

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

COCHAIRMEN

ROBERT M. STEPTOE
STATE SENATE
126 EAST BURKE STREET
MARTINSBURG 25401

WILLIAM E. SHINGLETON
HOUSE OF DELEGATES
BOX 1548
FAIRMONT 26554



STAFF

LEGISLATIVE SERVICES
E-132 STATE CAPITOL
CHARLESTON 25305
PHONE (304) 348-2040

September 14, 1978

FILED IN THE OFFICE OF

SECRETARY OF STATE
THIS DATE 9-15-78

Hon. A. James Manchin
Secretary of State
W-151 State Capitol
Charleston, West Virginia 25305

Dear Mr. Manchin:

This is notification of approval or disapproval of rules and regulations in accordance with Section 11, Article 3, Chapter 29A of the West Virginia Code.

On September 11, 1978, the Legislative Rule-Making Review Committee approved regulations submitted by the Board of Examiners for Registered Nurses relating to the fee for endorsement of a registered nurse to another state and by the Air Pollution Control Commission relating to regulation X - to prevent and control air pollution from the emission of sulfur oxides.

The committee approved all of the rules and regulations of the State Teachers Retirement Board except for regulation 10. A. (e) on page 21 which was disapproved.

The rules of the Board of Investments relating to selection of depositories for demand deposits through competitive bidding were disapproved.

Copies of the approved and disapproved regulations are attached.

Very truly yours,

Robert M. Steptoe

Robert M. Steptoe

William E. Shingleton

William E. Shingleton

Enclosures

- (1) piping the noncondensable vapors to a firebox or incinerator; or,
- (2) compressing the vapors and adding them to the refinery fuel gas; or,
- (3) installing an equally effective alternative control system, approved by the Commission.

4.02. The owner or operator of a petroleum refinery with any waste-water (oil/water) separators shall:

(a) Provide covers or seals approved by the Director on all separators and forebays, and equip all openings in covers, separators, and forebays with lids or seals such that the lids or seals are in the closed position at all times except when in actual use; or,

(b) Install an equally effective alternative control system approved by the Commission.

4.03. The owner or operator of a petroleum refinery shall minimize and record VOC emissions during process unit turnarounds by:

(a) Depressurization venting of the process unit or vessel to a vapor control system, flare or firebox; and,

(b) Preventing emissions of volatile organic compounds from a process unit or vessel unless its internal pressure is 136 kilo Pascals (19.7 psia) or less; and

(c) Recordkeeping of the following items:

- (1) every date that each process unit or vessel is shut down; and,

- (2) the approximate vessel volatile organic compound concentration when the volatile organic compounds were discharged to the atmosphere; and,
- (3) the approximate total quantity of volatile organic compounds emitted to the atmosphere.

4.04. (a) Realizing that compliance with the provisions of this Section may, in some cases, be technologically infeasible, the Commission may, upon specific application by the owner or operator of a petroleum refinery source, grant exemptions from these provisions. However, the petition must be submitted in writing in a manner approved by the Director and must contain:

- (1) a detailed description of the proposed alternative operational and/or equipment controls, the magnitude of volatile organic compound emission reduction which will be achieved, and the quantity and composition of volatile organic compounds which will be emitted if the alternative operational and/or equipment controls are instituted; and,
- (2) a plan, which will be instituted in addition to the proposed alternative operational and/or equipment controls, to reduce

volatile organic compound emissions from other source operations, not required under this regulation, such that aggregate volatile organic compound emissions from the facility will in no case be greater through application of the alternative control than would be permitted through conformance with this Section; and,

(3) a schedule for the installation and/or institution of the alternative operational and/or equipment controls.

(b) From time to time the Commission shall review such exemptions to determine if they are still warranted. If the Commission revises or terminates an exemption, the owner or operator of the affected petroleum refinery source shall be notified by certified mail. Such revision or terminations shall not become effective for at least ninety (90) days after the receipt of notification by the owner or operator.

Section 5. Registration.

5.01. Within thirty (30) days after the effective date of this regulation all persons owning and/or operating a petroleum refinery source(s) subject to this regulation and not previously registered shall have registered such source(s) with the Commission. The information required for registration shall be determined and provided in the manner specified by

the Director. Registration forms should be requested from the Director by the owner or operator of such source(s).

5.02. The owner or operator of such a petroleum refinery source that is under construction or on which construction is initiated within thirty (30) days after the effective date of this regulation shall register such source(s) within this thirty (30) day period.

Section 6. Permits.

After the effective date of this regulation, no person shall construct or modify any petroleum refinery source subject to this regulation without first obtaining a permit for such construction or modification. Applications for permits shall be made upon forms available from the Director and shall be filed no less than ninety (90) days prior to the construction or modification. These forms shall include such information as in the judgment of the Director will enable him to determine whether such source will be so designed as to operate in conformance with the provisions of this regulation and the Code of West Virginia, and will not cause or contribute to the violation of air quality standards. Within ninety (90) days of the receipt of an application the Director shall issue or deny such permit in accordance with the provisions of Chapter Sixteen, Article Twenty, Section 11b of the Code of West Virginia, as amended, and Regulation XIII of this agency.

Section 7. Reports and Testing.

7.01. At such reasonable times as the Director may designate, the owner or operator of any petroleum refinery source subject to this regulation may be required to conduct or have conducted tests to determine the compliance of such source(s) with the limitations of Section 4. The Director, or his duly authorized representative, may at his option witness or conduct such tests. Should the Director exercise his option to conduct such tests, the owner or 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 to comply with generally accepted good safety practices.

7.02. The Director, or his duly authorized representative, may conduct such other tests as he may deem necessary to evaluate air pollution emissions other than those noted in Section 4.

7.03. The Commission may publish and from time to time revise detailed test procedures and reporting instructions implementing the provisions of this regulation.

Section 8. Compliance Programs and Schedules.

