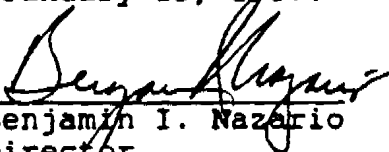


FORWARD

This booklet is a composite of the 1979 type-set version of the Virgin Islands Laws and Rules and Regulations on Air Pollution control, Title 12, Chapter 9, Subchapters 201-204 and 206, and the 1986 typewritten revisions to those regulations that became effective on January 15, 1987.


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FEB 22 1994

1/15/87

§ 204-20. Definition of terms

The following words and phrases when used in this division shall for the purpose of this division have the meanings respectively ascribed to them, unless a different meaning is clearly indicated.

(a) Department. The Virgin Islands Department of Conservation and Cultural Affairs.

Subsection 204-20(b) is amended as follows:

(b) Fuel-Burning Facility. Equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ashremoval equipment, combustion controls, stacks, chimneys, etc., used principally but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion. Such equipment typically includes that used for heating water to boiling, raising steam, or super-heating steam; heating air as in a warm air furnace; furnishing process heat that is conducted through process vessel walls; and furnishing process heat indirectly through its transfer by fluids.

(c) **Fugitive Dust.** Solid airborne particulate matter emitted at or near ground level from any source other than a stack, flue or duct.

(d) **Incinerator.** All devices intended or used for the destruction of refuse or other combustible refuse by burning.

(e) **Open Burning.** Any manner of burning or causing rapid oxidation that results in products being discharged into the open air without passing through a properly designed stack, duct, chimney, flue or other control process.

(f) **Particulate Matter.** Any airborne material except uncombined water which is often, but not always, suspended in air or other gases at atmospheric temperature and pressure.

(g) **Process Equipment.** Any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stacks, etc., the use of which may cause any discharge of an air contaminant into the outdoor atmosphere but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment in this division.

(h) **Process Weight Rate.** A rate established as follows:

(1) For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(2) For cyclical or batch unit operations, or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

(3) Where the nature of any process or operation, or the design of any equipment, is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

~~(i) Ringelmann Scale. The scale of comparative smoke densities published in the United States Bureau of Mines Circular No. 8822.~~

(j) **Smoke.** Small gas-borne particles resulting from incomplete combustion, of carbonaceous material, in sufficient number to be observable.

Subsection 204-20(k) is amended and reads as follows:

(k) Standard Conditions. A gas temperature of 68 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

(l) Stack. Stack, chimney, flue, conduit, or opening arranged for the emission of solids, liquids, gases or aerosols into the outdoor atmosphere.—Amended Sept. 1, 1978.

New Subsections 204-20(m) through (oo) read as follows:

(m) Air Contaminant. Any dust, fumes, gas, mist, smoke, vapor, odor, or particulate matter, other than uncombined (not chemically bound to other molecular species) water, or any combination thereof.

(n) Air Pollution. The presence in the outdoor atmosphere of one or more air contaminants or any combination thereof, in sufficient quantities and of such characteristics and duration as is or is likely to be injurious to public welfare, to the health of human, plant or animal life, or to property, or which unduly interferes with the enjoyment of life or property.

(o) Chemical Waste. Liquid or semi-liquid waste other than waste oil, including but not limited to spent solvents, tars, paints and resins, and wastes and sludges from any process.

(p) Combustion Efficiency (C.E.). A measure of the completeness of combustion, determined by the measurement of carbon dioxide (CO₂) and carbon monoxide (CO) in flue gas.

$$\text{C.E.} = \frac{\text{CO}_2}{\text{CO}_2 + \text{CO}} \times 100$$

(q) Commence. Whereby an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete within a reasonable time a continuous program of construction or modification.

(r) Commissioner. Commissioner of the Department of Conservation and Cultural Affairs or his designated representative.

- (s) Distillate Fuel. A fuel oil consisting of distilled fractions and having a kinematic viscosity of 5.8 centistokes or less at 100 degrees Fahrenheit. This includes ASTM grade numbers 1-D and 2-D diesel fuel oil and proposed ASTM grades numbers 1-GT and 2-GT gas turbine fuel oil.
- (t) Fuel Oil. Any virgin distillate oil, virgin residual oil, re-refined oil or a blend of these.
- (u) Gaseous Fuel. A fuel that is in the gaseous state at standard conditions of temperature and pressure and that does not contain chemical waste.
- (v) Liquid Fuel. A fuel, other than fuel oil, that is in the liquid state at standard conditions of temperature and pressure and that does not contain chemical waste.
- (w) Major Modification. Any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act.
- (1) A physical change shall not include routine maintenance, repair and replacement.
 - (2) A change in the method of operation, unless previously limited by enforceable permit conditions, shall not include:

- (a) An increase in the production rate, if such increase does not exceed the operating capacity of the source;
- (b) An increase in the hours of operation;
- (c) Use of an alternative fuel or raw material by reason of an order in effect.
- (d) Use of an alternative fuel or raw material, if prior to January 6, 1975, the source was capable of accommodating such fuel or material;
- (e) Use of an alternative fuel by reason of an order;
- (f) Change in ownership of the source.

(x) Major Stationary Source.

- (1) Any of the following stationary sources of air pollution which emit, or have the potential to emit, 100 tons per year or more of any air pollutant regulated under the Clean Air Act (the "Act"): Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petrol

refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combinations thereof) totalling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300 thousand barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants; and

(2) Any source which emits, or has the potential to emit, 250 tons per year or more of any pollutant regulated under the Act.

(y) Malfunction. Any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

(z) Marine Vessel. Any boat or ship.

- (aa) Motor Vehicle. A vehicle that can travel on land and which is propelled by means other than human or animal muscular power.
- (bb) Opacity. Degree to which emissions, other than uncombined (not chemically bound to other molecular species) water, reduce the transmission of light and obscure the view of an object in the background.
- (cc) Permitted Source. Any stationary source requiring a permit to operate pursuant to Section 206-20 of these regulations.
- (dd) Person. An individual, corporation, partnership, association and any officer or governing or managing body of such entity; and further includes the Government of the Virgin Islands, and any board, commission, authority or instrumentality thereof.
- (ee) Refuse. All waste material, including but not limited to garbage, rubbish, incinerator residue, street cleanings, dead animals and offal. Refuse is classified in accordance with Table 2 of this section.
- (ff) Reprocessed Oil. A used oil from which physical and/or chemical contaminants have been removed so that such oil is suitable for productive use.
- (gg) Re-refined Oil. Any used oil from which physical and/or chemical contaminants have been removed so that it is

substantially equivalent to virgin distillate or virgin residual oil.

(hh) Residual Fuel. A fuel oil which meets the latest American Society for Testing and Materials (ASTM) specifications number D396 for residual fuel oils (either #4, #5, or #6).

(ii) Significant.

(1) "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

Carbon monoxide: 100 tons per year (tpy)
Nitrogen oxides: 40 tpy
Sulfur dioxide: 40 tpy
Particulate matter: 25 tpy
Ozone: 40 tpy of volatile organic compounds
Lead: 0.6 tpy
Asbestos: 0.007 tpy
Beryllium: 0.0004 tpy
Mercury: 0.1 tpy
Vinyl chloride: 1 tpy
Fluorides: 3 tpy
Sulfuric acid mist: 7 tpy
Hydrogen sulfide (H₂S): 10 tpy

Total reduced sulfur (including H₂S): 10 tpy

Reduced sulfur compounds (including H₂S): 10 tpy

- (2) "Significant" means, in reference to a net emissions increase or the potential of a source to emit a pollutant subject to these regulations that is not listed in subsection (1) above, any emissions rate.
- (3) Notwithstanding the above, "significant" means any emissions rate or any net emissions increase associated with a major stationary source or major modification, which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 ug/m³ (24-hour average).
- (jj) Solid Fuel. Solid material or any substance derived from solid material used or to be used for the purpose of creating useful heat and includes but is not limited to coal, gasified coal, liquefied coal, solid solvent, refined coal, municipal solid waste refuse derived fuel, and wood.
- (kk) Source. Any building, structure, facility, apparatus, or installation, or their combination, that emits or may emit any air contaminant.
- (ll) Waste Fuel. Either of the following to be burned singly, together, or in combination with fuel oil:
- (i) Waste Fuel A
 - (ii) Waste Fuel B

- (mm) Waste Fuel A. Any waste oil, fuel oil, or mixture of these to be burned which contains between 25 and 250 parts per million (by weight) lead and which meets the limitations of Table 1 of this section and does not contain chemical waste.
- (nn) Waste Fuel B. Any waste oil, fuel oil, or mixture of these to be burned which does not meet the limitations of Table 1 of this section and/or contains any chemical waste.
- (oo) Waste Oil. Used and/or reprocessed engine lubricating oil and/or any other used oil, including but not limited to, fuel oil, engine oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residue, animal oil and vegetable oil, which has not subsequently been re-refined.

