



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, Carl G. Beard, II, Secretary,
Title or Position

Air Pollution Control Commission, hereby submit to record in
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- () proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- (x) ~~proposed~~ ^{temporary} rules and regulations superseding rules and regulations already on file;
- () notice of hearing;
- () findings and determinations;
- () rules and regulations; or
- (x) other - specify (**emergency regulation**)

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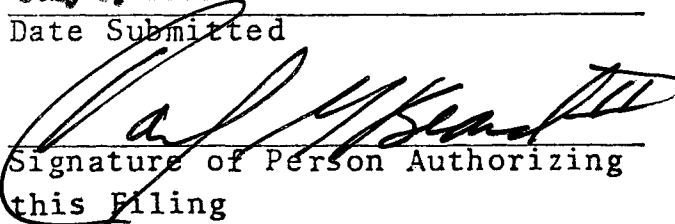
This filing pertains to

Chapter 16
Article 20
Series IX
Section _____
Page No. _____

- () proposed rules and regulations are required to go to Legislative Rule Making Committee;
- () proposed rules and regulations are excluded from Legislative Rule Making Committee;

July 5, 1979

Date Submitted


Signature of Person Authorizing
this Filing



WEST VIRGINIA
AIR POLLUTION CONTROL COMMISSION
1558 Washington Street, East
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE: 348-2275 OR 348-3286

10 JUL 5 P 1:15

MEMORANDUM
SECRETARY OF STATE

TO: The Honorable A. James Manchin
Secretary of State

FROM: Carl G. Beard, II
Secretary
Air Pollution Control Commission

DATE: July 5, 1979

SUBJ: Statement of Facts and Circumstances Constituting the
Emergency Regulation IX - "Ambient Air Quality Standards
for Carbon Monoxide, Non-Methane Hydrocarbons, and
Ozone"

This temporary regulation establishes a new ambient air quality standard for ozone of 0.12 parts per million. This new air standard is exactly the same as the United States Environmental Protection Agency ambient standard for ozone which was adopted by the Administrator of the United States Environmental Protection Agency earlier this year.

The 1977 Federal Clean Air Act mandated that states file with the United States Environmental Protection Agency revisions to State Implementation Plans on how ambient air quality standards would be achieved. These plans were to be filed not later than January 1, 1979, and approved by the United States Environmental Protection Agency by July 1, 1979. Unfortunately, the Administrator of the United States Environmental Protection Agency did not make his decision on changing the ambient ozone standard until well after January 1, 1979.

This temporary regulation, utilizing the new standard, is in line with the State Implementation Plan's ozone attainment strategy which called for the reduction of hydrocarbon emissions from petroleum refineries, tanks storing petroleum products and gasoline bulk terminal facilities. These regulations, which require the reduction of hydrocarbon emissions from such facilities, have been approved by the West Virginia Air Pollution Control Commission following public hearings, and are now on file with the Secretary of State and the Legislative Rule-Making Review Committee.

**WEST VIRGINIA
AIR POLLUTION CONTROL COMMISSION**

Memorandum
The Honorable A. James Manchin
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When the Air Pollution Control Commission held a public hearing on the proposed ambient air ozone attainment strategy on January 16, 1979, the United States Environmental Protection Agency Administrator had not yet made his decision on what that ambient standard would be. However, based on information available to the agency, the 0.12 parts per million ambient standard was one of the three hydrocarbon reduction emission strategies that was considered by the Commission.

It is mandatory that this new ambient air ozone standard be filed as quickly as possible with the U. S. Environmental Protection Agency as a temporary regulation, so that the State of West Virginia has an approvable State Implementation Plan. Public hearings will quickly be scheduled to make this regulatory change a permanent one.



Carl G. Beard, II
Secretary
Air Pollution Control Commission

CGB:kr

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Subject: Regulation IX - Ambient Air Quality Standards for Carbon
Monoxide, Non-Methane Hydrocarbons, and Ozone.

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Air Pollution Control Commission

Chapter 16-20
Series IX
~~-(1971)-~~
(1979)

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Subject: Regulation IX - Ambient Air Quality Standards for Carbon
Monoxide, Non-Methane Hydrocarbons, and ~~Photochemical~~
~~Oxidants~~ Ozone.

Section 1. Anti-Degradation Policy.

1.01. In the best interests of the State of West Virginia, it is the objective of the Commission to obtain and maintain the cleanest air possible, consistent with the best available technology.

Where the present ambient air is of better quality than the established standard, the Commission will develop long-range plans to protect the difference between the present quality and the established standards. The plans will be based upon the best available forecasts of probable land and air uses in such areas of high air quality.

The air quality of these areas will not be lowered unless it has been clearly demonstrated to the Commission that such a change is justifiable as a result of necessary economic or social development and will not result in "Statutory Air Pollution". This will require that any industrial, public, or private project

or development which could constitute a new source of air pollutants, within an area of such high air quality, provide the best practicable control available under existing technology as part of the initial project.

Section 2. Definitions.