8.01. In the event that a petroleum refinery having a source(s) of volatile organic compounds subject to this regulation and in existence prior to the adoption of this regulation does not meet the limitations of Section 4, an acceptable program to fully comply with this regulation shall be developed and

offered to the Commission by the person responsible for said source. This program shall be submitted upon the request of, and within such time as shall be fixed by the Commission. The owner and/or operator of such source shall not be in violation of this regulation so long as the approved or amended program is observed.

8.02. In the event that an owner or operator of a petroleum refinery having such source(s) of volatile organic compounds fails to submit a program or an acceptable program and schedule, the Commission shall, by order, determine the compliance program and schedule.

Section 9. Variance.

If the provisions of Section 4 cannot be satisfied due to unavoidable malfunction of equipment, the Director may permit the owner or operator of a petroleum refinery source subject to this regulation to continue to operate said source for periods not to exceed ten (10) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the equipment malfunction. In cases of major equipment failure, additional time periods may be granted by the Commission provided a corrective program has been submitted by the owner or operator and approved by the Commission.

Section 10. Effective Date.

Regulation XXIV shall become effective _____ November, 1979.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Subject: Regulation XXIV - To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Petroleum Refinery Sources.

INDEX.

Section 1. Intent and Purpose.

Section 2. Area Affected.

Section 3. Definitions.

- 3.01. - "Accumulator"
- 3.02. - "Air Pollution"
- 3.03. - "Approved"
- 3.04. - "Commission"
- 3.05. - "Condensate"
- 3.06. - "Condenser"
- 3.07. - "Construction"
- 3.08. - "Control Device"
- 3.09. - "Day"
- 3.10. - "Director"
- 3.11. - "Emission"
- 3.12. - "Facility"
- 3.13. - "Firebox"
- 3.14. - "Forebays"
- 3.15. - "Hot Well"
- 3.16. - "Hydrocarbon"
- 3.17. - "Organic Material"
- 3.18. - "Owner or Operator"

INDEX.

- 3.19. - "Person"
- 3.20. - "Petroleum Liquids"
- 3.21. - "Petroleum Refinery"
- 3.22. - "Petroleum Refinery Source"
- 3.23. - "Reasonably Available Control Technology"
- 3.24. - "Refinery Fuel Gas"
- 3.25. - "Standard Conditions"
- 3.26. - "Turnaround"
- 3.27. - "Vacuum Producing System"
- 3.28. - "Vapor Control System"
- 3.29. - "Volatile Organic Compound"
- 3.30. - "Wastewater (oil/water) Separator"

Section 4. Control and Prevention of Emissions.

Section 5. Registration.

Section 6. Permits.

Section 7. Reports and Testing.

Section 8. Compliance Programs and Schedules.

Section 9. Variance.

Section 10. Effective Date.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Air Pollution Control Commission

Chapter 16-20
Series XXIV
(1979)

Subject: Regulation XXIV - To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Petroleum Refinery Sources.

Section 1. Intent and Purpose.

It is the intent of the Commission that all persons engaged in the operation of vacuum producing systems, wastewater separators, and process unit turnarounds at petroleum refining sources control the emission of volatile organic compounds through the application of reasonably available control technology.

Section 2. Area Affected.

This regulation applies to sources located in West Virginia Air Quality Control Region IV (Putnam County, Kanawha County and Valley Magisterial District of Fayette County).

Section 3. Definitions.

3.01. "Accumulator" shall mean the reservoir of a condensing unit receiving the condensate from the condenser.

- 3.02. "Air Pollution", 'statutory air pollution', shall have the meaning ascribed to it in Chapter Sixteen, Article Twenty of the Code of West Virginia, as amended.
- 3.03. "Approved" shall mean approved by the designated official of the West Virginia Air Pollution Control Commission.
- 3.04. "Commission" shall mean the West Virginia Air Pollution Control Commission.
- 3.05. "Condensate" shall mean hydrocarbon liquid separated from natural gas which condenses due to changes in temperature and/or pressure and remains liquid at standard conditions.
- 3.06. "Condenser" shall mean any heat transfer device used to liquefy vapors by removing their latent heats of vaporization. Such devices include, but are not limited to, shell and tube, coil, surface, or contact condensers.
- 3.07. "Construction" shall mean commencement of onsite fabrication, erection, or installation of an emission source, air pollution control equipment, or a facility.
- 3.08. "Control device" shall mean equipment (incinerator, adsorber, or the like) used to destroy or remove air pollutant(s) prior to discharge to the ambient air.
- 3.09. "Day" shall mean a 24-hour period beginning at midnight.
- 3.10. "Director" shall mean the Director of the West Virginia Air Pollution Control Commission.
- 3.11. "Emission" shall mean the release or discharge, whether directly or indirectly, of any air pollutant into the ambient air from any source.

- 3.12. "Facility" shall mean any building, structure, installation, or combination thereof which contains a stationary source of air pollutants.
- 3.13. "Firebox" shall mean the chamber or compartment of a boiler or furnace in which materials are burned but does not mean the combustion chamber of an incinerator.
- 3.14. "Forebays" shall mean the primary sections of a wastewater separator.
- 3.15. "Hot well" shall mean the reservoir of a condensing unit receiving the warm condensate from the condenser.
- 3.16. "Hydrocarbon" shall mean any organic compound of carbon and hydrogen only.
- 3.17. "Organic material" shall mean a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- 3.18. "Owner or operator" shall mean any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.
- 3.19. "Person" shall mean any and all persons, natural or artificial, including any municipal, public or private corporation organized or existing under the laws of this or any other state or country, and any firm, partnership, or association of whatever nature.
- 3.20. "Petroleum liquids" shall mean crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.

