

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
KEN HECHLER  
**ADMINISTRATIVE LAW DIVISION**

Form #1

**FILED**

JUN 2 4 33 PM '93

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF PUBLIC HEARING ON A PROPOSED RULE**

AGENCY: Air Pollution Control Commission TITLE NUMBER: 45CSR10

RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code §16-20-5

AMENDMENT TO AN EXISTING RULE: YES X NO     

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45CSR10

TITLE OF RULE BEING AMENDED: "To Prevent and Control Air Pollution from  
the Emission of Sulfur Oxides"

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:                     

TITLE OF RULE BEING PROPOSED:   

DATE OF PUBLIC HEARING: Tuesday, July 6, 1993 TIME: 9:00 a.m.

LOCATION OF PUBLIC HEARING: Office of Air Quality  
Conference Room  
1558 Washington Street, East  
Charleston, WV 25311

COMMENTS LIMITED TO: ORAL     , WRITTEN     , BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Britt A. Bernheim, Secretary

Air Pollution Control Comm.  
1615 Washington Street, East  
Charleston, WV 25311

The Department requests that persons wishing to make  
comments at the hearing make an effort to submit written  
comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

  
Britt A. Bernheim, Secretary

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## APPENDIX B

### FISCAL NOTE FOR PROPOSED RULES

Rule Title: "45CSR10 "To Prevent and Control Air Pollution from the Emissions of Sulfur Oxides"

Type of Rule:   X   Legislative            Interpretive            Procedural

Agency: Office of Air Quality

Address: 1558 Washington, Street, East  
Charleston, WV 25311-2599

1. Effect of Proposed Rule	Annual		Fiscal Year		
	Increase	Decrease	Current	Next 1993-94	1994-95
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

The proposed revision to 45CSR10 affects one current facility, Wheeling Pittsburgh Steel's coke oven batteries, as such, additional agency costs associated with one facility is negligible.

3. Objectives of these rules:

The objective of the proposed rule change is to provide time periods of outage for the desulfurization unit at the facility.

4. Explanation of overall economic impact of proposed rule.

A. Economic impact on state government.

Negligible

B. Economic impact on political subdivisions; specific industries; specific groups of citizens.

Wheeling Pittsburgh Steel Corporation has indicated that providing complete redundancy to the desulfurization unit or providing redundancy for the major process equipment involved with the desulfurization unit is economically infeasible.

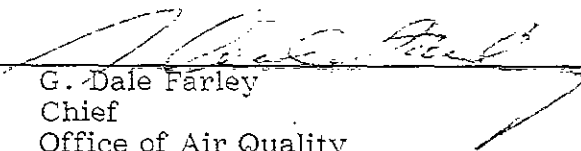
C. Economic impact on citizens/public at large.

Negligible

Date:

June 1, 1993

Signature of agency head or authorized representative:

  
G. Dale Farley  
Chief  
Office of Air Quality

## 45CSR10

### SUMMARY

45CSR10 "To Prevent and Control Air Pollution from the Emission of Sulfur Oxides" was last amended effective October 16, 1978. The rule changes to 45CSR10 have been proposed as a result of a petition to the Air Pollution Control Commission by Wheeling Pittsburgh Steel Corporation.

Wheeling Pittsburgh Steel Corporation has requested the changes to allow scheduled maintenance (including shutdown) of desulfurization equipment at its by-product coke facility. Such maintenance periods would not exceed fourteen (14) days nor occur more than twice per calendar year.

45CSR10 is part of the State Implementation Plan for West Virginia and any changes are subject to State Implementation Plan revision procedures under Title I of the Clean Air Act.

PROPOSED AMENDMENT TO 45CSR10

AFFECT OF PROPOSED AMENDMENT  
ON OTHER SECTIONS AND PROVISIONS OF THE RULE

The proposed amendment to Section 3 of 45CSR10, which has been requested by one existing coke manufacturing facility, has the affect of exempting, for limited periods, four by-product coke oven batteries from the process gas combustion limitation and associated sulfur dioxide emission limitation of Subsection 3.8.d. Such exemption could only occur under an approved plan for plant-wide reduction of sulfur dioxide emissions and mitigation of impacts on ambient air quality. No other provisions of 45CSR10 would be affected by the proposed amendment.

