

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Subject: Regulation III - To Prevent and Control Air Pollution From the Operation
of Hot Mix Asphalt Plants.

INDEX.

Section 0. General.

Section 1. Definitions.

- 1.01. - "Air Pollution", 'statutory air pollution'
- 1.02. - "Commission"
- 1.03. - "Director"
- 1.04. - "Person"
- 1.05. - "Fuel Burning Equipment"
- 1.06. - "Fuel"
- 1.07. - "Plant"
- 1.08. - "Air Pollution Control Equipment"
- 1.09. - "Smoke"
- 1.10. - "Particulate Matter"
- 1.11. - "Ringelmann Smoke Chart"
- 1.12. - "Fugitive Particulate Matter"
- 1.13. - "Particulate Matter Capture System"
- 1.14. - "Standard Conditions"
- 1.15. - "Opacity"

INDEX.

Section 2. Emission of Smoke and/or Particulate Matter
Prohibited and Standards of Measurement -
Visible.

Section 3. Emission of Smoke and/or Particulate Matter
Prohibited and Standards of Measurement -
Weight Emissions.

Section 4. Registration.

Section 5. Permits.

Section 6. Reports and Testing.

Section 7. Delayed Compliance Order.

Section 8. Variance.

Section 9. Circumvention.

Section 10. Effective Date.

ABSTRACT

The amendments to Regulation III (1966) were adopted by the Commission on the 23rd day of February, 1979. Regulation III (1966), as amended, was retitled Regulation III (1979) and became effective October 27, 1979, and was filed with the Secretary of State March 30, 1979, and superseded Regulation III (1966). Regulation III (1966) was adopted by the West Virginia Air Pollution Control Commission on the 22nd day of August 1966 and became effective October 1, 1966, and was filed with the Secretary of State August 29, 1966.

Title 45
Legislative Rule

~~WEST VIRGINIA ADMINISTRATIVE REGULATIONS~~
Air Pollution Control Commission

~~Chapter 16-20~~
Series III
(1979)

Subject: ~~Regulation III~~ - To Prevent and Control Air Pollution From the Operation of Hot Mix Asphalt Plants.

Section 01 General

0.01. Scope.

The purpose of Regulation III is to establish emission limitations for hot mix asphalt plants and the plant property.

0.02. Authority. *W.Va. Code § 16-20-5*

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.

0.03. Filing Date.

This regulation was promulgated or last amended on the 23rd day of February, 1979, was filed with the office of the Secretary of State the 30th day of March, 1979. Further, this regulation was filed pursuant to West Virginia Code, Chapter 29A, Article 2, Section 5 on the 30th day of December, 1982, in the office of the Secretary of State.

0.04. Effective Date.

The effective date of this regulation is the 27th day of October,

1979.

0.05. Type.

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

Section *1.2* Definitions.

- 1.01. "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.
- 1.02. "Commission" shall mean the West Virginia Air Pollution Control Commission.
- 1.03. "Director" shall mean the Director of the West Virginia Air Pollution Control Commission.
- 1.04. "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.
- 1.05. "Fuel Burning Equipment" shall mean and include any chamber, apparatus, device, mechanism, stack or structure

used in the process of burning fuel or other combustible material for the primary purpose of producing heat for direct heat transfer as applied to an asphaltic hot mix plant excluding internal combustion engines.

1.06. "Fuel" shall mean any gaseous, liquid or solid substance or any combination thereof burned in fuel burning equipment.

1.07. "Plant" shall mean an 'asphaltic hot mix plant' which shall mean and include all the equipment utilized in the manufacture of asphaltic hot mix concrete, such as burner, drier, elevators, screens, mixer, weighing equipment, bins, air pollution control equipment, etc.

1.08. "Air Pollution Control Equipment" is defined as:

(a) Primary collection - That equipment such as cyclones or multicyclones incorporated for the collection of fine particulate matter generated and emitted principally from the drying operation and from which all collected material may or may not be reinjected into the main aggregate flow.

(b) Secondary collection - That equipment such as multicyclones, scrubbers, bag filters, and electrostatic precipitators incorporated for the collection of that particulate matter not collected by the primary collection equipment and from which such collected material may or may not be reinjected into the main aggregate flow.

