

**WEST VIRGINIA**  
**SECRETARY OF STATE**

**KEN HECHLER**

**ADMINISTRATIVE LAW DIVISION**

FORM #3

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Division of Environmental Protection, Office of Air Quality TITLE NUMBER: 45

CITE AUTHORITY W.Va. Code §§22-5-1 et seq.

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 34

TITLE OF RULE BEING AMENDED: "Emission Standards for Hazardous Air Pollutants

Pursuant to 40 CFR Part 63"

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
Authorized Signature

\$7.80 (w/ fed. reg's)  
51.90 (w/out fed. reg's)

45CSR34

TITLE 45  
LEGISLATIVE RULE  
DIVISION OF ENVIRONMENTAL PROTECTION  
OFFICE OF AIR QUALITY

SERIES 34  
EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS  
PURSUANT TO 40 CFR PART 63

§45-34-1. General.

1.1. Scope. - This rule establishes general provisions for national emission standards for hazardous air pollutants (NESHAPS) and other regulatory requirements pursuant to section 112 of the federal Clean Air Act as amended in 1990 (CAA). This rule codifies general procedures and criteria to implement emission standards for stationary sources that emit (or have the potential to emit) one or more of the substances listed as hazardous air pollutants (HAP) in or pursuant to section 112(b) of the CAA. It is the intent of the Director to adopt these standards by reference. It is also the intent of the Director to adopt associated reference methods, performance specifications and other test methods which are appended to these standards.

1.2. Authority. - W.Va. Code §§22-5-1 et seq.

1.3. Filing Date. - ~~May 30, 1997~~

1.4. Effective Date. - ~~June 1, 1997~~

1.5. Incorporation by Reference - Federal Counterpart Regulation. The Director has determined that a federal counterpart regulation exists, and in accordance with the Director's recommendation, with limited exception, this rule incorporates by reference, 40 CFR Part 63, effective ~~June 15, 1996~~ June 1, 1997.

§45-34-2. Requirements.

2.1. After the effective date of the state permit program under Title V of the CAA, no person may modify a major source of hazardous air pollutants, unless the Director determines that the maximum achievable control technology emission limitation under this rule for existing sources will be met.

2.2. After the effective date of the state permit program under Title V of the CAA, no person may construct or reconstruct any major source of hazardous air pollutants, unless the Director

determines that the maximum achievable control technology emission limitation under this rule for new sources will be met.

2.3. After the effective date of the state permit program under Title V of the CAA, the Director shall determine and apply case-by-case maximum achievable control technology standards to existing sources categorized by the Administrator pursuant to Section 112(c)(1) of the CAA for which the Administrator has not promulgated emission standards in accordance with Section 112(d) and 112(e) of the CAA.

2.4. Prior to constructing, reconstructing or modifying any facility subject to this rule, the owner or operator shall obtain a permit in accordance with the applicable requirements of 45CSR13, 45CSR14, 45CSR30 and this rule.

#### §45-34-3. Definitions.

3.1. "Administrator" means the Administrator of the United States Environmental Protection Agency or his or her designated representative.

3.2. "Director" means the Director of the West Virginia Division of Environmental Protection or such other person to whom the Director has delegated authority or duties pursuant to W. Va. Code §22-1-6 or §22-1-8.

3.3. "Hazardous air pollutant" means any air pollutant listed pursuant to §112(b) of the CAA as of ~~June 15, 1996~~ June 1, 1997.

#### §45-34-4. Adoption of Standards.

4.1. The Director hereby adopts and incorporates by reference the provisions of 40 CFR Part 63 including any reference methods, performance specifications and other test methods which are appended to such standards and contained in 40 CFR Part 63 as in effect on ~~June 15, 1996~~ June 1, 1997, for the purposes of implementing a program for national emission standards for hazardous air pollutants for source categories, except as follows:

4.1.a. Section 63.15 is amended to provide that information shall be available to the public in accordance with W.Va. Code §§22-5-1 et seq., ~~and~~ §§29B-1-1 et seq., and 45CSR31.

4.1.b. Any provision related to section 112(r) of the CAA.

~~4.1.c. Section 63.150 is excluded from adoption.~~

§45-34-5. Director.

5.1. Any and all references in 40 CFR Part 63 to the "Administrator" are amended to be the "Director" except in the following references which shall remain "Administrator," as follows:

5.1.a. Part 63.1(a)(2) where the federal regulations specifically provide that the Administrator shall retain authority and not transfer such authority to the State.

