

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: WV Air Pollution Control Commission TITLE NUMBER: 45CSR7

AMENDMENT TO AN EXISTING RULE: YES X, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45CSR7

TITLE OF RULE BEING AMENDED: "Prevent and Control Particulate Air
Pollution from Manufacturing Process Operations"

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

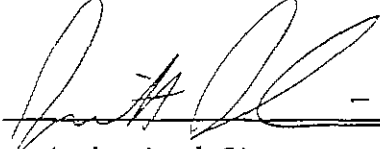
TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 1005

SECTION 64-3-1(dd), PASSED ON March 16, 1994

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 27, 1994


Authorized Signature

LEGISLATIVE HISTORY ABSTRACT

45CSR7

PREVENT AND CONTROL PARTICULATE AIR POLLUTION FROM MANUFACTURING PROCESS OPERATIONS

Division of Environmental Protection
Office of Air Quality
West Virginia Air Pollution Control Commission
Senate Bill 1005, Section 64-3-1(dd)

June 02, 1993	Initial Filing with Secretary of State
June 03, 1993	Initial Filing with Legislative Rule-Making Review Committee
July 06, 1993	Held Public Hearing
Aug 09, 1993	Continuation Date of Public Hearing
Sept 29, 1993	Continuation Date of Public Hearing
Oct 07, 1993	Agency Approved Rule Filed with Secretary of State
Oct 07, 1993	Agency Approved Rule Filed with Legislative Rule-Making Review Committee
Oct 19, 1993	The Legislative Rule-Making Review Committee recommended that the West Virginia Legislature Authorize the Agency to Promulgate Legislative Rule 45 CSR 7 as Originally Filed.
March 16, 1994	Passed the West Virginia Legislature
April 06, 1994	Governor Signed Senate Bill 1005
April 26, 1994	Public Hearing for Final Filing of Legislative Rule
April 26, 1994	Final Filing with Secretary of State
April 26, 1994	Effective Date of Rule

45CSR7

TITLE 45
LEGISLATIVE RULES
AIR POLLUTION CONTROL COMMISSION

SERIES 7
TO PREVENT AND CONTROL PARTICULATE AIR POLLUTION
FROM MANUFACTURING PROCESS OPERATIONS

§45-7-1. General.

1.1. Scope. -- The purpose of Series 7 is to prevent and control particulate air pollution from manufacturing process operations.

1.2. Authority. -- W. Va. Code §16-20-5

1.3. Filing Date. -- April 17, 1993

1.4. Effective Date. -- May 27, 1983

§45-7-2. Definitions.

2.1. "Air Pollution", 'statutory air pollution' shall have the meaning ascribed to it in ~~section two, article twenty, chapter sixteen of the Code of West Virginia, as amended~~ W. Va. Code §16-20-2, as amended.

2.2. "Commission" ~~shall means~~ the West Virginia Air Pollution Control Commission.

2.3. "Director" shall mean the Director of the ~~West Virginia Air Pollution Control Commission~~ Division of Environmental Protection or his or her designated representative.

2.4. "Person" ~~shall means~~ any and all persons, natural or artificial, including the State of West Virginia or any other state and all agencies or divisions thereof, any state political subdivision, the United States of America, any municipal, statutory, public or private corporation organized or existing under the laws of this or any other state or country, and any firm, partnership or association of whatever nature.

2.5. "Particulate Matter" ~~shall means~~ any material, except uncombined water, that exists in a finely divided form as a liquid or solid.

2.6. "Smoke" ~~shall means~~ small gasborne and airborne particulate matter emitted in sufficient numbers to be visible.

2.7. "Opacity" ~~shall means~~ the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

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2.8. "Ringelmann Smoke Chart" ~~shall be means~~ shall mean the Ringelmann's Scale for Grading the Density of Smoke published by the United States Bureau of Mines or any chart, recorder, indicator, or device which is standardized method for the measurement of smoke density which is approved by the ~~Commission Chief~~ Commissioner as the equivalent of said Ringelmann Scale.

2.9. "Fugitive Particulate Matter" ~~shall means~~ shall mean any and all particulate matter generated by any manufacturing process which, if not confined, would be emitted directly into the open air from points other than a stack outlet.

2.10. "Fuel" ~~shall means~~ shall mean any form of combustible matter (solid, liquid, vapor, or gas) that is used as a source of heat.

2.11. "Air Pollution Control Equipment" ~~shall means~~ shall mean any equipment used for collecting or converting smoke and/or particulate matter for the purpose of preventing or reducing emission of these materials into the open air.

2.12. "Standard Conditions" ~~shall means~~ shall mean for the purposes of this ~~regulation rule~~ regulation a temperature of 68 degrees F and a pressure of 29.92 inches of mercury column.

2.13. "Stack" for the purpose of this ~~regulation rule~~ regulation, ~~shall means~~ shall mean but not be limited to any duct, control equipment exhaust, or similar apparatus, which is designed to vent gases containing particulate matter into the open air.

2.14. "Plant" ~~shall means~~ shall mean and includes all equipment, grounds, source operations, and any manufacturing process(es) utilized in an integral complex.

2.15. "Manufacturing Process" ~~shall means~~ shall mean any action, operation or treatment embracing chemical, industrial, or manufacturing efforts, and employing, for example, heat treating furnaces, by-product coke plants, core-baking ovens, mixing kettles, cupolas, blast furnaces, open hearth furnaces, heating and reheating furnaces, puddling furnaces, sintering plants, electric steel furnaces, ferrous and non-ferrous foundries, kilns, stills, driers, crushers, grinders, roasters, and equipment used in connection therewith, and all other methods or forms of manufacturing or processing that may emit smoke, particulate matter, or gaseous matter.

2.16. "Process Weight" ~~shall means~~ shall mean that total weight of all materials introduced into a source operation, excluding solid, liquid, and gaseous fuels used solely as fuels, and excluding all process and combustion air.

2.17. "Process Weight Rate" ~~shall means~~ shall mean a rate established as follows:

(a)a. 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.

(b)b. 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.

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.

2.18. "Physical Change" ~~shall means~~ for the purpose of this ~~regulation~~rule, any change in a substance which does not change the properties of the substance. Such changes include but are not limited to crushing, grinding, drying, change of state and sizing.

2.19. "Chemical Change" ~~shall means~~ for the purposes of this ~~regulation~~rule, any change in a substance which does change the properties of the substance and by which a new substance is formed.

2.20. "Source Operation" ~~shall means~~ the last operation in a manufacturing process preceding the emission of air contaminants which operation:

(a)a. Results in the separation of air contaminants from the process materials or in the conversion of the process materials into air contaminants, and

(b)b. Is not an air pollution abatement operation.

2.21. "A Duplicate Source Operation" ~~shall means~~ any combination of two (2) or more individual source operations of any size that have the same nomenclature, either formerly adopted and/or commonly sanctioned by usage such as but not limited to two or more rotary driers, basic oxygen furnaces, or electric arc furnaces contained in the same plant.

2.22. "Source Operation Type" ~~shall means~~ a categorization established as follows:

(a)a. Type 'a' ~~shall means~~ any manufacturing process source operation involving glass melting, calcination or physical change except as noted in Type 'c' below.

(b)b. Type 'b' ~~shall means~~ any metallurgical manufacturing process source operation. Gray iron cupolas located in the counties of Brooke, Hancock, Ohio, Marshall, and Kanawha; and the Magisterial Districts of Valley (Fayette County), Scott and Pocatalico (Putnam County), Tygart (Wood County), and Union and Winfield (Marion County west of I-79) shall be classified as Type 'b' source operations.

