

30 SEP 1977

Honorable Cyril E. King  
Governor of the Virgin Islands  
of the United States  
Charlotte Amalie  
St. Thomas, Virgin Islands 00801

Dear Governor King:

This is to acknowledge receipt of your August 29, 1977 request for EPA to reconsider for approval a proposed revision to the Virgin Islands Implementation Plan.

The proposed plan revision consists of the revised regulation, 12 V.I.C. Section 204-26, "Sulfur Compounds Emission Control," which relaxes from 0.5 percent to 1.5 percent the allowable sulfur content of fuel oil used at the Virgin Islands Water and Power Authority's Christiansted Power Plant.

Although the revised regulation includes a provision to relax the previous sulfur content limitation to 1.5 percent for all sources located on St. Croix, based on your request we will review the revised regulation only as it pertains to the Christiansted Power Plant. Thus, our approval/disapproval action will relate only to this facility.

We intend to announce in the Federal Register receipt of your request for plan revision as soon as possible. After publication, the time necessary for public comment and internal processing involves a minimum of 60-days before final action can be taken. In the period during which the plan revision is being processed, up to when our final action is published, no interim approval of your request is possible. To do so would be to violate the Clean Air Act.

However, please be assured that your revision request will be handled as quickly as possible.

Sincerely yours,

Eckardt C. Beck  
Regional Administrator

bcc: W. Baker, 2EP-AB

2EP-AB:W.BAKER:cdf:9/29/77:X2517



THE VIRGIN ISLANDS OF THE UNITED STATES  
OFFICE OF THE GOVERNOR  
CHARLOTTE AMALIE, ST. THOMAS

August 29, 1977

Rec'd  
9/14/77

Mr. Eckardt Beck  
Administrator, Region II  
Environmental Protection Agency  
26 Federal Plaza  
New York, New York 10007

Dear Mr. Beck:

It is requested that the Virgin Islands Water and Power Authority's Christiansted Power Plant be allowed to burn 1.5% sulfur fuel in lieu of the present .5%. Permission is requested since recently developed information submitted by R. W. Beck and Associates and recent air quality data collected at the EPA-DCCA south shore trailer and at the Caribe Lumber site all indicate that the use of 1.5% sulfur fuel oil will not cause or exacerbate any violation of ambient air quality standards.

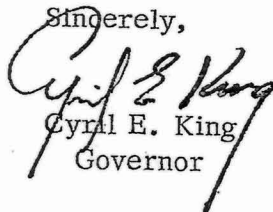
In addition, approval of the request would result in a yearly savings of \$800,000 to the Authority, all of which will be passed on to the consumers. Since sufficient and adequate justification exists, a concerted effort should be made to expedite and resolve this problem in a prompt and expeditious manner.

Transmittal of the initial and final copy of the Federal Register indicating approval would be most appreciated. This approach would keep those involved abreast of progress and provide authorization for the suppliers of fuel oil with an effective date of the revision for the use of 1.5% sulfur fuel.

Incidentally, an interim written approval would circumvent the time delay required for processing, public notice, etc., all involved with the final approval.

Your consideration and approval of this written request would be most appreciated.

Sincerely,


  
Cyril E. King  
Governor

Encl. 2


8129171

R E G U L A T I O N 204-26

Copy below is hereby certified to be a true and correct copy of regulations  
adopted pursuant to authority granted in 12 V.I.C. Section 204(a) by:

  
VIRDIN C. BROWN  
Commissioner, Conservation and  
Cultural Affairs

APPROVED:

  
CYRIL E. KING  
Governor

## Chapter 9 - Air Pollution Control

### Subchapter 204 - Air Pollution Control Regulations

#### Sections:

- 204-20 Definition of terms
- 204-21 Regulations to Control Open Burning
- 204-22 Regulations to Control Emission of Visible Air Contaminants
- 204-23 Regulations Governing Emission of Particulate Matter
- 204-24 Storage of Petroleum or Other Volatile Products
- 204-25 Preventing Particulate Matter from Becoming Airborne
- 204-26 Sulfur Compounds Emission Control - Revision
- 204-27 Air Pollution Nuisances Prohibited
- 204-28 Internal Combustion Engine Limits
- 204-29 Upset, Breakdown or Scheduled Maintenance
- 204-30 Circumvention
- 204-31 Duty to Report Discontinuance or Dismantlement
- 204-32 Variance Clauses

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 emission occurs, provided such property, from the emission point to the 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: (i) a total combined rated heat input capacity greater than 8 million BTU/hr. residual fuel oil with a sulfur content by weight in excess of the value listed in Table 1; (ii) a total combined rated heat input capacity less than or equal to 8 million BTU/hr, residual fuel oil with a sulfur content by weight in excess of 2.0%. For purposes of this paragraph "total combined rated heat input capacity" shall be the sum of the rated heat input capacities of all air contamination sources burning residual fuel oil.