5.1.b. Part 63.1(a)(3) where provisions occur which refer to:

- b.1. alternate means of emission limitations
- b.2. alternate control technologies
- b.3. innovative technology waivers
- b.4. alternate test methods
- b.5. alternate monitoring methods
- b.6. waivers/adjustments to recordkeeping and reporting
- b.7. emissions averaging
- b.8. applicability determinations

5.1.c. Part 63.1(b)(2) where the context of the regulation clearly requires otherwise.

~~5.1.d. Part 63.1(c)(2)(ii)~~

~~5.1.e. Part 63.2 pertaining to the definition of:  
Administrator~~

~~Alternative Emission Limitation~~

~~Alternative Emission Standard~~

~~Alternative Test Method~~

~~Approved Permit Program~~

~~Equivalent Emission Limitation~~

~~Federally Enforceable~~

~~Lesser Quantities~~

~~Major Source~~

~~Performance Audit~~

~~Permitting Authority~~

~~Regulation Promulgation Schedule~~

~~Responsible Official~~

~~5.1.f. Part 63.5(b)(4)~~

~~5.1.g. Part 63.5(b)(5)~~

~~5.1.h. Part 63.6(g)(1)~~

~~5.1.i. Part 63.6(g)(3)~~

~~5.1.j. Part 63.6(h)(9)~~

~~5.1.k. Part 63.7(c)(4)(iii)~~

~~5.1.l. Part 63.9(a)(3)~~

~~5.1.m. Part 63.9(b)(2)~~

~~5.1.n. Part 63.9(b)(3)~~

~~5.1.o. Part 63.9(b)(4)~~

~~5.1.p. Part 63.9(b)(5)~~

~~5.1.q. Part 63.9(c)~~

~~5.1.r. Part 63.9(d)~~

~~5.1.s. Part 63.9(i), depending upon whether the Administrator or the Director has responsibility for administering the applicable section of the rule.~~

~~5.1.t. Part 63.9(j), depending upon whether the Administrator or the Director has responsibility for administering the applicable section of the rule.~~

~~5.1.u. Part 63.10(a)(3)~~

~~5.1.v. Part 63.10(b)(3)~~

~~5.1.w. Part 63.12(b)(1)~~

~~5.1.x. Part 63.12(e)~~

~~5.1.y. Part 63.13(a)~~

~~5.1.z. Part 63.13(b)~~

~~5.1.aa. Part 63.52(a)~~

~~5.1.ab. Part 63.56~~

~~5.1.ac. Part 63.100 (1)(1)(iii)~~

~~5.1.ad. Part 63.101(a)~~

~~5.1.ae. Part 63.102(a)(2)(b)~~

~~5.1.af. Part 63.102(b)(3)~~

~~5.1.ag. Part 63.103(d), pertaining to the second occurrence of "Administrator".~~

~~5.1.ah. Part 63.106(a)~~

~~5.1.ai. Part 63.111(4) pertaining to the use of "Administrator" in the definition of "maximum true vapor pressure".~~

~~5.1.aj. Part 63.191(a)~~

~~5.1.ak. Part 63.192(h)~~

~~5.1.al. Part 63.193~~

~~5.1.am. Part 63.301~~

~~5.1.an. Part 63.302(a)(2)~~

~~5.1.ao. Part 63.304(b)(3)~~

~~5.1.ap. Part 63.304(d)~~

~~5.1.aq. Part 63.307(e)(1)~~

~~5.1.ar. Part 63.311(g)(2)~~

~~5.1.as. Part 63.313~~

~~5.1.at. Part 63.321~~

~~5.1.au. Part 63.325(a)~~

~~5.1.av. Part 63.325(b)~~

~~5.1.aw. Part 63.325(c)~~

~~5.1.ax. Part 63.342 pertaining to the use of "Administrator" in Table 1 to 63.342.~~

