

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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AUG 13 12 46 PM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: Air Pollution Control Commission TITLE NUMBER: 45CSR10

CITE AUTHORITY W. Va. Code §16-20-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45CSR10

TITLE OF RULE BEING AMENDED: "To Prevent and Control Air Pollution
from the Emission of Sulfur Oxides"

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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



Britt A. Bernheim, Secretary
Air Pollution Control Commission

18.20

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APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Rule Title: "45CSR10 "To Prevent and Control Air Pollution from the Emissions of Sulfur Oxides"

Type of Rule: X Legislative Interpretive Procedural

Agency: Office of Air Quality

Address: 1558 Washington Street, East
Charleston, WV 25311-2599

1. Effect of Proposed Rule	Annual		Fiscal Year		
	Increase	Decrease	Current	Next 1993-94	1994-95
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

The proposed revision to 45CSR10 affects one current facility, Wheeling Pittsburgh Steel's coke oven batteries, as such, additional agency costs associated with one facility is negligible.

3. Objectives of these rules:

The objective of the proposed rule change is to provide time periods of outage for the desulfurization unit at the facility.

4. Explanation of overall economic impact of proposed rule.

A. Economic impact on state government.

Negligible

B. Economic impact on political subdivisions; specific industries; specific groups of citizens.

Wheeling Pittsburgh Steel Corporation has indicated that providing complete redundancy to the desulfurization unit or providing redundancy for the major process equipment involved with the desulfurization unit is economically infeasible.


C. Economic impact on citizens/public at large.

Negligible

Date:

 1/17/83

Signature of agency head or authorized representative:



G. Dale Farley
Chief
Office of Air Quality

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

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

_____ N/A _____

b. Date of hearing: _____ N/A _____

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

_____ N/A _____

d. Attach findings and determinations and reasons:

Attached _____ N/A _____

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DATE: August 13, 1993
TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
FROM: G. DALE FARLEY
CHIEF, OFFICE OF AIR QUALITY

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE RULE TITLE: 45CSR10 -"To Prevent and Control Air Pollution from
the Emission of Sulfur Oxides"

1. Authorizing statute(s) citation W. Va. Code §16-20-5

2. a. Date filed in State Register with Notice of Hearing:
June 2, 1993 and July 28, 1993

- b. What other notice, including advertising, did you give of the hearing?
Class II legal advertisement filed in a newspaper published
in each of the Air Quality Control Regions of West Virginia.
Office of Air Quality Mailing List.

- c. Date of hearing(s): July 6, 1993
August 9, 1993

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

- e. Date you filed in State Register the agency approved proposed
Legislative Rule following public hearing: (be exact)
August 13, 1993

- f. Name and phone number of agency person to contact for additional
information:
G. Dale Farley, Chief
Office of Air Quality
Phone: 558-2275



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
OFFICE OF THE SECRETARY

State Capitol, Room M-146
Charleston, West Virginia 25305-0310
Telephone: (304) 558-0400
Fax No.: (304) 558-4983

GASTON CAPERTON
Governor

JOHN M. RANSON
Cabinet Secretary

June 2, 1993

Britt A. Bernheim, Secretary
West Virginia Air Pollution
Control Commission
1615 Washington Street, East
Charleston, West Virginia 25311

Re: 45CSR7 - "To Prevent and Control Particulate Air
Pollution From Manufacturing Process
Operations" and

45CSR10 - "To Prevent and Control Air Pollution From the
Emission of Sulfur Oxides"


Dear Ms. Bernheim:

Pursuant to West Virginia Code Section 5F-2-2(a)(12), I hereby consent to the proposal of the rules specified above.

I am authorizing the proposal of these rules with the understanding that the modifications they propose will be subjected to public comment and scrutiny before final adoption. I understand that the Commission will require the affected regulated parties to provide adequate technical data and documentation to establish that the proposed changes are needed, and that they can be made without an unreasonable impact on air quality.

You may attach a copy of this letter to your filing with the Secretary of State as evidence of my consent.

Sincerely yours,


John M. Ranson
Cabinet Secretary

JMR:ro

t:\air6-2.rul

45CSR10

SUMMARY

45CSR10 "To Prevent and Control Air Pollution from the Emission of Sulfur Oxides" was last amended effective October 16, 1978. The rule changes to 45CSR10 have been proposed as a result of a petition to the Air Pollution Control Commission by Wheeling Pittsburgh Steel Corporation.

Wheeling Pittsburgh Steel Corporation has requested the changes to allow scheduled maintenance (including shutdown) of desulfurization equipment at its by-product coke facility. Such maintenance periods would not exceed fourteen (14) days nor occur more than twice per calendar year.

45CSR10 is part of the State Implementation Plan for West Virginia and any changes are subject to State Implementation Plan revision procedures under Title I of the Clean Air Act.

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45CSR10
TITLE 45
LEGISLATIVE RULES
AIR POLLUTION CONTROL COMMISSION

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 10
TO PREVENT AND CONTROL AIR POLLUTION
FROM THE EMISSION OF SULFUR OXIDES

§45-10-1. General.

1.1. Scope.

(a)a. The purpose of Series 10 is to prevent and control air pollution from the emission of sulfur oxides.

(b)b. 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~~rule.

1.2. Authority. W. Va. Code §16-20-5

1.3. Filing Date. ~~September 8, 1978~~August 13, 1993.

1.4. Effective Date. ~~October 16, 1978~~

§45-10-2. Definitions.

2.1. "Air Pollution", 'statutory air pollution' shall have the meaning ascribed to it in ~~section two, article twenty, chapter sixteen of the Code of West Virginia, as amended~~W. Va. Code §16-20-2, as amended.

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

2.3. "Commission" ~~shall means~~ the West Virginia Air Pollution Control Commission.

2.4. "Director" ~~shall means~~ the Director of the ~~West Virginia Air Pollution Control Commission~~Division of Environmental Protection or his or her designated representative.

2.5. "Person" ~~shall means~~ any and all persons, natural or artificial, including the State of West Virginia or any other state and all agencies or divisions thereof, any state political subdivision, 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.

2.6. "Fuel Burning Unit" ~~shall~~ means 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 rule, all fuel burning units are classified in the following categories:

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

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

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

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

2.9. "Priority I Regions", "Priority II Regions", and "Priority III Regions" are defined in Table 45-10A found at the end of this regulation rule.

2.10. "Air Pollution Control Equipment" ~~shall~~ means 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~~ means 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~~ means the last operation in a manufacturing process preceding the emission of air pollutants which operation:

(a)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)b. Is not an air pollution abatement operation.

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2.13. "Sulfur Dioxide" is an air pollutant which is a nonflammable, nonexplosive, colorless, gaseous molecule composed of one (1) atom of sulfur and two (2) atoms of oxygen. In concentrations of 0.3 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~~ means and includes all fuel burning units, source operations, equipment and grounds utilized in an integral complex.

2.15. "Equivalent Fuel Sulfur Content" ~~shall~~ means that quantity of sulfur dioxide in pounds per million British Thermal Units (BTU's) which corresponds to a given percent sulfur in fuel being burned and is calculated on the basis of one hundred percent (100%) 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~~ rule, ~~shall~~ means, but ~~not~~ ~~be~~ ~~is~~ ~~not~~ limited to, any duct, control equipment exhaust, or similar apparatus, which vents gases and/or particulate matter into the open air.

2.17. "Chief of Air Quality" or "Chief" means the Chief of the Office of Air Quality or his or her designated representative appointed by the Director of the Division of Environmental Protection pursuant to the provisions of W. Va. Code §22-1-1, et seq, as amended.

2.18. "Division of Environmental Protection" or "DEP" means that division of the West Virginia Department of Commerce, Labor, and Environmental Resources which is created by the provisions of W. Va. Code §22-1-1, et seq., as amended.

§45-10-3. Sulfur Dioxide Weight Emission Standards for Fuel Burning Units.

3.1. 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)a. 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 (BTU's) per hour.

(2)b. 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 BTU's per hour.

(3)c. 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 BTU's per hour.

(4)d. 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 BTU's per hour.

(5)e. 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 BTU's per hour.

3.2. 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 Fayette 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)a. 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 input for such units discharging from those stacks in million BTU's per hour.

(2)b. 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 BTU's per hour.

(3)c. 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 BTU'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.

3.3. 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)a. For fuel burning units of the Harrison Power Station of Monongahela Power Company, located in Air Quality Control Region VI, the product of 5.12 and the total actual operating heat inputs for such units discharging from those stacks in million BTU's per hour.

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(2)b. 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 BTU's per hour.

(3)c. 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 BUT's per hour.

(4)d. 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 BTU's per hour.

(5)e. 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 BTU's per hour.

(6)f. 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 BTU's per hour.

3.4. Allowable Emission Rates for Individual Stacks.

The maximum allowable emission rate for an individual stack shall not exceed by more than twenty-five percent (25%) the emission rate determined by prorating the total allowable emission rate specified in subsections 3.1., 3.2., or 3.3., 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 regulationrule, allowable emission rates for individual stacks shall be determined by the owner and/or operator and registered with the CommissionChief at the request of and on forms provided by the DirectorChief. Such rates shall be subject to review and approval by the DirectorChief.

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 DirectorChief.

3.5. 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 subsections 3.1, 3.2, 3.3, or 3.4 of this regulationrule.

3.6. No person shall circumvent the provisions of this regulationrule 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.

3.7. 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 BTU'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 subsection applies only to the fuel used for the waste heat boiler(s) and does not replace or supersede the provisions of subsection 3.8.

3.8. Weight Emission Standards for Manufacturing Process Source Operations.

~~(a)~~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 subsectionsparagraphs (b), (c), (d), (e), and (f) following.