- 3.21. "Petroleum refinery" shall mean any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation, cracking, extraction, or reforming of unfinished petroleum derivatives.
- 3.22. "Petroleum refinery source" shall mean and include vacuum producing systems, wastewater separators, and processing units at petroleum refineries.
- 3.23. "Reasonably available control technology" (also denoted as RACT) shall mean the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. It may require technology that has been applied to similar, but not necessarily identical, source categories.
- 3.24. "Refinery fuel gas" shall mean any gas which is generated by a petroleum refinery process unit and which is combusted, including any gaseous mixture of natural gas and fuel gas.
- 3.25. "Standard conditions" shall mean a temperature of 20°C (68°F) and pressure of 760 millimeters of mercury (29.92 inches of mercury).
- 3.26. "Turnaround" shall mean the procedure of shutting a refinery unit down after a run to do necessary maintenance and repair work and putting the unit back on stream.

3.27. "Vacuum producing system" shall mean any reciprocating, rotary, or centrifugal blower or compressor, or any jet ejector or device that takes suction from a pressure below atmospheric and discharges against atmospheric pressure.

3.28. "Vapor control system" shall mean a system that prevents release to the atmosphere of organic material emitted during the operation of any transfer, storage, or process equipment.

3.29. "Volatile organic compound" (also denoted as VOC) shall mean any compound of carbon that has a vapor pressure greater than 0.1 millimeters of mercury at standard conditions excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, or carbonates, and ammonium carbonate.

3.30. "Wastewater (oil/water) separator" shall mean any device or piece of equipment, other than a treatment lagoon, which utilizes the difference in density between oil and water to remove oil and associated chemicals from water, or any device, such as a flocculation tank, clarifier, etc., which removes petroleum derived compounds from waste water.

Section 4. Control and Prevention of Emissions.

4.01. (a) The owner or operator of a petroleum refinery with any vacuum producing systems may not permit the emission of any noncondensable volatile organic compounds from the condensers, hot wells or accumulators of the system.

(b) The emission limit under paragraph (a) of this Sub-Section shall be achieved by:

Sub-section 4.02.(a)

First line strike the word "and" insert the word "or".

Subsection 4.02.(a) then reads:

Sub-section 4.02.(a) Provide covers or seals approved by the Director on all separators and equip all openings in covers, separators, and forebays with lids or seals such that the lids or seals are in the closed position at all times except when in actual use; or,

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

CO-CHAIRMEN
BERT M. STEPTOE
STATE SENATE
126 EAST BURKE STREET
MARTINSBURG 25401

WILLIAM E. SHINGLETON
HOUSE OF DELEGATES
BOX 1348
FAIRMONT 26554



STAFF
LEGISLATIVE SERVICES
E-132 STATE CAPITOL
CHARLESTON 25305
PHONE (304) 348-2040

September 26, 1979

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 9/27/79

Hon. A. James Manchin
Secretary of State
W-151 State Capitol
Charleston, West Virginia 25305

Dear Mr. Manchin:

This is notification of approval or disapproval of rules and regulations in accordance with Section 11, Article 3, Chapter 29A of the West Virginia Code.

On September 24, 1979, the Legislative Rule-Making Review Committee approved regulations submitted by the Medical Licensing Board relating to Physicians Assistants.

The Committee approved the following regulations of the Air Pollution Control Commission:

Regulation III - "To Prevent and Control Air Pollution From The Operation of Hot Mix Asphalt Plants";

Regulation VIII - "Ambient Air Quality Standards for Sulfur Oxides and Particulate Matter";

Regulation XXI - "To Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From the Storage of Petroleum Liquids in Fixed Roof Tanks";

Regulation XXIII - "To Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Bulk Gasoline Terminals"; and

Regulation XXIV - "To Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Petroleum Refinery Sources."

Regulations XXIII and XXIV were approved with the nonsubstantive amendments attached.

The Committee disapproved the following regulations of the Air Pollution Control Commission:

Regulation VI - "To Prevent and Control Air Pollution From Combustion of Refuse";

September 26, 1979
Page 2

Regulation VII - "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations";

Regulation XVII - "To Prevent and Control Particulate Air Pollution From Materials Handling, Preparation, Storage and Sources of Fugitive Particulate Matter"; and

Regulation XVIII - "To Prevent and Control Particulate Air Pollution From Direct Meat-Firing Devices."

A copy of the approved and disapproved regulations is enclosed.

Very truly yours,

Robert M. Steptoe

Robert M. Steptoe

William E. Shingleton

William E. Shingleton

Enclosures

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Subject: Regulation VIII - Ambient Air Quality Standards for
Sulfur Oxides and Particulate Matter.

INDEX.

Section 1. Anti-Degradation Policy.

Section 2. Definitions.

2.01. - "Air Pollutants"

2.02. - "Air Pollution"

2.03. - "Commission"

2.04. - "Person"

2.05. - "Particulate Matter"

2.06. - "Standard Conditions"

2.07. - "Ambient Air Quality Standards"

Section 3. Ambient Air Quality Standards.

Section 4. Methods of Measurement.

Section 5. Effective Date.

REFERENCES.

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 9/27/79

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Air Pollution Control Commission

Chapter 16-20
Series VIII
(1975)
(1979)

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 9/27/79

Subject: Regulation VIII - "Ambient Air Quality Standards
for Sulfur Oxides and Particulate Matter.

Section 1. Anti-Degradation Policy.

4.04. 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 standards, 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 a 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, 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. "Particulate Matter" shall mean any material, except uncombined water, that exists in a finely divided form as a liquid or solid.
- 2.06. "Standard Conditions" shall mean, for the purposes of this regulation, a temperature of 25°C and a pressure of 760 millimeters of mercury column.
- 2.07. "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 ambient air quality standards shall not be exceeded at any sampling site:

(a) Sulfur Dioxide

Primary Standard

Annual Arithmetic Mean - 80 micrograms per cubic meter (0.03 parts per million)

Maximum 24-Hour Concentration - 365 micrograms per cubic meter (0.14 ppm) - not to be exceeded more than once per year

Secondary Standard

Maximum Three (3) Hour Concentration - 1300 micrograms per cubic meter (0.50 ppm) - not to be exceeded more than once per year

(b) Particulate Matter

Primary Standard

Annual Geometric Mean - 75 micrograms per cubic meter

Maximum 24-Hour Concentration - 260 micrograms per cubic meter - not to be exceeded more than once per year

Secondary Standard

~~Annual-Geometric-Mean---60-micrograms-per-cubic-meter~~

Maximum 24-Hour Concentration - 150 micrograms per cubic meter - not to be exceeded more than once per year

Section 4. Methods of Measurement.