~~5.1.ay. Part 63.342(f)(3)(i)(c)~~

~~5.1.az. Part 63.343(c)(8)(ii)~~

~~5.1.ba. Part 63.343(d)~~

~~5.1.bb. Part 63.344(c)(4)~~

~~5.1.bc. Part 63.347(a)~~

~~5.1.bd. Part 63.347(e)(1)~~

~~5.1.be. Reference 63.8(F)(2) of Table 1 to Subpart N~~

~~5.1.bf. Part 63 Appendix A Method 306A Section 5.1.1.2.b~~

~~5.1.bg. Part 63.366(a)~~

~~5.1.bh. Part 63.366(a)(i)(ii)~~

~~5.1.bi. Part 63.366(a)(2)~~

~~5.1.bj. Part 63.401(3), pertaining to the second occurrence of "Administrator" in the definition of "Responsible Official".~~

~~5.1.bk. Part 63.404~~

~~5.1.bl. Part 63.428(h)~~

~~5.1.bm. Part 63.429(a)~~

~~5.1.bn. Part 63.460(c)~~

~~5.1.bo. Part 63.461 pertaining to the definition of "Administrator".~~

~~5.1.bp. Reference 63.2 of Appendix C to Subpart F~~

~~5.1.bq. Part 63.522 (three times in one sentence)~~

~~5.1.br. Part 63.703(h)(3)~~  
~~5.1.bs. Part 63.707(a)~~  
~~5.1.bt. Part 63.708(a)~~  
~~5.1.bu. Part 63.468(j)~~  
~~5.1.bv. Part 63.646(b)(2)~~  
~~5.1.bw. Part 63.648(I)(B)(1)~~  
~~5.1.bx. Part 63.652(I)(1)~~  
~~5.1.by. Part 63.652(I)(1)(iii)~~  
~~5.1.bz. Part 63.652(I)(2)~~  
~~5.1.ca. Part 63.652(I)(3)~~  
~~5.1.cb. Part 63.652(I)(4)~~  
~~5.1.cc. Part 63.652(I)(5)~~  
~~5.1.cd. Part 63.652(I)(5)(ii)~~  
~~5.1.ce. Part 63.652(I)(6)~~  
~~5.1.cf. Part 63.652(j)(2)(v)~~  
~~5.1.cg. Part 63.742(e)~~  
~~5.1.ch. Part 63.750(g)(4)(I)~~  
~~5.1.ci. Part 63.750(g)(4)(I)(D)~~  
~~5.1.cj. Part 63.751(e)(1)~~  
~~5.1.ck. Part 63.751(e)(2)~~  
~~5.1.cl. Part 63.751(e)(3)~~  
~~5.1.cm. Part 63.751(e)(4)(I)~~  
~~5.1.cn. Part 63.751(e)(4)(iii)~~  
~~5.1.co. Part 63.751(e)(5)(I)~~  
~~5.1.cp. Part 63.751(e)(5)(I)(B)~~



~~5.1.eq. Part 63.751(e)(5)(ii)~~  
~~5.1.er. Part 63.562(e)(2)(iv)~~  
~~5.1.es. Part 63.562(e)(3)~~  
~~5.1.et. Part 63.563(b)(9)~~  
~~5.1.eu. Part 63.564(j)~~  
~~5.1.ev. Part 63.565(m)(1)~~  
~~5.1.ew. Part 63.565(m)(2)~~  
~~5.1.ex. Part 63.567(b)(2)~~  
~~5.1.ey. Part 63.567(b)(3)~~  
~~5.1.ez. Part 63.801(a)~~  
~~5.1.da. Part 63.804(f)(4)(iv)(D)~~  
~~5.1.db. Part 63.804(g)(4)(iii)(C)~~  
~~5.1.dc. Part 63.804(g)(6)(iii)(C)~~  
~~5.1.dd. Part 63.805(e)(1)~~  
~~5.1.de. Part 63.783(a)~~  
~~5.1.df. Part 63.783(c)(1)~~  
~~5.1.dg. Part 63.783(c)(2)~~  
~~5.1.dh. Part 63.783(c)(3)~~  
~~5.1.di. Part 63.786(b)~~  
~~5.1.dj. Part 63.827(b)(1)(I)~~  
~~5.1.dk. Part 63.827(b)(1)(iii)(B)~~  
~~5.1.dl. Part 63.827(b)(2)(I)~~  
~~5.1.dm. Part 63.827(e)(1)~~  
~~5.1.dn. Part 63.827(e)(2)~~  
~~5.1.do. Part 63.340(e)(1)~~

~~5.1.dp. Part 63.347(e)(2)~~

~~5.1.dq. Part 63.347(f)(1)~~

§45-34-6. Permits.