Table 1

Constituent/Property	Allowable
Polychlorinated Biphenyls (PCB)	Less than 50 ppm (1)
Total Halogens	1000 ppm (1) Maximum
Sulfur	See Subpart 225-1 for fuel sulfur limitations
Lead	250 ppm (1) maximum
Gross Heat Content	125,000 (Btu/gal) Minimum

(1) Parts per million (ppm) by weight (water free basis) of fuel

Type	Principal Components	Approximate Composition % by Weight	Approximate Moisture Content % by Weight	Approximate Incombustible Solids % by Weight	Approximate Btu Per Pound of Refuse
0	Rubbish consisting of highly combustible materials such as paper, wood, and cardboard including up to 10% treated papers, rags, plastic or rubber from commercial and industrial sources	Rubbish 100%	10%	5%	8500
1	Some garbage but primarily rubbish consisting of combustible material such as paper, cardboard, wood, combustible floor sweepings from residential, commercial, and industrial sources	Rubbish 80% Garbage 20%	25%	10%	6500
2	Rubbish and garbage from residential sources	Rubbish 50% Garbage 50%	50%	7%	4300
3	Some rubbish, but primarily garbage consisting of animal and vegetable matter from restaurants, hotels, markets, institutional and commercial sources	Garbage 65% Rubbish 35%	70%	5%	2500
4	Human and animal solid refuse consisting of carcasses and organs from hospitals, laboratories, abattoirs, animal pounds, and similar sources	100% Animal and Human Tissue	85%	5%	1000
5	Gaseous, liquid or semi-liquid refuse from processes such as tar, paints, solvents, and chemical sludge	Variable	Dependent on predominant components	Variable	Variable
6	Solid or semi-solid refuse from processes such as rubber, plastics, wood, and sewage sludge	Variable	Dependent on predominant components	Variable	Variable

Source. Sections 204-20 to 204-32: Regulations governing Air Quality Control. Approved by the Governor March 2, 1971. Filed by the Commissioner of Health with the Lieutenant Governor March 11, 1971; File No. 633 (part).

Authority. 12 V.I.C. § 204.

Amendments—1978. Section 204-20(a) was amended by the Department of Conservation and Cultural Affairs Aug. 31, 1978, approved Sept. 1, 1978, by the Governor of the Virgin Islands. Filed with Lieutenant Governor Sept. 1, 1978; File No. 1053. Amendment became effective without prior publication by certification dated Sept. 1, 1978.

§ 204-21. Regulations to control open burning

No person shall permit, cause, suffer or allow open burning except under the following circumstances:

(a) When in the judgment of the Commissioner or his authorized representative, no other method for the disposal of the material exists or can reasonably be obtained.

(b) Where the fire is for recreational, educational, ceremonial or cooking purposes, including barbecues, provided no smoke violation or other nuisance is created.

(c) When authorized by the Commissioner or his designated representative, fires are permitted for the following purposes:

§204-21, subsection (c) is hereby amended by adding thereto new paragraphs (1), (2), and (3) to read as follows:

- (1) All open burning shall be conducted between the hours of 7:00 a.m. and 5:00 p.m. It shall be unlawful to conduct open burning outside of the times specified herein.
- (2) It shall be unlawful to fail or refuse to extinguish any open burning when directed to do so by any authorized representative of the Commissioner, any member of the Virgin Islands Fire Service or any peace officer.
- (3) All persons conducting open burning shall have a valid fire permit available for inspection by lawful authorities. It shall be unlawful for any person to fail or refuse to present a valid fire permit to any lawful authority for inspection.

elimination of fire hazards, conservation practices, disease control, game management, training and instruction of bona fide fire-fighting and fire-rescue personnel, civil defense needs, land clearance for private home construction in rural areas and special circumstances. Such fires may not be authorized wherein the ambient air quality of other property is detrimentally affected.

(d) Where no practical alternative exists for safety flares or smokeless flares for the combustion of waste gases, provided other conditions of the Air Quality Control Act and the regulations set forth pursuant to this division are met.

The Commissioner or his authorized representative may impose any reasonable conditions which he deems necessary (1) to prevent creation of excessive smoke, (2) to protect property, or (3) to protect the health, safety or comfort of the public.

§204-22. Regulations to Control Emission of Visible Air Contaminants.

- (a) No person shall discharge into the atmosphere, from any stationary source, any air contaminant(s) with opacity equal to or greater than 20 percent for any time period.
- (b) Notwithstanding the above, fuel-burning facilities may discharge into the atmosphere any air contaminant(s) with opacity equal to or less than 40 percent for a period or periods aggregating not more than three (3) minutes in any thirty (30) minutes.
- (c) Restrictions applicable to Marine Vessels. No person shall discharge into the atmosphere any air contaminant(s) with opacity equal to or greater than 20 percent from any moored vessel at any time except from fuel-burning facilities. Emissions from fuel-burning facilities on moored vessels may discharge contaminant(s) with opacity less than or equal to 40 percent.

§ 204-23. Regulations governing emission of particulate matter

(a) Particulate Emissions From Hot-Mix Asphalt Plants.

(1) No person shall permit, cause, suffer or allow particulate matter emissions from such plant into the atmosphere in excess of the quantity in Table I [see section 204-32 of this division]. For a process weight between any two consecutive process weights in the table, the emission limitation shall be determined by interpolation. Where the plant has more than one stack, the emission total is that from all stacks.

(2) No plant shall operate without a fugitive dust control system and the system shall operate and be maintained so that particulate emission is limited to the stack outlet.

(3) The owner or operator of the plant shall maintain dust control of the plant premises and plant owned, leased, or controlled access roads by paving, oil treatment, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, screen changing, and general maintenance to prevent dust generation and atmospheric entrainment. Good operating practices, including water spraying or other suitable measures, shall be employed to minimize dust generation and an atmospheric entrainment when hot bins are pulled.

(b) Particulate Emissions From Fuel-Burning Equipment.

(1) No person shall cause, suffer, or allow to be emitted into the outdoor atmosphere from any solid fuel-burning equipment or premises, or to pass a convenient measuring point near the stack outlet, particulate matter in excess of the quantity set forth in the following table. The formula, $E = 1.0/p^{0.22}$, must be used to interpolate allowable particulate matter emissions for cases in which the British thermal unit (Btu) values for a source fall between those that are listed in the table. As used in this formula,
E = allowable emission rate in lb/million Btu and
p = total heat input in million Btu/hour.

Heat input, millions of British thermal units per hour	Maximum allowable emission of particulate matter in pounds per hour per million British thermal units of heat input
10 or less	0.60
100	0.36
1,000	0.22
10,000	0.13 .

(2) No person shall cause, suffer, or allow to be emitted into the outdoor atmosphere from any fuel-burning equipment or premises using oil, coal tar, any liquid fuel derived from coal, or to pass a convenient measuring point near the stack outlet, particulate matter in excess of the quantity set forth in the following table:

Heat input, millions of British thermal units per hour	Maximum allowable emission of particulate matter in pounds per hour per million British thermal units of heat input
50 or less	0.30
50 up to 250	0.20
250 up to 10,000	0.10
10,000 or more	0.09

(3) If two or more units connect to a single stack or chimney, each unit shall, for the purpose of computing the maximum allowable emission rate, be considered a separate entity with the allowable emission rate for the stack or chimney the sum of the individual computations.

(4) Notwithstanding the above, facilities that commenced construction prior to August 1, 1986 may emit particulate matter from any fuel-burning equipment using oil, coal tar, any liquid fuel derived from coal, or coal in quantities less than or equal to the quantity set forth in the following formula:

$$E = 1.0/p^{0.22}$$

where E = the allowable emission rate in lb/million Btu and p = the total heat input in million Btu/hr.

(c) Particulate Emission From Incinerators.

(1) No person shall cause, or permit the emission of particulate matter from the stack or chimney of any existing incinerator in excess of the following:

(A) Incinerators with a maximum refuse burning capacity of 200 or more pounds per hour, 0.2 grain of particulate matter per standard dry cubic foot of exhaust gas.

(B) All other incinerators, 0.3 grain of particulate matter per standard dry cubic foot of exhaust gas.

(2) No incinerator shall be used for the burning of refuse unless such incinerator is a multiple chamber incinerator. Existing incinerators which are not multiple chamber incinerators, may be altered, modified, or rebuilt as may be necessary to meet the requirements of emission limitations after plans and specifications have been approved by the Commissioner or his designated representative.

(d) Particulate Emissions From Industrial Process Equipment.

(1) The maximum allowable emission of particulate matter from any source whatever, except fuel-burning equipment, refuse-burning equipment and equipment or processes otherwise noted herein, shall be determined from Table II [see section 204-32 of this division]. To use the table, find the process weight per hour in the

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table, and note the allowable rate of emissions in pounds per hour next to the process weight per hour.

