

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: WV Air Pollution Control Commission TITLE NUMBER: 45

RULE TYPE: Legislative; CITE AUTHORITY Chapter 16, Article 20,
Section 5

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 16

TITLE OF RULE BEING AMENDED: Standards of Performance For New
Stationary Sources

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

DATE OF PUBLIC HEARING: July 31, 1989 TIME: 9:15 a.m.

LOCATION OF PUBLIC HEARING: WV Air Pollution Control Commission
1558 Washington Street, East
Charleston, WV 25311

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Same As Above

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

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[PROPOSED]

45CSR16

SUMMARY

45CSR16 was promulgated by the Commission on May 15, 1984 and became effective on June 14, 1984. The regulation adopted by reference the Federal New Source Performance Standards (NSPS) promulgated by EPA as of September 27, 1983. This revision to the regulation adopts the NSPS standards promulgated by EPA as of July 1, 1988.

[PROPOSED]

45CSR16

TITLE 45
LEGISLATIVE RULES
WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION

SERIES 16
STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

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Index.

- §45-16-1. General.
- §45-16-2. Requirements.
- §45-16-3. Standards.
- §45-16-4. Director.
- §45-16-5. Permits.
- §45-16-6. Inconsistency Between Regulations.

[PROPOSED]

4CSR16

TITLE 45
LEGISLATIVE RULES
WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION

SERIES 16
STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

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SECRETARY OF STATE

§45-16-1. General.

1.1. Scope. — This regulation adopts standards of performance for new stationary sources promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act, regulating the construction or modification of new stationary sources. It is the intent of the Commission to adopt these standards by reference. It is also the intent of the Commission to adopt associated reference methods, performance specifications and other test methods which are appended to such standards.

1.2. Authority. — This regulation is issued under the authority of the West Virginia Code, Chapter 16, Article 20, Section 5. This regulation relates to West Virginia Code, Chapter 16, Article 20, Sections 1 through 13 inclusive.

1.3. Filing Date. —

~~This regulation was promulgated by the Commission on the 15th day of May, 1984 and filed with the Secretary of State on the 15th day of May, 1984.~~

1.4. Effective Date. —

~~The effective date of this regulation is the 14th day of June, 1984.~~

1.5. Type. — This regulation is a legislative rule as defined in West Virginia Code, Chapter 29A, Article 2.

§45-16-2. Requirements.

2.1. No person may construct, modify, or operate or cause to be constructed, modified, or operated a New Source Performance Standard (NSPS) source which results or will result in violations of this regulation.

§45-16-3. Adoption of Standards.

3.1. Standards. -- Standards of performance for new stationary sources including associated reference methods, performance specifications and other test methods which are appended to such standards promulgated by the United States Environmental Protection Agency pursuant to Section 111(b) of the Federal Clean Air Act as of ~~September 27, 1983~~ July 1, 1988, and contained in 40 CFR Part 60 are hereby adopted in their entirety and incorporated herein by reference, except as follows:

(~~a~~)a. Part 60.9 is amended to provide that information shall be available to the public in accordance with Chapter 16, Article 20, and Chapter 29B, Article 1 of the Code of West Virginia, and

(~~b~~)b. Sub-parts B, C and ~~CC~~ of 40 CFR Part 60 shall be excluded.

~~3.2.~~ §45-16-4. Director.

4.1. Any and all references in said 40 CFR Part 60 to the "Administrator" is amended to be the "Director of the West Virginia Air Pollution Control Commission" except in the following references which such references shall remain "Administrator of the United States Environmental Protection Agency":

(~~a~~)a. Part 60.2.

(~~b~~)b. Part 60.4.

(~~c~~)c. Part 60.8(b)(2).

(~~d~~)d. Part 60.8(b)(3).

(~~e~~)e. That sentence of Part 60.8(b) which deals with the authority of the Administrator to require testing under Section 114 of the Clean Air Act.

(~~f~~)f. Part 60.11(e).

(~~g~~)g. Part 60.13(c).

(~~h~~)h. Part 60.45(a).

(~~i~~)i. Part 60.195(b).

~~(j)~~j. Part 60.332(a).

~~(k)~~k. Part 60.335(a)(1)(i).

§45-16-45. Permits.

5.1. Nothing contained in this adoption by reference shall be construed or inferred to mean that permit requirements in accordance with applicable regulations shall be in any way be limited or inapplicable.

§45-16-56. Inconsistency Between Regulations.

6.1. In the event of any inconsistency between this regulation and any other existing regulation of the Commission, such inconsistency shall be resolved by the determination of the Director and such determination shall be based upon the application of the more stringent provision, term, condition, method, rule or regulation.

~~45-16-6-----Effective Date-~~

~~Regulation XVI shall become effective on the 14th day of June, 1984.~~