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

~~(1)~~A. For plant using elemental sulfur as a feed stock, 30 pounds per ton of acid produced.

~~(2)~~B. For plants using other materials as a feed stock, 40 pounds per ton of acid produced.

~~(c)~~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)~~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 CommissionChief, compliance would be economically unreasonable and if the contribution of the unit to the surrounding air quality could be considered negligible.

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(e)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: $Y = 0.2X$

Zinc Smelters: $Y = 0.564X^{0.85}$

Lead Smelters: $Y = 0.98X^{0.77}$

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)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 nine (9.0) pounds per air-dried ton of pulp produced.

g. Any owner or operator of a by-product coke production facility in existence on the effective date of this rule who can demonstrate to the Chief that there is no practical alternative to scheduled maintenance (including shutdown) of desulfurization equipment may request the approval of an enforceable, temporary sulfur dioxide emissions control and mitigation plan for such maintenance periods. In order for a plan under this paragraph to be approved by the Chief the plan must meet the following conditions:

A. Provide that all feasible control measures and process changes will be employed at the coke production facility to reduce emissions of sulfur dioxide (including reduction of coke oven gas generation) during the control system outage.

B. Provide for a definitive reduction in sulfur dioxide emissions from all other emissions units of the stationary source sufficient to prevent any violation of federal and state ambient air quality standards or applicable air quality increments for sulfur dioxide.

C. Provide that system down-time and excess sulfur dioxide emissions be reduced to the greatest extent possible by use of increased or contract maintenance personnel, maximized maintenance labor shifts, and optimization of available spare parts inventories.

D. Provide for emissions and compliance monitoring as required by the Chief in the approved plan during the maintenance periods and for the submission of reports of such monitoring and tests within time-frames specified by the Chief in the approved plan. All approved plans shall require that a certified report of excess sulfur dioxide emissions from the by-product coke production facility and offsetting emission units be submitted to the Chief within thirty (30) days after the end of the maintenance period.

E. Provide that no maintenance period exceed fourteen (14) days in length nor occur more than twice in any calendar year.

F. Require that the owner/operator provide at least two weeks notice of all scheduled maintenance periods, the anticipated length of the maintenance period, work to be completed, measures to be taken to minimize the length of desulfurization system down-time and such other information as the Chief may specify in the approved plan.

G. Provide for annual review and re-approval or termination of the plan by the Chief. The Chief shall, in making a determination concerning plan renewal or termination, review the plant's compliance history and records to determine whether the plan has prevented or minimized, to the extent possible, desulfurization system outages and excess emissions.

§45-10-4. Registration.

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

4.2. 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~~rule shall register such source(s) within this thirty (30) day period.

§45-10-5. Permits.

5.1. After the effective date of this ~~regulation~~rule, 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~~Chief 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~~Chief will enable him or her to determine whether such source will be so designated as to operate in conformance with the provisions of this ~~regulation~~rule 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~~Chief shall issue or deny such permit in accordance with the provisions of ~~section two, article twenty, chapter sixteen, paragraph eleven-b of the Code of West Virginia, as amended~~W. Va. Code §16-20-1, et seq., as amended, and Series 13 of this agency.

§45-10-6. Reports and Testing.

6.1. (a)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)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 regulationrule, 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 percent (10%) without causing a violation of this regulationrule. A standard starting time for all continuous twenty-four (24) hour periods shall be fixed in writing by mutual agreement between the DirectorChief and the owner and/or operator of the fuel burning unit.

6.2. (a)a. At the request of the CommissionChief the owner and/or operator of a source shall install such stack gas monitoring devices as the DirectorChief deems necessary to determine compliance with the provisions of this regulationrule. The data from such devices shall be readily available at the source location or such other reasonable location that the DirectorChief may specify. At the request of the DirectorChief, or his or her 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 regulationrule.

(b)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.

6.3. At such reasonable times as the DirectorChief 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 DirectorChief may specify and be filed on forms and in a manner acceptable to the DirectorChief. The DirectorChief, or his or her duly authorized representative, may at his or her option witness or conduct such tests. Should the DirectorChief exercise his or her option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports to be located in such manner as the DirectorChief 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.

6.4. The DirectorChief, or his duly authorized representative, may conduct such other tests as he or she may deem necessary to evaluate air pollution emissions other than those noted in section 3.

6.5. 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 DirectorChief 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 BTU content.

§45-10-7. Compliance Programs and Schedules.

7.1. In the event that a source(s) of sulfur dioxide in existence prior to the adoption of this regulationrule does not meet the emission limitations, an acceptable program to fully comply with the regulationrule shall be developed and offered to the CommissionChief 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 CommissionChief. Once this program has been approved by the CommissionChief, the owner and/or operator of such installation shall not be in violation of this regulationrule so long as the approved or amended program is observed.

7.2. 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 CommissionChief shall, by order, determine the compliance program and schedule.

§47-10-8. Variance.

8.1. Due to unavoidable malfunction of equipment or inadvertent fuel shortages, emissions exceeding those provided for in this regulationrule may be permitted by the DirectorChief for periods not to exceed ten (10) days upon specific application to the DirectorChief. 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 CommissionChief provided a corrective program has been submitted by the owner or operator and approved by the CommissionChief.

§45-10-9. Exemptions and Recommendations.

9.1. All fuel burning units having a heat input under ten (10) million BTU'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.

9.2. 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 regulationrule:

45CSR10

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

§45-10-10. Severance.

The provisions of this ~~regulation~~ rule 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~~ rule or their application to other persons and circumstances.

TABLE 45-10A

Priority Classifi- cation	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

WEST VIRGINIA REGISTER



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- V. Notices*
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- VI. Legislative Interims*
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- XI. Other Documents or Information Filed*
- XII. Publication Deadlines and Publication Dates*

LEGISLATIVE

SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

FILED
JUN 24 4 33 PM '93
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #1

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Air Pollution Control Commission TITLE NUMBER: 45CSR7
RULE TYPE: Legislative; CITE AUTHORITY: W. Va. Code §16-20-5

AMENDMENT TO AN EXISTING RULE: YES NO
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45CSR7
TITLE OF RULE BEING AMENDED: "Regulations to Prevent and Control Particulate Air Pollution from Manufacturing Process Operations"

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____
TITLE OF RULE BEING PROPOSED: _____

DATE OF PUBLIC HEARING: Tuesday, July 6, 1993 TIME: 9:00 a.m.
LOCATION OF PUBLIC HEARING: Office of Air Quality
Conference Room
1558 Washington Street, East
Charleston, WV 25311

COMMENTS LIMITED TO: ORAL _____, WRITTEN _____, BOTH
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:
Britt A. Bernheim, Secretary
Air Pollution Control Comm.
1615 Washington Street, East
Charleston, WV 25311

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.
The issues to be heard shall be limited to the proposed rule.

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Air Pollution Control Commission TITLE NUMBER: 45CSR10
RULE TYPE: Legislative; CITE AUTHORITY: W. Va. Code §16-20-5

AMENDMENT TO AN EXISTING RULE: YES NO
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45CSR10
TITLE OF RULE BEING AMENDED: "To Prevent and Control Air Pollution from the Emission of Sulfur Oxides"

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____
TITLE OF RULE BEING PROPOSED: _____

DATE OF PUBLIC HEARING: Tuesday, July 6, 1993 TIME: 9:00 a.m.
LOCATION OF PUBLIC HEARING: Office of Air Quality
Conference Room
1558 Washington Street, East
Charleston, WV 25311

COMMENTS LIMITED TO: ORAL _____, WRITTEN _____, BOTH
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:
Britt A. Bernheim, Secretary
Air Pollution Control Comm.
1615 Washington Street, East
Charleston, WV 25311

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.
The issues to be heard shall be limited to the proposed rule.

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

July 6, 1993 Agenda

WEST VIRGINIA REGISTER



Published by Ken Hechler, Secretary of State

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Volume X

Issue 265

June 25, 1993

Pages 1106-1161

A Weekly Publication

Administrative Law Division

Judy Cooper
Director

Missy Phalen
Pam Reece
Administrative Assistants

Secretary of State
Administrative Law Division
Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770

(304)558-6000

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OTHER

DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
1558 Washington Street, East
Charleston, WV 25311-2599

n Caperton
Secretary
M Hanson
Secretary

David C. Callaghan
Director
Ann A. Spener
Deputy Director

AGENDA

WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION
Conference Room

1558 Washington Street, East
Charleston, West Virginia 25311

July 6, 1993
9:00 a.m.

FILED
JUL 10 1993
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

I. HEARINGS ON PROPOSED RULES

- 1. 45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (continuation of January 7, 1993 hearing)
- 2. 45CSR30 "Requirements for Operating Permits"
- 3. 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
- 4. 45CSR25 "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"
- 5. 45CSR15 "Emission Standards for Hazardous Air Pollutants"
- 6. 45CSR16 "Standards of Performance for New Stationary Sources"
- 7. 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
- 8. 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"

II. COMMISSION MEETING

- 1. Final Adoption of Rules Authorized by the Legislature.
 - a. 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
 - b. 45CSR14 "Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration"

- c. 45CSR19 "Requirements for Pre-Construction Review, Determination of Emission Offsets for Proposed New or Modified Stationary Sources of Air Pollutants and Emission Trading for Intraresource Pollutants"
- d. 45CSR21 "Regulation to Prevent and Control Air Pollution from the Emission of Volatile Organic Compounds"
- e. 45CSR29 "Regulation Requiring the Submission of Emission Statements for Volatile Organic Compound Emissions and Oxides of Nitrogen Emissions"
- f. 45CSR31 "Confidential Information"
- g. 45CSR32 "Serious and Minor Violations of Applicable Rules"

- 2. Election of Chairman.*
- 3. Election of Vice-Chairman.*
- 4. Appointment of Secretary.*
- 5. Such other business as the Commission deems timely and appropriate.