6.1. Nothing contained in this rule shall be construed or inferred to mean that permit requirements in accordance with applicable rules shall in any way be limited or inapplicable.

§45-34-7. Inconsistency Between Rules.

7.1. In the event of any inconsistency between this rule and any other existing rule of the West Virginia Division of Environmental Protection, 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.

**SUMMARY OF NESHAP ACTION**  
**Federal Registers**  
**June 15, 1996 - June 1, 1997**

- Subject -	- Class -	- Summary -
<b>March 17, 1997</b> <b>NESHAP: Test Methods for the Polymers and Resins I Rule; Appendix A, Test Methods 310 A, B, C, 312 A, B, C, 313 A, B</b>	Final Rule	<b>Vol. 62, No. 51</b> This action promulgates test methods for the detection of residual amounts of hazardous air pollutants (HAPs) in conjunction with the recently issued <b>NESHAP</b> for the Manufacture of Major Elastomers.
<b>February 28, 1997</b> <b>NESHAP: Gasoline Distribution (Stage I)</b>	Direct Final Rule	<b>Vol. 62, No. 40</b> The EPA is promulgating amendments to the "National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage I).
<b>February 21, 1997</b> <b>NESHAP: Petroleum Refineries</b>	Direct Final Rule	<b>Vol. 62, No. 35</b> This action expands and clarifies definitions in the "National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries," which was issued as a final rule on August 18, 1995.

Part 63 whereas the earlier existing rule for hazardous air pollutants, 45CSR15, primarily incorporates hazardous air pollutant standards promulgated by USEPA under 40 CFR Part 61 prior to amendment of the Clean Air Act. The Director intends to incorporate the additional federal counterpart rules by reference. Promulgation of this rule by the Legislature is necessary for the State to fulfill its responsibilities under the Clean Air Act, as amended.

**D. FEDERAL COUNTERPART REGULATIONS - INCORPORATION BY REFERENCE/DETERMINATION OF STRINGENCY:**

A federal counterpart to this proposed rule exists. In accordance with the Director's recommendation, and with limited exception, the Office of Air Quality proposes that the rule incorporate by reference the federal counterparts.

Because the proposed rule incorporates by reference the federal counterpart, no determination of stringency is required.

**E. CONSTITUTIONAL TAKINGS DETERMINATION:**

In accordance with §22-1A-1 and 3(c,) the Director has determined that this rule will not result in taking of private property within the meaning of the Constitutions of West Virginia and the United States of America.

**F. CONSULTATION WITH THE ENVIRONMENTAL PROTECTION ADVISORY COUNCIL:**

At their July 2, 1997 meeting, the Environmental Protection Advisory Council reviewed and discussed this rule - there were no substantive changes as a result of their discussion. (See attached minutes of that meeting.)

**BUREAU OF ENVIRONMENT  
DIVISION OF ENVIRONMENTAL PROTECTION**

**BRIEFING DOCUMENT**

**Rule Title:** 45CSR34 - "Emission Standards for Hazardous Air Pollutants  
Pursuant to 40 CFR Part 63"

**A. AUTHORITY:** W.Va. Code §§22-5-1 et seq.

**B. SUMMARY OF RULE:**

The current version of 45CSR34 provides authority for the Director to determine and enforce case-by-case MACT standards for major hazardous air pollutant sources in the absence of a federal standard under certain circumstances as required for permit program approval under Title V of the Clean Air Act.

The rule also establishes general provisions for emission standards for hazardous air pollutants (NESHAPs) and other regulatory requirements pursuant to section 112 of the federal Clean Air Act (CAA). The rule codifies general procedures and criteria to implement emission standards for stationary sources that emit (or have the potential to emit) one or more of the hazardous air pollutants (HAP) in or pursuant to section 112(b) of the CAA. This proposed rule incorporates by reference additional provisions relating to aerospace manufacturing and rework facilities and shipbuilding and ship repair (surface coating), Hazardous Air Pollutant (HAP) list, organic hazardous air pollutants from the synthetic organic chemical manufacturing industry and other processes subject to the negotiated regulation for equipment leaks, off-site waste and recovery operations, Group I and Group IV polymers and resins, perchloroethylene dry cleaning facilities, secondary lead smelting, constructed or reconstructed major sources, petroleum refineries, Stage I gasoline distribution.