4.01. Suspended particulate matter concentrations shall be determined by high-volume filtration or by such other

methods approved as equally or more specific, accurate, sensitive, and reproducible by the West Virginia Air Pollution Control Commission.¹

4.02. Sulfur dioxide concentrations shall be determined by any of the methods listed below or by such other methods approved as equally or more specific, accurate, sensitive, and reproducible by the West Virginia Air Pollution Control Commission:

- (a) Utilization of the West-Gaeke (pararosaniline) method as modified by Scaringelli, et al.²
- (b) The use of a continuous sampling and recording instrument based on coulometric, colorimetric, or an equivalent principle and utilizing the modified West-Gaeke analytical procedure as a standard means of calibration.

Section 5. Effective Date.

Regulation Series VIII (1975) was amended by the Commission on the 8th day of January, 1979, and shall become effective the 1st day of May, 1979. Regulation Series VIII (1975), as amended, shall henceforth be cited as Regulation Series VIII (1979). Regulation Series VIII (1975) was adopted by the Commission on the 25th day of June, 1975, and became effective the 1st day of August, 1975, and superseded Regulation Series VIII (1972) which was adopted by the Commission on the 19th day of January, 1972, and became effective March 15, 1972.

The foregoing is a true and correct copy of the West
Virginia Air Pollution Control Commission Regulation
Series VIII (1979) as adopted on the 8th day of January,
1979.

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

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Subject: Regulation VIII - Ambient Air Quality Standards for
Sulfur Oxides and Particulate Matter.

REFERENCES

¹"Air Pollution Measurements of the National Air Sampling Network:
Analysis of Suspended Particulates, 1957-1961." Public Health
Service Pub. No. 978, Washington, D. C., 1962.

²Scaringelli, F. P., Saltzman, B. E., and Frey, S. A., "Spectro-
photometric Determination of Atmospheric Sulfur Dioxide."
Analytical Chemistry, Vol. 39, pp. 1709-1719, December, 1967.

WEST VIRGINIA
AIR POLLUTION CONTROL COMMISSION

Mr. W. M. Robinson
Page Two
July 9, 1980

If I may be of further assistance, please contact me at 348-4022.

Sincerely yours,

Tom Bryant

Tom Bryant
Air Pollution Specialist

TB/dgb

Enclosures

cc: Mrs. Mary Jane Lopez
Secretary of State's Office
State Capitol Complex
Charleston, West Virginia 25305
Telephone: 348-2112

TLB copy
7-9-80

Mrs. Lopez:

Thanks again. Should this arrangement become too burdensome for comfort, please feel free to suggest an alternative. We are progressing with our in-house printing efforts.

Truly yours,

Tom Bryant

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Air Pollution Control Commission

FILED IN THE OFFICE OF

SECRETARY OF STATE
TH'S DATE 9-15-78

Chapter 16-20
Series X
(1978)-
(1978 A)

Subject: Regulation X - To Prevent and Control Air Pollution From
the Emission of Sulfur Oxides.

Section 1. Intent and Purpose.

- 1.01. Fuel Quality Goals. It is the intent of the Commission that all persons engaged in the burning of fuel make a maximum effort to utilize the best quality fuel available regardless of the requirements of this regulation.

Section 2. Definitions.

- 2.01. "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.
- 2.02. "Air Pollutants" shall mean solids, liquids, or gases which, if discharged into the air, may result in a statutory air pollution.
- 2.03. "Commission" shall mean the West Virginia Air Pollution Control Commission.
- 2.04. "Director" shall mean the Director of the West Virginia Air Pollution Control Commission.
- 2.05. "Person" shall mean any and all persons, natural or artificial, including any municipal, public or private corporation

organized or existing under the laws of this or any other state or country, and any firm, partnership, or association of whatever nature.

2.06. "Fuel Burning Unit" shall mean and include any furnace, boiler apparatus, device, mechanism, stack or structure used in the process of burning fuel or other combustible material for the primary purpose of producing heat or power by indirect heat transfer. For the purposes of this regulation, all fuel burning units are classified in the following categories:

(a) Type 'a' shall mean any fuel burning unit which has as its primary purpose the generation of steam or other vapor to produce electric power for sale.

(b) Type 'b' shall mean any fuel burning unit not classified as a Type 'a' or Type 'c' unit such as industrial pulverized-fuel-fired furnaces, cyclone furnaces, gas-fired and liquid-fuel-fired units.

(c) Type 'c' shall mean any hand-fired or stoker-fired fuel burning unit not classified as a Type 'a' unit.

2.07. "Waste Heat Boiler" shall mean any boiler which derives all or part of its heat input from the waste heat of a manufacturing process operation.

2.08. "Fuel" shall mean any form of combustible matter (solid, liquid, vapor, or gas) that is used as a source of heat.

2.09. "Priority I Regions", "Priority II Regions", and "Priority III Regions" are defined as follows:

Priority Classification	Federal Air Quality Control Region	Included West Virginia Counties
I	Region I, Steubenville-Weirton-Wheeling Interstate Air Quality Control Region (Ohio - West Virginia)	Brooke Hancock Marshall Ohio
	Region VII, Cumberland-Keyser Interstate Air Quality Control Region (West Virginia - Maryland)	Grant (Union District only) Mineral (Elk, New Creek, and Piedmont Districts)
II	Region II, Parkersburg-Marietta Interstate Air Quality Control Region (West Virginia - Ohio)	Jackson Pleasants Tyler Wetzel Wood
III	All other regions	All other counties or districts not listed above

2.10. "Air Pollution Control Equipment" shall mean any equipment used for collecting, confining, or converting air pollutants for the purpose of preventing or reducing the emission of these pollutants into the open air.