*The following is quoted from the West Virginia Air Pollution Control Law of West Virginia, 16-20-4:

At its first meeting the Commission shall elect from its membership a chairman, and at the first meeting in each fiscal year thereafter the Commission shall elect from its membership a chairman to act during such fiscal year. At similar times the Commission shall elect from its membership a vice-chairman and appoint a secretary. The secretary need not be a member of the Commission.



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor
John M. Ranson
Cabinet Secretary

David C. Callaghan
Director
Ann A. Spaner
Deputy Director

AGENDA

WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION
Conference Room

1558 Washington Street, East
Charleston, West Virginia 25311

July 6, 1993
9:00 a.m.

OFFICE OF WEST VIRGINIA
DEPARTMENT OF STATE

JUL 23 10 51 AM '93

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WEST VIRGINIA REGISTER

Published by Ken Hechler, Secretary of State

Volume X

Issue 31

July 30, 1993

Pages 1401-1441

A Weekly Publication

Administrative Law Division

*Judy Cooper
Director*

*Missy Phalen
Pam Reece
Administrative Assistants*

*Secretary of State
Administrative Law Division
Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770*

(304)558-6000

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MEETING NOTICES
Open Government Proceedings Act
§6-9A-1

<u>AGENCY</u>	<u>DATE FILED</u>	<u>PURPOSE</u>	<u>MEETING DATE/LOCATION</u>
Air Pollution Control Comm.	7/28/93	Final consideration of proposed rules Title 45-7, 10, 13, 15, 16, & 30 & other business	August 9, 1993, 9:00 a.m. 1558 Washington St. E. Charleston, WV
Barbers & Cosmetologists, Bd. of	7/29/93	Executive meeting	August 8, 1993, 6:00 p.m. Holiday Inn 100 Lodgeville Rd. Clarksburg, WV
Coal Mine Health & Safety, Bd. of	7/29/93	Regular monthly meeting	August 10, 1993, 9:00 a.m. Lakeview Resort & Conference Center Morgantown, WV
Commercial Hazardous Waste Mngt. Facility Siting Bd.	7/14/93	To receive public comment on draft regulations and respond to same.	August 10, 1993, 9:00 p.m. Ofc. of Air Quality 1558 Washington St. Charleston, WV
Consolidated Public Retirement Bd.	7/7/93	Regular business	August 5, 1993, 10:00 a.m. Gov.'s Con. Rm. State Capitol, Suite 157J Charleston, WV
Directors, State College & Univ. Systems Bd. of	7/22/93	Emergency meeting by conference call for purpose of adopting policy for payment of fees by credit cards & installment payments	July 22, 1993, 4:00 p.m. 10th Fl. Con. Rm. 1019 Kanawha Blvd. E. Charleston, WV
Educational Broadcasting Authority	7/20/93	Not specified	August 5, 1993, 1:00 p.m. Studios of WSWP-TV Beckley, WV



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
AIR POLLUTION CONTROL COMMISSION

1615 Washington Street, East Suite 301
Charleston, West Virginia 25311

Telephone: (304) 558-4002
Telefax: 558-1222

A G E N D A

WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION
Office of Air Quality Conference Room
1558 Washington Street East
Charleston, West Virginia 25311

August 9, 1993
9:00 a.m.

I. FINAL CONSIDERATION OF PROPOSED RULES

1. 45 CSR 30 "Requirements for Operating Permits"
2. 45 CSR 13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation."
3. 45 CSR 25 "To Prevent and Control Air Pollution from Hazardous Waste Treatment, Storage, or Disposal Facilities."
4. 45 CSR 15 "Emission Standards for Hazardous Air Pollutants."
5. 45 CSR 16 "Standards of Performance for New Stationary Sources."
6. 45 CSR 7 "To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations."
7. 45 CSR 10 "To Prevent and Control Air Pollution from the Emission of Sulfur Oxides."

II. COMMISSION MEETING

Such other business as the Commission deems timely and appropriate.



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

The Clarksburg Exponent
Legal Ad Department
P. O. Box 2000
Clarksburg, WV 26301

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive that reads "Dale Farley" followed by the initials "asm".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Donna Riggs
Secretary
WV Air Pollution Control Commission
North Central Regional Office
109 Adams Street, Room M-2
Fairmont, West Virginia 26554-2800

Dear Ms. Riggs:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "DFM".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

Charleston Daily Mail
Legal Ad Department
1001 Virginia Street, East
Charleston, WV 25301

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

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Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley sam".

Dale Farley
Chief, Office of Air Quality

DF/tim

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Jeanne Chandler
Librarian
WV Air Pollution Control Commission
1558 Washington Street, East
Charleston, WV 25311

Dear Ms. Chandler:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by a small mark.

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

The Herald-Dispatch
Legal Ad Department
P. O. Box 2017
Huntington, WV 25720

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

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Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "DFM".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Mr. Matt Onion
Cabell County Public Library
455 9th Street Plaza
Huntington, West Virginia 25701

Dear Mr. Onion:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by a small monogram "DFM".

Dale Farley
Chief, Office of Air Quality

DF/tim

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

The Parkersburg News
Legal Ad Department
519 Juliana Street
Parkersburg, WV 26102

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993.

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "DFM".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor
John M. Ranson
Cabinet Secretary

David C. Callaghan
Director
Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Dorothy Chittum
Librarian
Parkersburg/Wood County Public Library
3100 Emerson Avenue
Parkersburg, West Virginia 26104

Dear Ms. Chittum:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

Dale Farley *asm*

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

The Wheeling News-Register and
Intelligencer
Legal Ad Department
1500 Main Street
Wheeling, WV 26003

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by a small mark that appears to be "dm".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Judith Tredway
Regional Engineer
WV Air Pollution Control Commission
Northern Panhandle Regional Office
1911 Warwood Avenue
Wheeling, West Virginia 26003

Dear Ms. Tredway:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

Elkins Inter-Mountain
Legal Ad Department
P. O. Box 1339
Elkins, WV 26241

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

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Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley sm".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Elkins-Randolph County Public Library
c/o Librarian
416 Davis Avenue
Elkins, West Virginia 26241

Dear Librarian:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by a small "DM" monogram.

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

Mineral Daily News Tribune
Legal Ad Department
P. O. Box 879
Keyser, West Virginia 26726

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993.

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "zsm".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Karen Hiser
Librarian
Keyser-Mineral County Public Library
105 North Main Street
Keyser, West Virginia 26726

Dear Ms. Hiser:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "asm".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

The Evening/Weekend Journal
Legal Ad Department
207 West King Street
Martinsburg, WV 25401

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993.

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by a small mark.

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure . . .



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Peggy Y. Batten
Librarian
Martinsburg-Berkeley County Public Library
101 West King Street
Martinsburg, West Virginia 25401

Dear Ms. Batten:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

Beckley Register/Herald
Legal Ad Department
P. O. Drawer P
Beckley, WV 25801

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by a small mark that looks like "23m".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Susan Vidovich
Librarian
Raleigh County Public Library
P. O. Box 1876
Beckley, West Virginia 25802

Dear Ms. Vidovich:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

Dale Farley sam

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

The Record Delta
Legal Ad Department
P. O. Box 550
Buckhannon, WV 26201

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by a small mark.

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Ruth B. Six
Librarian
Gassaway Public Library
100 Birch Street
Gassaway, West Virginia 26624

Dear Ms. Six:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by a small "asm" monogram.

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

NOTICE OF PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a. m. , the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

- 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
- 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
- 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
- 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
- 45CSR15 "Emission Standards for Hazardous Air Pollutants"
- 45CSR16 "Standards of Performance for New Stationary Sources"
- 45CSR25 "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"
- 45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities"
(continuation of January 7, 1993 hearing)
- 45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions to 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim, Secretary
West Virginia Air Pollution Control Commission
1615 Washington Street East
Charleston WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:

G. Dale Farley
Office of Air Quality
Division of Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the 1 .

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA,

KANAWHA COUNTY, TO-WIT:

I, Landra Biggs OF

THE DAILY MAIL, A DAILY REPUBLICAN NEWSPAPER,
PUBLISHED IN THE CITY OF CHARLESTON, KANAWHA COUNTY,
WEST VIRGINIA, DO SOLEMNLY SWEAR THAT THE ANNEXED
NOTICE OF: LEGISLATIVE RULES
WAS DULY PUBLISHED IN SAID PAPER(S) ON THE DATES
LISTED BELOW, AND WAS POSTED AT THE FRONT DOOR OF TH
COURT HOUSE OF SAID KANAWHA COUNTY, WEST VIRGINIA,
ON THE

28TH DAY OF MAY , 1993 .

DATES PUBLISHED:

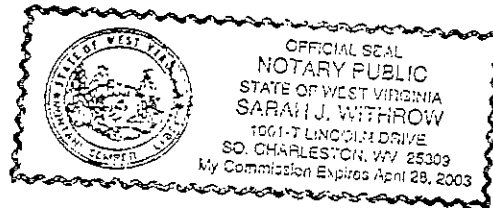
05/27/93 DAILY MAIL 06/03/93 DAILY MAIL

SUBSCRIBED AND SWORN TO BEFORE ME THIS

4TH DAY OF JUNE , 1993 .

