

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Subject: Regulation VI - To Prevent and Control Air Pollution From
Combustion of Refuse

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FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 7/30/69



WEST VIRGINIA
AIR POLLUTION CONTROL COMMISSION

4108 MACCORKLE AVENUE, S. E.
CHARLESTON, WEST VIRGINIA 25304
TELEPHONE: 348-2275

July 30, 1969

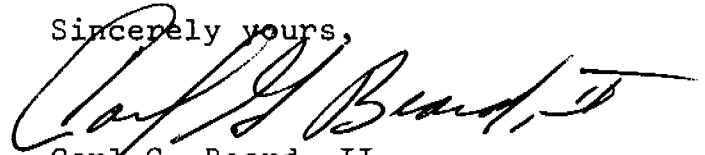
The Honorable John D. Rockefeller, IV
Secretary of State
State Capitol Building
Charleston, West Virginia

Dear Mr. Rockefeller:

Attached are the original and one copy of Regulation VI, "To Prevent and Control Air Pollution From Combustion of Refuse", for file in your office as required by law.

The Regulation was adopted by the West Virginia Air Pollution Control Commission at their meeting on July 22, and becomes effective September 1, 1969.

Sincerely yours,



Carl G. Beard, II
Director

CGB/mfj

Attachments (2)

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SECRETARY OF STATE
THIS DATE 7/30/69

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Air Pollution Control Commission

Chapter 16-20
Series VI
(1969)

Subject: Regulation VI - To Prevent and Control Air Pollution From
Combustion of Refuse.

Section 1. Intent and Purpose.

1.01. Neither compliance with the provisions of this Regulation nor the absence of specific language to cover particular situations constitutes approval or implies consent or condonement of any emission which is released in any locality in such manner or amount as to cause or contribute to undesirable levels of air contaminants. Neither does it exempt nor excuse anyone from complying with other applicable laws, ordinances, regulations or orders of governmental entities having jurisdiction.

1.02. All persons engaged in any form of combustion of refuse shall give careful consideration to the effects of the resultant emissions on the air quality of the area(s) affected by such burning. Important considerations include but are not limited to the location and time of burning, the type of material being burned and the potential emissions and the prevailing meteorological conditions. Persons failing to give due consideration to these factors will be in violation of this Regulation.

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SECRETARY OF STATE
THIS DATE 11/30/69

- 1.03. It is the intent of the Commission that all incorporated areas and other local governmental entities prohibit open burning and develop alternative methods for disposal of waste material. If such action is not taken in any air basin, air quality control region or other such areas as the Commission may designate, then such action may be taken by the Commission to insure compliance with air quality standards.

Section 2. Definitions.

- 2.01. "Air Pollution", 'statutory air pollution' shall have the meaning ascribed to it in Chapter Sixteen, Article Twenty, Section Two of the Code of West Virginia, as amended.
- 2.02. "Commission" shall mean the West Virginia Air Pollution Control Commission.
- 2.03. "Person" shall mean any and all persons, natural or artificial, including any municipal, public or private corporation organized or existing under the law of this or any other state or county, and any firm, partnership or association of whatever nature.
- 2.04. "Particulate Matter" shall mean any material, except uncombined water, that exists in a finely divided form as a liquid or solid.
- 2.05. "Smoke" shall mean small gasborne and airborne particles emitted as the result of the combustion of refuse in sufficient numbers to be visible.

- 2.06. "Ringelmann Smoke Chart" shall mean the Ringelmann's Scale for Grading the Density of Smoke, published by the U. S. Bureau of Mines, or any chart, recorder, indicator, device or method which is a standardized method for the measurement of smoke density and is approved by the Commission as the equivalent of said Ringelmann Chart.
- 2.07. "Air Pollution Control Equipment" shall mean any equipment used for collecting or converting gasborne particulate or gaseous materials for the purpose of preventing or reducing emission of these materials into the open air.
- 2.08. "Incineration" shall mean the destruction of combustible refuse by burning in a furnace designed for that purpose. For the purposes of this Regulation, the destruction of any combustible liquid or gaseous material by burning in a flare/flare stack shall be considered incineration.
- 2.09. "Incinerator" shall mean any device used to accomplish incineration.
- 2.10. "Flare", 'flare stack' shall mean and include a combustion source normally comprised of but not limited to a length of stack or pipe which has an attached burner mechanism designed to destroy liquid or gaseous material with an open or semi-enclosed flame.
- 2.11. "Open Burning" shall mean the combustion of refuse whereby the gaseous products of combustion are not conveyed through man-made means from one point to another and are discharged directly to the open air.

- 2.12. "Refuse" shall mean the useless and/or unwanted or discarded solid, liquid and/or gaseous waste materials resulting from community, commercial, industrial or citizen activities.
- 2.13. "Construction and Demolition Wastes" shall mean combustible waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures.
- 2.14. "Incinerator Capacity" shall be the manufacturer's or designer's guaranteed maximum charging rate or such other rate as may be determined by the Director in accordance with good engineering practices. In case of conflict the determination by the Director shall govern. For the purposes of this Regulation the total of the capacities of all furnaces within one system shall be considered as the "incinerator capacity".

Other words and phrases used in this Regulation, unless otherwise indicated, shall have the meaning ascribed to them in Chapter Sixteen, Article Twenty, Section Two of the Code of West Virginia, 1931, as amended.

Section 3. Open Burning Prohibited.

3.01. General Provisions

The open burning of refuse for the purpose of volume reduction, elimination or product recovery by any person, firm, corporation, association or public agency is prohibited except for the following exemptions:

(a) Vegetation grown on the premises of a home or farm, provided that there is compliance with the provisions of Sub-Section 1.02, and the health, safety, comfort and property of persons are protected from the effects of such burning.