~~(e)~~c. Type 'c' shall means any wet cement manufacturing process source operation which is used for the primary purpose of calcination. Gray iron cupolas located in the areas of the state other than those defined in subsection 2.22**(b)**.b shall be classified as Type 'c' source operations.

~~(d)~~d. Type 'd' shall means any manufacturing process source operation in which materials of any origin undergo a chemical change unless otherwise classified.

Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of source operation type, the interpretation of the ~~Commission~~Chief shall apply.

2.23. "By-Product Coke Production Facility" shall means the production of coke by the destructive distillation of coal in recovery type ovens in which gaseous and liquid distillates are separated and recovered as by-products, and includes any on-site coal preparation, charging, coking, coke pushing, hot coke transfer, coke quenching, coke handling and the separation and preparation of distillates.

2.24. "Non-Recovery Coke Production Facility" shall means the destructive distillation of coal in which the gaseous and liquid distillates are separated from coal, but not recovered as by-products, and includes any on-site coal preparation, charging, coking, coke pushing, hot coke transfer, coke quenching and coke handling.

2.25. "Offtake Piping" shall means the piping that transports gaseous by-products of the coking cycle from an oven to the coke oven gas collector main, such as standpipes, standpipe caps, goosenecks and slipjoints.

2.26. "Coke Battery Topside" shall means the top of the coke battery including, but not necessarily limited to, charging ports, charging port lids, inspection lids, refractory ceiling, offtake piping and the coke oven gas collector main.

2.27. "Topside Emissions" shall means any smoke and/or particulate matter emissions from one or more points on the topside of a coke oven battery excluding charging emissions.

2.28. "Charging Operation" shall means any operation or procedure by which coal is introduced into a coke oven. For coke oven batteries employing larry cars, the charging operation shall begin when the gate(s) on the larry car coal hopper is (are) opened or the mechanical feeders start the flow of coal into the first charging port(s) until the oven is completely charged and the last charging port lid is seated.

2.29. "Charging Port" shall means any opening through which coal is, or may be, introduced into a coke oven, whether or not such opening is regularly used for that purpose.

2.30. "Charging Emissions" ~~shall means~~ any smoke and/or particulate matter emissions from one or more charging ports, space between charging port rings and oven refractory, drop sleeves, larry car hoppers, or emissions from any devices used for the capture and cleaning of emissions resulting from charging operations but shall not include emissions resulting from the temporary removal of a charging port lid for the purpose of sweeping coal spillage into the oven just charged after all lids have been seated over the charging ports following removal of the larry car.

2.31. "Pushing Operation" ~~shall means~~ the removal of coke from a coke oven and shall begin when the coke mass starts to move and shall continue until the coke transfer car enters the quenching station.

2.32. "Pushing Emissions" ~~shall means~~ any smoke and/or particulate matter emissions resulting from the pushing operation.

2.33. "Transport Emissions" ~~shall means~~ any smoke and/or particulate matter emissions which are emitted once the transport of the hot coke begins during the pushing operation and continues until the coke transfer car enters the quenching station.

2.34. "Door Area" ~~shall means~~ the vertical face of a coke oven between two adjacent buckstays.

2.35. "Door Area Emissions" ~~shall means~~ any smoke and/or particulate matter emissions from any door area including, but not limited to, emissions from the door, chuck door, door seal, jamb, or refractory.

2.36. "Quenching Operation" ~~shall means~~ the process by which the combustion of hot coke is stopped by application of water or any other procedure achieving the same effect.

2.37. "Quenching Emissions" ~~shall means~~ any smoke and/or particulate matter emissions resulting from the quenching operation.

2.38. "Ferroalloy Electric Submerged Arc Furnace" means any furnace used in production of ferroalloys wherein electrical energy is converted to heat energy by transmission of current between electrodes partially submerged in the furnace charge.

2.39. "Furnace Charge" means any material introduced into a ferroalloy electric submerged arc furnace, and may consist of, but is not limited to, ores, slag, carbonaceous material, and limestone.

2.40. "Tapping" means the removal of product and slag from a ferroalloy electric submerged arc furnace under normal operating conditions, such as removal of metal under normal pressure and movement by gravity down the spout into a ladle.

2.41. "Blowing Tap" means any tap associated with ferroalloy submerged arc furnace in which an evolution of gas forces or projects jets of flame or metal sparks beyond the ladle, runner, or collection hood.

2.42. "Poling" shall mean pushing a log timer into the furnace taphole to clear slag from the furnace tapping channel associated with operation of a ferroalloy electric submerged arc furnace.

2.43. "Oxygen Lancing" shall mean the burning open of a taphole to remove slag or product from the taphole associated with operations of a ferroalloy electric submerged arc furnace.

2.44. "Chief of Air Quality" or "Chief" means the Chief of the Office of Air Quality or his or her designated representative appointed by the Director of the Division of Environmental Protection pursuant to the provisions of W. Va. Code §22-1-1, et seq., as amended.

2.45. "Division of Environmental Protection" or "DEP" means that division of the West Virginia Department of Commerce, Labor, and Environmental Resources which is created by the provisions of W. Va. Code §22-1-1, et seq., as amended.

Other words and phrases used in this regulationrule, unless otherwise indicated, shall have the meaning ascribed to them in ~~section two, article twenty, chapter sixteen of the Code of West Virginia, as amended~~ W. Va. Code §16-20-1, et seq., as amended.

§45-7-3. Emission of Smoke and/or Particulate Matter Prohibited and Standards of Measurement.

3.1. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any process source operation which is darker in shade or appearance than that designated as No. 1 Ringelmann or twenty (20) percent opacity, except as noted in subsections 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7.

3.2. The provisions of subsection 3.1 shall not apply to smoke and/or particulate matter emitted from any process source operation which is less than No. 2 Ringelmann or forty (40) percent opacity for any period or periods aggregating no more than five (5) minutes in any sixty (60) minute period.

3.3. No person shall cause, suffer, allow, or permit the emission of smoke and/or particulate matter into the open air in excess of the following provisions from the operation of a by-product coke production facility in production on the effective date of this regulationrule or a by-product coke production facility which is constructed as a replacement for a by-product coke production facility which shut down not more than three (3) years prior to the effective date of this regulationrule:

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(a)a. Charging emissions from charging of any four consecutive ovens shall not exceed an aggregate time of more than one hundred (100) seconds.

(b)b. Pushing emissions from pushing shall be vented into air pollution control equipment. Particulate matter emissions discharged from this air pollution control equipment shall not exceed a mass particulate rate as determined by the following formula:

$$E = C^{.09}$$

Where E = particulate matter emissions rate in pounds per push and
C = actual charge of coal in tons per oven.

The smoke and/or particulate matter emissions discharged from this air pollution control equipment and noncaptured pushing emissions shall not exceed twenty percent (20%) opacity.

(c)c. Transport emissions from an enclosed quench car shall not exceed twenty percent (20%) opacity. Transport emissions from an open quench car shall not exceed ten percent (10%) opacity except that batteries employing pushing emissions control systems that were constructed prior to July 1, 1982 and which do not involve enclosed quench cars during transport shall meet the provisions of sections 3.1 and 3.2.

(d)d. Coke side sheds and similar structures used to capture pushing emissions shall be designed and operated so as to prevent the escape of smoke and/or particulate matter from points other than the stack of the air pollution control equipment.

(e)e. Coke oven topside emissions shall not exceed the following:

(1)A. No more than two percent (2%) of the charging ports or charging port lids shall have smoke and/or particulate matter emissions excluding the last oven charged.

(2)B. No more than ten percent (10%) of the off-take piping shall have smoke and/or particulate matter emissions.

(3)C. No smoke and/or particulate matter emissions are permitted from the coke oven gas collector main or any other topside point except as provided by 3.3(e)(1).e.A or 3.3(e)(2).e.B.