Sarah J. Withrow
NOTARY PUBLIC OF KANAWHA COUNTY, WEST VIRGINIA

PRINTERS FEE \$ 90.34



NOTICE OF
PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

- 45CSR5 - "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
 - 45CSR7 - "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
 - 45CSR10 - "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
 - 45CSR13 - "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
 - 45CSR15 - "Emission Standards for Hazardous Air Pollutants"
 - 45CSR16 - "Standards of Performance for New Stationary Sources"
 - 45CSR25 - "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"
 - 45CSR28 - "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities"
 - 45CSR30 - "Requirements for Operating Permits"
- Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.
- Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.
- Upon authorization and

LEGAL ADVERTISEMENT

promulgation of revisions to 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim,
Secretary
West Virginia Air Pollution
Control Commission
1615 Washington Street East
Charleston, WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:
G. Dale Farley,
Office of Air Quality
Division of
Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Library of the Office of Air Quality located at the address above.

(124995)

RECEIVED

JUN 9 9 11 AM '93

OFFICE OF ENVIRONMENTAL PROTECTION

NOTICE OF PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

- 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
- 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
- 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
- 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
- 45CSR15 "Emission Standards for Hazardous Air Pollutants"
- 45CSR16 "Standards of Performance for New Stationary Sources"
- 45CSR25 "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"
- 45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities"
- 45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title 5 of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions to 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim, Secretary
West Virginia Air Pollution Control Commission
1615 Washington Street East
Charleston, WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:

G. Dale Farley
Office of Air Quality
Division of Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Office of Air Quality, Northern Panhandle Regional Office, 1911 Warwood Avenue, Wheeling, WV.
Intel., May 28, June 4
N.R., May 28, June 4

STATE OF WEST VIRGINIA,
COUNTY OF OHIO.

I, Bonnie Mattern for the publisher of the

WHEELING NEWS-REGISTER
WHEELING INTELLIGENCER

newspapers published in the CITY OF

WHEELING, STATE OF WEST VIRGINIA, hereby certify that the annexed publication was inserted in said newspaper on the following dates:

May 28, June 4, 1993

commencing on the 28 day of May, 19 93

Given under my hand this 8 day of June, 19 93

Bonnie Mattern

Sworn to and subscribed before me this 8th day of

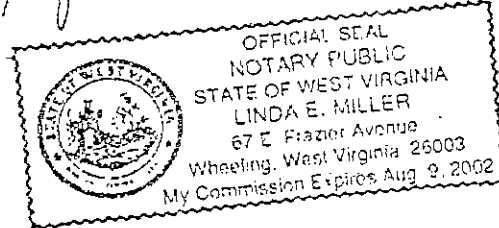
June 19 93 at WHEELING, OHIO COUNTY, WEST VIRGINIA

Linda E Miller

Notary Public

of, in and for OHIO COUNTY, WEST VIRGINIA.

My Commission expires August 9, 2002



LEGAL ADVERTISEMENTS

NOTICE OF PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"

45CSR7 "To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations"
45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"

45CSR13 "Permits for Construction, Modification, Relocation and Operation of Sanitary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"

45CSR15 "Emission Standards for Hazardous Air Pollutants"

45CSR16 "Standards of Performance for New Stationary Sources"

45CSR25 "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"

45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities"
(continuation of January 7, 1993 hearing)

45CSR30 "Requirements for Operating Permits"
Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions to 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim, Secretary
West Virginia Air Pollution
Control Commission
1815 Washington Street East
Charleston, WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:

G. Dale Farley
Office of Air Quality
Division of Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Parkersburg/Wood County Public Library, 3100 Emerson Avenue, Parkersburg, West Virginia.

May 28 N
June 4 N

MARCIA MOORE

being first duly sworn, says that the

notice of public hearing-- JULY 6th

hereto attached was printed in the Parkersburg News
daily

a newspaper published
in the City of Parkersburg, Wood County, West Virginia and posted
at the front door of the Court House for two

successive weeks, the first publication and posting thereon being on
the 28th day of MAY 19 93, and subse-

quent publication on the 4th day of JUNE 1993,
the day of 19, the day of

19, the day of
19, and the day of 19.

Printer's Fee \$ 73.23

6 1/2 " x 10 3/4 = 669.5 words @ 10.9375 *Marcia Moore*

Subscribed and sworn to before me this 4th day of

John 1993

John C. Covey
Notary Public for Wood County, West Virginia

My commission expires *July 23, 1994*

NOTICE OF PUBLIC HEARING
 On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
 45CSR15 "Emission Standards for Hazardous Air Pollutants"
 45CSR16 "Standards of Performance for New Stationary Sources"
 45CSR "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"
 45CSR "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities"
 (continuation of January 7, 1993 hearing)
 45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of the following revisions to the following rules, 45CSR5, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions to 45CSR15 and 45CSR 16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim,
 Secretary
 West Virginia Air Pollution Control Commission
 1615 Washington St. E.
 Charleston, WV 25311
 (304) 558-4002

Copies of such written comments should also be sent to:
 G. Dale Farley
 Office of Air Quality
 Division of Environmental Protection
 1558 Washington St. E.
 Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Cabell County Public Library, 455 9th Street Plaza, Huntington, WV.
 LH-696 5-28.6-4.93

AFFIDAVIT OF PUBLICATION

WEST VIRGINIA,
 COUNTY OF CABELL, TO-WIT:

I, Connie Rappold being first duly sworn, depose and say for The Herald-Dispatch, a corporation, who publishes at Huntington, West Virginia, the newspaper: The Herald-Dispatch, a independent newspaper given days each week, Monday through Sunday including New Year's, the Fourth of July, Labor Day, Thanksgiving and Christmas; that I have by the Board of Directors of such corporation to execute this affidavit of behalf of such corporation and the newspaper mentioned herein; that the attached in the left margin of this affidavit and made a part hereof and 696 was duly published in

Herald-Dispatch
 for 2 successive weeks, commencing with its issue of the 24th day of May, 19 93, and ending with the issue of the 4th day of June, 19 93, and was posted at the East door of the Courthouse of May, 19 93: that said legal advertisement was on the following dates: May 28, 1993
Jun 3 4, 1993

the cost of publishing said annexed advertisement as aforesaid was such newspaper in which such legal advertisement was published published regularly, at least as frequently as once a week for at least one year immediately preceding the date on which the legal advertisement set forth herein was delivered to such newspaper for publication; that such newspaper is a newspaper of "general circulation" as defined in Article 3, Chapter 59, of the West Virginia Code, within the publication area or areas of the municipality of Huntington, Cabell and Wayne Counties, West Virginia, and

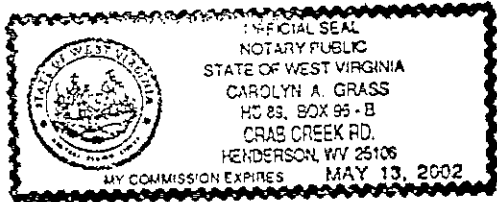
that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper on each date published consists of not less than four pages without a cover; and that it is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices.

Connie Rappold

Taken, subscribed and sworn to before me in my said county this 4th day of June, 19 93
 My commission expires May 13, 2002

Carolyn A. Grass

Notary Public
 Cabell County,
 West Virginia



WV DIV OF ENVIRONMENT
OFFICE OF

AFFIDAVIT OF PUBLICATION

BECKLEY NEWSPAPERS INC.

1993 JUN -4
A 10 01

BECKLEY, WEST VIRGINIA 25801

RECEIVED

June 3, 19 93

STATE OF WEST VIRGINIA
COUNTY OF RALEIGH, to wit:

I, Robert E. Zutaut being first duly sworn upon my oath, do depose and say that I am Advertising Manager of Beckley Newspapers Inc., a corporation, publisher of the newspaper entitled The Register-Herald, an Independent newspaper; that I have been duly authorized by the board of directors of such corporation to execute this affidavit of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published daily, for at least fifty weeks during the calendar year, in the municipality of Beckley, Raleigh County, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in article three, chapter fifty-nine of the Code of West Virginia, 1931, as amended, within the publication area or areas of the aforesaid municipality and county; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price of consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices; that the annexed notice

of Public Hearing
(Description of notice)

was duly published in said newspaper once a week for two successive weeks (Class II), commencing with the issue of the 27th day of May, 1993, and ending with the issue of the 3rd day of June, 1993, (and was posted at the

on the _____ day of _____); that said annexed notice was published on the following dates: 5/27 & 6/3/93 and that the

cost of publishing said annexed notice as aforesaid was \$ 63.74

Signed R. E. Zutaut
Robert E. Zutaut, (Advertising Manager
Beckley Newspapers

Taken, subscribed and sworn to before me in my said county this 3rd day of June 19 93

My commission expires March 27, 2001

Diana L. Slone
Notary Public of Raleigh County,
West Virginia

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
DIANA L. SLONE
SECRETARY-TREASURER
P. O. DRAWER P O R R
BECKLEY, WV 25801

COPY OF PUBLICATION

NOTICE OF PUBLIC HEARING
On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:
45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
45CSR15 "Emission Standards for Hazardous Air Pollutants"
45CSR16 "Standards of Performance for New Stationary Sources"
45CSR25 "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"
45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (continuation of January 7, 1993 hearing)
45CSR30 "Requirements for Operating Permits"
Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.
Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.
Upon authorization and promulgation of revisions to 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.
The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Brit A. Bernhelm, Commission Secretary, at the address below:
Brit A. Bernhelm, Secretary
West Virginia Air Pollution Control Commission
1515 Washington Street East
Charleston, WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:
G. Dale Farley
Office of Air Quality
Division of Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2539
Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Raleigh County Public Library, P.O. Box 1876, Beckley, WV.
6-3-THU-2-RH.

R/H

PUBLISHER'S CERTIFICATE

NOTICE OF PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules.

45CSR5 "To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants and Coal Handling Operations"

45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"

45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"

45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation"

45CSR15 "Emission Standards for Hazardous Air Pollutants"

45CSR16 "Standards of Performance for New Stationary Sources"

45CSR25 "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"

45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities"

(continuation of January 7, 1993 hearing)

45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10,

45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions to 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim, Secretary
West Virginia Air Pollution
Control Commission
1615 Washington Street East
Charleston, WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:

G. Dale Farley
Office of Air Quality
Division of Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Office of Air Quality, North Central Regional Office, 109 Adams Street, Room M-2, Fairmont, WV.