- 1.09. "Smoke" shall mean small gasborne and airborne particles arising from a process of combustion in sufficient numbers to be visible.
- 1.10. "Particulate Matter" shall mean any material, except uncombined water, that exists in a finely divided form as a liquid or solid.
- 1.11. "Ringelmann Smoke Chart" shall be the Ringelmann's Scale for Grading the Density of Smoke published by the U. S. Bureau of Mines as information circular 7718, August, 1955, or any chart, recorder, indicator, or device which is a standardized method for the measurement of smoke density which is approved by the Commission as the equivalent of said Ringelmann Scale.
- 1.12. "Fugitive Particulate Matter" shall mean any and all particulate matter generated by the operation of an asphalt hot mix plant which, if not confined, would be emitted directly to the atmosphere from points other than the stack outlet.
- 1.13. "Particulate Matter Capture System" shall mean any equipment or method used to confine, collect, and transport particulate matter from elevators, screens, mixers, weighing equipment, bins, and other plant components to air pollution control equipment. Particulate matter capture systems shall include, but not be limited to hoods, bins, ductwork, enclosures and fans.

1.14. "Standard Conditions" for the purpose of this regulation shall mean a temperature of 68°F (20°C) and a pressure of 29.92 inches of mercury (760 mm of Hg).

1.15. "Opacity" shall mean the degree to which smoke and/or particulate matter emissions reduce the transmission of light and obscure the view of an object in the background.

Other words and phrases used in this regulation, unless otherwise indicated, shall have the meaning ascribed to them in Section Two of Chapter Sixteen, Article Twenty of the Code of West Virginia, 1931, as amended.

Section ~~2~~³ Emission of Smoke and/or Particulate Matter

Prohibited and Standards of Measurement - Visible

2.01. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning equipment which is as dark or darker in shade or appearance as that designated as No. 1 on the Ringelmann Smoke Chart or twenty percent (20%) opacity.

2.02. The provisions of Sub-Section ~~2.01~~^{3.1} of this Section shall not apply to smoke and/or particulate matter emitted during the starting operation the shade or appearance of which is less than No. 3 on the Ringelmann Smoke Chart or sixty percent (60%) opacity for a period or periods aggregating no more than 4 minutes per start-up.

Section ²⁴ Emission of Smoke and/or Particulate Matter

Prohibited and Standards of Measurement - Weight Emissions.

3.01. Total allowable emissions from all plants except as defined in Sub-Section ~~3.02 (a) and (b)~~ ^{4.2 (a) and (b)}

No person shall cause, suffer, allow or permit particulate matter emissions from a plant into the open air in excess of the quantity as listed in the following table:

Aggregate Process Rate Pounds Per Hour	Stack Emission Rate Pounds Per Hour
10,000	10
20,000	16
30,000	22
40,000	28
50,000	31
100,000	33
200,000	37
300,000	40
400,000	43
500,000	47
600,000 & above	50

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

3.02. No person shall cause, suffer, allow or permit particulate matter emissions to be discharged into the open air from any stack of a plant located in the following counties and magisterial districts in excess of 0.04 grains per dry standard cubic feet.

(a) Counties - Brooke, Hancock, Ohio, Marshall and Kanawha.

(b) Magisterial Districts - Valley (Fayette County),
Scott and Pocatalico (Putnam County), Tygart (Wood County),
Union and Winfield (Marion County, west of Interstate I-79).

3.03. In the case of more than one stack to a hot mix asphalt
plant, the emission limitation of Sub-Section ~~3.02~~^{4.1} of this
Section will be based on the total emission from all stacks.

3.04. No person shall cause, suffer, allow or permit a plant
to operate that is not equipped with a particulate matter
capture system. This system shall be designed, operated
and maintained in such a manner as to prevent the emission
of particulate matter from any point other than the stack
outlet.

3.05. The owner or operator of the plant shall maintain
control of fugitive particulate matter on plant premises
and plant owned, leased, or controlled access roads by
paving, oil treatment, or other suitable measures. Good
operating practices shall be observed in relation to
stockpiling, screen changing, and general maintenance to
prevent fugitive particulate matter generation and atmospheric
entrainment. Good operating practices, including water
spraying or other suitable measures, shall be employed to
minimize fugitive particulate matter generation and atmospheric
entrainment when hot bins are pulled.

Section ~~4~~⁵ Registration.