(f)f. No more than ten percent (10%) of the door areas of operating coke ovens shall have door area emissions, excluding the door areas representing the last oven charged.

~~(g)~~g. Quench towers shall employ as a minimum good baffle design with make-up water from the receiving stream, except that the blowdown from scrubbers of a pushing emission control system, dedicated to a specific battery, may be used as make-up water for the quench tower of that battery so long as suspended solids do not exceed two hundred (200) milligrams per liter. For batteries which this section applies the receiving stream shall be the Ohio River.

~~(h)~~h. Smoke and/or particulate matter emissions from combustion stacks shall meet the requirements of subsections 3.1 and 3.2 and shall not exceed a concentration of 0.040 grains per dry standard cubic foot.

~~(i)~~i. Good operating practices must be maintained to prevent the atmospheric entrainment of particulate matter resulting from the spillage or other deposition of coal and/or coke.

3.4. No person shall cause, suffer, allow, or permit the emission of smoke and/or particulate matter into the open air in excess of the following provisions from the operation of a new by-product coke production facility, other than a replacement by-product coke production facility that is constructed as per the provisions of subsection 3.3, that begins production after the effective date of this regulationrule:

~~(a)~~a. Charging emissions from the charging of any four (4) consecutive ovens shall not exceed an aggregate time of more than sixty (60) seconds.

~~(b)~~b. Pushing emissions from pushing shall be vented into air pollution control equipment. The particulate matter emissions discharged from this air pollution control equipment shall not exceed a mass emission rate of 0.04 lb/ton of coal charged. The smoke and/or particulate matter emissions discharged from this air pollution control equipment and non-captured pushing emissions shall not exceed twenty percent (20%) opacity.

~~(c)~~c. Transport emissions from an enclosed quench car shall not exceed twenty percent (20%) opacity. Transport emissions from an open quench car shall not exceed ten percent (10%) opacity.

~~(d)~~d. Coke side sheds and similar structures used to capture pushing and/or quenching emissions shall be designed and operated so as to prevent the escape of smoke and/or particulate matter emissions from points other than the stack of the air pollution control equipment.

~~(e)~~e. Coke oven topside emissions shall not exceed the following:

~~(i)~~A. No more than two percent (2%) of the charging ports or charging port lids shall have smoke and/or particulate matter emissions excluding the last oven charged.

(2)B. No more than five percent (5%) of the offtake piping shall have smoke and/or particulate matter emissions.

(3)C. No smoke and/or particulate matter emissions are permitted from the coke oven gas collector main or any other topside point, except as provided by 3.4(e)(1).e.A and 3.4(e)(2).e.B.

(f)f. No more than eight percent (8%) of the door areas of operating coke ovens shall have door area emissions, excluding the door areas representing the last oven charged. Any battery affected by subsection 3.4 shall be constructed in a manner that will allow for the retrofitting of the battery with hooding to capture door emissions and air pollution control equipment designed to at least a ninety percent (90%) particulate control efficiency.

(g)g. Quench towers shall employ, as a minimum, multiple row baffles and use make-up water not to exceed eight hundred (800) milligrams per liter of total dissolved solids and one hundred (100) milligrams per liter of total suspended solids.

(h)h. Smoke and/or particulate matter emissions from combustion stacks shall meet the requirements of subsections 3.1 and 3.2 and shall not exceed a grain loading of 0.025 grains per dry standard cubic foot.

(i)i. Good operating practices must be maintained to prevent the atmospheric entrainment of particulate matter resulting from the spillage or other deposition of coal/coke.

3.5. No person shall cause, suffer, allow, or permit the emission of smoke and/or particulate matter into the open air in excess of the following provisions from the operation of a non-recovery coke production facility:

(a)a. Charging emissions from charging of any five (5) consecutive ovens shall not exceed an aggregate time of more than fifty (50) seconds.

(b)b. No more than two percent (2%) of the coal charging ports shall have smoke and/or particulate matter emissions.

(c)c. No more than two percent (2%) of the coke oven doors shall have smoke and/or particulate matter emissions excluding the ovens being charged and/or pushed.

(d)d. Pushing emissions shall be vented to air pollution control equipment. The particulate matter emissions from this air pollution control equipment shall not exceed a mass emission rate as determined by the following formula:

$$E = C^{.09}$$

Where E = particulate emission rate in pounds per push and C = actual charge of coal in tons per oven.

The smoke and/or particulate matter emissions discharged from the air pollution control equipment and non-captured pushing emissions shall not exceed twenty percent (20%) opacity.

(e)e. Transport emissions from an enclosed quench car shall not exceed twenty percent (20%) opacity. Transport emissions from an open quench car shall not exceed ten percent (10%) opacity.

(f)f. Coke side sheds and similar structures used to capture pushing and/or quenching emissions, shall be designed and operated so as to prevent the escape of smoke and/or particulate matter emissions from points other than the stack of the air pollution control equipment.

(g)g. Quench towers shall employ as a minimum, multiple row baffles and use make-up water not to exceed eight hundred (800) milligrams per liter of total dissolved solids and one hundred (100) milligrams per liter of total suspended solids.

(h)h. Smoke and/or particulate matter from the combustion stack shall meet the requirements of subsections 3.1 and 3.2. The particulate emissions rate from combustion stacks shall not be greater than 0.060 grains per dry standard cubic foot or 1.0 lb/ton of coal charged, whichever is most restrictive.

(i)i. Good operating practices must be maintained to prevent the atmospheric entrainment of particulate matter resulting from the spillage or other deposition of coal and/or coke.

3.6. The provisions of subsections 3.1 or 3.2 shall not apply to smoke and/or particulate matter emitted from the roof monitor(s) of a basic oxygen process or from a blast furnace cast house. The following provisions will apply:

(a)a. Visible emissions from a basic oxygen process roof monitor shall not exceed twenty percent (20%) opacity except for a period or periods aggregating no more than three (3) minutes in any sixty (60) minute period where the average opacity for the aggregated period shall not exceed forty percent (40%) opacity.

(b)b. Visible emissions from a blast furnace cast house shall not exceed twenty percent (20%) opacity except for a period or periods aggregating no more than five (5) minutes in any sixty (60) minute period where the average opacity for the aggregated period shall not exceed forty percent (40%) opacity.

3.7. No person shall cause, suffer, allow, or permit emissions of smoke and/or particulate matter into the open air from any storage structure associated with any manufacturing process.

§45-7-4. Control and Prohibition of Particulate Emissions by Weight from Manufacturing Process Source Operations.

4.1. No person shall cause, suffer, allow, or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified under the appropriate source operation type in Table 45-7A found at the end of this regulationrule.

4.2. Mineral acids shall not be released from any type source operation or duplicate source operation or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity given in Table 45-7B found at the end of this regulationrule.

4.3. No person shall circumvent the provisions of this regulationrule by adding additional gas to any exhaust or group of exhausts for the purpose of reducing the stack gas concentration.

4.4. If a duplicate source operation that meets the requirements of this regulationrule is expanded or if a source operation that meets the requirements of this regulationrule is expanded to form a duplicate source operation, the total allowable emission rate for the expanded portion shall be determined by the following formula:

$$R_e = \left(\frac{W_e}{W_{et}} \right) R_{et}$$

Where,

R_e is the total allowable emission rate in pounds per hour for the new expanded portion of the duplicate source operation;

W_{et} is the total operating process weight rate in pounds per hour of the source operation or duplicate source operation prior to expansion plus the operating process weight rate of the new expanded portion;

R_{et} is allowable emission rate in pounds per hour found in subsection 4.1 opposite the process weight rate, W_{et} ;

W_e is the operating process weight rate in pounds per hour for the new expanded portion.