VS.

STATE OF WEST VIRGINIA,
COUNTY OF HARRISON

I, Deborah S. Veltri

Classified Office Manager of THE CLARKSBURG EXPONENT, a newspaper of general circulation published in the City of Clarksburg, County and State aforesaid, do hereby certify that the annexed

Notice of Public Hearing

was published in said THE CLARKSBURG EXPONENT once a week for 2 successive weeks,

commencing on the 26 day of May 1993 and ending on the 2 day of June 1993

The publisher's fee for said publication is \$ 39.29

Given under my hand this 2 day of June 1993

Deborah S. Veltri
Classified Office Mgr. of The Clarksburg Exponent



Subscribed and sworn to before me this 2 day

of June, 1993

[Signature]
Notary Public in and for Harrison County, WV.

My commission expires on the 24th day of October 1993.

I, as an officer of the News-Tribune, a daily newspaper published at Keyser, Mineral County, West Virginia, hereby certify that the notice

of Public Hearing
in the case of WV Air Pollution
Control Commission

vs. _____

a copy whereof is hereto annexed has been published for 2 consecutive weeks

in said NEWS-TRIBUNE, the first publication being on the 26th day of May

19 93

Given under my hand at Keyser this 2nd day of June 19 93

A Judith Keyser
Publisher

Publisher's Fee

\$ 64.31

NOTICE OF PUBLIC HEARING

On Tues., July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

- 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
- 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
- 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
- 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
- 45CSR15 "Emission Standards for Hazardous Air Pollutants"
- 45CSR16 "Standards of Performance for New Stationary Sources"
- 45CSR25 "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"
- 45CSR28 "Regulation to prevent and Control Air Pollution From the Emission of Volatile Organic Compounds from Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (continuation of January 7, 1993 hearing)
- 45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the Federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions of 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim, Secretary
West Virginia Air Pollution Control Commission
1615 Washington Street East,
Charleston, WV 25311 (304) 558-4002

Copies of such written comments should also be sent to:

G. Dale Farley
Office of Air Quality
Division of Environmental Protection
1558 Washington Street East
Charleston, WV, 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Keyser-Mineral County Public Library, 105 North Main Street, Keyser, WV.

State of West Virginia, County of Upshur, ss:

Mark Davis Advertising Manager
Record Delta, a newspaper published at Ducklinsburg in the said county, do hereby
certify that the annexed...

Notice of Public Hearing
West Virginia Air Pollution Control Commission

was published once a week for (2) two successive weeks in
said Record Delta newspaper published at aforesaid, commencing on the 28th day of
May and the 4th day of June, 1993... days of 18...

Given under my hand this 11th day of AUGUST, day of 1993

Mark Davis (Signature)

Advertising Manager

Printers fee \$ 54.34

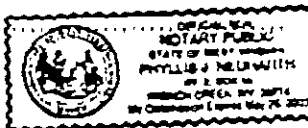
WEST VIRGINIA, UPSHUR COUNTY, TO-WIT:

Subscribed and sworn to before me this 11th day of August, 1993...

Phyllis J. Newirth (Signature)

Notary Public

My Commission expires August 2, 1995



NOTICE OF PUBLIC HEARING
On Tuesday, July 6, 1993, pursuant to the
Act, the West Virginia Air Pollution Control
Commission will hold a public hearing on
the following proposed permit to emit:
AC2026 To Permit and Control Air
Pollution From the Operation of Coal
Preparation Plant and Steel Rolling
Company...
AC2027 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2028 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2029 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2030 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2031 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2032 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2033 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2034 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2035 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2036 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2037 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2038 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2039 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2040 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2041 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2042 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2043 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2044 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2045 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2046 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2047 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2048 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2049 To Permit and Control Air
Pollution From the Operation of Steel
Company...
AC2050 To Permit and Control Air
Pollution From the Operation of Steel
Company...

This is an affidavit
done today to show
ad ran of

State of West Virginia, County of Randolph, ss.

NOTICE OF PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

45CSR5 — "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"

45CSR7 — "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"

45CSR10 — "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"

45CSR13 — "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"

45CSR15 — "Emission Standards for Hazardous Air Pollutants"

45CSR16 — "Standards of Performance for New Stationary Sources"

45CSR25 — "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"

45CSR28 — "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (continuation of January 7, 1993 hearing)

45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1550 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim, Secretary
West Virginia Air Pollution
Control Commission
1615 Washington Street East
Charleston, WV 25311
(304)556-4072

Copies of such written comments should also be sent to:

G. Dale Farley
Office of Air Quality
Division of Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2500

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Elkins-Randolph County Public Library, 416 Davis Avenue, Elkins, WV, 258-26-6-2.

WV DIV OF ENVIR
QUALITY
OFFICE OF AIR QUALITY

I, James Hoffman, Publisher of THE INTER-MOUNTAIN, a newspaper published at Elkins, in said county, do hereby certify that the annexed advertisement was published on the following dates:

May 26 June 02

19 93 as required by law.

Given under my hand this 02 day of June 19 93

James Hoffman
Publisher

Printer's Fee: \$ 7301

I certify this 02 day of June 19 93

Shirley A. Menear
Notary Public

15 day of April 19 2002

1993 JUN - 3

RECEIVED

NOTICE OF PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

- 45CSR5 "To prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
- 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
- 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
- 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"

45CSR15 "Emission Standards for Hazardous Air Pollutants"

45CSR16 "Standards of Performances of New Stationary Sources"

45CSR25 "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"

45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Facilities"

(continuation of January 7, 1993, hearing)
45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions to 45CSR15 and 45CSR16, which adopts by reference federal standards for certain standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street, East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Berheim, Commission Secretary, at the address below:

Britt A. Berheim, Secretary
West Virginia
Air Pollution
Control Commission
1615 Washington Street East
Charleston, WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:

G. Dale Farley
Office of Air Quality
Division of
Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Martinsburg-Berkeley County Public Library, 101 King Street, Martinsburg, WV 25401.

Certificate of Publication

This is to certify the annexed advertisement

WV DEPT. COMM., DIV. ENV. PROTECTION

NOTICE OF PUBLIC HEARING

appeared for 2 consecutive days weeks in The Journal Publishing Company a newspaper published in the City of Martinsburg, W. Va., in its issue beginning

5/28

and ending

6/1

The Journal

Fee \$ 79.43

OAQ MAILING LIST FOR PUBLIC HEARINGS/MEETINGS

Mr. Larry Myers
Allegheny Power Service Corp.
800 Cabin Hill Drive
Greensburg, Pennsylvania 15601

Mr. Brian Broderick
BNA PLUS
Bureau of National Affairs
1231 25th Street, N.W.
Washington, D.C. 20037

Mr. Greg Scandrett
ERM Midwest
5088 West Washington Street
Charleston, WV 25313

Ms. Becky Fleming
Charleston Daily Mail
1001 Virginia Street, East
Charleston, WV 25301

Mr. Norm Steenstra
Environmental Coordinator
West Virginia Citizen Action Group
1324 Virginia Street, East
Charleston, West Virginia 25301

Mr. Eric Niiler
Charleston Gazette
1002 Virginia Street, East
Charleston, WV 25301

Ms. Joline Brady
103 Timberlake Circle
Scott Depot, WV 25560

Ms. Mildred Holt
P. O. Box 367
Institute, WV 25112

Ms. Lillian Erskin
52 Bailes Drive
Nitro, WV 25143

Ms. Suzanne Tenkhoff
National Institute for Chemical Studies
Nitro/St. Albans Committee
31 Bailes Drive
Nitro, West Virginia 25143

Mr. Charles White
Chairman, Sub-Area Planning
Committee
P. O. Box 113
Institute, West Virginia 25112

Mr. Ray de Bolt
Fire Chief
Charleston Fire Department
808 Virginia Street, West
Charleston, WV 25302

The Honorable William Croye
Mayor, City of Belle
National Institute for Chemical Studies
Upper Kanawha Valley Committee
110 East DuPont Avenue
Belle, West Virginia 25015

Dr. Paul Hill, President
National Institute for Chemical Studies
University of Charleston
2300 MacCorkle Avenue, S.E.
Charleston, West Virginia 25304

Mr. Tim Carroll
Regional Office Supervisor
Northern Panhandle Regional Office
WV Office of Air Quality
1911 Warwood Avenue
Wheeling, West Virginia 26003

Mr. William Taylor
Regional Engineer
North Central Regional Office
WV Office of Air Quality
109 Adams Street, Room M-2
Fairmont, WV 26554-2800

Mr. Robert Parsons
Jackson & Kelly
1600 Laidley Tower
Charleston, WV 25301

Mr. Ira H. Dorfman
Vice-President, Energy & Environment
Ryan-McGinn
2300 Clarendon Blvd., Suite 610
Arlington, VA 22201

Larry G. Kopelman
Special Assistant Attorney General
WV Air Pollution Control Commission
No. 9 Pennsylvania Avenue
Charleston, WV 25302

Ms. Kim Baker
Ohio Valley Environmental Coalition
P. O. Box 970
Proctorville, OH 45669

Ms. Helen Gibbins
6128 Gideon Road
Huntington, WV 25705

Ms. Missy Woolverton
WV Citizen Action Group
1324 Virginia Street, East
Charleston, WV 25301

Ms. Rhonda Hooper
Monsanto
1 Monsanto Road
Nitro, WV 25143

Mr. Richard Poling
Engineer II
c/o WV Division of Highways
P. O. Box 88
Burlington, WV 26710

