



STATE OF WEST VIRGINIA

OFFICE OF THE SECRETARY OF STATE FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

CHARLESTON 25305

A. JAMES MANCHIN  
SECRETARY OF STATE

STATE REGISTER FILING

THIS DATE 6/27/80

I, Carl G. Beard, II, Secretary,  
Title or Position

Air Pollution Control Commission, hereby submit to record in  
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- ( ) proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- ( ) proposed rules and regulations superseding rules and regulations already on file;
- ( ) notice of hearing;
- (x) findings and determinations;
- (x) rules and regulations; or
- ( ) other - specify ( ) .

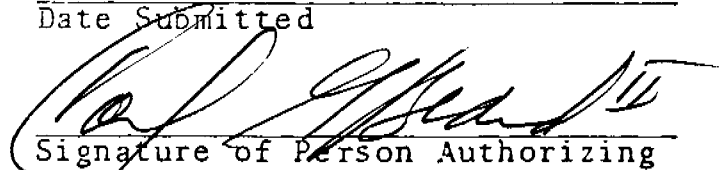
This filing pertains to

Chapter 16  
Article 20  
Series IX  
Section \_\_\_\_\_  
Page No. \_\_\_\_\_

- (x) proposed rules and regulations are required to go to Legislative Rule Making Committee;
- ( ) proposed rules and regulations are excluded from Legislative Rule Making Committee;

June 27, 1980

Date Submitted

  
Signature of Person Authorizing  
this Filing

WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

FINDINGS AND DETERMINATIONS

THIS DATE 6/27/80

Subject: Regulation IX - Ambient Air Quality Standards for  
Carbon Monoxide, Non-Methane Hydrocarbons, and Ozone.

Findings

- (1) On October 12, 1979, the West Virginia Air Pollution Control Commission published notice of hearing concerning proposed amendments to Regulation Series IX.
- (2) On September 20, 1979, notice of hearing was filed with the West Virginia Secretary of State for publishing in the State Register.
- (3) On November 20, 1979, the West Virginia Air Pollution Control Commission held a public hearing to receive testimony concerning this proposed regulation.
- (4) On April 22, 1980, the West Virginia Air Pollution Control Commission adopted Regulation Series IX.

Determinations

- (1) The West Virginia Air Pollution Control Commission determined that Regulation IX establishing ambient air quality standards for photochemical oxidants should be amended to agree with Regulations of the United States Environmental Protection Agency. The United States Environmental Protection Agency changed the ambient air quality standards for oxidants and renamed it ozone while establishing a new ambient standard.
- (2) The Commission's action agrees with 16-20-5(4) of the Code of West Virginia, as amended, whereby the Air Pollution Control Commission can not have any rule, regulation, or standard more stringent than those of USEPA.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Subject: Regulation IX - Ambient Air Quality Standards for Carbon  
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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. - "Hydrocarbons"

2.06. - "Ozone"

2.07. - "Standard Conditions"

2.08. - "Ambient Air Quality Standards"

Section 3. Ambient Air Quality Standards.

Section 4. Methods of Measurement.

Section 5. Effective Date.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
Air Pollution Control Commission

Chapter 16-20  
Series IX  
(1971)  
(1980)

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 6/27/80

Subject: Regulation IX - Ambient Air Quality Standards for Carbon Monoxide,  
Non-Methane Hydrocarbons, and ~~Photochemical Oxidants~~ Ozone.

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Section 1. Anti-Degradation Policy.

1.01. 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 "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, ~~will~~ 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 the State of West Virginia or any other state, the United States of America, any municipal, statutory, 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.
- 2.05. "Hydrocarbons" shall mean compounds whose molecules consist of atoms of hydrogen and carbon and exist in the atmosphere in the gas phase. Specifically excluded are hydrocarbons and other organics associated only with suspended particles in the atmosphere. For purposes of these air quality standards non-methane hydrocarbons shall be taken to be the difference between the reported total hydrocarbons and methane values obtained from an air sample.

~~2.06. --- "Photochemical Oxidant" shall be the term used to describe the net oxidizing ability of the ambient air. --- Oxidants are produced in the ambient air as the result of complex photochemical reactions.~~

2.06. "Ozone" shall mean the triatomic oxygen molecule (O<sub>3</sub>), a very reactive form of oxygen.

2.07. "Standard Conditions" shall mean for the purposes of this regulation a temperature of 25° C and a pressure of 760 mm of mercury column.

2.08. "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 air pollutant concentrations shall not be exceeded at any sampling site:

(a) Carbon Monoxide

Maximum Eight (8) Hour Concentration, 10 milligrams per cubic meter (9 ppm) - not to be exceeded more than once per year.

Maximum One (1) Hour Concentration, 40 milligrams per cubic meter (35 ppm) - not to be exceeded more than once per year.