- 2.01. "Air Pollutants", shall mean solids, liquids, or gases which, if discharged into the air, will- may result in a statutory air pollution.
- 2.02. "Air Pollution", 'statutory air pollution', shall have the meaning ascribed to it in Section Two of Chapter Sixteen, Article Twenty of the Code of West Virginia, as amended.
- 2.03. "Commission" shall mean the West Virginia Air Pollution Control Commission.
- 2.04. "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 country and any firm, partnership, or association of whatever nature.
- 2.05. "Hydrocarbons" shall mean compounds whose molecules consist of atoms of hydrogen and carbon and exist in the atmosphere in the gas phase. Specifically excluded are hydrocarbons and other organics associated only with suspended particles in the atmosphere. For purposes of these air quality standards non-methane hydrocarbons shall be taken to be the difference

between the reported total hydrocarbons and methane values obtained from an air sample.

~~2.06. "Photochemical Oxidant" shall be the term used to describe the net oxidizing ability of the ambient air. -- Oxidants are produced in the ambient air as the result of complex photochemical reactions.~~

2.06. "Ozone" shall mean the triatomic oxygen molecule (O₃), a very reactive form of oxygen.

2.07. "Standard Conditions" shall mean for the purposes of this regulation a temperature of 25°C and a pressure of 760 mm of mercury column.

2.08. "Ambient Air Quality Standards" shall mean the numerical expression of a specified concentration level for a particular air pollutant in the ambient air and the time averaging interval over which that concentration level is measured.

Section 3. Ambient Air Quality Standards.

3.01. The following air pollutant concentrations shall not be exceeded at any sampling site:

(a) Carbon Monoxide

Maximum Eight (8) Hour Concentration, 10 milligrams per cubic meter (9 ppm) - not to be exceeded more than once per year.

Maximum One (1) Hour Concentration, 40 milligrams per cubic meter (35 ppm) - not to be exceeded more than once per year.

~~(b) Photochemical Oxidants (Measured and Corrected for~~

~~Interferences Due to Nitrogen Oxides and Sulfur Dioxide)~~

~~Maximum One (1) Hour Concentration, 160 micrograms per cubic meter (0.08 ppm) — not to be exceeded more than once per year.~~

(b) Ozone

Maximum One (1) Hour Concentration (Highest single value per day), 235 micrograms per cubic meter (0.12 ppm). Violation of this standard shall occur when the average number of expected exceedances is greater than one per year based on three years data. (Reference 1).

(c) Hydrocarbons (Measured and Corrected for Methane)

Maximum Three (3) Hour Concentration, 160 micrograms per cubic meter (0.24 ppm) for the time period of 6:00 a.m. to 9:00 a.m. - not to be exceeded more than once per year.

The hydrocarbon standard is to be used as a guide in devising implementation plans to achieve oxidant ozone standards.

Section 4. Methods of Measurement.

4.01. Carbon Monoxide concentrations shall be determined by nondispersive infrared (NDIR) methods or by such other methods approved as equally or more specific, accurate, sensitive, and reproducible by the West Virginia Air Pollution Control Commission.

~~4.02. - Photochemical Oxidant concentrations shall be determined by the neutral buffered potassium iodide method as modified by Saltzman, et al, or by such other methods approved as equally or more specific, accurate, sensitive, and reproducible by the West Virginia Air Pollution Control Commission.~~

4.02. Ozone concentrations shall be determined by the chemiluminescence reaction of ozone with ethylene and calibrated by the UV photometric procedure (Reference 2), or by the boric acid potassium iodide (BAKI) method which may be used as the calibration procedure in place of the UV photometric method until August, 1980, or by such other detection and/or calibration methods approved as equally or more specific, accurate, sensitive, and reproducible by the West Virginia Air Pollution Control Commission.

4.03. Hydrocarbon concentrations shall be determined by subtraction of methane concentrations from total hydrocarbons concentrations determined by the flame ionization technique or by such other methods approved as equally or more specific, accurate, sensitive, and reproducible by the West Virginia Air Pollution Control Commission.

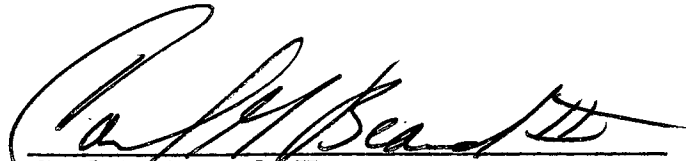
4.04. Other less specific methods of measurement may be used provided an accurate method of conversion can be developed to express the results in terms of equivalence to those that would be expected using the above methods or other more specific, accurate, sensitive, and reproducible methods approved by the West Virginia Air Pollution Control Commission.

Section 5. Effective Date.

~~Regulation IX shall become effective September 1, 1971.~~

Regulation IX shall become effective July 5, 1979.

The foregoing is a true and correct copy of the West Virginia Air
Pollution Control Commission Regulation IX adopted on the 27th day of
June, 1979.

A handwritten signature in cursive script, reading "Carl G. Beard, II". The signature is written in dark ink and is positioned above a horizontal line.

Carl G. Beard, II
Secretary
West Virginia Air Pollution Control
Commission

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Subject: Regulation IX - Ambient Air Quality Standards for Carbon
Monoxide, Non-Methane Hydrocarbons, and Ozone.

REFERENCES

¹Federal Register, "Appendix H - Interpretation of the National Ambient Air Quality Standards for Ozone", Vol. 44, No. 28 - Thursday, February 8, 1979, p. 8220, 8221.

²Federal Register, "Appendix D - Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere", Vol. 44, No. 28 - Thursday, February 8, 1979, p. 8224 - 8233.