4.5. Separate stack emission rates for the new expanded portions of concern in subsection 4.4 shall be calculated as per subsection 4.9. The applicable stack emission rate(s) so calculated shall be additive with the existing emission rate for any stack used to vent both an existing source operation or duplicate source operation(s) and addition(s) or portion(s) thereof.

4.6. The operating process weight for new plants which will contain duplicate source operations shall include the total process weight of those duplicate units to be installed during the initial five (5) year operating period.

4.7. Except as noted in subsection 4.8, the increase of the operating process weight rate of any manufacturing process source operation or duplicate source operation by the operation of new, replacement, reactivated, and/or altered source operation(s) shall be considered as an expansion and the allowable emission rates from the source operation(s) which resulted in the increase shall be determined as per subsection 4.4.

4.8. (a) a. Type 'b' duplicate source operations whose air pollution control equipment efficiency is a minimum of ninety-nine percent (99%) by weight and whose total process weight rate is less than two hundred fifty thousand (250,000) pounds per hour shall be exempted from the requirements of subsection 4.1 provided that smoke emitted into the open air from any such duplicate source operation is not as dark or darker in shade or appearance than that designated as No. 1 Ringelmann or twenty percent (20%) opacity. If a duplicate source operation is expanded by the addition of a new source operation(s) and the total operating process weight rate is then greater than two hundred fifty thousand (250,000) pounds per hour, the allowable emission rates from the source operation which resulted in the increase above two hundred fifty thousand (250,000) pounds per hour shall be determined as per subsection 4.4.

(b) b. Primary aluminum reduction potlines which are equipped with a fluidized bed reactor or other similar gas cleaning device which utilizes particulate matter as a media or as a component of a media for collecting or reducing the emissions of gaseous fluorides, shall be exempted from the requirements of subsections 4.1 and 4.4 provided that:

(1) A. At least ninety-nine percent (99%) of the gaseous fluoride is removed from the exit gas stream by such device prior to discharging the cleaned gas stream to the open air; and

(2) B. The particulate matter loading in the exit gas stream is not greater than 0.01 grains per standard cubic foot of dry stack gas; and

(3) C. The smoke emitted into the open air from any such duplicate source operation is not as dark or darker in shade or appearance than that designated as No. 1 Ringelmann or twenty percent (20%) opacity. If a duplicate source operation is expanded by the addition of new source operation(s) and the total operating process weight rate is then greater than two hundred fifty thousand (250,000) pounds per hour, the allowable emission rates from the source operation which resulted in the increase above two hundred fifty thousand (250,000) pounds per hour shall be determined as per subsection 4.4.

~~(e)~~c. ~~(1)~~A. The emissions of gaseous fluorides and particulate fluorides from prebake cells within an existing primary aluminum plant in operation on or before January 26, 1976, shall be controlled by a system for continuous emission reduction which system shall achieve at least ninety percent (90%) fluoride emissions capture efficiency through its primary collection system and at least ninety-nine percent (99%) fluoride emissions removal efficiency through its primary removal system; and

~~(2)~~B. Anode butts from such a plant which are recycled in an on-site anode bake plant shall be cleaned as necessary to minimize adherent fluoride bearing bath material.

4.9. Where more than one source operation or combinations thereof, which are part of a duplicate source operation, are vented through separate stacks, the allowable stack emission rates for the separate stacks shall be determined by the following formula:

$$R_s = R_t \left(\frac{W_s}{W_t} \right)$$

Where,

R_s is the allowable stack emission rate for the separate stack venting the source operation(s) in question;

R_t is the total allowable emission rate for the duplicate source operation;

W_s is the operating process weight rate for the source operation(s) vented through the separate stack;

W_t is the total operating process weight rate for the duplicate source operation.

4.10. The provisions of subsections 4.1, 4.4 and 4.9 shall not apply to the coking of coal.

4.11. The provisions of subsection 4.1 shall not apply to sinter processes, basic oxygen processes, blast furnace cast house operations, machine scarfing operations and hot metal transfer operations employed in the manufacturing of steel. The following provisions shall apply:

~~(a)~~a. ~~(1)~~A. Particulate matter emissions shall not exceed a concentration of 0.030 grains per dry standard cubic foot from a sinter strand windbox.

~~(2)~~B. Particulate matter emissions shall not exceed a concentration of 0.020 grains per dry standard cubic foot from a sinter strand discharge.

(3)C. Particulate matter emissions shall not exceed a concentration of 0.020 grains per dry standard cubic foot from the entry and exit ends of a sinter cooler.

(b)b.(1)A. Particulate matter emissions from the stack of the main (primary) air pollution control equipment of a basic oxygen process, including emissions from fuel firing in an integral waste heat boiler, shall not exceed 0.11 lbs/ton of steel produced.

(2)B. Particulate matter emissions from basic oxygen process secondary air pollution control equipment shall not exceed a concentration of 0.020 grains per dry standard cubic foot. The air pollution control device shall capture and control emissions from hot metal and scrap charging, tapping, turndown, slagging, and as required to control slopping emissions.

(e)c. Particulate matter emissions from any blast furnace cast house air pollution control equipment shall not exceed a concentration of 0.020 grains per dry standard cubic foot.

(d)d. Particulate matter emissions shall not exceed a concentration of 0.040 grains per dry standard cubic foot from hot metal transfer from torpedo car to BOF charging ladle during periods when hot metal transfer is actually performed.

(e)e. Particulate matter emissions shall not exceed a concentration of 0.030 grains per dry standard cubic foot from a machine scarfing operation during periods in which scarfing is actually being performed.

4.12. The provisions of subsections 4.1, 4.4 and 4.9 shall not apply to petroleum coke calcining kilns in existence on April 1, 1982, provided that particulate matter vented into the open air from each kiln, measured in pounds per hour, shall not exceed the amounts as determined by the following formulas:

(a)a. When manufacturing regular (amorphous) coke:

$$E = 3.64P^{0.67}$$

Where E = allowable emission rate and P = the process weight rate in tons per hour, provided, however, that no kiln manufacturing regular (amorphous) coke shall exceed a maximum emission rate of fifty (50) pounds per hour.

(b)b. When manufacturing graphite (crystalline) coke:

$$E = 16.89P^{0.67}$$

Where E = allowable emission rate in pounds per hour, and P = process weight rate in tons per hour, provided, however, that no kiln manufacturing graphite (crystalline) coke shall exceed a maximum emissions rate of two hundred (200) pounds per hour.

Provided further that each such kiln is equipped with an incinerator that will be operated at a temperature of not less than 1600 degrees F and have a residence time of twelve (12) seconds or longer when calcining regular coke and twenty-four (24) seconds or longer when calcining graphite coke, and provided further that, in the event a plant has more than one kiln, such plant shall be operated so that only one (1) of such kilns shall calcine graphite coke at any one time.

4.13. Any stack serving any process source operation or air pollution control equipment on any process source operation shall contain flow straightening devices or a vertical run of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures.

4.14. Potential Hazardous Material Emissions

Persons responsible for manufacturing process source operations from which hazardous particulate material may be emitted such as, but not limited to, lead, arsenic, beryllium, and other such materials shall give the utmost care and consideration to the potential harmful effects of the emissions resulting from such activities. Evaluations of these facilities as to adequacy, efficiency and emission potential will be made on an individual basis by the ~~Commission~~ Chief working in conjunction with other appropriate governmental agencies.

§45-7-5. Control of Fugitive Particulate Matter.

5.1. No person shall cause, suffer, allow, or permit any manufacturing process generating fugitive particulate matter to operate that is not equipped with a system to minimize the emissions of fugitive particulate matter. To minimize means that a particulate capture or suppression system shall be installed to ensure the lowest fugitive particulate emissions reasonably achievable.