Table 1

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

Effective Date	St. Croix	St. Thomas	St. John
As of Effective Date of this Section	1.5	2.0	2.0

No person who, prior to January 1, 1974, burned other than residual fuel oil for combustion purposes shall use residual 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.

No person shall sell, offer for sale, purchase for use in or use in any air contamination source fuel other than residual fuel oil if such fuel contains in excess of 1.0% sulfur by weight.

All new sources must meet the EPA requirements for new source performance standards and must comply with nondegradation criteria. The Commissioner may require fuel oil samples or certification of fuel oil being combusted.

(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.

(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 five 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. 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 Section 204-26(c) (1) shall not apply when 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.

(d) Authorized Exceptions

(1) The Commissioner may authorize a source to use fuel oil with a sulfur content higher than that established by Section (a) (2) hereof, pursuant to the exemption provisions of Title 12, Chapter 9, Section 211 of the Virgin Islands Code, or, under the provisions of this subsection. Exceptions may be granted under this



subsection in the event --

(A) An industrial process or atmospheric pollution control equipment or both will result in the removal of sulfur compounds from combustion gases emitted by the source, and as a result of such removal, sulfur compound emissions from the source will not exceed those that would result if the fuel required by Section (a) (2) was used without such removal, or

(B) Such source reasonably demonstrates with acceptable computations verified by substantially accurate and reliable measured scientific data, which data is based upon use of the fuel specified in subsection (a) (2) of this section, that use of fuel oil with a higher sulfur content than that established in subsection (a) (2) hereof will not contravene subsection (a) (1) hereof, which demonstration may be based upon the results of changes in operating conditions or changes in configuration.

(2) Such authorization shall be granted by the Commissioner only by means of a permit or compliance plan that specifies the maximum percentage of sulfur in fuel, by weight, and the appropriate operating conditions which are authorized for such source. Such exception shall not be effective until it has been approved by the Administrator of the Environmental Protection Agency.

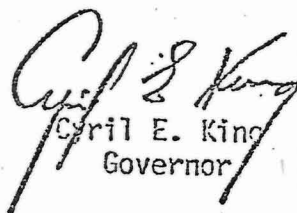


THE VIRGIN ISLANDS OF THE UNITED STATES  
OFFICE OF THE GOVERNOR  
CHARLOTTE AMALIE, ST. THOMAS

CERTIFICATE

I, Cyril E. King, Governor of the Virgin Islands of the United States, do hereby certify and affirm that:

PURSUANT to the authority vested in me under Section 938 of Title 3 of the Virgin Islands Code, because of compelling circumstances, the public interest requires the revised regulation on sulfur compounds emission control, 12 V.I.R. & R. 204-26, a copy of which is attached hereto and of which I do approve, to become effective on this date, without the delay of prior publication. The compelling circumstance is the high cost of 0.5% sulfur content fuel oil to users in the Virgin Islands, which cost is ultimately borne by the residents of the Virgin Islands. Factors from without the Virgin Islands, inflation and oil price escalation, require this revision to be made and made effective immediately.

  
Cyril E. King  
Governor

DATE: January 19, 1976



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

*Department of Conservation and Cultural Affairs*

P. O. Box 4340  
CHARLOTTE AMALIE, ST. THOMAS

August 16, 1977

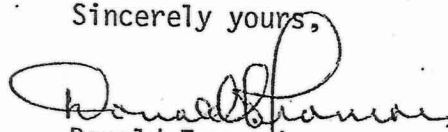
Mr. William Baker  
Chief  
Air Programs Branch  
Environmental Protection Agency  
Region II  
26 Federal Plaza  
New York, New York 10007

Dear Mr. Baker:

Attached is an advanced copy of the package prepared for the Governor's signature requesting permission for the Christiansted Power Plant to burn 1.5% Sulfur Fuel.

I will be on vacation from August 22nd thru September 9th.  
However, I would appreciate your efforts in processing the request.

Sincerely yours,

  
Donald Francois  
Assistant Director