Ms. Claudia Banner
Appalachian Power Company
P. O. Box 2021
Roanoke, Virginia 24022-2121

Mr. David C. Callaghan
Director, Division of Environmental
Protection
10 McJunkin Road
Nitro, WV 25143-2506

Ms. Kim Baker
OVEC
2630 Collis Avenue
Huntington, WV 25702

Act Foundation
523 Central Avenue
Charleston, WV 25302

John M. Ranson
Cabinet Secretary
WV Department Commerce, Labor, &
Environmental Resources
Capitol Complex
Main Building, Room 146
Charleston, WV 25305-0310

Ms. Pamela Nixon
406 Grandview Point
Dunbar, WV 25064

Mr. Oliver A. Fick
Air Program Manager
Engineering-Science, Inc.
57 Executive Park South, N.E.
Suite 590
Atlanta, Georgia 30329-2265

Mr. Brian Farkas
Public Information Officer
WV Division of Environmental
Protection
10 McJunkin Road
Nitro, WV 25143-2506

COMMISSION MEETING

JULY 6, 1993

NAME	COMPANY AFFILIATION	ADDRESS
Yvonne Clarkson	Allegheny Power (Mon Power)	Greensburg, PA
Claudia Banner	APPALACHIAN POWER	ROANOKE, VA
Gary Coess	Capital Cement	Martinsburg, WV
Tom Vandenberg	Union Carbide Synthetic	→
Bob Parsons	Jackson & Kelly	Charlottesville, WV
Eugene Hooper	Elkem Metals Co	Allport, W. Va.
Bob HICE	American Alloys	New Haven, CN
Scott Danks	DKWM	Pgh Pa
Emil Varney	WORK-TU 13	Char. W. Va
Charlie Olt	DuPont	Parkersburg
K. B. Poland	Robinson & Mc Elwee	Charleston, WV
Judy M. Uy	Holman + Miller	Charl.
Richard G. Baird	UNION CARBIDE	S. CHARLESTON
Paul W. Jones	WV DEP	Charleston

COMMISSION MEETING

JULY 6, 1993

NAME	COMPANY AFFILIATION	ADDRESS
Shret Vineyard	WV Petro. Wkt.	Suite 912, Atlas Bldg. Chas
Gary A Jack	Monongahela Power	Fairmont
Dave Yaussey	Robinson & McElwee	Charleston, WV
Tahudre Hager	Elkem Metals Co.	Altoy, WV
Lisa Union	SEI	Chas. WV
Charles M. Bookie	Wilton's Chevron	Hghtn WVA.
JACK HARRISON	WV PETROLEUM COMPANY	CHAS. WV
RANDY RAPP	Vienna Chevron	Vienna WV
LAWRENCE PIFEL	Pitco's Service Center	Martinsburg
MARVIN GRAY	WV GASOLINE DEPART	HUNT. WV
Jackie Hallman	ACT	
William D. Lepley	Lepley's Management	St. Albans, W. Va.
Diane P. Lepley	Capitol Express	Chas. WV.
Robert Gray	Robinson & McElwee	

COMMISSION MEETING

JULY 6, 1993

NAME	COMPANY AFFILIATION	ADDRESS
W.R. Samples	Wheeling-Pittsburgh Steel	WHEELING
STEVE GUZY	"	"
Brian Farkas	DEP	N. Va.
Sean R. Steigh	CNG Transmissys Corp.	Charleston WV
David M Flannery	Robinson McElwee	Charleston
Bill Boney	WV Coal Association	
CRA Ellenbrook	Elkton	M.F., N.Y.
A. K. ...	work-TV	
Mark Schultz	work	
Kary M. ...	Robin McElwee	600 United Center
Mildred Stange	AG's of	Build 3
Barbara ...	Jackson Kelly	1600 Laidley Tower

W VA AIR POLLUTION CONTROL COMMISSION MEETING

August 9, 1993

NAME	COMPANY AFFILIATION	ADDRESS
C J BANNER	APPALACHIAN POWER	ROANOKE, VA
Y F Clarkson	AIP's - Monongahela Power	Greensburg, PA
K.G. Beckett	Robinson & McElwee	Chas. WV
W.R. Samples	Whelan's - Parkersburg Steel	Parkersburg, WV.
K.B. Paland	Robinson & McElwee	Charleston, WV
D. Young	Robinson & McElwee	Charleston, WV
Charles T. Oelt	DuPont	Parkersburg, WV
Seth Seavel	Appalachian Power	Chas.
Bob Foster	Chas Ryan Assoc.	Chas

WEST VIRGINIA DEPARTMENT OF
COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION

IN RE: Public Hearing on To Prevent and Control
Air Pollution From the Emission of Sulfur
Oxides

TRANSCRIPT OF PROCEEDINGS had and/or
testimony adduced in the hearing held before the West
Virginia Air Pollution Control Commission in the
Conference Room at 1558 Washington Street, East,
Charleston, Kanawha County, West Virginia, on the 6th day
of July, 1993, commencing at 3:00 p.m.

BEFORE: L. NEWTON THOMAS, JR., Chairman
JOSEPH P. SCHOCK, Commissioner
SAMUEL KUSIC, Commissioner
ALLEN HAMNER, Commissioner
JEAN NEELY, Commissioner

G. DALE FARLEY, Chief, Office of Air
Quality
LARRY KOPELMAN, Special Assistant A.G.
RANDALL SUTER, Staff Attorney
BRITT A. BERNHEIM, Secretary

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P R O C E E D I N G S

(3:00 PM)

CHAIRMAN THOMAS: Let's resume our hearing relative to the proposed regulations. We will now consider the Regulation 10, To Prevent and Control Air Pollution from the Emission of Sulfur Oxides.

This is a proposed revision of an existing regulation to provide for a special request for revision by Wheeling-Pittsburgh Steel Corporation.

Let the record indicate that we have a quorum of the Commissioners present with the attendance of Commissioner Jean Neely, Allen Hamner, Sam Kusic, Joseph Shock, and L. Newton Thomas, Junior.

Let me also state that we have a Court Reporter here who is taking a transcript of these proceedings. Her name is Donna Miller. Any of those interested in receiving a copy of the transcript will make arrangements with Ms. Miller following the conclusion of the hearing.

I will now ask Dale, Chief of Air

Quality, to speak to this particular reg.

MR. FARLEY: Well, there again, as is obvious this is another case of a company asking for an amendment to a rule to -- it's a relaxation in this instance because it would allow them to submit a plan.

This is specific to by-product of coke oven batteries that have to be sulfurized, a set of batteries operating at Wheeling-Pittsburgh Steel.

This rule revision would allow them to have up to two outages a year, up to two weeks, under certain conditions and under an approved plan to mitigate emissions and release emissions elsewhere in the mill, to do maintenance on the desulfurization unit.

As opposed to some of the other things we just discussed, the Commission has heard about this unit off and on for quite a while. This is an SO₂ issue as far as the desulfurization unit.

Just to give you a quick history, this unit has had -- the desulfurization unit for the coke oven gas at Wheeling Pittsburgh Steel has had a poor

history in general over the years, as far as reliability and operability, to the extent that back in the mid eighties there was one sustained period where the unit was down for three years without any operation at all.

It's been subject to a couple of consent orders and penalties and other provisions. The last consent order setting conditions under a consent order, that consent order having been finalized or entered with the Commission in December of 1989, required the company to spend quite a bit of money to revamp the unit, put in some new major components, do a number of things to improve the operability of the unit with a compliance date of December 1991.

As you might recall, last year, immediately after the completion of that compliance program, a major malfunction was experienced, basically a fire in a precipitator. It completely destroyed the unit and resulted in another approximate five to six months outage of the unit.

Since that time the company has, as

I understand it from some of the records, made some advances in terms of getting the unit into better operating condition, but somewhat at the price of taking a couple two-week maintenance outages or nominally two-week maintenance outages, which we have informed them as of last fall would not be approved under the various provisions of Regulation 10 because there are no provisions for scheduled outages under that rule.

I think the company's contention is that they will get a lot better operation of the unit, at least for eleven months of the year, by taking these outages, or having the ability to take these outages, than to try to run the unit all the time with subsequent reliability problems.

That's their position. They are advocating this change. We worked with them in drafting the language that's in here.

As you might note -- and I'll let them speak to this a little bit -- I think in the very back -- let me see if I can find it here -- behind the

rule and the document there -- basically we have the draft provisions.

You've got a copy of Regulation 10, I believe, and then behind that you have a letter that I'll make a brief note of, of Wheeling-Pittsburgh Steel with an attachment of a study or of an analysis done by UEC Environmental Systems, and I'll get back to that in a second.

Behind that document you have a letter of July 1, 1993 from David Flannery of Robinson & McElwee, who represents Wheeling-Pitt in this matter, suggesting some modification to the language, as it was proposed for the rule.

Principally in what's noted as 3.8(g)(A), I think there was some consolidation language. I've looked at that. I think we discussed that with the company before.

My immediate reaction is, other than on one point, that that alternative language, if the Commission would like to consider it, is acceptable except

that we still believe that you -- at least we have it confirmed that there should be a deletion of the phrase dealing with or stating that the plan must also protect the ambient air quality increments, as well as national ambient air quality standards, and that's in 3.8(g), as I said, (A).

The document, and this is -- I think the only thing we've actually given you as part of this package is all the record of this matter.

One of the things the company was asked to do again, very similar to the other cases you just heard on Reg 7, was to submit an analysis of the current rules in the country for the various coke oven batteries that are in operation in the United States now, as far as how many units, how many batteries are out there, how many of them require desulfurization, and that what is both the rules and the practice by the various states in allowing this kind of an outage or accommodating in some way this kind of an outage.