2.11. "Manufacturing Process" shall mean any action, operation or treatment embracing chemical, industrial, or manufacturing efforts, and employing, for example, heat-treating furnaces, by-product coke plants, core-baking ovens, mixing kettles, cupolas, blast furnaces, open hearth furnaces, heating and reheating furnaces, puddling furnaces, sintering plants, electric steel furnaces, ferrous and non-ferrous foundries, kilns, stills, pipe stills, reformers, furnaces associated with manufacturing processes, driers, crushers, grinders, roasters, and equipment used in connection therewith, and all other methods or forms of manufacturing or processing that may emit sulfur dioxide or other sulfur compounds.

2.12. "Source Operation" shall mean the last operation in a manufacturing process preceding the emission of air pollutants which operation:

(a) Results in the separation of the air pollutant from the process materials or in the conversion of the process materials into air pollutants; and

(b) Is not an air pollution abatement operation.

2.13. "Sulfur Dioxide" is an air pollutant which is a nonflammable, nonexplosive, colorless, gaseous molecule composed of one atom of sulfur and two atoms of oxygen. In concentrations of 0.5 to 1.0 parts per million and above, most people can detect it by taste;

in concentrations greater than 3.0 parts per million it has a pungent, irritating odor to most people.

2.14. "Plant" shall mean and include all fuel burning units, source operations, equipment and grounds utilized in an integral complex.

2.15. "Equivalent Fuel Sulfur Content" shall mean that quantity of sulfur dioxide in pounds per million British Thermal Units (B. T. U. 's) which corresponds to a given percent sulfur in fuel being burned and is calculated on the basis of 100 percent conversion of the sulfur to sulfur dioxide and assuming that no sulfur or sulfur dioxide recovery or control measures are employed.

2.16. "Stack", for the purposes of this regulation, shall mean, but not be limited to, any duct, control equipment exhaust, or similar apparatus, which vents gases and/or particulate matter into the open air.

Section 3. Sulfur Dioxide Weight Emission Standards for Fuel Burning Units.

3.01. Total Allowable Emission Rates for Similar Units in Priority I and Priority II Regions.

No person shall cause, suffer, allow, or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the amount determined as follows:

- (1) For fuel burning units of the Kammer Plant of Ohio Power Company, located in Air Quality Control Region I, the product of 6.8 and the total design heat inputs for such units discharging through those stacks in million British Thermal Units (B. T. U. 's) per hour.
- (2) For fuel burning units of the Mitchell Plant of Ohio Power Company, located in Air Quality Control Region I, the product of 7.5 and the total actual operating heat inputs for such units discharging through those stacks in million B. T. U. 's per hour.
- (3) For fuel burning units of the Willow Island Station of Monongahela Power Company, located in Air Quality Control Region II, the product of 2.7 and the total design heat inputs for such units discharging from those stacks in million B. T. U. 's per hour.
- (4) For fuel burning units of the Mt. Storm Plant of Virginia Electric and Power Company, located in Air Quality Control Region VII, the product of 2.7 and the total design heat inputs for such units discharging through those stacks in million B. T. U. 's per hour.

- (5) For Type 'b' and Type 'c' fuel burning units, the product of 3.1 and the total design heat inputs for such units discharging through those stacks in million B. T. U. 's per hour.

3.02. Maximum Allowable Emission Rates for Similar Units in Region IV (Kanawha Valley Air Quality Control Region: Kanawha County, Putnam County, and Falls and Kanawha Magisterial Districts of Putnam County).

No person shall cause, suffer, allow, or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the amount determined as follows:

- (1) For fuel burning units of the John Amos Plant of Appalachian Power Company, located in Air Quality Control Region IV, the product of 1.6 and the total design heat inputs for such units discharging from those stacks in million B. T. U. 's per hour.
- (2) For fuel burning units of the Kanawha River Plant of Appalachian Power Company, located in Air Quality Control Region IV, the product of 1.6 and the total design heat inputs for such units discharging through those stacks in million B. T. U. 's per hour.

- (3) For Type 'b' and Type 'c' fuel burning units, the product of 1.6 and the total design heat inputs for such units discharging through those stacks in million B.T.U.'s per hour, provided however, that no more than 5,500 pounds per hour of sulfur dioxide shall be discharged into the open air from all such stacks.

3.03. Maximum Allowable Emission Rates for Similar Units in All Priority III Regions Except Region IV.

No person shall cause, suffer, allow, or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the amount determined as follows:

- (1) For fuel burning units of the Harrison Power Station of Monongahela Power Company, located in Air Quality Control Region VI, the product of ~~6.0~~ 5.12 and the total actual operating heat inputs for such units discharging from those stacks in million B.T.U.'s per hour.
- (2) For fuel burning units of the Rivesville Power Station of Monongahela Power Company, located in Air Quality Control Region VI, the product of 3.2 and the total design heat inputs for such units discharging from those stacks in million B.T.U.'s per hour.

- (3) For fuel burning units of the Albright Power Station of Monongahela Power Company, located in Air Quality Control Region VI, the product of 3.2 and the total design heat inputs for such units discharging from those stacks in million B.T.U.'s per hour.
- (4) For fuel burning units of the Fort Martin Power Station of Monongahela Power Company, located in Air Quality Control Region VI, the product of 3.1 and the total actual operating heat inputs for such units discharging from those stacks in million B.T.U.'s per hour.
- (5) For fuel burning units of the Philip Sporn Plant of Central Operating Company, located in Air Quality Control Region III, the product of 3.2 and the total design heat inputs for such units discharging from those stacks in million B.T.U.'s per hour.
- (6) For Type 'b' and Type 'c' fuel burning units, the product of 3.2 and the total design heat inputs for such units discharging through those stacks in million B.T.U.'s per hour.

3.04. Allowable Emission Rates for Individual Stacks.

The maximum allowable emission rate for an individual stack shall not exceed by more than 25 percent the emission rate determined by prorating the total allowable emission rate specified in Sub-Sections 3.01, 3.02, or 3.03 on the basis of individual unit heat input at design capacity for all fuel burning units discharging through that stack.