(2) If two or more process units connect to a single stack or chimney, each unit shall for the purpose of computing the maximum allowable emission rate be considered a separate entity with the allowable emission rate for the stack or chimney the sum of the individual computations.

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Section 204-24 Storage of Petroleum or Other Volatile Products

A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 65,000 gallons capacity any petroleum or volatile product or mixture of products having a vapor pressure 2.0 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

- (a) A floating roof, consisting of a pontoon-type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline petroleum distillate or other volatile products has a vapor pressure of 12.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place.
- (b) A vapor recovery system, consisting of a vapor-gathering system capable of collecting the hydrocarbon vapors or other gases discharged and vapor-disposal system capable of processing such hydrocarbon vapors or other gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.
- (c) Other equipment of equal efficiency, provided plans for such equipment are submitted to and approved by the Commissioner or his designated representative.

1/15/87

Section 204-25 is amended and reads as follows:

§204-25. Fugitive Emissions.

(a) No person shall cause or permit any materials to be handled, transported, or stored in a building, its appurtenances, or cause a road to be used, constructed, altered, repaired, or demolished, without taking the following precautions to prevent particulate matter from becoming airborne:

- (1) The use, where possible, of water or suitable chemicals for the control of dust in the demolition of existing buildings or structures, construction operations, quarrying operations, the grading of roads, or the clearing of land;
- (2) The application of asphalt, water, or suitable chemicals on dirt roads or roads under construction, materials, stockpiles, and other surfaces that can give rise to airborne dust;
- (3) The installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate abatement methods shall be employed during sandblasting or other similar operations;
- (4) The covering, at all times when in motion, of open bodied trucks transporting materials likely to give rise to airborne dust;

- (5) The conduct of agricultural practices, such as the filling of land and the application of fertilizers, in such manner as to prevent dust from becoming airborne;
 - (6) The paving of roadways and their maintenance in a clean condition;
 - (7) The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth-moving equipment, by erosion by water, or by other means;
 - (8) The planting of shrubs or trees as a natural barrier, or the installation of metal sheet fences as artificial barriers;
 - (9) The seeding or planting of grass on exposed terrains
- (b) The Commissioner may require other reasonable measures as may be necessary to prevent particulate matter from becoming airborne.
 - (c) No person shall cause or permit the discharge of visible emissions of fugitive dust beyond the boundary line of the property on which the emissions originate.
 - (d) When air pollutants escape from a building or equipment and cause a nuisance or violate any regulations, the Commissioner may order that the building or equipment in which processing, handling, and storage are done, be

tightly closed and/or ventilated so that all emissions from the building or equipment are controlled to remove or destroy such air pollutants before being discharged to the open air. The implementation of this measure shall not create occupational health hazards.

- (e) Every area, lot, or part of a piece of land intended for parking with a capacity for accommodating more than 40 vehicles at the same time must be paved with concrete, asphalt, or equivalent hard surface on all its road and parking areas.
- (f) Any source, the construction of which causes emissions of fugitive dust, shall apply for a permit pursuant to Section 206-20.

Section 204-26(a) is amended and reads as follows:

§204-26 Sulfur Compounds Emission Control

(a) Sulfur Dioxide

- (1) No person shall cause, let, permit, suffer or allow any emission of sulfur oxides which results in ground level concentrations of sulfur oxides at any given point in excess of 0.5 ppm (volume) in any three hour period or average exposure in excess of 0.14 ppm (volume) of sulfur oxide in any 24-hour period. These limitations shall not apply to ground level concentrations occurring on the property from which such emissions occur, provided such property, from the emission point of any such concentration, is controlled by the person responsible for such emission.

- (2) No person shall sell, offer for sale, purchase for use in or use in any air contamination source having a total combined rated heat input capacity greater than 8 million Btu/hr fuel oil with a sulfur content by weight in excess of the value listed in Table 1 of this subsection. For purposes of this paragraph "total combined rated heat input capacity" shall be the sum of the rated heat capacities of all air contamination sources burning fuel oil. Notwithstanding the above, the following sources are permitted to use residual fuel oil with a sulfur content up to 1.5%: Hess Oil

Virgin Islands Corp.; Martin Marietta, St. Croix;
 Virgin Islands Water and Power Authority, St. Thomas.
 The Commissioner reserves the right to revise these
 limits. The Commissioner may revoke the above sulfur
 fuel assignments and impose stricter assignments if
 it is determined, by ambient air quality data or suitable
 dispersion modeling (in conformance with EPA dispersion
 modeling techniques) that the potential for violations
 of ambient air quality standards exists.

Table 1

Maximum Permitted Sulfur Content
 of Fuel Oil Expressed in
 Percent by Weight

Fuel	St. Croix	St. Thomas	St. John
Distillate Oil	.3	.3	.3
Residual Oil	.5	.5	.5

No person who, prior to January 1, 1974, burned other than
 fuel oil for combustion purposes shall use fuel oil: (i) if
 such use shall increase the amount of sulfur oxides emitted
 from the source to the outdoor atmosphere and (ii) if the
 person has not obtained the written approval of the Commissioner

All new sources must meet the EPA requirements for new
 source performance standards as specified in 40 CFR 60 of

the Code of Federal Regulations and must comply with non-degradation criteria as specified in 40 CFR 51.24 of the Code of Federal Regulations. The Commissioner may require fuel oil samples or certification of fuel oil being combust

- (3) Notwithstanding the requirements of paragraphs (a)(1) and (a)(2) of this section, no person shall be authorized to burn fuel oil which shall cause the contravention of any National Ambient Air Quality Standard for sulfur oxides or create a violation of the approved control strategy for sulfur oxides, as contained in the Virgin Islands Air Implementation Plan.
- (4) No person shall sell, offer for sale, purchase for use or use in any air contaminant source solid fuel with more than 0.60 pounds of sulfur per million Btu gross heat content.
- (5) Hess Oil Virgin Island Corp. (HOVIC) and Martin Marietta, in addition to the provisions set forth in Section 204-29, shall convert to the use of 0.5% sulfur fuel oil for their plant processes during any malfunction that may occur at any of the sulfur recovery units (i.e., including any BEAVON or CLAUS units) owned and/or operated by said companies.
- (6) General Exceptions. (A) Fuel mixtures. Fuels with a sulfur content in excess of that permitted by this Part may be used, sold, offered for sale, or purchased when it can be demonstrated, to the Commissioner's satisfaction, that the sulfur content of the resulting fuel mixture does not exceed the applicable maximum permitted sulfur content or

that the resulting maximum and three month average emission of sulfur compounds (expressed as sulfur dioxide) to the outdoor atmosphere will not exceed the product of the total heat input multiplied by the allowable rate of sulfur dioxide emission(s) calculated according to the following equation,

$$S = \frac{2XA + 2YB + 2ZC + 2MB + 2ND}{X + Y + Z + M + N}$$

where:

S = Allowable sulfur dioxide emissions (in pounds per million Btu)

X = Percent of total heat input from oil

Y = Percent of total heat input from solid fuel

Z = Percent of total heat input from gaseous fuel

M = Percent of total heat input from refuse derived fuel

N = Percent of total heat input from liquid fuel

A = Sulfur content of oil in percent by weight permitted by this Section multiplied by 0.55

B = Sulfur content of coal in pounds of sulfur per million Btu permitted by this Section

C = Sulfur content of gaseous fuel in grains per 100 dscf (expressed as hydrogen sulfide) permitted by this Section,

multiplied by the ratio of 1.34/heating value of gaseous fuels (in Btu per cubic foot)

D = Sulfur content of liquid fuel in percent by weight multiplied by the ratio of 10,000/heating value in Btu/lb.

This general exception for fuel mixtures shall apply only to process or stationary combustion installations.

(b) Hydrogen Sulfide.

(1) No person shall cause or permit the emission of hydrogen sulfide from any premises in such manner and amounts that the concentrations attributable to such emissions in the ambient air at any occupied place beyond the premises on which the source is located exceed 0.03 parts per million by volume for any averaging period of 30 or more minutes on more than two occasions in any 5 days.

(c) Stack Testing and Monitoring.

(1) Any person responsible for the discharge of sulfur compounds in the form of gases, vapors, or liquid particles through a stack or chimney into the outdoor atmosphere shall, when requested by the Department, provide the facilities and necessary equipment for determining the combined quantity of such sulfur compounds being discharged from the stack or chimney and shall conduct stack tests using methods approved by the Department. Such tests may include a determination of the sulfur concentrations, the total gas volume being discharged and the gas temperature and pressure at the sampling point in the stack or chimney and the data shall be reported in a permanent log at such intervals as specified by the Department. The data shall be maintained for a period of not less than one year and shall be available for review by the Department and inspection by members of the public.

(2) The provisions of subdivision (c) (1) of this section shall not apply whenever the total volume of gases discharged from a stack or chimney is less than 1,000 cubic feet per minute at standard conditions.