(b) Fires set for the purpose of bona fide instruction and training of public and industrial employees in the methods of fighting fires, provided that approval to conduct such burning is received from the Director or his duly authorized representative.

(c) Open burning of construction and demolition wastes, provided that all the following conditions are met:

- (1) There is no practical alternate method for the disposal of the material to be burned;
- (2) The health, safety, comfort and property of persons are protected from the effects of such burning;
- (3) Such burning shall not be conducted for salvage purposes; and,
- (4) In non-rural areas approval to conduct such burning is received from the Director or his duly authorized representative.

(d) Backyard open burning for the reduction of refuse produced on the premises as long as the amount does not exceed that weight normally produced by the everyday living habits of one (1) family, until such families are serviced by a municipal or private refuse collection service.

3.02. The exemptions listed in Sub-Section 3.01 are subject to the following stipulation:

Upon notification by the Director, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Director may deem necessary and feasible.

Section 4. Emission Standards for Incinerators and Incineration.

4.01. Unless authorized by the Commission, no person shall cause, suffer, allow or permit particulate matter to be discharged from an incinerator into the open air in excess of the quantity determined by use of the following formula:

$$\text{Emissions (lb/hr)} = F \times \text{Incinerator Capacity (tons/hr)}$$

where the Factor, F, is as indicated in Table I below:

Table I: Factor, F, for Determining Maximum Allowable
Particulate Emissions

Incinerator Capacity	F Factor
A. 200 lbs/hr or less	8.25
B. More than 200 lbs/hr but less than 15,000 lbs/hr	5.43
C. 15,000 lbs/hr or greater	2.72

4.02. Emission of Visible Particulate Matter

No person shall cause, suffer, allow or permit emission of smoke into the atmosphere from any incinerator which is as dark or darker in shade or appearance than that designated as No. 1 on the Ringelmann Smoke Chart or the equivalent opacity of this Ringelmann number.

4.03. The provisions of Sub-Section 4.02 shall not apply to smoke, the shade or appearance of which is less than No. 2 on the Ringelmann Smoke Chart or the equivalent opacity of this Ringelmann number, for a period or periods aggregating no more than eight (8) minutes per start-up, or six (6) minutes in any 60-minute period for stoking operations.

4.04. No person shall cause, suffer, allow or permit the emission of particles of unburned or partially burned refuse or ash from any incinerator which are large enough to be individually distinguished in the open air.

4.05. Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.

4.06. Incineration of Residues and Hazardous Materials

Persons responsible for the incineration of hazardous materials such as insecticides, empty insecticide containers, toxic materials, certain chemical residues, explosives, used bandages and other medical wastes, pathological wastes, human and animal remains and other like materials shall give the

utmost care and consideration to the potential harmful effects of the emissions resulting from such activities. Evaluation of these facilities as to adequacy, efficiency and emission potential will be made on an individual basis by the Commission, working in conjunction with other appropriate governmental agencies.

Section 5. Registration.

5.01. Registration of Existing Incinerators

Within sixty (60) days after the effective date of this Regulation, all persons owning, operating or constructing incinerators within the State shall register with the Commission on forms to be made available by the Commission. The Director may require any such reasonable information as he may specify.

5.02. Registration of New Incinerators

New incinerators shall be considered duly registered when the owner and/or operator thereof has received from the Director written approval of the plans and specifications submitted, pursuant to the requirements of Section 6.

5.03. Registration of Incinerator Modifications

When incinerators are to be modified by changes in charging method, auxiliary fuel, air pollution control equipment or like changes which significantly affect the emission characteristics of the incinerator, such proposed changes shall be registered with the Commission no later than thirty (30) days prior to their being made.

Section 6. New Incinerator Plan Review.

Plans and specifications for proposed incinerators are to be submitted to the Director at least sixty (60) days prior to construction for review and approval. These plans and specifications shall include any such reasonable information as the Director may specify.

Section 7. Reports and Testing.

- 7.01. At such reasonable times as the Director may designate, the operator of an incinerator may be required to conduct or have conducted stack tests to determine the dust loading in exhaust gases, when the Director has reason to believe that the stack emission limitation is being violated. Such tests shall be conducted in such manner as the Director may specify and be filed on forms and in a manner acceptable to the Director. The Director, or his duly authorized representative, may at his option witness or conduct such stack tests. Should the Director exercise his option to conduct such tests, the operator will provide all the necessary sampling connections and sampling ports to be located in such manner as the Director may require, power for test equipment and the required safety equipment such as scaffolding, railings and ladders to comply with generally accepted good safety practices.
- 7.02. The Director, or his duly authorized representative, may conduct such other tests as he may deem necessary to evaluate air pollution emissions other than those noted above.

Section 8. Variances.

8.01. If it can be demonstrated to the Commission that the disposal of certain materials by any method other than burning leads to ground water contamination, then the person responsible for the disposal of such materials shall submit to the Commission within sixty (60) days a program leading to the construction of a suitable incinerator. If such program is accepted by the Commission, the person shall not be in violation as long as the program is observed.

8.02. Due to unavoidable malfunctions of equipment and/or non-availability of repair parts, emissions exceeding those provided for in this Regulation may be permitted by the Director. Application for such variance shall be made within 24 hours of the malfunction or within such time period as the Director may specify. These variances shall be valid for such time periods as the Director may specify.

8.03. Control Program Variance

The owner or operator of an incinerator or an open burning operation in existence on the effective date of this Regulation that does not meet the Regulation requirements shall submit a control program to the Commission. This program shall be submitted upon the request of and within such time as shall be fixed by the Commission, and after said program has been approved by the Commission, the owner or operator of such incinerator or open burning operation shall not be in violation of this Regulation so long as the program is observed.

Section 9. Effective Date.

Regulation VI shall become effective September 1, 1969.