**C. STATEMENT OF CIRCUMSTANCES WHICH REQUIRE RULE:**

This rule, in conjunction with existing rule 45CSR15, establishes general provisions for emission standards for hazardous air pollutants and other regulatory requirements promulgated by USEPA as of June 1, 1997, pursuant to section 112 of the federal Clean Air Act, as amended. This rule codifies general procedures and emission standards for certain stationary sources that emit (or have the potential to emit) one or more of the substances listed as hazardous air pollutants in section 112(b) of the Clean Air Act, as amended. 45CSR34 incorporates hazardous air pollutant standards codified by USEPA under 40 CFR

f. Name and phone number of agency person to contact for additional information:

\_\_\_\_\_ John H. Johnston, Chief \_\_\_\_\_

\_\_\_\_\_ Office of Air Quality \_\_\_\_\_

\_\_\_\_\_ Phone: 558-2496 \_\_\_\_\_

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

\_\_\_\_\_ N/A \_\_\_\_\_

\_\_\_\_\_

b. Date of hearing: \_\_\_\_\_ N/A \_\_\_\_\_

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

\_\_\_\_\_ N/A \_\_\_\_\_

d. Attach findings and determinations and reasons:

Attached \_\_\_\_\_ N/A \_\_\_\_\_

DATE: August 1, 1997  
TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE  
FROM: JOHN H. JOHNSTON  
CHIEF, OFFICE OF AIR QUALITY  
DIVISION OF ENVIRONMENTAL PROTECTION

LEGISLATIVE RULE TITLE: Series 34 - "Emission Standards for Hazardous Air Pollutants Pursuant to 40 CFR Part 63"

1. Authorizing statute(s) citation W. Va. Code §§22-5-1 et seq. &  
\_\_\_\_\_

2. a. Date filed in State Register with Notice of Hearing:  
June 17, 1997

b. What other notice, including advertising, did you give of the hearing?  
Class I legal advertisement filed in the Charleston Daily Mail  
and the Charleston Gazette  
\_\_\_\_\_

c. Date of hearing(s): July 21, 1997  
\_\_\_\_\_

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.  
Attached \_\_\_\_\_ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)  
August 1, 1997

**SUMMARY OF NESHAP ACTION**  
**Federal Registers**  
**June 15, 1996 - June 1, 1997**

- Subject -	- Class -	- Summary -
<b>September 19, 1996</b> <b>NESHAP: Perchloroethylene Dry Cleaning Facilities</b>	Final Rule; Amendments	<b>Vol. 61, No. 183</b> This action promulgates amendments to the <b>NESHAP</b> for perchloroethylene (PCE) dry cleaning facilities.
<b>September 12, 1996</b> <b>NESHAP: Group IV Polymers and Resins</b>	Final Rule	<b>Vol. 61, No. 178</b> This action promulgates <b>NESHAP</b> from existing and new plant sites that emit organic hazardous air pollutants (HAP) identified on the EPA's list of 189 HAP.
<b>September 5, 1996</b> <b>NESHAP: Group I Polymers and Resins</b>	Final Rule	<b>Vol. 61, No. 173</b> This action promulgates national emission standards for <b>NESHAP</b> from existing and new plant sites that emit organic hazardous air pollutants (HAP) identified on the EPA's list of 189 HAP. The organic HAP are emitted during the manufacture of one or more elastomers.



**SUMMARY OF NESHAP ACTION**  
**Federal Registers**  
**June 15, 1996 - June 1, 1997**

- Subject -	- Class -	- Summary -
<p>July 10, 1996</p> <p>NESHAP: Approval of State Programs and Delegation of Federal Authorities.</p>	<p>Direct Final Rule</p>	<p>Vol. 61, No. 133</p> <p>This action revises the "Approval of State Programs and Delegation of Federal authorities" (subpart E). The amendments are being made to clarify regulatory text, reduce administrative burden and provide more flexibility to States using this rulemaking.</p>
<p>July 1, 1996</p> <p>NESHAP: Off-Site Waste and Recovery Operations</p>	<p>Final Rule</p>	<p>Vol. 61, No. 127</p> <p>This action promulgates NESHAP under the authority of Section 112 of the Clean Air Act for off-site waste and recovery operations that emit hazardous air pollutants (HAP).</p>
<p>June 28, 1996</p> <p>NESHAP: Petroleum Refineries</p>	<p>Correction</p>	<p>Vol. 61, No. 126</p> <p>Correction to the February 23, 1996 correction.</p>