Subject to the provisions of this regulation, allowable emission rates for individual stacks shall be determined by the owner and/or operator and registered with the Commission at the request of and on forms provided by the Director. Such rates shall be subject to review and approval by the Director.

The approved set of individual stack allowable emission rates shall become an official part of the compliance schedule and any permits concerning such source or sources, and shall not be changed without the prior written approval of the Director.

3.05. The design heat input of a waste heat boiler shall not be included in computing the total plant design heat input for the purposes of Sub-Sections 3.01, 3.02, 3.03, or 3.04 of this regulation.

3.06. No person shall circumvent the provisions of this regulation by constructing fuel burning unit(s) larger than would be necessary to provide heat and/or power for an existing manufacturing plant, with a reasonable margin for plant expansion, in order to use that design heat input to raise the allowable sulfur content in fuel.

3.07. No person shall cause, suffer, allow, or permit the discharge of sulfur dioxide to the open air from the combustion of fuel in a fuel burning unit of a waste heat boiler in excess of 2.2 pounds of sulfur dioxide per million B.T.U.'s of heat input per hour. This limitation is based on the heat input provided to the boiler by the combustion of this auxiliary fuel.

The provision of this Sub-Section applies only to the fuel used for the waste heat boiler(s) and does not replace or supersede the provisions of Sub-Section 3.08.

3.08. Weight Emission Standards for Manufacturing Process Source Operations.

(a) No person shall cause, suffer, allow, or permit the emission into the open air from any source operation an in-stack sulfur dioxide concentration exceeding 2,000 parts per million by volume from existing source operations, except as provided in Sub-Sections (b), (c), (d), (e), and (f) following.

(b) No person shall cause, suffer, allow, or permit sulfur dioxide tail gas emissions from sulfuric acid manufacturing plants to exceed the following:

- (1) For plants using elemental sulfur as a feed stock,
30 pounds per ton of acid produced.
- (2) For plants using other materials as a feed stock,
40 pounds per ton of acid produced.

(c) No person shall cause, suffer, allow, or permit the emission of sulfur oxides, calculated as sulfur dioxide, from a sulfur recovery plant to exceed 0.06 pounds per pound of sulfur processed.

(d) No person shall cause, suffer, allow, or permit the combustion of any refinery process gas stream or any other process gas stream that contains hydrogen sulfide in a concentration greater than 50 grains per 100 cubic feet of gas. In certain cases very small units may be considered exempt from this requirement if, in the opinion of the Commission, compliance would be economically unreasonable and if the contribution of the unit to the surrounding air quality could be considered negligible.

(e) No person shall cause, suffer, allow, or permit the emission of sulfur oxides, calculated as sulfur dioxide, from primary non-ferrous smelters to exceed that determined by the following equations:

Copper Smelters:	$Y = 0.2 X$
Zinc Smelters:	$Y = 0.564 X^{0.85}$
Lead Smelters:	$Y = 0.98 X^{0.77}$

Where X is the total sulfur fed to the smelter in pounds per hour, and Y is the allowable sulfur dioxide emissions in pounds per hour.

(f) No person shall cause, suffer, allow, or permit the total sulfite pulp mill emissions of sulfur oxides, calculated as sulfur dioxide, from operations such as blow pits, washer vents, storage

tanks, digester relief, and recovery system, to exceed 9.0 pounds per air-dried ton of pulp produced.

Section 4. Registration.

4.01. Within thirty (30) days after the effective date of this regulation all persons owning and/or operating a source(s) of sulfur dioxide subject to this regulation and not previously registered shall have registered such source(s) with the Commission. The information required for registration shall be determined and provided in the manner specified by the Director. Registration forms should be requested from the Director by the owner and/or operator of such source(s).

4.02. The owner and/or operator of a source(s) of sulfur dioxide that is under construction or on which construction is initiated within thirty (30) days after the effective date of this regulation shall register such source(s) within this thirty (30) day period.

Section 5. Permits.

5.01. After the effective date of this regulation, no person shall construct or modify any source of sulfur dioxide without first obtaining a permit for such construction or modification. Applications for permits shall be made upon forms available from the Director and shall be filed no less than ninety (90) days prior to the construction or modification. These forms shall include such information as in the judgment of the Director will enable him to determine whether such

source will be so designated as to operate in conformance with the provisions of this regulation and the Code of West Virginia, and will not cause or contribute to the violation of Air Quality Standards. Within ninety (90) days of the receipt of an application the Director shall issue or deny such permit in accordance with the provisions of Section 2 of Chapter 16, Article 20, Paragraph 11b of the Code of West Virginia, as amended, and Regulation XIII of this agency.

Section 6. Reports and Testing.

6.01. (a) Tests to determine compliance with the allowable sulfur dioxide emission limitations from manufacturing process source operations shall be based on a two (2) hour averaging time.

 (b) Tests to determine compliance with the allowable sulfur dioxide emission limitations from fuel burning units shall be based on a continuous twenty-four (24) hour averaging time. The owner and/or operator of a fuel burning unit shall not allow emissions to exceed the weight emission standards for sulfur dioxide as set forth in this regulation, except during one (1) continuous twenty-four (24) hour period in each calendar month and during this one (1) continuous twenty-four (24) hour period said owner and/or operator shall not allow emissions to exceed such weight emission standards by more than ten (10) percent without causing a violation of this regulation. A standard starting time for all continuous twenty-four (24) hour periods shall be fixed in writing by mutual agreement between the Director and the owner and/or operator of the fuel burning unit.

6.02. (a) At the request of the Commission the owner and/or operator of a source shall install such stack gas monitoring devices as the Director deems necessary to determine compliance with the provisions of this regulation. The data from such devices shall be readily available at the source location or such other reasonable location that the Director may specify. At the request of the Director, or his duly authorized representative, such data shall be made available for inspection or copying. Failure to promptly provide such data shall constitute a violation of this regulation.