(3) Whenever the person responsible for the discharge of sulfur compounds can present data to the Department showing that his emissions are well under the allowable emissions or that his process produces predictable concentrations and emission rates, he may apply to the Department for a waiver or modification of the

stack testing requirement. For the purpose of this section, existing data may be offered as substantiating evidence for such waiver or modification. If a waiver or modification is approved by the Department, the Department shall notify the person of such approval in writing.—Amended Sept. 1, 1978.

Amendments—1978. Section 204-26(a) was amended by the Department of Conservation and Cultural Affairs Aug. 31, 1978, approved Sept. 1, 1978, by the Governor of the Virgin Islands. Filed with Lieutenant Governor Sept. 1, 1978; File No. 1053. Amendment became effective without prior publication by certification dated Sept. 1, 1978.

—1974. This section was amended by Commissioner of Health and approved (undated) by the Governor. Filed with Lieutenant Governor Sept. 23, 1974; File No. 821.

—Effective date. A gubernatorial certificate preceding the regulations stated that due to compelling circumstances the revised regulations [this section] on sulfur compounds emission control are to become effective without the delay of prior publication [Sept. 23, 1974.]

3/2/71

50.7) Section 204-27 Air Pollution Nuisances Prohibited

- (a) No person shall cause or permit the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, annoyance to any considerable number of persons or to the public or which endanger the comfort,

repose, health, or safety of any such persons or the public or which cause or have a tendency to cause injury or damage to business or property.

- (b) Nothing in any other regulation concerning emission of air contaminants or any other regulations relating to air pollution shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance as described in Section (a) of this regulation.

1/15/87

Section 204-28 is amended and reads as follows:

§204-28. Internal Combustion Engine Limits

- (a) Mobile Sources. No person shall operate, or cause to be operated, upon any street, highway, public place or private premises within the Virgin Islands, any internal combustion engines, while idling or moving, which emit from any source of emission whatsoever any air contaminant that causes an opacity of 20% or more measured for a period of time equal to 1 minute.
- (b) Stationary Sources.
 - (i) Except during startup, no person shall operate, or cause to be operated, in any existing or new facility within the Virgin Islands, any internal combustion engines which emit from any source of emission whatsoever any air contaminant that causes an opacity of more than 20%.
 - (ii) No person shall operate, or cause to be operated during start-up in any existing or new facility within the Virgin Islands, any internal combustion engines which emit from any source of emission whatsoever, any air contaminant that causes an opacity of more than 40% for three minutes.

Section 204-29 is amended and reads as follows:

§204-29. Upset, Breakdown, or Scheduled Maintenance

- (a) In the event that any source, air pollution control equipment or related equipment breaks down, malfunctions, ruptures, leaks, or is rendered partially or totally inoperative such that releases of an air contaminant are in excess of allowable emission limits, the owner or operator of such equipment shall, within four (4) hours, report to the Commissioner such failure or incident and provide all pertinent available facts, including the estimated duration of the incident. The Commissioner shall be notified in writing not later than one (1) week after the incident. This report shall include specific data concerning the affected source, air pollution control equipment and other related equipment, date, hour and duration of the incident, and corrective measures taken or to be taken. In the event the malfunction has been corrected within this period of time, information requested in subsection (d) of this Section shall also be submitted with the written report.
- (b) If the malfunction which causes excess air pollution extends or will extend for more than twenty-four hours, the Commissioner may require that the affected facility can only be operated to the end of a cycle or within forty-eight (48) hours after the malfunction occurs, whichever is sooner, at which time it shall be shut down for repairs.

Nevertheless, if the malfunction causes the emission of contaminants into the ambient air in quantities that pose an imminent danger to the public, the affected installation or facility shall immediately cease operations or shall act as specified in its approved emergency response plan pursuant to Section 204-33(c).

- (c) The occurrence of a malfunction shall not relieve the owner or operator from the responsibility of complying with any substantive provisions of this Regulation.
- (d) Not later than fifteen days after correction of a malfunction incident, the owner or operator shall submit a written report to the Commissioner including:
 - (1) A certification that the malfunction has been corrected, specifying the date of corrective action and effective date of compliance;
 - (2) A description of the corrective measures undertaken to avoid such a malfunction in the future;
 - (3) An estimate of the total emissions caused by the malfunction;
 - (4) Identification of the air contaminants emitted; and
 - (5) Actual or estimated emission rates of the contaminants.

In addition, the Commissioner may require the following items to be included in a written report:

(6) Pictures of the equipment or controls which failed; and

(7) Ground level concentrations of the contaminants within a 10 km. radius of the source along with the effects of such emissions.

3/2/71

2.0) Section 204-30 Circumvention

No person shall build, erect, install or use any article, machine equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere. Increase in stack height or construction so as to increase stack exit velocity of gases shall not constitute a violation of this section.

23.0) Section 204-31 Duty to Report Discontinuance or Dismantlement

It shall be the duty of any person responsible for any discontinued or dismantled fuel-burning, combustion or process equipment or device coming under the jurisdiction of the permits provision of this chapter to report to the Department within thirty (30) days the permanent discontinuance or dismantlement of such equipment or device.

3.0) Section 204-32 Variance Clauses

Where emission sources in existence prior to adoption of this regulation do not meet the particulate matter emission limitations noted in preceding sections then a program to the particulate matter emission limitations stipulated shall be developed and offered to the Commissioner by the owner of the equipment causing the emission. This program shall be submitted upon the request of and within such times as shall be reasonably determined by the Commissioner, and after said program has been approved by the Commissioner, the owner of the equipment causing the emission, shall not be in violation of this regulation so long as said program is observed. In evaluating such a program of improvement, the Commissioner shall take into consideration the following factors:

- (a) Action taken to control atmospheric pollution within emission limitations in effect prior to this regulation.
- (b) Efficiency of any existing control equipment relative to that which would be required to meet emission limitations of this regulation.
- (c) Temporary interim control measures intended to minimize existing pollution levels.
- (d) The effect the source of emission has on air pollution generally or in the immediate vicinity of the source.

Any variance granted pursuant to the provisions of these regulations shall be granted for such a period of time, not to exceed one year, but such variance may be continued from year to year. When a variance is granted, an acceptable compliance schedule shall be developed including regular progress reports.

TABLE I

Aggregate Process Rate Pounds Per Hour	Stack Emission Rate Pounds Per Hour
10,000	10
20,000	16
30,000	22
40,000	28
50,000	31
100,000	33
200,000	37
300,000	40
400,000	43
500,000	47
600,000	50

TABLE II
ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE^a

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

- (a) Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation $E=4.10P^{0.67}$ and interpolation and extrapolation of the data for purpose weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation: $E=55.0P^{0.11}-40$, where E=rate of emission of lb/hr and P=process weight in tons/hr.

For those processes whose weight exceeds 200 tons/hr, the maximum allowable emission may exceed that shown in Table II, provided that the concentration of particulate matter in the discharge gases to the atmosphere is less than 0.10 pounds per 1,000 pounds of gases.

1/15/87

New Section 204-33 reads as follows:

§204-33 Air Pollution Emergencies.

This Regulation is designed to prevent the excessive buildup of air pollutants during air pollution episodes, thereby preventing the occurrence of an emergency, due to the effects of these pollutants on the health of persons.

(a) Episode criteria. The Commissioner shall publicly announce the existence of an air pollution alert, air pollution warning, or air pollution emergency whenever the Commissioner determines that the accumulation of air pollutants in any place is attaining or has attained concentrations that could, if such concentrations are sustained or exceeded, lead to a substantial threat to the health of the public. In making this determination with respect to sulfur dioxide and particulate matter, the Commissioner will be guided by the following:

- (1) "Air Pollution Forecast". An internal watch by the staff of the Department shall be activated by a National Weather Service advisory that an Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric conditions.
- (2) "Alert". The Alert is that concentration of pollutants at which first stage control actions shall begin. An Alert will be declared when any one of the following concentrations is reached at any monitoring site:

- (A) Sulfur dioxide - 800 ug/m^3 (0.28 ppm) for 24-hour average
- (B) Particulate matter - 375 ug/m^3 for 24-hour average (measured as total suspended particulate)
- (C) Sulfur dioxide and particulate matter combined-product of sulfur dioxide (ug/m^3) for 24-hour average and particulate matter (ug/m^3) for 24-hour average equal to 65×10^3

and meteorological conditions are such that pollutant concentrations can be expected to remain at or increase over the above mentioned concentration for twelve (12) or more hours unless control actions are taken.

- (3) "Warning". The warning level indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when any one of the following concentrations is reached at any monitoring site:

- (A) Sulfur dioxide - 1600 ug/m^3 (0.56 ppm) for 24-hour average
- (B) Particulate matter - 625 ug/m^3 for 24-hour average
- (C) Sulfur dioxide and particulate matter combined - product of sulfur dioxide (ug/m^3) for 24-hour

average and particulate matter ($\mu\text{g}/\text{m}^3$)

for 24-hour average equal to 261×10^3

and meteorological conditions are such that pollutant concentrations can be expected to remain at or increase over the above concentrations for 12 or more hours, unless control actions are taken.