5.2. The owner or operator of a plant shall maintain dust control of the plant premises, and plant owned, leased or controlled access roads, by paving, application of asphalt, chemical dust suppressants or other suitable dust control measures. Good operating practices shall be implemented and when necessary dust suppressants shall be applied in relation to stockpiling and general material handling to prevent dust generation and atmospheric entrainment.

5.3. The provisions of sections 3.1, 3.2, and 5.1 shall not apply to particulate matter emitted from the operation of a ferroalloy electric submerged arc furnace in existence prior to June 1, 1993 during blowing taphole events, poling, and oxygen lancing operations. Poling emissions shall not exceed five (5) minutes in duration during any poling operation.

§45-7-6. Registration.

After the effective date of this regulationrule all persons owning and/or operating an existing manufacturing process source operation not previously registered shall register such source operation with the CommissionChief. The information required for registration shall be determined by the DirectorChief, and shall be provided in the manner specified by the DirectorChief.

§45-7-7. Permits.

No person shall construct, modify, or relocate any manufacturing process source operation without first obtaining a permit in accordance with the provisions of ~~section eleven-b, article twenty, chapter twenty of the Code of West Virginia~~ W. Va. Code §16-20-1, et, seq., as amended, and Series 13 and 19 of this agency.

§45-7-8. Report and Testing.

8.1. At such reasonable times as the DirectorChief may designate the operator of any manufacturing process source operation may be required to conduct or have conducted stack tests to determine the particulate matter loading in exhaust gases when the DirectorChief has reason to believe that the stack emission limitations(s) is/are being violated. Such tests shall be conducted in such manner as the DirectorChief may specify and be filed on forms and in a manner acceptable to the DirectorChief. The DirectorChief, or his duly authorized representative, may at his option witness or conduct such stack tests. Should the DirectorChief 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 DirectorChief 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.

8.2. The DirectorChief, or his duly authorized representative, may conduct such other tests as he or she may deem necessary to evaluate air pollution emissions.

§45-7-9. Compliance Programs and Schedules.

9.1. In the event that process equipment or operations in existence prior to the adoption of this regulationrule do not meet the emission limitations, an acceptable program to fully comply with the regulationrule shall be developed and offered to the CommissionChief by the person responsible for the installation. This program shall be submitted upon the request of and within such time as shall be fixed by the CommissionChief. Once this program has been approved by the CommissionChief, the owner and/or operator of such installation shall not be in violation of this regulationrule so long as the approved or amended program is observed. Compliance programs, schedules, and variances that have previously been issued by the CommissionChief under Series 7 (1974) shall remain in effect until the expiration date of that compliance program, schedule, or variance.

9.2. In the event that an owner or operator of such process equipment fails to submit a program or an acceptable program and schedule, the ~~Commission~~Chief shall, by order, determine the compliance program and schedule.

\$45-7-10. Variance.

Due to unavoidable malfunction of equipment, emissions exceeding those provided for in this ~~regulation~~rule may be permitted by the ~~Director~~Chief for periods not to exceed ten (10) days upon specific application to the ~~Director~~Chief. Such application shall be made within twenty-four (24) hours of the malfunction. In cases of major equipment failure, additional time periods may be granted by the ~~Commission~~Chief provided a corrective program has been submitted by the owner or operator and approved by the ~~Commission~~Chief.

\$45-7-11. Exemptions.

Provisions of this ~~regulation~~rule shall not apply to particulate emissions regulated by Series 2, 3, 5 and 6 or to internal combustion engines, aircraft, and air entrained particulate matter from public or private carriers.

45CSR7

TABLE 45-7A

Operating Source Operation
or Total Duplicate Source
Operation Process Weight
Rate in Pounds Per Hour¹

Maximum Allowable Total Stack
Emission Rate in Pounds Per
Hour For the Appropriate Pro-
cess Weight and Source
Operation Type¹

	Type 'a'	Type 'b'	Type 'c'	Type 'd' ²
0	0	0	0	0
2,500	3	3	9	0.2
5,000	5	5	13	0.8
10,000	10	10	19	1.8
20,000	16	16	26	4.0
30,000	22	22	32	6.2
40,000	28	28	36	8.3
50,000	31	31	40	10.5
100,000	33	33	54	21.2
200,000	37	37	70	21.2
300,000	40	40	80	21.2
400,000	43	46	88	21.2
500,000	47	53	94	21.2
600,000	50	62	99	21.2
700,000	50	71	99	21.2
800,000	50	79	99	21.2
900,000	50	88	99	21.2
1,800,000 and above	50	176	99	21.2

1. For a process weight between any two consecutive process weights stated in this table, the emission limitation shall be determined by linear interpolation.

2. Type 'd' source operation stack emission rates do not apply to MINERAL ACIDS. See subsection 4.2.

45CSR7

TABLE 45-7B

Mineral Acid	Allowable Stack Gas Concentration in Milligrams Per Dry Cubic Meter at Stan- dard Conditions from Source Operations or Duplicate Source Operations in Exis- tence on the Effect- ive Date of this <u>Regulation Rule</u>	Allowable Stack Gas Concentration in Milligrams Per Dry Cubic Meter at Stan- dard Conditions from Source Operations or Duplicate Source Operations Installed After the Effective Date of this <u>Regulation Rule</u>
Sulfuric Acid Mist	70	35
Nitric Acid Mist and/or Vapor	140	70
Hydrochloric Acid Mist and/or Vapor	420	210
Phosphoric Acid Mist and/or Vapor	6	3

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B

H. B. 4219

(By Delegates Gallagher, Douglas, Compton,
Huntwork, Burk and Faircloth
(Introduced January 31, 1994; referred to the
Committee on the Judiciary.)

A BILL to amend and reenact section one, article three, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the air pollution control commission to promulgate legislative rules relating to the prevention and control of particulate air pollution from manufacturing process operations.

Be it enacted by the Legislature of West Virginia:

That section one, article three, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. . AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-3-1. Air pollution control commission.

(a) The legislative rules filed in the state register on the thirteenth day of August, one thousand nine hundred eighty-two,

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1 relating to the air pollution control commission (series VII),
2 are authorized.

3 (b) The legislative rules filed in the state register on the
4 thirteenth day of August, one thousand nine hundred eighty-two,
5 relating to the air pollution control commission (series XIX),
6 are authorized.

7 (c) The legislative rules filed in the state register on the
8 sixteenth day of November, one thousand nine hundred
9 eighty-three, relating to the air pollution control commission
10 (emission standards for hazardous air pollutants) (series XV),
11 are authorized.

12 (d) The legislative rules filed in the state register on the
13 sixteenth day of November, one thousand nine hundred
14 eighty-three, relating to the air pollution control commission
15 (standards of performance for new stationary sources) (series
16 XVI), are authorized.

17 (e) The legislative rules filed in the state register on the
18 sixth day of January, one thousand nine hundred eighty-four,
19 relating to the air pollution control commission (to prevent and
20 control air pollution from hazardous waste treatment, storage or
21 disposal facilities) (series XXV), are authorized with the
22 amendments set forth below:

23 Page 3, §1.06, change the § title from "Enforcement" to
24 "Procedure"; place an "(a)" in front of the existing paragraph
25 and add the following:

1 "(b) Permit applications filed pursuant to this regulation
2 shall be processed in accordance with the permitting procedures
3 as set forth in code §20-5E of this regulation. Permit
4 procedures set forth in code §16-20 and any other regulation of
5 this commission are not applicable to any permit application
6 filed pursuant to this regulation."

