

- 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.
- 9VAC5-40-4800. Standard for visible emissions.
- 9VAC5-40-4810. Standard for fugitive dust/emissions.
- 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 07/30/2015)

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.

9VAC5-40-5280. 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 45—Commercial/Industrial Solid Waste Incinerators

(Effective 11/16/2016)

9VAC5-40-6250. Applicability and designation of affected facility.

- 9VAC5-40-6260. Definitions.
- 9VAC5-40-6270. Standard for particulate matter.
- 9VAC5-40-6360. Standard for visible emissions.
- 9VAC5-40-6370. Standard for fugitive dust/emissions.
- 9VAC5-40-6400. Operator training and qualification.
- 9VAC5-40-6410. Waste management plan.
- 9VAC5-40-6420. Compliance schedule.
- 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.
- 9VAC5-40-6520. Documents Incorporated by Reference.

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.
- 9VAC5-40-6700. 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.
- 9VAC5-40-6890. 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 10/01/2013)

9VAC5-40-6970. Applicability and designation of affected facility.

9VAC5-40-6975. Exemptions.

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.

9VAC5-40-7040. 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 12/02/2015)

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.

9VAC5-40-7480. 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.

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.
- 9VAC5-40-8100. Compliance.
- 9VAC5-40-8110. Compliance schedules.
- 9VAC5-40-8120. Operating practices.
- 9VAC5-40-8130. Operator training and certification.
- 9VAC5-40-8140. Test Methods and Procedures.
- 9VAC5-40-8150. Monitoring.
- 9VAC5-40-8160. Notification, Records and Reporting.
- 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 11/07/2012)

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.

9VAC5-50-330. 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 Standards of Performance for New Stationary Sources (Rule 5-5)

(Effective 02/20/2019 Except Where Noted)

9VAC5-50-400. General. (Effective 11/11/2020).

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.

Chapter 60—Hazardous Air Pollutant Sources

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(Effective 08/01/2002)

9VAC5-60-10. Applicability.

9VAC5-60-20. Compliance.

9VAC5-60-30. Emission testing.

9VAC5-60-40. Monitoring.

9VAC5-60-50. Notification, records and reporting.

Part II—Emission Standards

Article 1—EPA National Emission Standards for Hazardous Air Pollutants (Rule 6-1)

(Effective 02/20/2019 Except Where Noted)

9VAC5-60-60. General. (Effective 11/11/2020).

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 National Emission Standards for Hazardous Air Pollutants for Source Categories (Rule 6-2)

(Effective 03/02/2011 Except Where Noted)

9VAC5-60-90. General. (Effective 11/11/2020).

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 9VAC5-60-140 C 1.

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.

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 II—Permit Procedures

Article 1—Federal (Title V) Operating Permits for Stationary Sources

(Effective 11/16/2016)

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.

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 01/01/2018)

9VAC5-80-310. Applicability.

9VAC5-80-320. Definitions.

9VAC5-80-330. General.

9VAC5-80-340. Annual permit program fee calculation prior to January 1, 2018.

9VAC5-80-342. Annual Permit program emissions fee calculation on and after January 2, 2018.

9VAC5-80-350. Annual permit program emissions fee payment.

Article 4—Insignificant Activities

(Effective 01/01/2001)

9VAC5-80-710. General.

9VAC5-80-720. Insignificant activities.

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(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.

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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 03/27/2014)

9VAC5-80-1100. Applicability.

9VAC5-80-1105. Permit Exemptions.

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.
- 9VAC5-80-1255. Actions to combine permit terms and conditions.
- 9VAC5-80-1260. Actions to change permits.
- 9VAC5-80-1270. Administrative permit amendments.
- 9VAC5-80-1280. Minor permit amendments.
- 9VAC5-80-1290. Significant amendment procedures.
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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.

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 08/13/2015)

9VAC5-80-1605. Applicability.

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9VAC5-80-1625. General.

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9VAC5-80-1675. Compliance determination and verification by performance testing.

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9VAC5-80-1745. Source information.

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9VAC5-80-1773. Action on permit application.

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9VAC5-80-1865. Actuals plantwide applicability limits (PALs).

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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 05/15/2017)

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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.
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- 9VAC5-80-2091. Source obligation.
- 9VAC5-80-2110. Interstate pollution abatement.
- 9VAC5-80-2120. Offsets.
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- 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.
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- 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 01/01/2018)

- 9VAC5-80-2250. Applicability.

9VAC5-80-2260. Definitions.

9VAC5-80-2270. General.

9VAC5-80-2280. Permit application fee calculation prior to January 1, 2018.

9VAC5-80-2282. Permit application fee calculation on and after January 1, 2018.

9VAC5-80-2290. Permit application fee payment.

Article 11—Annual Permit Maintenance Fees for Stationary Sources

(Effective 01/01/2018)

9VAC5-80-2310. Applicability.

9VAC5-80-2320. Definitions.

9VAC5-80-2330. General.

9VAC5-80-2340. Annual Permit Maintenance Fee Calculation Prior to January 1, 2018.

9VAC5-80-2342. Annual Permit Maintenance Fee Calculation on and After January 1, 2018.

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Chapter 85—Permits for Stationary Sources of Pollutants Subject to Regulation

(Effective 08/13/2015)

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9VAC5-85-30. Definitions.

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.

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Chapter 130—Open Burning

(Effective 07/15/2015)

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9VAC5-130-20. Definitions.

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9VAC5-130-40. Permissible open burning.

Part III—Special Statewide Requirements for Forestry, Agricultural and Highway Programs

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(Effective 11/16/2016)

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

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9VAC5-151-50. Designated provisions.

9VAC5-151-60. Word or phrase substitutions.

9VAC5-151-70. Consultation.

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(Effective 05/15/2017)

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9VAC5-160-20. Terms defined.

Part II—General Provisions

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9VAC5-160-80. Relationship of state regulations to Federal regulations.

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9VAC5-160-120. Federal agency conformity analysis.

9VAC5-160-130. Reporting requirements.

9VAC5-160-140. Public participation.

9VAC5-160-150. Reevaluation of conformity.

9VAC5-160-160. Criteria for determining conformity of general Federal actions.

9VAC5-160-170. Procedures for conformity determinations.

9VAC5-160-180. Mitigation of air quality impacts.

9VAC5-160-190. Savings provision.

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