(4) "Emergency". The emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An emergency will be declared when any one of the following concentrations is reached at any monitoring site:

(A) Sulfur dioxide - $2100 \mu\text{g}/\text{m}^3$ (0.73 ppm) for 24-hour average

(B) Particulate matter - $875 \mu\text{g}/\text{m}^3$ for 24-hour average

(C) Sulfur dioxide and particulate matter combined - product of SO_2 ($\mu\text{g}/\text{m}^3$) for 24-hour average and particulate matter ($\mu\text{g}/\text{m}^3$) for 24-hour average equal to 393×10^3

and meteorological conditions are such that these conditions can be expected to continue for 12 hours or more.

(5) "Termination". Any status reached by application of these criteria will remain in effect once declared until the criteria for that level are no longer met. At such time, the next lower status will be assumed.

(b) Emission Reductions

(1) When the Commissioner declares an air pollution alert, warning or emergency, and determines that such condition requires immediate action for the protection of the health of human beings, the Commissioner will order persons causing or contributing to the atmospheric pollution to reduce their emissions in order to eliminate such condition, or to immediately discontinue the emission of pollutants.

(2) Orders issued by the Commissioner pursuant to this Regulation will not be subject to hearings prior to compliance.

(3) All owners or operators of a source or facility shall have available an emergency plan which must be consistent with adequate safety practices, and which provides for the reduction or retention of the emission from the plant during periods classified by the Commissioner as air pollution alerts, warnings or emergencies. These plans will be available to any representative of the Commissioner at any time.

(c) Emergency Response Plan

(1) This section applies only to sources which may release, leak or emit any substance listed in Table 1 of this section, that may cause emissions into the atmosphere in quantities of sufficient magnitude to present a hazard to the public. The owner or operator of such a source shall prepare and submit to the Commissioner together with the application for a permit to construct, or permit to operate, whichever is applicable, an emergency response plan according to the provisions set forth in subsection (2) of this Regulation. In the case of a renewal of a permit to operate, an emergency response plan will be required only if the Commissioner has not already approved an existing plan, or if there is a change in the process or operation that would give rise to a new potential source of emissions, releases or leaks of sufficient magnitude to present a hazard to human health.

(2) Every emergency response plan shall include, at least, the following:

(A) Name and location of the source or facility;

(B) Name, title and telephone number of the owner or operator of the source or facility;

- (C) A list of sources which may cause accidental emissions, releases or leaks of sufficient magnitude to present a hazard to the public;
- (D) Type and amount of substance which may be emitted, released or leaked from the equipment listed under subsection (2)(C)
- (E) Details of any prevention measure or countermeasures available or proposed to avoid accidental or unexpected emissions, releases or leaks of any substance listed in Table 1 of this section.
- (F) In case of proposed prevention/countermeasures, the schedule for construction, installation or availability of such measures;
- (G) Internal administrative procedures which are or will be instituted to:
 - (i) inspect potential sources of emission, releases or leaks;
 - (ii) alert and notify, including identification of a notification roster, response team members and responsibilities;
- (H) Identification of equipment/instruments which are or will be available to detect emissions, releases, or leaks;

- (I) Human evacuation procedures and plan in case of an emergency;
 - (J) Identify methods to dispose of materials which may become contaminated when used in the control of emissions, releases or leaks of any substance on the list specified in subsection (1) during emergencies or prevention measures;
 - (K) Identify methods or procedures to mitigate persisting impacts to the environment, after the health and welfare of humans has been safeguarded;
 - (L) Describe the response team members and other involved personnel knowledgeable and trained in emergency response duties;
- (3) Once approved by the Commissioner, the owner or operator of the source shall maintain the emergency response plan.
- (4) The owner or operator shall keep the emergency response plan accessible to all those concerned with its execution and shall present it to a representative of the Commissioner, upon request.

Table 1. Applicable Substances

Acrolein	Maleic anhydride
Acrylonitrile	Malic hydride
Allyl chloride	Mercury
Arsenic	Methylene chloride
Asbestos	(dichloromethane)
Benzene	Methyl chloroform
Benzyl chloride	Nickel
Beryllium	Nitrobenzene
Cadmium	Nitrosomorpholine
Carbon tetrachloride	Polychlorinated biphenyls
Chlorobenzene	Perchloroethylene
Chloroform	(tetrachloroethylene)
Chromium	Phenol
O-cresol	Phosgene
M-cresol	Propylene oxide
P-cresol	Radionuclides
O-dichlorobenzene	Toluene
M-dichlorobenzene	Trichloroethylene
P-dichlorobenzene	Vinyl chloride
Dimethyl nitrosamine	O-xylene
Dioxin	M-xylene
Epichlorohydrin	P-xylene
Ethylene dichloride	
Ethylene oxide	
Formaldehyde	
Hexachlorocyclopentadiene	

New Section 204-35 reads as follows:

§204-35 Continuous Emission Monitoring.

- (a) Any owner or operator of any source which contains a facility subject to Title 40, Part 60 - Standards of Performance for New Stationary Sources - of the Code of Federal Regulations shall comply with all applicable monitoring and reporting requirements contained in Title 40 CFR Part 60.
- (b) Any owner or operator of any existing source or facility shall ensure compliance with the continuous emission monitoring requirements contained in Title 40 CFR Part 51, Appendix P - Minimum Emission Monitoring Requirements - of The Code of Federal Regulations (40 CFR 51, App-P).
- (c) Any person subject to the provisions of subdivision (a) of this section, shall retain records of measurements for a minimum of three years, and shall furnish such records to the Commissioner upon his request.
- (d) Any person subject to the provisions of subdivision (a) of this section shall submit a written report, to the Commissioner, of excess emissions of opacity and sulfur dioxide for each calendar quarter and the nature and cause of the excessive emissions, if known. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter. For opacity measurements, the excess emissions report shall consist of the magnitude, in percent

opacity, of all six-minute averages of opacity greater than the opacity standards in this Regulation for each hour of operation. For sulfur dioxide measurements, the excess emissions report shall include any six-hour period in which the average emissions (arithmetic average of six continuous one-hour periods) of sulfur dioxide shall exceed the standard.

New Section 204-36, "Waste Oil Regulations-Fuel Composition and Use," reads as follows:

§204-36 Eligibility to Burn Waste Fuel A.

- (a) Except as provided in subdivision (b) of this section and in sections 204-37 and 204-38, no person may burn Waste Fuel A in any stationary combustion installation, incinerator, or process.
- (b) An owner or operator of any of the following emission sources may be exempted from the prohibition of subdivision (a) of this section subject to the conditions specified:
- (1) Stationary combustion installation, by including special conditions in the applicable permit/certification, after written application by the owner or operator is submitted to the Commissioner, in accordance with Section 206 of this subchapter. As a minimum, the following conditions must be met for an exemption to be granted:
 - (i) the maximum operating heat input is 20 million Btu per hour or greater; and
 - (ii) the combustion efficiency of the installation is demonstrated to the Commissioner to be at least 99% while burning Waste Fuel A.
 - (2) Incinerator, by including special conditions in the applicable permit/certificate, after written application

by the owner or operator is submitted to the Commissioner. As a minimum, the following conditions must be met for an exemption to be considered:

(i) the furnace capacity exceeds 2,000 pounds per hour of refuse charged and will burn Type 0, 1, 2, 3, or 4 refuse; and

(ii) the combustion efficiency is demonstrated to the Commissioner to be at least 99% while burning Waste Fuel A.

(3) Process, by including special conditions in the applicable permit, after written application by the owner or operator is submitted in accordance with Section 206 of this subchapter to the Commissioner. As a minimum, the following condition must be met for an exemption to be considered:

(i) the combustion efficiency is demonstrated to the Department to be at least 99% while burning Waste Fuel A.

New Section 204-37 reads as follows:

§204-37 Eligibility to Burn Waste Fuels A and B.

(a) Any owner and/or operator of an emission source may receive a permit and/or certificate to burn Waste Fuel A and/or Waste Fuel B in response to written application to the Commissioner by the owner and/or operator, including submittal of the following information:

(i) a demonstration, to the satisfaction of the Commissioner that the emissions resulting from the use of the waste fuel comply with applicable ambient air quality standards;

(ii) fuel analyses representative of the waste fuel to be burned and acceptable to the Commissioner;

(iii) a demonstration, to the satisfaction of Commissioner, showing compliance with the provisions of Title 40, Part 761 of the Code of Federal Regulations (40 CFR 761) if the Waste Fuel B contains 50 ppm by weight or greater of polychlorinated biphenyls (PCB) or is otherwise regulated as PCB waste under 40 CFR 761; and

(iv) a demonstration of compliance with guidelines issued by the Commissioner relative to the burning of waste fuel.