7 Such rules shall also include a section which shall read as
8 follows:

9 "The commission shall report to the legislative rule-making
10 review committee as required by that committee, but in no event
11 later than the first day of the regular session of the
12 Legislature in the year one thousand nine hundred eighty-five.
13 Such report shall include information regarding the commission's
14 data gathering efforts, the development of compliance programs,
15 the progress in implementation, and such other matters as the
16 committee may require, pertaining to the regulations hereby
17 authorized."

18 (f) The legislative rules filed in the state register on the
19 ninth day of January, one thousand nine hundred eighty-four,
20 relating to the air pollution control commission (permits for
21 construction and modification of stationary sources of air
22 pollution for the prevention of significant deterioration)
23 (series XIV), are authorized.

24 (g) The legislative rules filed in the state register on the
25 thirtieth day of December, one thousand nine hundred

1 eighty-eight, modified by the air pollution control commission to
2 meet the objections of the legislative rule-making review
3 committee and refiled in the state register on the twenty-third
4 day of February, one thousand nine hundred eighty-nine, relating
5 to the air pollution control commission (prevention and control
6 of air pollution from hazardous waste treatment, storage or
7 disposal facilities), are authorized.

8 (h) The legislative rules filed in the state register on the
9 thirtieth day of December, one thousand nine hundred
10 eighty-eight, modified by the air pollution control commission to
11 meet the objections of the legislative rule-making review
12 committee and refiled in the state register on the twenty-third
13 day of February, one thousand nine hundred eighty-nine, relating
14 to the air pollution control commission (good engineering
15 practice as applicable to stack heights), are authorized.

16 (i) The legislative rules filed in the state register on the
17 thirtieth day of December, one thousand nine hundred
18 eighty-eight, modified by the air pollution control commission to
19 meet the objections of the legislative rule-making review
20 committee and refiled in the state register on the twenty-third
21 day of February, one thousand nine hundred eighty-nine, relating
22 to the air pollution control commission (TP-2, compliance test
23 procedures for regulation 2 -- to prevent and control particulate
24 air pollution from combustion of fuel in indirect heat
25 exchangers), are authorized.

1 (j) The legislative rules filed in the state register on the
2 sixth day of September, one thousand nine hundred eighty-nine,
3 modified by the air pollution control commission to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the tenth day of January, one
6 thousand nine hundred ninety, relating to the air pollution
7 control commission (ambient air quality standards for sulfur
8 oxides and particulate matter), are authorized.

9 (k) The legislative rules filed in the state register on the
10 sixth day of September, one thousand nine hundred eighty-nine,
11 modified by the air pollution control commission to meet the
12 objections of the legislative rule-making review committee and
13 refiled in the state register on the tenth day of January, one
14 thousand nine hundred ninety, relating to the air pollution
15 control commission (prevention of air pollution emergency
16 episodes), are authorized.

17 (l) The legislative rules filed in the state register on the
18 sixth day of September, one thousand nine hundred eighty-nine,
19 modified by the air pollution control commission to meet the
20 objections of the legislative rule-making review committee and
21 refiled in the state register on the tenth day of January, one
22 thousand nine hundred ninety, relating to the air pollution
23 control commission (permits for construction and major
24 modification of major stationary sources of air pollution for
25 the prevention of significant deterioration), are authorized.

1 (m) The legislative rules filed in the state register on the
2 sixth day of September, one thousand nine hundred eighty-nine,
3 relating to the air pollution control commission (standards of
4 performance for new stationary sources), are authorized.

5 (n) The legislative rules filed in the state register on the
6 sixth day of September, one thousand nine hundred eighty-nine,
7 relating to the air pollution control commission (emission
8 standards for hazardous air pollutants), are authorized.

9 (o) The legislative rules filed in the state register on the
10 sixteenth day of October, one thousand nine hundred eighty-nine,
11 modified by the air pollution control commission to meet the
12 objections of the legislative rule-making review committee and
13 refiled in the state register on the tenth day of January, one
14 thousand nine hundred ninety, relating to the air pollution
15 control commission (prevention and control of emissions of toxic
16 air pollutants), are authorized.

17 (p) The legislative rules filed in the state register on the
18 tenth day of August, one thousand nine hundred ninety, relating
19 to the air pollution control commission (prevention and control
20 of air pollution from the emission of volatile organic compounds
21 from bulk gasoline terminals), are authorized.

22 (q) The legislative rules filed in the state register on the
23 thirteenth day of August, one thousand nine hundred ninety,
24 modified by the air pollution control commission to meet the
25 objections of the legislative rule-making review committee and

1 refiled in the state register on the fifteenth day of November,
2 one thousand nine hundred ninety, relating to the air pollution
3 control commission (air quality management fee program), are
4 authorized.

5 (r) The legislative rules filed in the state register on the
6 tenth day of August, one thousand nine hundred ninety, relating
7 to the air pollution control commission (prevention and control
8 of air pollution from the emission of volatile organic compounds
9 from the storage of petroleum liquids in fixed roof tanks), are
10 authorized.

11 (s) The legislative rules filed in the state register on the
12 tenth day of August, one thousand nine hundred ninety, relating
13 to the air pollution control commission (prevention and control
14 of air pollution from the emission of volatile organic compounds
15 from petroleum refinery sources), are authorized.

16 (t) The legislative rules filed in the state register on the
17 eighteenth day of December, one thousand nine hundred ninety-one,
18 modified by the air pollution control commission to meet the
19 objections of the legislative rule-making review committee and
20 refiled in the state register on the fifteenth day of December,
21 one thousand nine hundred ninety-two, relating to the air
22 pollution control commission (regulations to prevent and control
23 air pollution from the emission of volatile organic compounds),
24 are authorized with the amendments set forth below:

1 "On page 26, subsection §45-21-9.2, by striking all of
2 §45-21-9.2 and inserting in lieu thereof a new §45-21-9.2, to
3 read as follows:

4 "9.2 Registration. -- Within thirty (30) days after May 31,
5 1993, all persons owning and/or operating a source subject to
6 this regulation and not previously registered shall have
7 registered such source(s) with the chief: Provided, That on a
8 case-by-case basis, the chief may extend the 30-day period for
9 the registration of sources to allow sources up to one hundred
10 eighty (180) days after May 31, 1993 to register. The
11 information required for registration shall be determined and
12 provided in the manner specified by the chief. Registration
13 forms shall be requested from the chief by the owner or operator
14 of such source(s)."

15 And,

16 "On page fifty-six, subsection §45-21-20.5a by striking out
17 all of line "a" and its equivalent column and inserting in lieu
18 thereof the words "a = Surface area coated per day in terms of
19 square meters divided by 100 or surface area coated per day in
20 terms of square feet divided by 1000."

21 And,

22 "On page one hundred eighty-three, subsection §45-21-40.2
23 after the words "control technology (RACT) in section" by
24 striking the numbers "2.57." and inserting in lieu thereof the
25 numbers "2.60."

1 (u) The legislative rules filed in the state register on the
2 eighteenth day of September, one thousand nine hundred
3 ninety-two, relating to the air pollution control commission
4 (confidential information), are authorized.

5 (v) The legislative rules filed in the state register on the
6 eighteenth day of September, one thousand nine hundred
7 ninety-two, relating to the air pollution control commission
8 (serious and minor violations of applicable rules), are
9 authorized.

10 (w) The legislative rules filed in the state register on the
11 thirty-first day of August, one thousand nine hundred ninety-two,
12 relating to the air pollution control commission (permits for
13 construction and major modification of major stationary sources
14 of air pollution for the prevention of significant
15 deterioration), are authorized with the amendments set forth
16 below:

17 "On page fourteen, subsection §45.13.6.5 after the word
18 "[W]ithin" by striking the word "twelve(12)" and inserting in
19 lieu thereof the word "six(6)".