~~(b) - Photochemical Oxidants (Measured and Corrected For Interferences Due to Nitrogen Oxides and Sulfur Dioxide)~~

~~Maximum One (1) Hour Concentration, 160 micrograms per cubic meter (0.08 ppm) — not to be exceeded more than once per year.~~

(b) Ozone

Maximum One (1) Hour Concentration (Highest single value per day), 235 micrograms per cubic meter (0.12 ppm). Violation of this standard shall occur when the average number of expected exceedances is greater than one per year based on three years data. (Reference 1).

(c) Hydrocarbons (Measured and Corrected for Methane)

Maximum Three (3) Hour Concentration, 160 micrograms per cubic meter (0.24 ppm) for the time period of 6:00 a. m. to 9:00 a. m. - not to be exceeded more than once per year.

The hydrocarbon standard is to be used as a guide in devising implementation plans to achieve ~~oxidant~~ ozone standards.

Section 4. Methods of Measurement.

4.01. Carbon Monoxide concentrations shall be determined by nondispersive infrared (NDIR) methods or by such other methods approved as equally or more specific, accurate, sensitive, and reproducible by the West Virginia Air Pollution Control Commission.

~~4.02. --- Photochemical Oxidant concentrations shall be determined by the neutral buffered potassium-iodide method as modified by Saltzman, et al, or by such other methods approved as equally or more specific, accurate, sensitive, and reproducible by the West Virginia Air Pollution Control Commission.~~

4.02. Ozone concentrations shall be determined by the chemiluminescence reaction of ozone with ethylene and calibrated by the UV photometric procedure (Reference 2), or by the boric acid potassium iodide (BAKI) method which may be used as the calibration procedure in place of the UV photometric method until August, 1980, or by such other detection and/or calibration methods approved as equally or more specific, accurate, sensitive, and reproducible by the West Virginia Air Pollution Control Commission.

4.03. Hydrocarbon concentrations shall be determined by subtraction of methane concentrations from total hydrocarbon concentrations determined by the flame ionization technique or by such other methods approved as equally or more specific, accurate, sensitive, and reproducible by the West Virginia Air Pollution Control Commission.

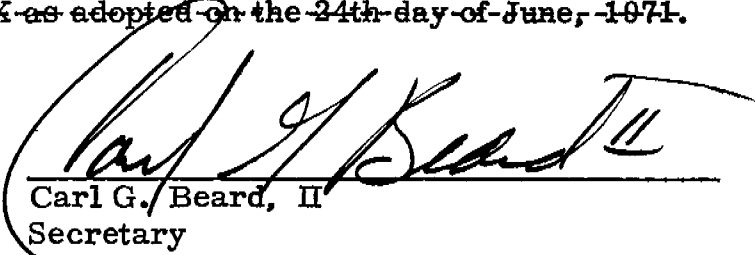
4.04. Other less specific methods of measurement may be used provided an accurate method of conversion can be developed to express the results in terms of equivalence to those that would be expected using the above methods or other more specific, accurate, sensitive, and reproducible methods approved by the West Virginia Air Pollution Control Commission.

Section 5. Effective Date.

Regulation IX shall become effective ~~September 1, 1971~~ \_\_\_\_\_.



~~The foregoing is a true and correct copy of the West Virginia Air Pollution Control Commission Regulation IX as adopted on the 24th day of June, 1971.~~

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

<sup>1</sup>Federal Register, "Appendix H - Interpretation of the National Ambient Air Quality Standards for Ozone", Vol. 44, No. 28 - Thursday, February 8, 1979, p. 8220, 8221.

<sup>2</sup>Federal Register, "Appendix D - Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere", Vol. 44, No. 28 - Thursday, February 8, 1979, p. 8224 - 8233.

**WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION**

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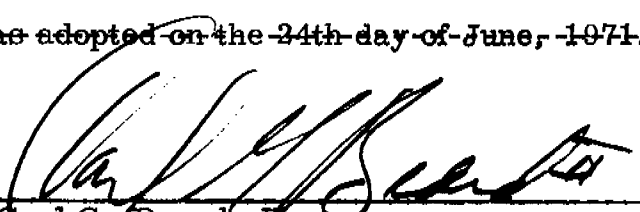
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December 30, 1977  
Date Submitted

Carl G. Beard II  
Signature of Person Authorizing  
this filing

WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
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I. ADMINISTRATIVE HEARINGS

THIS DATE 12-30-77

RULE NO. 13

Any person, firm, corporation, partnership or association who desires to submit exhibits or other writings as evidence into the record of a public hearing held pertaining to the promulgation or amendment of a rule or regulation of the Commission shall submit the exhibits or other documentary evidence and eleven (11) copies thereof.

No copies shall be required of exhibits or other writings composed of three (3) or less standard-size pages.

EFFECTIVE DATE: January 30, 1978

WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION

I. ADMINISTRATIVE HEARINGS

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