New Section 204-38 reads as follows:

§204-38 Permit and/or Certificate Requirement for Waste Oil Facilities.

- (a) Except as provided in subdivision (b) of this section, no person may initiate construction of a new emission source, or modification, or operate an air contamination source in which waste fuel is burned until all applicable provisions of this subpart have been met and the necessary permits to construct and/or operate have been issued in accordance with Section 206.
- (b) An owner or operator of the following emission sources may burn waste oil and be exempted from the requirement of subdivision (a) or this section, subject to the conditions specified:
- (1) Mobile emission source where the waste oil is generated in the same emission source.

New Section 204-39 reads as follows:

§204-39 Sale or Use of Waste Fuels A and B.

- (a) Fuel oil and waste oil, except such fuel containing 50 ppm or more by weight of polychlorinated biphenyls (PCB), may be blended to meet the limitations of Table 1. Blending must be performed prior to delivery of the fuel to a facility burning Waste Fuel A.
- (b) No person may sell, offer for sale, deliver, or exchange or trade any waste fuel except to a facility meeting the applicable requirements of this Subpart.
- (c) No owner or operator of a facility proposing to burn waste fuel or transporter of waste fuel may purchase, accept delivery, pick up or accept in trade any waste fuel unless the facility receiving or proposing to burn waste fuel meets the applicable requirements of this Subpart.

New Section 204-40 reads as follows:

§204-40 Reports, Sampling and Analysis of Waste Fuels A and B.

- (a) The Commissioner may require the owner and/or operator of an air contamination source burning waste fuel regulated under Section 204-37 to:
- (1) sample, analyze and measure quantities of all waste fuel received and/or burned,
 - (2) monitor emissions and/or operations; and
 - (3) maintain records of quantities of Waste Fuel B received and the names and addresses of waste fuel suppliers for three calendar years.
- (b) Any person delivering Waste Fuel A to a facility burning such waste fuel, must perform analyses or adopt procedures to assure compliance with Table 1 prior to delivery. The attendant records of such assurance and the quantities and identification (including names and addresses) of all buyers and users of such waste oil must be retained by the supplier for three calendar years.
- (c) Any person delivering Waste Fuel A and/or B to a facility burning such waste fuel must maintain records of the identification and quantity of all Waste Fuel A and/or B delivered to that facility and report such information to the owner of that facility.

(d) Any person required to maintain and retain records pursuant to this section must make such records available for inspection by the Commissioner or his representative during normal business hours. Such person(s) must furnish copies of such records to the Commissioner or representative upon request.

(e) Sampling and analysis of waste fuel samples must be carried out in accordance with methods acceptable to the Commissioner. A list of acceptable methods may be obtained from any office of the Department of Conservation and Cultural Affairs.

New Section 204-41 reads as follows:

§204-41 Existing Air Contamination Sources for Waste Fuel.

(a) Any person who, on the effective date of this Subpart, owns or operates an existing air contamination source in which waste fuel is being burned must either:

(1) possess a valid certificate to operate meeting the requirements of subdivision (a) of Section 204-38, or

(2) within one hundred eighty days of the effective date of this Subpart, submit a complete application for an amended permit to operate for burning waste fuel. If a permit to operate is denied, the owner and/or operator must discontinue burning waste fuel within forty-five days of receipt of the denial.

§204-45 Standards of Performance for Sulfur Recovery Units at Petroleum Refineries.

The provisions of this section are applicable to the tail gas treatment system at Hess Oil Virgin Islands Corporation (HOVIC) which is comprised of four existing sulfur recovery units (Claus Plants) and two existing Beavon Units.

(a) Except as provided below, HOVIC shall vent all tail gas from the sulfur recovery units to the Beavon units at all times.

(b) HOVIC shall vent the tail gas from the sulfur recovery units in the following manner when one of the two Beavon Units is not operable due to malfunctions or preventative maintenance:

(1) Transfer all acid gas streams (which may originate at the amine treating unit, sour water stripper, other gas sweetening processes, etc.) to the sulfur recovery units associated with the operable Beavon Unit.

(2) When the operable Beavon Unit is charged to capacity, all tail gas should be vented to the incinerator. Written justification for each case where venting takes place should be provided to the EPA.

- (c) HOVIC shall vent all Claus Plant tail gas to any of the two existing incinerators when neither Beavon Unit is operable due to malfunctions. HOVIC shall provide written justification to the EPA describing the nature of the outage and provide planned mitigation procedures to the EPA for prior approval.
- (d) In addition to the conditions set forth in (b) or (c) above, HOVIC shall comply with the following when either one or both Beavon Units are not operable and tail gas is being vented to an incinerator:
- (1) HOVIC shall discontinue the use of 1.5% sulfur fuel oil and revert to the use of 0.5% sulfur fuel oil in all new and existing residual fuel oil-burning sources within the HOVIC plant.
 - (2) HOVIC shall limit SO₂ emissions from all incinerators associated with each pair of sulfur recovery units to a total of 30 tons per day.
 - (3) In no event shall tail gas not be vented to the Beavon Units for more than 30 days in any 12-month period.
- (e) Prior to completion of construction of one of the two Fluid Catalytic Cracking complexes, HOVIC shall install and operate in compliance a continuous emission monitoring (CEM) system for SO₂ at the incinerator stacks which meets the NSPS Performance Specification 2 - Specifications and Test Procedures for SO₂ and NO_x Continuous Emission

Monitoring Systems in Stationary Sources, 40 CFR Part 60 Appendix B as well as the monitoring requirements of 40 CFR Part 60.13. The proposed system shall be submitted to EPA for prior approval.

- (f) HOVIC shall develop and maintain an operation log specific for the Claus Plants and the Beavon Units. Such logs shall be made available upon request. These proposed logs shall be submitted to EPA for prior approval.
- (g) HOVIC shall limit sulfur emissions from both Beavon Units to no more than 50 ppmv hydrogen sulfide (H₂S).
- (h) Prior to completion of construction of one of the two Fluid Catalytic Cracking Complexes, HOVIC shall install and operate in compliance a continuous emission monitoring system (CEM) to track the H₂S concentration, flow rate, and temperature at the Beavon stack. The proposed CEM system shall be submitted to EPA for prior approval.
- (i) Prior to completion of construction of one of the two Fluid Catalytic Cracking Complexes, HOVIC shall perform stack tests in accordance with Methods 6 and 11 of 40 CFR 60 Appendix A to verify that the SO₂ emissions from the Beavon stack are negligible.

Subchapter 206. Permits

SECTIONS

- 206-20. Permits required
- 206-21. Transfer
- 206-22. Applications
- 206-23. Cancellation of applications
- 206-24. Provision of sampling and testing facilities
- 206-25. Standards for granting applications
- 206-26. Conditional approval
- 206-27. Denial of applications
- 206-28. Further information
- 206-29. Appeals
- 206-30. Review of new sources and modifications
- 206-31. Review of new or modified indirect sources

Amendments—1973. Sections 206-30 and 206-31 were added to this subchapter by Commissioner of Health and approved (undated) by the Governor. Filed with Lieutenant Governor Oct. 11, 1973; File No. 762.

Section 206-20 Permits Required.

- (a) Permit to Construct. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, shall first obtain a written permit to construct from the Commissioner or his designated representative.
- (b) Permit to Operate. Before any article, machine, equipment or other contrivance described in subsection (a) of this section may be operated or used, a written permit to operate shall be obtained from the Commissioner or his designated representative. No permit to operate or use shall be granted until the information required is presented and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Section 206-26 and elsewhere in these regulations.

(c) A person who has been granted a permit under the provisions of subsections (a) and (b) of this section, shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the permit to

(d) A person shall not willfully deface, alter, forge, counterfeit, or falsify a permit to construct or a permit to operate any article, machine, equipment, or other contrivance.

Existing Section 206-21 is amended and reads as follows:

Section 206-21 Transfer.

- (a) A permit to construct or permit to operate shall not be transferable, either from one location to another, from one piece of equipment to another, or from one person to another.
- (b) In the event of transfer of ownership of any source, any new owner of such source shall be subject to these regulations.

Section 206-22 Applications

Every application for a permit to construct or permit to operate required under Section 26-20 shall be filed in the manner and form prescribed by the Commissioner or his designated representative and shall give all the information necessary to make the determination required by Sections 206-26 and 206-27 hereof.

Title 12, Chapter 9 of the Virgin Islands Rules and Regulations are hereby amended by redesignating sections 206-23 through 206-30 as sections 206-24 through 206-31 and by adding a NEW section 206-23 to read as follows:

206-23 Application and Permit Fees.