20 (x) The legislative rules filed in the state register on the
21 twenty-eighth day of August, one thousand nine hundred
22 ninety-two, modified by the air pollution control commission to
23 meet the objections of the legislative rule-making review
24 committee and refiled in the state register on the nineteenth day
25 of February, one thousand nine hundred ninety-three, relating to

1 the air pollution control commission (regulations to prevent and
2 control air pollution from the operation of coal preparation
3 plants and coal handling operations), are authorized.

4 (y) The legislative rules filed in the state register on the
5 thirty-first day of August, one thousand nine hundred ninety-two,
6 modified by the air pollution control commission to meet the
7 objections of the legislative rule-making review committee and
8 refiled in the state register on the nineteenth day of February,
9 one thousand nine hundred ninety-three, relating to the air
10 pollution control commission (requirements for pre-construction
11 review, determination of emission offsets for proposed new or
12 modified stationary sources of air pollutants and emission
13 trading for intrasource pollutants), are authorized with
14 amendments set forth below:

15 "On page twenty-one, subsection §45.19.12.5 after the word
16 "[W]ithin" by striking the word "twelve (12)" and inserting in
17 lieu thereof the word "six(6)".

18 (z) The legislative rules filed in the state register on the
19 twenty-eighth day of August, one thousand nine hundred
20 ninety-two, modified by the air pollution control commission to
21 meet the objections of the legislative rule-making review
22 committee and refiled in the state register on the nineteenth day
23 of February, one thousand nine hundred ninety-three, relating to
24 the air pollution control commission (requiring the submission of
25 emission statements for volatile organic compound emissions and

1 oxides of nitrogen emissions), are authorized with the amendments
2 set forth below:

3 "On page four, section 2.27. after the words 'VOC or' by
4 striking out the words '100 tons per year or more of'".

5 (aa) The legislative rules filed in the state register on the
6 seventh day of October, one thousand nine hundred ninety-three,
7 relating to the air pollution control commission (to prevent and
8 control particulate air pollution from manufacturing process
9 operations), are authorized.

10

11 NOTE: The purpose of this bill is to authorize the Air
12 Pollution Control Commission to promulgate legislative rules
13 relating to the prevention and control of particulate air
14 pollution from manufacturing process operations.

15
16 Strike-throughs indicate language that would be stricken from
17 the present law, and underscoring indicates new language that
18 would be added.

SENATE BILL NO. 150

(By Senators Anderson, Grubb, Macnaughtan and
Minard)

[Introduced January 31, 1994; referred to the
~~Committee on~~

EIM

Indefinite

A BILL to amend and reenact section one, article three, chapter
sixty-four of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to authorizing the
air pollution control commission to promulgate legislative
rules relating to the prevention and control of particulate
air pollution from manufacturing process operations.

Be it enacted by the Legislature of West Virginia:

That section one, article three, chapter sixty-four of the
code of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted to read as follows:

ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND
ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-3-1. Air pollution control commission.

(a) The legislative rules filed in the state register on the
thirteenth day of August, one thousand nine hundred eighty-two,

1 relating to the air pollution control commission (series VII),
2 are authorized.

3 (b) The legislative rules filed in the state register on the
4 thirteenth day of August, one thousand nine hundred eighty-two,
5 relating to the air pollution control commission (series XIX),
6 are authorized.

7 (c) The legislative rules filed in the state register on the
8 sixteenth day of November, one thousand nine hundred
9 eighty-three, relating to the air pollution control commission
10 (emission standards for hazardous air pollutants) (series XV),
11 are authorized.

12 (d) The legislative rules filed in the state register on the
13 sixteenth day of November, one thousand nine hundred
14 eighty-three, relating to the air pollution control commission
15 (standards of performance for new stationary sources) (series
16 XVI), are authorized.

17 (e) The legislative rules filed in the state register on the
18 sixth day of January, one thousand nine hundred eighty-four,
19 relating to the air pollution control commission (to prevent and
20 control air pollution from hazardous waste treatment, storage or
21 disposal facilities) (series XXV), are authorized with the
22 amendments set forth below:

23 Page 3, §1.06, change the § title from "Enforcement" to
24 "Procedure"; place an "(a)" in front of the existing paragraph
25 and add the following:

1 "(b) Permit applications filed pursuant to this regulation
2 shall be processed in accordance with the permitting procedures
3 as set forth in code §20-5E of this regulation. Permit
4 procedures set forth in code §16-20 and any other regulation of
5 this commission are not applicable to any permit application
6 filed pursuant to this regulation."

7 Such rules shall also include a section which shall read as
8 follows:

9 "The commission shall report to the legislative rule-making
10 review committee as required by that committee, but in no event
11 later than the first day of the regular session of the
12 Legislature in the year one thousand nine hundred eighty-five.
13 Such report shall include information regarding the commission's
14 data gathering efforts, the development of compliance programs,
15 the progress in implementation, and such other matters as the
16 committee may require, pertaining to the regulations hereby
17 authorized."

18 (f) The legislative rules filed in the state register on the
19 ninth day of January, one thousand nine hundred eighty-four,
20 relating to the air pollution control commission (permits for
21 construction and modification of stationary sources of air
22 pollution for the prevention of significant deterioration)
23 (series XIV), are authorized.

24 (g) The legislative rules filed in the state register on the
25 thirtieth day of December, one thousand nine hundred

1 eighty-eight, modified by the air pollution control commission to
2 meet the objections of the legislative rule-making review
3 committee and refiled in the state register on the twenty-third
4 day of February, one thousand nine hundred eighty-nine, relating
5 to the air pollution control commission (prevention and control
6 of air pollution from hazardous waste treatment, storage or
7 disposal facilities), are authorized.

8 (h) The legislative rules filed in the state register on the
9 thirtieth day of December, one thousand nine hundred
10 eighty-eight, modified by the air pollution control commission to
11 meet the objections of the legislative rule-making review
12 committee and refiled in the state register on the twenty-third
13 day of February, one thousand nine hundred eighty-nine, relating
14 to the air pollution control commission (good engineering
15 practice as applicable to stack heights), are authorized.

16 (i) The legislative rules filed in the state register on the
17 thirtieth day of December, one thousand nine hundred
18 eighty-eight, modified by the air pollution control commission to
19 meet the objections of the legislative rule-making review
20 committee and refiled in the state register on the twenty-third
21 day of February, one thousand nine hundred eighty-nine, relating
22 to the air pollution control commission (TP-2, compliance test
23 procedures for regulation 2 -- to prevent and control particulate
24 air pollution from combustion of fuel in indirect heat
25 exchangers), are authorized.

1 (j) The legislative rules filed in the state register on the
2 sixth day of September, one thousand nine hundred eighty-nine,
3 modified by the air pollution control commission to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the tenth day of January, one
6 thousand nine hundred ninety, relating to the air pollution
7 control commission (ambient air quality standards for sulfur
8 oxides and particulate matter), are authorized.

9 (k) The legislative rules filed in the state register on the
10 sixth day of September, one thousand nine hundred eighty-nine,
11 modified by the air pollution control commission to meet the
12 objections of the legislative rule-making review committee and
13 refiled in the state register on the tenth day of January, one
14 thousand nine hundred ninety, relating to the air pollution
15 control commission (prevention of air pollution emergency
16 episodes), are authorized.

17 (l) The legislative rules filed in the state register on the
18 sixth day of September, one thousand nine hundred eighty-nine,
19 modified by the air pollution control commission to meet the
20 objections of the legislative rule-making review committee and
21 refiled in the state register on the tenth day of January, one
22 thousand nine hundred ninety, relating to the air pollution
23 control commission (permits for construction and major
24 modification of major stationary sources of air pollution for
25 the prevention of significant deterioration), are authorized.