(b) Prior to the installation of calibrated stack gas monitoring devices, sulfur dioxide emission rates shall be calculated on an equivalent fuel sulfur content basis.

6.03. At such reasonable times as the Director may designate, the owner or operator of a source(s) of sulfur dioxide may be required to conduct or have conducted tests to determine the compliance of such source(s) with the emission limitations of Section 3. Such tests shall be conducted in such manner as the Director may specify and be filed on forms and in a manner acceptable to the Director. The Director, or his duly authorized representative, may at his option witness or conduct such tests. Should the Director exercise his option to conduct such tests, the operator will provide all 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.

6.04. The Director, or his duly authorized representative, may conduct such other tests as he may deem necessary to evaluate air pollution emissions other than those noted in Section 3.

6.05. The operators of the fuel burning units or persons selling fuel shall submit data on the fuel used or sold for use in such units. Such data shall be reported in the manner the Director may specify. However, reports on such data shall not exceed one (1) per month. Such reports must be filed within fifteen (15) days of the end of the established reporting period and will include, but not necessarily be limited to, information such as the quantity of fuel burned or sold and the sulfur, moisture, volatile matter, and the B.T.U. content.

Section 7. Compliance Programs and Schedules.

7.01. In the event that a source(s) of sulfur dioxide in existence prior to the adoption of this regulation does not meet the emission limitations, an acceptable program to fully comply with the regulation shall be developed and offered to the Commission by the person responsible for the source. This program shall be submitted upon the request of, and within such time as shall be fixed by the Commission. Once this program has been approved by the Commission, the owner and/or operator of such installation shall not be in violation of this regulation so long as the approved or amended program is observed.

- 7.02. In the event that an owner or operator of such a source(s) of sulfur dioxide fails to submit a program or an acceptable program and schedule, the Commission shall, by order, determine the compliance program and schedule.

Section 8. Variance.

- 8.01. Due to unavoidable malfunction of equipment or inadvertent fuel shortages, emissions exceeding those provided for in this regulation may be permitted by the Director for periods not to exceed ten (10) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the equipment malfunction or fuel shortage. In cases of major equipment failure or extended shortages of conforming fuels, additional time periods may be granted by the Commission provided a corrective program has been submitted by the owner or operator and approved by the Commission.

Section 9. Exemptions and Recommendations.

- 9.01. All fuel burning units having a heat input under ten (10) million B. T. U.'s per hour will be exempt from Section 3 through Section 8. However, failure to attain acceptable air quality in parts of some urban areas may require the mandatory control of these sources at a later date.
- 9.02. In an effort to avoid the necessity for such mandatory controls the Commission strongly recommends that specific fuel quality objectives be met. In Priority I and Priority II regions and in

cities in Priority III regions with a population of more than 10,000 (based on the latest census) the Commission recommends that no person use or provide for sale fuel having a sulfur content greater than that listed in the following table for use in residential and other fuel burning units not otherwise restricted by this regulation:

Effective Date	Percent Sulfur Content of Fuels	
	Coal	Oil
June 30, 1972	3.0	2.0
June 30, 1975	2.0	1.5
June 30, 1978	1.0	0.5

Section 10. Severance.

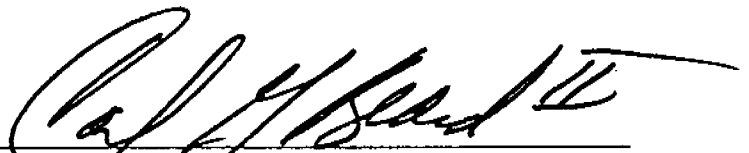
The provisions of this regulation are severable and if any provision or part thereof shall be held invalid, unconstitutional, or inapplicable to any person or circumstance, such invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sections, or parts of this regulation or their application to other persons and circumstances.

Section 11. Effective Date.

Regulation X (1978 A), as amended, was adopted by the West Virginia Air Pollution Control Commission on the 7th day of September, 1978, and shall become effective the 16th day of October, 1978. Said amended regulation shall supersede Regulation X (1978) which was

adopted by the West Virginia Air Pollution Control Commission on
the 19th day of December, 1977, and which became effective the 11th
day of February, 1978, and which superseded Regulation X (1976)
which was adopted by the West Virginia Air Pollution Control
Commission on the 4th day of November, 1976, and became effective
December 10, 1976, which superseded Regulation X (1973) adopted by
the West Virginia Air Pollution Control Commission on the 28th day
June, 1973, and became effective July 30, 1973, and Regulation X (1972)
adopted by the West Virginia Air Pollution Control Commission on
the 19th day of January, 1972, and became effective March 15, 1972.

The foregoing is a true and correct copy of the West Virginia Air
Pollution Control Commission Regulation X (1978 A) as adopted on
the 7th day of September, 1978.



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

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee



COCHAIRMAN
ROBERT M. STEPTOE
STATE SENATE
126 EAST BURKE STREET
MARTINSBURG 25401

WILLIAM E. SHINGLETON
HOUSE OF DELEGATES
Box 1548
FAIRMONT 26554

STAFF
LEGISLATIVE SERVICES
E-132 STATE CAPITOL
CHARLESTON 25305
PHONE (304) 348-2040

September 26, 1979

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 9/27/79

Hon. A. James Manchin
Secretary of State
W-151 State Capitol
Charleston, West Virginia 25305

Dear Mr. Manchin:

This is notification of approval or disapproval of rules and regulations in accordance with Section 11, Article 3, Chapter 29A of the West Virginia Code.

On September 24, 1979, the Legislative Rule-Making Review Committee approved regulations submitted by the Medical Licensing Board relating to Physicians Assistants.

The Committee approved the following regulations of the Air Pollution Control Commission:

Regulation III - "To Prevent and Control Air Pollution From The Operation of Hot Mix Asphalt Plants";

Regulation VIII - "Ambient Air Quality Standards for Sulfur Oxides and Particulate Matter";

Regulation XXI - "To Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From the Storage of Petroleum Liquids in Fixed Roof Tanks";

Regulation XXIII - "To Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Bulk Gasoline Terminals"; and

Regulation XXIV - "To Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Petroleum Refinery Sources."