- (a) Each application for a permit to construct or permit to operate required under Section 206-20 of this subchapter shall be accompanied by a non-refundable fee of ten (\$10) dollars.
- (b) Each person whose permit to construct is approved must pay a fee of fifty (\$50) dollars prior to the issuance of the authorization to construct as required under Section 206-20 of this subchapter.
- (c) Each person whose application to operate is approved must pay a fee of fifty (\$50) dollars prior to the issuance of the permit to operate as required under Section 206-20(b) of this subchapter.
- (d) All permits to construct and permits to operate shall expire in accordance with Section 206-26 and Section 206-27 of this subchapter provided, however, that the permittee has not requested a renewal of said permit and submitted to the Department a renewal fee of fifty (\$50) dollars.

Existing Section 206-23 is redesignated 206-24 and amended and reads as follows:

Section 206-24 Cancellation of Applications.

- (a) A permit to construct shall expire and the application shall be cancelled two years from the date of issuance of the permit to construct.
- (b) An application for permit to operate existing equipment shall be cancelled two years from the date of filing of the application.

Existing Section 206-24 is repealed, and new section 206-24 is redesignated 206-25 and reads as follows:

206-25 Test Methods

- (a) Required emission tests. For the purpose of ascertaining compliance or non-compliance with any air pollution control rule or regulation, the Commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions. Failure of such person to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny a permit to operate.
- (b) Notification. A person who is required by the Commissioner to submit a stack test report shall notify the Commissioner, in writing, not less than 30 days prior to the proposed test, of the time and date of the proposed test. Such notification shall also include the acceptable procedures to be used to conduct said stack test including sampling and analytical procedures. Such person shall allow the Commissioner, or his representative, free access to observe stack testing being conducted by such person.
- (c) Acceptable procedures.
- (1) Emission testing, sampling and analytical determinations to ascertain compliance with this Section shall be conducted in accordance with test methods acceptable to

the Commissioner. The Reference Methods contained in Part 60, Appendix A and Part 61, Appendix B of Title 40 of the Code of Federal Regulations and all future technical revisions, additions, or corrections made thereto shall be considered as acceptable test methods for those sources and contaminants for which they are expressly applicable, except where the Commissioner has issued a specific method to be used instead of a reference method contained in these Federal regulations or where the Commissioner determines that one or more alternate methods are also acceptable. The person who owns or operates an air contamination source shall submit the emission test report, in triplicate, to the Commissioner within 60 days after completion of the tests. In the event such source owner/operator can demonstrate to the Commissioner such time is not sufficient, he may request in writing and be granted an extension. Where an opacity emission standard is applicable to the source tested, the emission test report shall include the opacity observation.

- (2) Alternative emission test methods or deviations from acceptable test methods may be acceptable to the Commissioner if the character of the test site or the emissions make it impractical to utilize acceptable test methods or where no applicable test method is available. In such cases, the source owner/operator

shall secure prior acceptance by the Commissioner of any proposed alternative emission test method. Requests for such prior acceptance shall include justification for substituting the alternative emission test method.

- (d) Separate emission tests by the Commissioner. (1) For the purpose of ascertaining compliance or noncompliance with any air pollution control rule or regulation, the Commissioner may conduct separate or additional emission tests on behalf of the Territory. Any person who owns/operates an air contamination source, when requested by the Commissioner shall operate the source in the manner specified by the Commissioner, for the purpose of obtaining valid test data and, where possible, shall provide sampling holes, scaffolding and other pertinent allied facilities required for emission testing. Such person shall bear the costs of such facilities.
- (2) If a person who owns an air contamination source fails to provide sampling holes, scaffolding and other pertinent allied facilities required for emission testing, the Commissioner may provide such facilities, and such person shall bear the costs.
- (e) Prohibitions. No person shall conceal an emission by the use of air or other gaseous diluents (diluting agents) to achieve compliance with an emission standard which is based on the concentration of a contaminant in the gases emitted through a stack.

Existing Section 206-25 is repealed and new Section 206-25 is redesignated 206-26 and reads as follows:

206-26 Permits to Construct.

(a) Standards for Granting a Permit to Construct.

A permit to construct or modify a source shall be granted only if the applicant demonstrates the following to the satisfaction of the Commissioner:

- (1) The source shall be able to comply with all applicable federal or territorial laws, rules, and regulations;
- (2) The construction and operation of the source will not prevent the attainment or maintenance of any ambient air quality standard and will not result in a violation of any provision of this chapter or the Virgin Islands Air Quality Implementation Plan.
- (3) Air contaminant emissions from the source will be limited in accordance with applicable rules and regulations.
- (4) Any agreement or certification intended to restrict the maximum capacity, the maximum annual hours of operation, an emission rate, or a percentage of sulfur content in fuels is enforceable prior to the issuance of the permit to construct and is included as an enforceable condition therein.

(b) Application for a Permit to Construct.

- (1) Each application for a permit to construct or modify a source shall include the following:
- (A) Detailed calculations, plans and specifications of the emissions and of any air pollution control equipment or measures proposed to be installed and constructed to achieve compliance with applicable rules and regulations.
 - (B) A location map of the source or facility (projected and existing), indicating neighboring fields and prominent points or structures and any inhabited areas;
 - (C) A layout plan of the source or facility (projected and existing), indicating all air pollutant discharge, ventilation, exhaust and release points;
 - (D) Information about any air sampling or monitoring equipment used, intended to be used, or owned by the applicant, including type, trademark, and operation schedule;
 - (E) An air quality impact analysis whenever:
 - (i) The new construction is either a major source or major modification; or
 - (ii) Such an analysis is requested by the Commissioner for a complete and adequate evaluation of the application.

(F) A list of all approvals, endorsements or denials granted by Federal and local government agencies for said construction.

(G) Detailed plans and specifications of the source including: location, height of the emissions points, fuel used, process details, concentration and duration of emissions.

(H) In case of a major source or major modification a certification by an engineer licensed to practice the profession in the U.S. Virgin Islands shall be included, attesting to the fact that the technical information contained therein is true and complete to the best of the engineer's knowledge. In case the application contains results of chemical analysis, the results must be obtained by a laboratory certified or approved by the VIDCCA.

(2) Application for a permit to construct or modify a source shall be made by the owner or operator of such source on forms furnished by the Commissioner.

(c) Action on Applications

After receiving an application, the Commissioner shall notify the applicant in writing about the completeness of such application. Within a period of 90 days after receipt of a completed application for a permit to construct a new

or modified source, unless otherwise required due to legal action or other unforeseen delays, the Commissioner shall grant or deny the application.

(d) Conditions upon Granting a Permit to Construct.

(1) The Commissioner may impose any reasonable conditions upon the issuance of a permit to construct. The Commissioner may impose such conditions as are necessary to insure compliance with applicable National Emissions Standards for Hazardous Air Pollutants (Title 40 of the Code of Federal Regulations Part 61) and Federal Standards of Performance for New Stationary Sources (Title 40 of the Code of Federal Regulations Part 60).

(2) Any person granted a permit to construct a source shall construct, modify, test and operate such source in accordance with all the conditions of the permit. A violation of any condition imposed pursuant to this chapter shall constitute a violation of this chapter.

(e) Revision to a Permit to Construct.

(1) Any revision to the conditions upon which a permit to construct has been granted must be approved by the Commissioner prior to submission of an application for a permit to operate.

(2) A permittee can request a revision to a valid permit to construct in order to provide an emission offset.

(f) Lapse of Permit to Construct.

- (1) Each permit to construct shall automatically become invalid one year after the date of its issuance, unless the construction or modification has commenced or application for extension, in the form of a letter to the Commissioner, is made 30 days prior to the expiration date of the permit. The permit may only be extended for one additional year.

New Section 206-26 is redesignated 206-27 and reads as follows:

206-27 Permits to Operate.

(a) Standards for granting a Permit to Operate.

(1) No permit to operate shall be granted unless:

(A) The applicant demonstrates to the satisfaction of the Commissioner that the source is in compliance with applicable federal or territorial laws and regulations and, in the case of a new or modified source, that it is also in compliance with the terms and conditions imposed under a permit to construct.

(B) The applicant demonstrates to the satisfaction of the Commissioner that the operation of the source will not prevent the attainment or maintenance of any ambient air quality standard and will not result in a violation of any provision of this chapter or the Virgin Islands Air Quality Implementation Plan.

(C) The results of any required performance tests must demonstrate that actual emission rates comply with any applicable emission limitations that are specified in applicable federal or territorial laws and regulations.

(D) In the case of renewal of a permit to operate the applicant demonstrates to the satisfaction of the Commissioner that the characteristics, and nature of air contaminants emitted by the source are the same as those under which the previous permit was issued.

(E) Air Monitoring. The Commissioner may require, as a condition of the permit to operate, operators of permitted sources to install, operate and maintain air monitoring instrumentation for determining whether emissions from the source may cause or contribute to violations of ambient air quality standards. Such air monitoring shall be conducted according to the Commissioner's specifications regarding number, type and operating mode of such equipment.

(b) Application for Permit to Operate.