You know, as you read through

that -- and they have a number of the state rules attached -- if you read through several pages of that, you have UEC's analysis of what they believe to be happening in the various states that have coke ovens.

One of our staff people, Terry Polan, who is here, who will answer questions, has done a -- or probably using this document in doing something independent, he has done a little bit of an analysis of the same, contacting various states about what they do.

He's done this before, and how this is being handled. He can give you some comments on that as well.

Here, again, there is a little bit of an uncertainty as to what kind of package is going to need to be put together for EPA in terms of submitting any changes you adopt as SIP provisions because of the unique nature of this.

This allows for a plan to be developed. It does not create a plan. So whether EPA would -- we're asking right now for EPA comments on this

language to see whether they think that this would be acceptable without any demonstration, and allow the demonstration to be carried out subsequent to the rule change or whatever. So that's in the mill with them.

I think with that being said, I can answer questions on whatever I know about this, or you can refer anything you would like to Terry Polan in relation to any review he has made, or just let the company speak to their proposed revision.

CHAIRMAN THOMAS: Are there questions from the Commission?

COMMISSIONER NEELY: I have one question for Dale. When they did the reg on coke ovens last fall, I guess they came out with those, did they have anything in there on this problem?

MR. FARLEY: That's on a MACT standard that I don't think has any direct requirements or issues related to desulfurization.

I think there's some indirect issues that come up in regard to exhausting raw coke oven

gas and putting in flares instead of bleeding gas, but I don't think there's anything in that proposal yet.

COMMISSIONER NEELY: Well, I notice that Wheeling Pitt is a signatory to that set of regs.

MR. FARLEY: But I don't think those regs deal with desulfurization directly.

CHAIRMAN THOMAS: Any other questions?

COMMISSIONER KUSIC: Dale, some time back, as I remember, this thing came up and didn't we give them permission to go ahead with it, on several occasions?

MR. FARLEY: This has been drawn out for a long time, back in the fall of 1991, I think it goes back that far. Then there's been an approval in early '92 given. The Commission approved the variance for that five or six months when they had the major fire in one unit in early '92.

I think back in the fall of '91, after numerous discussions about the problems with the unit, the Commission approved -- had approved an extended variance for a collection oven at that point contingent

upon the company submitting a plan to bring the unit into compliance.

Now the way that got responded to, at least at this point -- this has been going on for quite a while, too, in terms of the documents going backwards and forwards and so forth -- is that the company submitted -- and they did this, also, to justify one of their -- or I think both of their outages that they have already taken, which we say are illegal outages at this point. They cannot be approved under the variances.

They did some modeling. They came up with some ambient targets, and they tried to show what they could do to mitigate impact by changing the way or the amount of coal burned during the outages and readjusting other fuels, readjusting how they burn, whatever type of fuel, wherever in the mill, either in Ohio or the West Virginia side. So we have had a couple of documents submitted on those lines.

I think we also asked for a maintenance plan, which I think has been submitted, and

that deals with, you know, what are they going to do and what schedule they are doing some of their maintenance on, you know, issues like spare parts and that kind of thing.

I think from what Terry Polan has told me, for some time that maintenance plan looked pretty good. I think there's always been questions about how well this unit is going to operate for the long term in terms of its reliability. That didn't look too bad.

The mitigation plan is something that's never really been thoroughly reviewed where any kind of determination was made as to whether that is an acceptable plan to guarantee or to assure attainment with the standards during these outages.

Frankly, we kind of let that ride for a long time because our position has been in reading of the rule, I think by everyone, that these outages and scheduled outages without regulatory change cannot be approved under the variance provisions of Reg 10, and therefore, any outages taken like this are subject to enforcement action and penalties by the State.

MR. KUSIC: My reason for bringing it up is the fact that they have always done whatever they said they would do, and they have had some problems a long way back, that they worked very well with you on these problems that they had.

MR. FARLEY: Well, I don't think there's any question back when the company signed the consent order in late '89, they committed quite a bit money, did quite a bit of work to try to improve the unit, but they've had bad luck or whatever you want to call it with respect to some of the failures.

They've had, at least for some sustained periods, still something of an operability problem. I think that has improved with these outages admittedly from what Terry Polan has indicated to me.

There is operating data being submitted by the company now that indicates that with respect to those times, between the maintenance outages, that the system is running more reliably and meeting the standards presumably more frequently or most of the time.

So I guess in that regard there has been improvement, but that's still in the cost of essentially not controlling SO₂ one-twelfth of the year. So the question is can that be addressed by some -- in some means by regulatory change, and that's what they're asking the Commission for.

CHAIRMAN THOMAS: Any other questions?

If not, we have Mr. Samples.

MR. SAMPLES: Mr. Chairman and the Commission Staff, good afternoon. My name is William Samples. I'm Director of Environmental Control for Wheeling-Pittsburgh Steel Corporation.

With me today I have Steve Guzy, who is our provision manager of our coke plant in Follansbee, and he's here to answer any technical questions of the coke plant, and the application of this regulatory change.

Also, here is David Flannery, our local counsel, who has helped us weave our way through this regulatory maze.

We are here today in support of the regulation change that was discussed by Mr. Farley and is the subject of Mr. Flannery's letter to him of July 1st. That has a very minor change, relatively minor in terms of words, but significant for us as a corporation from the portion that was public noticed, and I will be discussing that difference in just a moment.

Just very briefly, this proposed amendment to Regulation 45CSR10 is very cite specific, as it applies only to existing by-product coke oven batteries, and since Wheeling Pittsburgh Steel operates the only coke oven plant in West Virginia. It is very specific to our plant in Follansbee.

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West Virginia Regulation 4510-3(d) requires that coke oven gas be desulfurized to contain not more than 50 grams of hydrogen sulfide per 100 cubic feet.

Back in 1978 we spent some 13 million dollars to build a facility designed to meet that regulation, but as you have just heard, this desulfurization unit has been plagued by many, many

problems over the years and has been the subject of many discussions with the staf, and, indeed, many discussions in front of this Commission.

Most of these discussions have centered around a variance request under your regulation 10-8.1. The problem with this regulation is that it requires a malfunction or a significant failure of equipment before you can request a variance.

We really don't believe that that is the best way to handle this particular unit. We don't think that through that variance we can optimize either our operational time or the efficiency of the unit.

Rather, we feel the effectiveness of this unit can best be optimized through regular preventive maintenance, and the proposed regulatory modification would allow such scheduled maintenance, but only under very, very stringent controlled conditions.

In the regulation under paragraph A, in the latest proposed regulatory amendments -- that is, the letter that was submitted to Mr. Farley July 1st--

assure that these outages could only be taken if we assure through calculation that ambient air standards for SO₂ are not going to be adversely impacted, and to do this we must submit a plan to Mr. Farley for his approval for each and every outage.

Now this plan specifically consists of a model demonstration of compliance using U.S. EPA improved dispersion models, the same models you would use for a SIP designation.

We will be using the emissions from our coke plant and from auxiliary facilities around the area that we estimate are going to occur during that outage, the best we can do, and we're going to be using local historical meteorology from your meteorological stations at our plant site.

So we feel that if we go through these calculations -- we'll do it for both the 3-hour standard and the 24-hour standard allowing an appropriate allowance for background concentrations -- that we will show attainment for this two-week period, if you would

like to take the outage, and through that hopefully no impact, no adverse impact on ambient air quality would occur.

The key factor in the proposed modification is the recognition now that coke plants really differ from many other facilities in that you really can't shut a coke plant down. That's one of our problems.

To even modify the coking rate to slow the plant down, you impact both the longevity and the integrity of those ovens. That is something that we would very much like to avoid.

Now this is the one major difference between the regulation, as proposed in your public notice, and that that was discussed by Mr. Farley today.

The public notice version specifically requires that all feasible control measures and process changes be employed at the coke production facility to reduce emissions of sulfur dioxide.

We feel that getting an agreement to reduce all feasible measures might be most difficult. We feel that there would be some difficulty in defining that term and then carrying it out.

But our proposal, the latest one, allows more flexibility in the necessary reductions and redistributions of sulfur dioxide, so that we assure compliance with ambient air quality. We feel that that is the major goal of the regulations themselves.

In fact, we have gone through example dispersion calculations and actually showed that there are specific periods of the time, normally in the spring, and again in the fall, where we can carry out this calculation, we can do this analysis, and we can show you that there are specific reductions in some of our sulfur oxide emissions using less coal in boilers here, moving the coke oven gas to other areas -- that we can actually show the ambient air standards will be maintained.

The other sections of the proposal, paragraphs B through F of the latest one, those are

identical with C through G of the public noticed version; no changes at all.

These are requirements that assure that downtime is minimized, actions planned are monitorable, results are recorded. Also, the frequency and duration of the outages are limited in these paragraphs. Advance notice is required and an annual review of the operations by the chief is specified.

Basically, we have reviewed the proposed regulatory modifications that would permit scheduled maintenance outages and the conditions specified for their approval.

We believe that this could be a reasonable resolution in an environmental problem of long standing, that it benefits not only for Wheeling Pittsburgh, but the environment in general.

Overall, we think that this plan of conducting regular maintenance, scheduled maintenance outages, will reduce both the frequency and duration of these authorization outages.

It will enhance the overall efficiency of the coke oven gas desulfurization system. It will reduce opportunities for unscheduled outages at critical times; that is, do not run the unit until we have a malfunction at a very critical meteorological time of the year where ambient air standards would indeed be impacted.

I think that this does indeed present the best way of assuring compliance, continued compliance, with the ambient air standards.

We will be submitting these comments and others in writing to you as part of the 30-day comment period. We would like for you to consider these very, very seriously as the Commission, and that you will indeed ultimately approve this request. Any questions?