The affected company has requested the regulatory revision because the continued and reliable operation of its existing sulfur dioxide control system cannot be maintained. The company contends that maximum system operability can only occur if scheduled maintenance outages of the desulfurization system are allowed. Due to the nature of the process, the coke oven batteries cannot be shutdown during such maintenance outages.



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES

OFFICE OF THE SECRETARY

State Capitol, Room M-146  
Charleston, West Virginia 25305-0310  
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Fax No.: (304) 558-4983

GASTON CAPERTON  
Governor

JOHN M. RANSON  
Cabinet Secretary

June 2, 1993

Britt A. Bernheim, Secretary  
West Virginia Air Pollution  
Control Commission  
1615 Washington Street, East  
Charleston, West Virginia 25311

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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Re: 45CSR7 - "To Prevent and Control Particulate Air  
Pollution From Manufacturing Process  
Operations" and

45CSR10 - "To Prevent and Control Air Pollution From the  
Emission of Sulfur Oxides"

Dear Ms. Bernheim:

Pursuant to West Virginia Code Section 5F-2-2(a)(12), I hereby  
consent to the proposal of the rules specified above.

I am authorizing the proposal of these rules with the  
understanding that the modifications they propose will be subjected  
to public comment and scrutiny before final adoption. I understand  
that the Commission will require the affected regulated parties to  
provide adequate technical data and documentation to establish that  
the proposed changes are needed, and that they can be made without  
an unreasonable impact on air quality.

You may attach a copy of this letter to your filing with the  
Secretary of State as evidence of my consent.

Sincerely yours,

*John M. Ranson*  
John M. Ranson  
Cabinet Secretary

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45CSR10

TITLE 45  
LEGISLATIVE RULES  
AIR POLLUTION CONTROL COMMISSION

2 4 33 PM '93

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 10  
TO PREVENT AND CONTROL AIR POLLUTION  
FROM THE EMISSION OF SULFUR OXIDES

[PROPOSED AMENDMENTS TO 45CSR10: ADDITIONAL SUBSECTIONS]

3.8(g) Any owner or operator of a by-product coke production facility in existence on the effective date of this rule who can demonstrate to the Chief that there is no practical alternative to scheduled maintenance (including shutdown) of desulfurization equipment may request the approval of an enforceable, temporary sulfur dioxide emissions control and mitigation plan for such maintenance periods. In order for a plan under this paragraph to be approved by the Chief the plan must meet the following conditions:

A. Provide that all feasible control measures and process changes will be employed at the coke production facility to reduce emissions of sulfur dioxide (including reduction of coke oven gas generation) during the control system outage.

B. Provide for a definitive reduction in sulfur dioxide emissions from all other emissions units of the stationary source sufficient to prevent any violation of federal and state ambient air quality standards or applicable air quality increments for sulfur dioxide.

C. Provide that system down-time and excess sulfur dioxide emissions be reduced to the greatest extent possible by use of increased or contract maintenance personnel, maximized maintenance labor shifts, and optimization of available spare parts inventories.

D. Provide for emissions and compliance monitoring as required by the Chief in the approved plan during the maintenance periods and for the submission of reports of such monitoring and tests within time-frames specified by the Chief in the approved plan. All approved plans shall require that a certified report of excess sulfur dioxide emissions from the by-product coke production facility and offsetting emission units be submitted to the Chief within thirty (30) days after the end of the maintenance period.

E. Provide that no maintenance period exceed fourteen (14) days in length nor occur more than twice in any calendar year.

45CSR10

F. Require that the owner/operator provide at least two weeks notice of all scheduled maintenance periods, the anticipated length of the maintenance period, work to be completed, measures to be taken to minimize the length of desulfurization system down-time and such other information as the Chief may specify in the approved plan.

G. Provide for annual review and re-approval or termination of the plan by the Chief. The Chief shall, in making a determination concerning plan renewal or termination, review the plant's compliance history and records to determine whether the plan has prevented or minimized, to the extent possible, desulfurization system outages and excess emissions.