1 (m) The legislative rules filed in the state register on the
2 sixth day of September, one thousand nine hundred eighty-nine,
3 relating to the air pollution control commission (standards of
4 performance for new stationary sources), are authorized.

5 (n) The legislative rules filed in the state register on the
6 sixth day of September, one thousand nine hundred eighty-nine,
7 relating to the air pollution control commission (emission
8 standards for hazardous air pollutants), are authorized.

9 (o) The legislative rules filed in the state register on the
10 sixteenth day of October, one thousand nine hundred eighty-nine,
11 modified by the air pollution control commission to meet the
12 objections of the legislative rule-making review committee and
13 refiled in the state register on the tenth day of January, one
14 thousand nine hundred ninety, relating to the air pollution
15 control commission (prevention and control of emissions of toxic
16 air pollutants), are authorized.

17 (p) The legislative rules filed in the state register on the
18 tenth day of August, one thousand nine hundred ninety, relating
19 to the air pollution control commission (prevention and control
20 of air pollution from the emission of volatile organic compounds
21 from bulk gasoline terminals), are authorized.

22 (q) The legislative rules filed in the state register on the
23 thirteenth day of August, one thousand nine hundred ninety,
24 modified by the air pollution control commission to meet the
25 objections of the legislative rule-making review committee and

1 refiled in the state register on the fifteenth day of November,
2 one thousand nine hundred ninety, relating to the air pollution
3 control commission (air quality management fee program), are
4 authorized.

5 (r) The legislative rules filed in the state register on the
6 tenth day of August, one thousand nine hundred ninety, relating
7 to the air pollution control commission (prevention and control
8 of air pollution from the emission of volatile organic compounds
9 from the storage of petroleum liquids in fixed roof tanks), are
10 authorized.

11 (s) The legislative rules filed in the state register on the
12 tenth day of August, one thousand nine hundred ninety, relating
13 to the air pollution control commission (prevention and control
14 of air pollution from the emission of volatile organic compounds
15 from petroleum refinery sources), are authorized.

16 (t) The legislative rules filed in the state register on the
17 eighteenth day of December, one thousand nine hundred ninety-one,
18 modified by the air pollution control commission to meet the
19 objections of the legislative rule-making review committee and
20 refiled in the state register on the fifteenth day of December,
21 one thousand nine hundred ninety-two, relating to the air
22 pollution control commission (regulations to prevent and control
23 air pollution from the emission of volatile organic compounds),
24 are authorized with the amendments set forth below:

1 "On page 26, subsection \$45-21-9.2, by striking all of
2 \$45-21-9.2 and inserting in lieu thereof a new \$45-21-9.2, to
3 read as follows:

4 "9.2 Registration. -- Within thirty (30) days after May 31,
5 1993, all persons owning and/or operating a source subject to
6 this regulation and not previously registered shall have
7 registered such source(s) with the chief: Provided, That on a
8 case-by-case basis, the chief may extend the 30-day period for
9 the registration of sources to allow sources up to one hundred
10 eighty (180) days after May 31, 1993 to register. The
11 information required for registration shall be determined and
12 provided in the manner specified by the chief. Registration
13 forms shall be requested from the chief by the owner or operator
14 of such source(s)."

15 And,

16 "On page fifty-six, subsection \$45-21-20.5a by striking out
17 all of line "a" and its equivalent column and inserting in lieu
18 thereof the words "a = Surface area coated per day in terms of
19 square meters divided by 100 or surface area coated per day in
20 terms of square feet divided by 1000."

21 And,

22 "On page one hundred eighty-three, subsection \$45-21-40.2
23 after the words "control technology (RACT) in section" by
24 striking the numbers "2.57." and inserting in lieu thereof the
25 numbers "2.60."

1 (u) The legislative rules filed in the state register on the
2 eighteenth day of September, one thousand nine hundred
3 ninety-two, relating to the air pollution control commission
4 (confidential information), are authorized.

5 (v) The legislative rules filed in the state register on the
6 eighteenth day of September, one thousand nine hundred
7 ninety-two, relating to the air pollution control commission
8 (serious and minor violations of applicable rules), are
9 authorized.

10 (w) The legislative rules filed in the state register on the
11 thirty-first day of August, one thousand nine hundred ninety-two,
12 relating to the air pollution control commission (permits for
13 construction and major modification of major stationary sources
14 of air pollution for the prevention of significant
15 deterioration), are authorized with the amendments set forth
16 below:

17 "On page fourteen, subsection §45.13.6.5 after the word
18 "[W]ithin" by striking the word "twelve(12)" and inserting in
19 lieu thereof the word "six(6)".

20 (x) The legislative rules filed in the state register on the
21 twenty-eighth day of August, one thousand nine hundred
22 ninety-two, modified by the air pollution control commission to
23 meet the objections of the legislative rule-making review
24 committee and refiled in the state register on the nineteenth day
25 of February, one thousand nine hundred ninety-three, relating to

1 the air pollution control commission (regulations to prevent and
2 control air pollution from the operation of coal preparation
3 plants and coal handling operations), are authorized.

4 (y) The legislative rules filed in the state register on the
5 thirty-first day of August, one thousand nine hundred ninety-two,
6 modified by the air pollution control commission to meet the
7 objections of the legislative rule-making review committee and
8 refiled in the state register on the nineteenth day of February,
9 one thousand nine hundred ninety-three, relating to the air
10 pollution control commission (requirements for pre-construction
11 review, determination of emission offsets for proposed new or
12 modified stationary sources of air pollutants and emission
13 trading for intrasource pollutants), are authorized with
14 amendments set forth below:

15 "On page twenty-one, subsection §45.19.12.5 after the word
16 "[W]ithin" by striking the word "twelve (12)" and inserting in
17 lieu thereof the word "six(6)".

18 (z) The legislative rules filed in the state register on the
19 twenty-eighth day of August, one thousand nine hundred
20 ninety-two, modified by the air pollution control commission to
21 meet the objections of the legislative rule-making review
22 committee and refiled in the state register on the nineteenth day
23 of February, one thousand nine hundred ninety-three, relating to
24 the air pollution control commission (requiring the submission of
25 emission statements for volatile organic compound emissions and

1 oxides of nitrogen emissions), are authorized with the amendments
2 set forth below:

3 "On page four, section 2.27. after the words 'VOC or' by
4 striking out the words '100 tons per year or more of'".

5 (aa) The legislative rules filed in the state register on the
6 seventh day of October, one thousand nine hundred ninety-three,
7 relating to the air pollution control commission (to prevent and
8 control particulate air pollution from manufacturing process
9 operations), are authorized.

10

11 NOTE: The purpose of this bill is to authorize the Air
12 Pollution Control Commission to promulgate legislative rules
13 relating to the prevention and control of particulate air
14 pollution from manufacturing process operations.

15

16 Strike-throughs indicate language that would be stricken from
17 the present law, and underscoring indicates new language that
18 would be added.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
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SECRETARY OF STATE

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JUDY COOPER
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(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

March 18, 1994

G. Dale Farley
Air Pollution Control Comm.
1558 Washington St. East
Charleston, WV 25311-2599

SB 1005 authorizing, Title 45, Series 7, Prevent & Control Particulate Air Pollution from Manufacturing Process Operations, passed the Legislature on March 16, 1994. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs SB 1005, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 1005** section 64-3-1(dd). The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, YOU MUST SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
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help we can get)

FAX: (304) 558-0900

TO: Tammy Mowrer

AGENCY: APCC

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 1, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 7 TITLE: 45 APCC

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Tammy S. Mowrer

TITLE OF PERSON SIGNING: Administrative Secretary

DATE: July 19, 1994

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.