CHAIRMAN THOMAS: Is there any precedent for this type of an arrangement that you are aware of in other states?

MR. SAMPLES: Yes. We had an analysis

done by a consultant for us who reviewed the regulations in other states, and that was submitted to Mr. Farley.

Basically, there are 28 coke plants in the country now, and that's getting to be fewer and fewer in number, but only 14 of those are required to have desulfurization facilities to start with.

Of those 14 our consultant indicated that 9 take regularly scheduled outages. Some of them with somewhat formal arrangements with the regulatory agencies, some with less formal agreements, but 9 of the 14 do take outages in one form or another.

CHAIRMAN THOMAS: Just for clarification, you said that you would ensure that the ambient air standards were maintained, and then I believe you said somewhere that there would be no deterioration.

Are you saying that there will be no greater emissions of SO₂ during the outage?

MR. SAMPLES: No, I didn't intend to say that.

CHAIRMAN THOMAS: But there will be

deterioration, some deterioration, but you will still be within the ambient air quality standards?

MR. SAMPLES: That's correct, and we are selecting very specific times of the year for doing this when the meteorology is most favorable, in the spring and the fall.

CHAIRMAN THOMAS: A little help from the weather?

MR. SAMPLES: Yes, take advantage of --

CHAIRMAN THOMAS: What other kinds of reductions do you envision? You said something about coke oven gas --

MR. SAMPLES: We would like to avoid impact on coke oven operations if we can because of the-- in turn the impact of those on the battery, the life of the battery, but in the regulation, if necessary, we will take some production cut. It is included.

But we would like to be able to develop a plan, a flexible plan of taking our existing SO₂ emissions and moving them around, putting them on higher

stacks, if necessary, reducing coal on some boilers that are critical, possibly reducing sulfur content of that coal for this period of time, whatever it is in order to present to Mr. Farley a plan using the best technical evaluation techniques to the best of our ability to assure that ambient air standards are met.

We are doing this with computer modeling with lots of -- an array of receptor grids all around the area. So we're not just talking about the monitors. We're talking about hypothetical receptors.

CHAIRMAN THOMAS: If you don't get the predicted weather during that day, you could exceed the ambient quality air standards, correct?

MR. SAMPLES: It is conceivable, but it no more conceivable than we could exceed the ambient air standards on any other occasion because it's modeling that has shown that we complied with those as well.

CHAIRMAN THOMAS: Any further questions?

COMMISSIONER NEELY: I was wondering, in the coke process -- I'm sure I've heard this because

you've been over this half a dozen times; but in the coke process it's coal that you're using --

MR. SAMPLES: Yes.

COMMISSIONER NEELY: -- to get the coke that's used in the steel process. Is that basically correct?

MR. SAMPLES: That's correct.

COMMISSIONER NEELY: And what kind of coal do you use, low or high sulfur?

MR. SAMPLES: Very low.

COMMISSIONER NEELY: Very low?

MR. SAMPLES: Very low. Our coal averages --

MR. GUZY: It's about .74 percent sulfur.

COMMISSIONER NEELY: So you are using this low coal. Is that what fires the coke ovens themselves?

MR. SAMPLES: The coke ovens, we use about, what, 5400?

MR. GUZY: About 5400 tons a day.

MR. SAMPLES: Up to 5400 tons a day to make about 3600 tons of coke.

COMMISSIONER NEELY: But the coal itself --

MR. SAMPLES: The rest of that goes off in gas, gaseous form. We make about 60 million cubic feet of gas a day, coke oven gas.

This is equivalent to about 30 million cubic feet of natural gas, so it's a very valuable product.

MR. BUZY: It is captured.

MR. SAMPLES: This is captured, cleaned, sulfur removed, and now we use about 40 percent of that to heat the coke ovens --

COMMISSIONER NEELY: That's what I was going to ask you.

MR. SAMPLES: -- to drive them. The other 60 percent is available for uses other than that. In our reheat furnaces, boilers, it is all used, and we use it in West Virginia and Ohio. We have a pipeline

across the river to Ohio, our plants in Ohio.

MR. GUZY: In clarifying your question, is the coal used to fire any ovens, no, coal is actually-- you're actually distilling coal to make the coke.

COMMISSIONER NEELY: I understand that, but you don't use coal to burn them?

MR. GUZY: No, you use the gas produced from it.

COMMISSIONER NEELY: The gas produced from it and that's been desulfurized. Didn't you--all say at one time that they have a by-product of hydrochloric acid in the precipitators?

MR. GUZY: Well, we produce sulfur. The sulfur that's removed from the gas, we use it to produce sulfuric acid.

COMMISSIONER NEELY: Sulfuric acid?

MR. SAMPLES: Yes. Then that, in turn, is used in the process to remove ammonia, to make ammonium sulfide and other product.

COMMISSIONER NEELY: Right. Irrespective

of what the merits of your case are, I must say that you seem to approach this in a very salutary way. I'm very impressed.

MR. SAMPLES: Thank you.

CHAIRMAN THOMAS: Any other questions?

MR. KOPELMAN: I just had a technical question. It was news to me. Do you say that -- and maybe I misunderstood -- that extending the coking cycle can have a detrimental effect on the life of the battery?

MR. SAMPLES: Yes, it can. The coke ovens are built so that they fit together by pressure, and changes in temperature are very detrimental, not only to the life of the battery, but also to environmental control.

Smoky combustion stacks are easily caused by changes in coking time; cracks develop in the batteries, but if you want a more detailed discussion of this, we have our expert here. Do you want to talk about that, Steve?

MR. GUZY: I think you hit it right on

operating a battery at 17 hours, you would be looking at about 2450 degrees.

If you were going to operate that same battery at 34 hours, you are going to drop that flue temperature down to about 2150 degrees.

But the end flues, the flues on the very end of the battery that see the thermal shock of removing the doors, you can get those down to 1800, 1850 degrees, and that's one of the areas where that silica brick is critical.

The end flues is generally where you will see this deterioration and the cracking caused under the new temperature.

MR. SAMPLES: Larry, on occasion, as you know, we do increase the coking time. We try to minimize that as much as possible, and now we're asking for an opportunity to take two two-week outages a year.

We just don't think that it's feasible to increase coking time twice a year over a long period of time. We think that would be detrimental to the

the head, but also, silica brick goes through different stages at different temperatures, in as far as the deterioration of brick and the long-term longevity of the battery.

If you operate a battery where you're heating it up and cooling it down, heating it up and cooling it down, you will get cracking of the brick, and it turns, it opens up in the joints between the brick, and then that's where you get your oven -- the flue leakage that you see in a stack.

It is very prevalent. I've seen it in some plants and it has caused the plant to shut down. The batteries will deteriorate at a much more rapid pace.

MR. KOPELMAN: I guess just following up on this, are you talking about a hugely extended period of time, or are you talking about going from 18 to 22 hours or 24? That doesn't really heat up or cool it down, does it?

MR. GUZY: Well, it does, depending on the coking time that you go to. For instance, if you were

CHAIRMAN THOMAS: I understand, but even once a year, my thought was if that could dovetail with the maintenance outage, you know, you could reduce your emissions some in that way at the same period of time that you plan to do an outage.

MR. SAMPLES: Actually, we calculated for last November -- we did have -- I'm sorry. The outage in April we had our modeler go through some calculations as to actually what the SO₂ concentrations in the area would be.

In comparison to the 3-hour and 24-hour standards, we were down in the 40 percent range on those standards. So there was 60 percent still left over for pads and occurrences, such as bad meteorology and all of that. It's not that we're terribly close in terms of developing our plan.

MR. KOPELMAN: Did that include a background?

MR. SAMPLES: No. That's what I meant,

MR. KOPELMAN: Just you-all?

life of the battery.

CHAIRMAN THOMAS: What otherwise prompts the decision to increase coking time?

MR. SAMPLES: Maintenance for one thing.

MR. GUZY: It would be maintenance, business conditions, coal strikes. If you have a situation where you couldn't get coal, you would try to prolong your inventory so that you could keep the ovens as hot as you can.

MR. SAMPLES: Or our own 100-day strike back in '65.

CHAIRMAN THOMAS: They're not predictable times?

MR. SAMPLES: No.

MR. GUZY: No.

MS. NEELY: These maintenance periods presumably would be predictable?

MR. GUZY: Yes.

MR. SAMPLES: We do not do it twice a year.

REPORTER'S CERTIFICATE

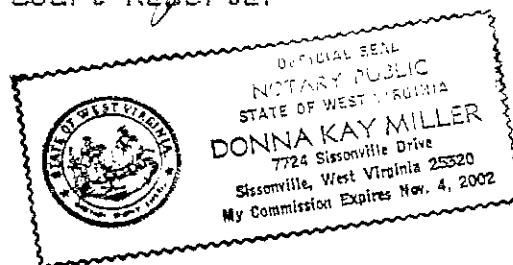
STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, to-wit:

I, Donna Kay Miller, do hereby
certify that the foregoing is, to the best of my skill and
ability, a true and accurate transcript of all the testimony
adduced or proceedings as set forth in the caption hereof.

Given under my hand this 24th day
of July, 1993.



Donna Kay Milley
Certified Court Reporter



MR. SAMPLES: So we had 60 percent of the standard was left over for background and other events.

CHAIRMAN THOMAS: Any other questions?
If no questions, thank you.

MR. SAMPLES: Thank you very, very much.

COMMISSIONER NEELY: This is, again, an open kind of 30 day --

CHAIRMAN THOMAS: Yes. You will have a 30-day period comment period, the same as the other regulations.

Any further questions or comments from the Commission? If not, we'll adjourn the hearing on the provisions of Reg 10. The record will stay open for 30 days for written comments that will be received and included in the regulation change.

(WHEREUPON, the hearing was concluded at 3:35 p.m.)