

CAA, including those State submittals for ozone transport areas within the States {see 57 FR 13498 (April 16, 1992) ["SIP: General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990"], 57 FR 18070 (April 28, 1992) ["Appendices to the General Preamble"], and 57 FR 55620 (November 25, 1992) ["SIP: NO<sub>x</sub> Supplement to the General Preamble"]}.

EPA also issued a draft guidance document describing the requirements for the emission statement programs discussed in this action, entitled "Guidance on the Implementation of an Emission Statement Program" (July, 1992). The Agency is also conducting a rulemaking process to modify Title 40, Part 51 of the CFR to reflect the requirements of the emission statement program.

Section 182 of the Act sets out a graduated control program for ozone nonattainment areas. Section 182(a) sets out requirements applicable in marginal ozone nonattainment areas, which are also made applicable by section 182 (b), (c), (d), and (e) to all other ozone nonattainment areas. Among the requirements in section 182(a) is a program for stationary sources to prepare and submit to the State each year emission statements certifying their actual emissions of VOCs and NO<sub>x</sub>. This section of the Act provides that the States are to submit a revision to their SIPs by November 15, 1992 establishing this emission statement program.

If a source emits either VOC or NO<sub>x</sub> at or above the designated minimum reporting level, the other pollutant should be included in the emission statement, even if it is emitted at levels below the specified cutoffs.

States may waive, with EPA approval, the requirement for an emission statement for classes or categories of sources with less than 25 tons per year of actual plant-wide NO<sub>x</sub> or VOC emissions in nonattainment areas if the class or category is included in the base year and periodic inventories and emissions are calculated using emission factors established by EPA (such as those found in EPA publication AP-42) or other methods acceptable to EPA. Emissions from stationary sources that emit less than 25 tons per year of VOC and NO<sub>x</sub> are included in Virginia's base year emission inventory and must be also included in the periodic emission inventories.

At minimum, the emission statement data should include:

- Certification of data accuracy;
- Source identification information;
- Operating schedule;

- Emissions information (to include annual and typical ozone season day emissions);
- Control equipment information; and
- Process data.

EPA developed emission statements data elements to be consistent with other source and State reporting requirements. This consistency is essential to assist States with quality assurance for emission estimates and to facilitate consolidation of all EPA reporting requirements.

## II. EPA's Evaluation of the Commonwealth's Submittal

### A. Procedural Background

The Commonwealth of Virginia held public hearings on July 22, 1992, for the purpose of soliciting public comment on proposed regulatory revisions concerning emission statements for stationary sources. The regulatory revisions were adopted on October 30, 1992, submitted to EPA on November 4, 1992 as a proposed revision to the SIP, and became effective in the Commonwealth of Virginia on January 1, 1993.

### B. Components of Virginia's Emission Statement Program

There are several key and specific components of an acceptable emission statement program. Specifically, the State must submit a revision to its SIP which consists of an emission statement program which meets the minimum requirements for reporting by the sources and the State. For the emission statement program to be approvable, the state's SIP must include, at a minimum, definitions and provisions for applicability, compliance, and specific source reporting requirements and reporting forms.

Virginia's revision consists of amendments to Title VR 120-01 Regulations for the Control and Abatement of Air Pollution, specifically to add paragraph B to section 120-02-31, Registration, and to add Appendix S, which cross-references document AQP-8, Procedures for Preparing and Submitting Emission Statements for Stationary Sources.

Section 120-02-31, requires that owners of stationary sources report the levels of emissions from the sources emitting VOCs and NO<sub>x</sub>, in order to assess compliance with emission and air quality standards and to track emission reductions necessary to attain the ozone National Ambient Air Quality Standard (NAAQS). This requirement applies to existing, modified, or new stationary sources that emit 25 tons per year (TPY) or more of VOCs or NO<sub>x</sub>, and are

located in any ozone nonattainment area. The upper portion of White Top Mountain is the only area in Smyth County which is an ozone nonattainment area. Because there are no emission sources in this nonattainment area, the Commonwealth has excluded it from emission statement requirements.

Under the Commonwealth's regulation, sources' annual emission statements are due by April 15 of each year, beginning in 1993, for the emissions discharged during the previous calendar year. Section 120-02-31, Appendix S, Air Quality Program Policies and Procedures describes specifically how emission statements shall be prepared.

### C. Enforceability

The Commonwealth of Virginia has a provision in its SIP which ensures that the emission statement requirements of Section 182(a)(3)(B) and Sections 184(b)(2) and 182(f) of the CAA as required by VR 120-01, section 120-02-31, are adequately enforced. Once EPA completes the rulemaking process approving the Virginia's Emission Statement program as part of the SIP, it will be federally enforceable.

EPA has determined that the submittal made by the Commonwealth of Virginia satisfies the relevant requirements of the CAA and EPA's guidance document, "Guidance on the Implementation of an Emission Statement Program" (July 1992). EPA's detailed review of Virginia's Emission Statement is contained in a Technical Support Document (TSD) which is available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this notice.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective July 3, 1995 unless, by June 1, 1995, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such