(1) Application for a permit to operate a new or modified source shall:

(A) Be submitted to the Commissioner at least 60 days prior to startup of operations;

(B) Include a copy of the valid permit to construct;

(C) Be prepared by the owner or operator of such source on forms furnished by the Commissioner.

(2) Applications for renewal of a permit to operate shall include a demonstration by the source owner or operator that the application does not involve a material change in any of the following since the issuance of the existing permit:

(A) existing permit conditions or the scope of permitted actions;

(B) environmental conditions, relevant technology or applicable law or regulation.

(3) Applications for renewal of a permit to operate shall be filed by the owner or operator at least 60 days before the expiration of the existing permit to operate.

c) Conditions upon Granting a Permit to Operate.

(1) The Commissioner may impose any reasonable conditions upon the issuance of a permit to operate to ensure compliance with this chapter.

(2) Any person granted a permit to operate a source shall test and operate such source in accordance with all the conditions of the permit. A violation of any condition imposed pursuant to this chapter shall constitute a violation of this chapter.

d) Period of Validity. Any permit to operate shall be valid for a period of not less than one year, but not to exceed three years.

Section 206-27 is redesignated 206-28 and amended and reads as follows:

206-28 Permit Modifications, Suspensions or Revocations and Denials.

(a) The Commissioner may modify, suspend or revoke a permit to construct or permit to operate on any of the following grounds:

- (1) materially false or inaccurate statements in the application or supporting papers;
- (2) failure by the permittee to comply with any terms or conditions of the permit;
- (3) exceeding the scope of the project as described in the application;
- (4) newly discovered information or significant physical changes since the permit was issued;
- (5) noncompliance with any provisions of the Virgin Islands Code and Rules and Regulations directly related to the permitted activity.

(b) Modification, suspension or revocation of a permit to construct or a permit to operate shall become final after service of written notice to the permittee, subject to the rights of the public hearings and appeal, as provided by law.

- c) Nothing in this section shall preclude or affect the Commissioner's authority to issue orders pursuant to the emergency procedure set forth in Section 210 of Title 12 of the Virgin Islands Code.
- d) In the event of denial of a permit to construct or permit to operate, the Commissioner shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person served or affidavit of the person making the service. The Commissioner shall not accept a further application unless the applicant has complied with the objections specified by the Commissioner as for his reasons for denial of the permit to construct or the permit to operate.

Existing Section 206-28 is redesignated 206-29 and amended and reads as follows:

Section 206-29 Further Information.

Before acting on an application for a permit to construct or permit to operate, the Commissioner may require the applicant to furnish further information or further plans or specifications.

Existing Section 206-29 is redesignated 206-30 and amended and reads as follows:

Section 206-30 Appeals.

Within 10 days after notice, by the Commissioner, of denial, modification, suspension or revocation of a permit to construct or permit to operate, the applicant may petition the Advisory Commission, in writing, for a public hearing.

10/11/73

(10.0) Section 206-30 Review of New Sources and Modifications

- (a) This requirement is applicable to any stationary source subject to review under Section 206-20, Chapter 19, Title 12, Virgin Islands Code, the construction or modification of which is commenced after the effective date of this paragraph.
- (b) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Commissioner of the location of such source.
 - (1) Application for approval to construct or modify shall be made on forms furnished by the Commissioner, or by other means prescribed by the Commissioner.
 - (2) A separate application is required, for each source.
 - (3) Each application shall be signed by the applicant.
 - (4) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Commissioner to make any determination pursuant to sub-paragraph (c) of this paragraph.
 - (5) Any additional information, plans, specifications, evidence, or documentation that the Commissioner may require shall be furnished upon request.
- (c) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Commissioner that the source will not prevent or interfere with attainment or maintenance of any national standard.
- (d) The Commissioner will act within 60 days on an application and will notify the applicant in writing of his approval or denial of the application. The Commissioner will set forth his reasons for any denial.
- (e) The Commissioner may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.
- (f) Approval to construct or modify shall not be required for:
 - (1) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shut off.

- (2) Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.
 - (3) Fuel burning equipment, other than smokehouse generators, which use gas as a fuel for space heating, air conditioning, or heating water; is used in a private dwelling; or has a heat input of not more than 350,000 B.T.U. per hour (88.2 million gm-cal/hr.).
 - (4) Mobile internal combustion engines.
 - (5) Laboratory equipment used exclusively for chemical or physical analyses.
- (g) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

§ 206-31. Review of new or modified indirect sources

(a) Definitions:

(1) "Indirect source" means a facility, building, structure, or installation, or combination thereof, which causes emissions to be generated through associated mobile source activity.

(2) "Modification" means any change to an indirect source which increases the vehicle capacity of such facility.

(b) The requirements of this subsection are applicable to the following indirect sources in the Virgin Islands, the construction or modification of which is commenced after the effective date of this subsection:

(1) Any new facility with an associated parking area with a capacity of 700 or more cars.

(2) Any modified facility which:

(A) Increases parking capacity from less than 700 cars to 700 or more cars, or

(B) Increases existing parking capacity which is in excess of 700 cars by more than 25 percent, or more than 700 cars, whichever is less.

(3) Airports served by regularly scheduled airlines.

(4) Roads with a maximum expected traffic volume within ten years of completion of:

(A) 1440 vehicles in eight hours, or

(B) 700 vehicles in one hour.

(c) No-owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after the effective date of this subsection without first obtaining approval from the Commissioner of the location and design of such source.

(1) Application for approval to construct or modify shall be made on forms furnished by the Department of Conservation and Cultural Affairs, or by other means prescribed by the Commissioner, and shall include the following information:

(A) The name and address of the owner and/or operator.

(B) The location of the facility.

(C) The total vehicle capacity before and after the construction or modification of the facility.

(D) The normal hours of operation of the facility and the enterprises and activities which it serves.

(E) The number of people using or engaging in any enterprises or activities which the facility will serve.

(F) The maximum number of motor vehicles expected to use the facility on a one-hour and eight-hour basis.

(G) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(H) Maximum measured or estimated ambient air quality data for carbon monoxide for one- and eight-hour periods.

(I) An estimate of maximum emissions of carbon monoxide resulting from mobile source activity on the premises, calculated for one- and eight-hour periods.

(J) An estimate of the maximum one- and eight-hour concentrations of carbon monoxide occurring pursuant to subdivision (1) (I) of this subsection.

(2) A separate application is required for each indirect source.

(3) Each application shall be signed by the owner or operator, which signature shall constitute an agreement that the applicant will assume responsibility for the construction, modification or operation of the source in accordance with applicable rules and regulations, and the design submitted in the application.

(4) Any additional information, plans, specification, evidence or documentation that the Commissioner may require shall be furnished upon request.

(d) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Commissioner that:

(1) The source will be operated without causing a violation of the control strategy which is part of the applicable plan.

(2) The emissions resulting from the mobile source activity associated with the facility will not prevent or interfere with the attainment or maintenance of the national ambient air quality standard for carbon monoxide.

(e) Within 30 days after receipt of an application, the Commissioner of Conservation and Cultural Affairs will notify the public by prominent advertisement in the local news media, of the opportunity for public comment on the information submitted by the owner or operator.

(1) Such information, including the Commissioner's analysis of the effect of the facility on air quality and the Commissioner's proposed approval or disapproval, will be available in at least one location in the region affected.

(2) Public comments submitted within 30 days of the date such information is made available will be considered by the Commissioner in making his final decision on the application.

(3) The Commissioner will make final decision on the application within 30 days after the close of the public comment period. The Commissioner will notify the applicant in writing of his approval, conditional approval, or denial of the application, and will set forth his reasons for conditional approval or denial.

(f) The Commissioner may impose any reasonable conditions on an approval, including conditions requiring the source owner or operator to conduct ambient air quality monitoring in the vicinity of the site of the source for a reasonable period prior to commencement of construction or modification, and/or for any specified period after the facility has commenced operation.

(g) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable plan.

FEDERALLY PROMULGATED
REGULATIONS

52.2775 Review of New Sources and Modifications

(g) Regulation for review of new sources and modifications

(1) This requirement is applicable to any stationary source subject to review under section 206-30 of Chapter 9, Title 12 of the Virgin Islands' Code or 40 CFR 52.2775 (f).

(2) Within 30 days after receipt of an application, the Commissioner of the Department of Conservation and Cultural Affairs, will notify the public, by prominent advertisement in the local news media, of the opportunity for public comment on the information submitted by the owner of operator.

(i) Such information, together with the Commissioner's analysis of the effect of the construction or modification on air quality including the Commissioner's proposed approval or disapproval, will be available in at least one location in the affected region.

(ii) Written public comments submitted within 30 days of the date such information is made available will be considered by the Commissioner in making his final decision on the application.

(iii) The Commissioner will make a final decision on the application within 30 days after the close of the public comment period. The Commissioner will notify the applicant in writing of his approval, conditional approval, or disapproval of the application and will set forth his reasons for conditional approval or disapproval.

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