4.01. Within thirty (30) days after the effective date of
this regulation, all persons operating asphalt hot mix

plants within the state shall have registered with the Commission on forms to be made available by the Director the name of the person, company or corporation operating the plant, the address, location, county, ownership (lessee & lessor), the principal officer of the company, and any other such reasonable information as the Director may require including but not necessarily limited to capacity of the plant, type of fuel used, plant operating schedule, description of rotary drier, height and size of stack and description of particulate matter control equipment.

- 4.02. When such plants are modified by changes in burner design, heating fuel, fan capacity, drier design, air pollution control equipment, stack parameters or like changes which significantly affect the emission characteristics of the plants then they shall be reregistered with the Director defining those changes within thirty (30) days after being placed in operation.

Section 5.6 Permits.

- 5.01. An operating permit will be granted for plants in existence on the effective date of this regulation provided they meet and maintain the requirements as set forth in this regulation. These permits will be valid for one calendar year and must be renewed annually. Any person failing to maintain the requirements of this regulation shall, at the discretion of the Commission,

have their operating permit revoked.

5.02. When operating permits are revoked, the Director will consider reissuing permits when such changes as necessary to meet the requirements of this regulation are made by the owner or operator of the plants.

5.03. No person shall construct, modify, or relocate any plant without first obtaining a permit in accordance with the provisions of Section Two of Chapter Sixteen, Article Twenty, Paragraph 11b of the Code of West Virginia, as amended, and ^{Series 13} ~~Regulation XIII~~ of this agency. A new, modified, or relocated plant that meets the requirements of these regulations will also be issued an operating permit by the Director for the same calendar year that the permit to construct, modify, or relocate is issued.

5.04. Plants operating without a permit will be in violation of this regulation.

Section 21 Reports and Testing.

6.01. At such reasonable times as the Director may designate, the operator of any asphalt hot mix plant may be required to conduct or have conducted certification stack tests and other stack tests to determine the particulate matter concentration in exhaust gases when the Director has reason to believe, based on observed violations, that the stack emission limitation(s) is/are being violated. Such tests shall be conducted in accordance with this agency's TP-5 "Determination of Particulate Emissions From Stationary Sources", or as the

Director may specify and be filed on forms and in a manner acceptable to the Director. Such tests shall be conducted under such reasonable operating conditions as the Director may specify. The Director, or his duly authorized representative, may at his option witness or conduct such stack tests. Should the Director 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 Director 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.

6.02. At such time as the Director may request, the operator of the plant will submit data, including but not limited to, on type, sizing, and quantity of the aggregate used and the hours of operation.

6.03. Any stack serving a hot mix asphalt plant shall contain flow straightening devices or a vertical run of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures.

Section *6.8* Delayed Compliance Order.

7.01. The owner or operator of any plant which is in existence prior to the effective date of this regulation which does not meet the emission limitations of this regulation shall develop and submit to the Commission, within such time as shall be

allowed by the Commission, an acceptable control program for the attaining and maintaining of the emission limitations of this regulation. The control program shall be embodied in a consent order as provided in Section Five of Chapter Sixteen, Article Twenty, Paragraph 17 of the Code of West Virginia, as amended.

7.02. In the event that an owner or operator of such a plant fails to submit an acceptable control program within the time allowed, the Commission shall, by final order, determine a reasonable control program for the attaining and maintaining of the emission limitations of this regulation for such plant.

Section 8.9 Variance.

Due to unavoidable malfunctions of equipment, emissions exceeding those provided for in this regulation may be permitted by the Commission for periods not to exceed 2 days upon specific application to the Director. Such application shall be made within 24 hours of the malfunction or within such other time period as the Director may specify. When parts are not available for repair the Commission may grant an extension of time for a period longer than 2 days, but not to exceed 10 days.

Section 8.10 Circumvention.

No owner or operator subject to the provisions of this regulation shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but

is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

Section 10. Effective Date.

Regulation Series III (1966) was amended by the Commission on the 23rd day of February, 1979, and shall become effective the 27th day of October, 1979.

Regulation Series III (1966), as amended, shall henceforth be cited as Regulation Series III (1979). Regulation Series III (1966) was adopted by the Commission on the 22nd day of August, 1966, and became effective the 1st day of October, 1966.

The foregoing is a true and correct copy of the West Virginia Air Pollution Control Commission Regulation Series III (1979) as adopted on the 23rd day of February, 1979.



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