Regulations XXIII and XXIV were approved with the nonsubstantive amendments attached.

The Committee disapproved the following regulations of the Air Pollution Control Commission:

Regulation VI - "To Prevent and Control Air Pollution From Combustion of Refuse";

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

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

INDEX.

Section 1. Definitions.

- | | | |
|-------|---|-------------------------------------|
| 1.01. | - | "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" |

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 9/27/59

Adm. Reg. 16-20
Series III

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.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Air Pollution Control Commission

Chapter 16-20
Series III
~~(1966)~~
(1979)

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 9/27/79

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

Section 1. 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.

~~1.03.~~ 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.

~~1.04.~~ 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.

4-05-

1.06. "Fuel" shall mean ~~a-fuel-such-as-gas-or-liquid-fuel~~
which-is-fired any gaseous, liquid or solid substance or
any combination thereof burned in fuel burning equipment.
~~When-solid-fuels-are-substituted-for-or-used-in-conjunction~~
~~with-either-of-the-above-fuels,-the-same-regulation-will~~
apply.

4-06-

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.

4-07-

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 ~~material~~ 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 ~~material~~ 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.

~~1.10.-----"New-Equipment"-shall-mean-all-asphaltic-hot-mix-plants installed-after-the-effective-date-of-this-regulation.~~

1.12. "Fugitive Dust 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.

~~1.12.-----"Fugitive-Dust-Control-System"-shall-mean-any-equipment-or-method-used-to-confine, collect, and dispose of fugitive-dust, including hoods, bins, dust-work, fans, air-pollution-control-equipment, etc.~~

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, duct work, 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. 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 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 ~~of~~ on the Ringelmann Smoke Chart or sixty percent (60%) opacity for a period or periods aggregating no more than 4 minutes per start-up.

~~2.03. ---The equivalent opacity of these Ringelmann numbers in Sub-Section 2.01 and Sub-Section 2.02 of this Section shall be used as a guide in the enforcement of Section 3 of this regulation.~~

Section 3. General Emission of Smoke and/or Prohibition of Particulate Matter Emission 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).

~~3.04~~ 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).

3-02- 3.03 In the case of more than one stack to a hot mix asphalt plant, the emission limitation of Sub-Section 3.01 of this Section will be based on the total emission from all stacks.

3-03- 3.04. No person shall cause, suffer, allow or permit a plant to operate that is not equipped with a ~~fugitive-dust-control~~ particulate matter capture system. This system shall be designed, operated and maintained in such a manner as to prevent the emission of particulate matter ~~material~~ from any point other than the stack outlet.

3-04- 3.05. The owner or operator of the plant shall maintain ~~dust~~ control of fugitive particulate matter on ~~of the~~ 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 ~~dust~~ fugitive particulate matter generation and atmospheric entrainment. Good operating practices, including water spraying or other suitable measures, shall be employed to minimize ~~dust~~ fugitive particulate matter generation and atmospheric entrainment when hot bins are pulled.

Section 4. 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 ~~Commission~~ 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 ~~Commission~~ 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 ~~dust~~ 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 ~~effect~~ affect the emission

characteristics of the plants then they shall be re-registered with the ~~Commission~~ Director defining those changes within thirty (30) days after being placed in operation.

Section 5. Permits.

~~5.01. -- Plants in existence on the effective date of this regulation will be granted a temporary operating permit. These permits will be valid for as long as the Commission shall designate. -- When control programs are completed that meet the requirements of this regulation, these temporary permits will be replaced with annual operating permits.~~

5.02. 5.01. An operating permit will be granted for plants in existence on the effective date of this regulation will be granted an operating permit 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 plant failing to maintain ~~these~~ the requirements of this regulation shall, at the discretion of the Commission, have their operating permit revoked.

5.03. 5.02. When operating permits are revoked, the Commission 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 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.--Ten-(10)-days-prior-to-the-operation-of-a-new-or
relocated-plant,-application-must-be-made-to-the-Commis-
sion-for-a-permit.--Such-application-shall-be-made-on
forms-to-be-made-available-by-the-Commission-and-in-the
manner-acceptable-to-the-Commission.--Plants-that-meet
the-requirements-of-this-regulation-will-be-issued-an
annual-permit-for-operation-by-the-Commission.~~

5.05. 5.04. Plants operating without a permit will be in violation of this regulation.

Section 6. Reports and Testing.

~~-6.04.--When-the-Commission-has-reason-to-believe-that-the
provisions-of-this-regulation-are-being-violated,-the
owner-of-the-plant-shall-permit-the-Commission-to-conduct
such-stack-tests-as-necessary-to-determine-the-dust-load-
ing-in-the-exhaust-gases.--The-operator-will-provide-all
the-sampling-connections-and-sampling-ports-to-be-located
in-such-manner-as-the-Commission-may-require,-power-for
test-equipment-and-the-required-safety-equipment-such-as~~

~~the-necessary-scaffolding,-railings,-ladders,-etc,-to
comply-with-generally-accepted-good-safety-practices.~~

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 con-
centration 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 con-
ducted 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 connec-
tions 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 Commission 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 7. 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 7.~~

Section 8. Variance.

7.04.----Where plants in existence prior to the adoption of this regulation do not meet the particulate matter emission limitations noted above, then an acceptable control program to meet the emission limitations shall be developed and offered to the Commission by the person owning the plant causing the emission. This control program shall be submitted upon the request of and within such time as shall be fixed by the Commission, and after said program has been approved by the Commission, the owner or operator of the equipment causing the emission shall not be in violation of this regulation so long as the program is observed.

7.02.

8.01. 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 Commission Director. Such application shall be made within 24 hours of the malfunction or within such other time period as the Commission 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 9. 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-8.~~

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 1st day of May, 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 G. Beard, II
Secretary
West Virginia Air Pollution
Control Commission