**SUMMARY OF NESHAP ACTION**  
**Federal Registers**  
**June 15, 1996 - June 1, 1997**

- Subject -	- Class -	- Summary -
January 17, 1997		Vol. 62, No. 12
NESHAP: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks; Rule Clarifications	Final Rule	The rule requires new and existing major sources to control emissions of hazardous air pollutants to the level reflecting application of the maximum achievable control technology.
January 14, 1997		Vol. 62, No. 9
NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins	Direct Final Rule	This action extends the compliance dates for heat exchange systems and equipment leaks.
December 27, 1996		Vol. 61, No. 250
HAP: Regulations Governing Constructed or Reconstructed Major Sources	Final Rule	EPA is promulgating regulations implementing certain provisions in section 12(g) of the Clean air Act as amended in 1990 (1990 Amendments).

**SUMMARY OF NESHAP ACTION**  
**Federal Registers**  
**June 15, 1996 - June 1, 1997**

- Subject -	- Class -	- Summary -
<p><b>December 17, 1996</b></p> <p><b>NESHAP: Aerospace Manufacturing and Rework Facilities and Shipbuilding and Ship Repair (Surface Coating) Operations</b></p>	<p>Final Rule; Correction</p>	<p><b>Vol. 61, No. 243</b></p> <p>This action corrects the <b>NESHAP</b> for Aerospace Manufacturing and Rework Facilities and Shipbuilding and Ship Repair (Surface Coating) Operations promulgated in the Federal Register on September 1, 1995 (60 FR 45948) and December 15, 1995 (60 FR 64330), respectively.</p>
<p><b>December 12, 1996</b></p> <p><b>NESHAP: Secondary Lead Smelting</b></p>	<p>Direct Final Rule</p>	<p><b>Vol. 61, No. 240</b></p> <p>This action amends the <b>NESHAP</b> for secondary lead smelting by extending by six months the compliance date of the rule and the dates on which the existing smelters must submit standard operating procedures (SOP) manuals.</p>
<p><b>December 5, 1996</b></p> <p><b>NESHAP: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks</b></p>	<p>Final Rule; Amendments</p>	<p><b>Vol. 61, No. 235</b></p> <p>The rule requires new and existing major sources to control emissions of <b>HAP</b> to the level reflecting application of the maximum achievable control technology.</p>

**SUMMARY OF NESHAP ACTION**  
**Federal Registers**  
**June 15, 1996 - June 1, 1997**

- Subject -	- Class -	- Summary -
June 20, 1996		Vol. 61, No. 120
NESHAP: Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks; Clarifications	Final Rule; Amendments	This action announces the EPA's final decisions on proposed amendments of April 10, 1995.
June 18, 1996		Vol. 61, No. 118
HAP: Hazardous Air Pollutant List; Modification	Final Rule	The EPA is amending the list of hazardous air pollutants in Clean Air Act Section 112(b)(1) by removing the compound caprolactam (CAS No. 105-60-2).
NESHAP: Shipbuilding and Ship Repair (Surface Coating) Operations.	Direct Final Rule	This action revises the compliance date for sources subject to this standard and revises the date for submittal of implementation plans.



BUREAU OF ENVIRONMENT  
10 McJunkin Road  
Nitro, WV 25143-2506

CECIL H. UNDERWOOD  
GOVERNOR

JOHN E. CAFFREY  
COMMISSIONER

July 28, 1997

Ms. Judy Cooper  
Director, Administrative Law Division  
Office of the Secretary of State  
Capitol Complex  
Charleston, West Virginia 25305

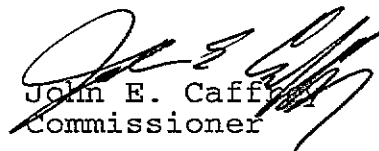
RE: 45CSR34 - Emission Standards for Hazardous  
Air Pollutants Pursuant to  
40 CFR Part 63

Dear Ms. Cooper:

This is to advise you that I am giving approval for filing of the above-referenced rule with your Office and the Legislative Rule-Making Review Committee as an agency-approved rule.

Your cooperation in this regard is very much appreciated. If you have any questions or require additional information, please feel free to contact Carrie Chambers at 759-0515.

Sincerely yours,

  
John E. Caffrey  
Commissioner

JEC:cc

Attachment