

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

FORM #6

Do Not Mark In This Box

FILED

MAY 19 9 33 AM '00

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE.

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

AMENDMENT TO AN EXISTING RULE: YES  , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 9

TITLE OF RULE BEING AMENDED: "Ambient Air Quality

Standards for Carbon Monoxide and Ozone"

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

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

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~~THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.~~

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4223

SECTION 64-3-1(s) , PASSED ON March 11, 2000

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON

THE FOLLOWING DATE: June 1, 2000

Carrie J. Chambers  
Authorized Signature



Executive Office  
#10 McJunkin Road  
Nitro, WV 25143-2506  
Telephone No: (304)759-0575  
Fax No: (304)759-0526



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## West Virginia Bureau of Environment

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Cecil H. Underwood  
Governor

Michael C. Castle  
Commissioner

May 17, 2000

Ms. Judy Cooper  
Director, Administrative Law  
Division  
Secretary of State's Office  
Capitol Complex  
Charleston, WV 25305

RE: 45CSR9 - "Ambient Air Quality Standards for Carbon Monoxide and  
Ozone"

Dear Ms. Cooper:

This letter will serve as my approval to file the above-referenced rule with your Office and the Legislative Rule-Making Review Committee as "Notice of Final Filing and Adoption of a Legislative Rule."

Your cooperation in the above request is very much appreciated. If you should have any questions or require additional information, please call Carrie Chambers in my office at 759-0515.

Sincerely,

Michael C. Castle  
Commissioner

MCC:cc

cc: Karen Watson  
Carrie Chambers

# LEGISLATIVE HISTORY ABSTRACT 45CSR9

## Ambient Air Quality Standards for Carbon Monoxide and Ozone

Bureau of Environment  
Division of Environmental Protection  
Office of Air Quality  
House Bill 4223 Section 64-3-1(s)

9/1/99	Filed Notice of Public Hearing with Secretary of State.
9/1/99	Initial Filing with Legislative Rule-Making Review Committee.
10/12/99	Held Public Hearing.
10/12/99	End of Public Comment Period.
12/22/99	Agency Approved Rule Filed with Secretary of State and Legislative Rule-Making Review Committee.
1/20/99	Rule Approved by Legislative Rule-Making Review Committee with Modifications.
1/25/00	Modified Rule Filed with Secretary of State and Legislative Rule-Making Review Committee.
3/11/00	Passed the West Virginia Legislature.
4/3/00	Signed by the Governor.
5/19/00	Rule Final Filed with Secretary of State.
6/1/00	Effective Date of Rule.

FILED

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

MAY 19 9 35 AM '00

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 9  
AMBIENT AIR QUALITY STANDARDS FOR  
CARBON MONOXIDE AND OZONE

**§45-9-1. General.**

1.1. Scope. -- The purpose of this rule is to establish ambient air quality standards for carbon monoxide and ozone, equivalent to those national primary and secondary ambient air quality standards established by the U.S. EPA.

National primary ambient air quality standards define levels of air quality which the Administrator of the U.S. EPA judges are necessary, with an adequate margin of safety, to protect the public health. National secondary ambient air quality standards define levels of air quality which the administrator of the U.S. EPA judges necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant. Such standards are subject to revision, and additional primary and secondary standards may be promulgated as the Administrator of the U.S. EPA deems necessary to protect the public health and welfare.

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

1.3. Filing Date. -- May 19, 2000

1.4. Effective Date. -- June 1, 2000

1.5. Former Rules. -- This legislative rule amends 45CSR9 - "Rules Pertaining to Ambient Air Quality Standards for Carbon Monoxide and Ozone" which was filed on June 1, 1999 and became effective on August 30, 1999.

**§45-9-2. Anti-Degradation Policy.**

2.1. In the best interests of the State of West Virginia, it is the objective of the Director to obtain and maintain the cleanest air possible, consistent with the best available technology.

2.2. Where the present ambient air is of better quality than the established standards, the Director 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.

2.3. The air quality of these areas will not be lowered unless it has been clearly demonstrated to the Director 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.

**§45-9-3. Definitions.**

3.1. "Air Pollutants" means solids, liquids, or gases which, if discharged into the air, may result in a statutory air pollution.

3.2. "Air Pollution", 'statutory air pollution', shall have the meaning ascribed to it in W. Va. Code §22-5-2.

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

3.4. "Ambient Air Quality Standards" means 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.

**§45-9-4. Ambient Air Quality Standards.**

4.1. The following ambient air pollutant concentrations shall not be exceeded:

4.1.a. Carbon Monoxide

4.1.a.1. Maximum eight (8) hour concentration, ten (10) milligrams per cubic meter (9 ppm) - not to be exceeded more than once per year.

4.1.a.2. Maximum one (1) hour concentration, forty (40) milligrams per cubic meter (35 ppm) - not to be exceeded more than once per year.

4.1.b. Ozone

4.1.b.1. [Reserved]

**§45-9-5. Methods of Measurement.**

5.1. Carbon Monoxide concentrations shall be measured in the ambient air by:

5.1.a. a reference method based on Appendix C of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53, or

5.1.b. an equivalent method designated in accordance with 40 CFR Part 53.

5.2. Ozone concentrations shall be measured in the ambient air by:

5.2.a. [Reserved]