



WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2276 OR 348-3268

June 17, 1976

The Honorable James R. McCartney  
Secretary of State  
Building No. 1, Room W-151  
Capitol Complex  
Charleston, West Virginia

Re: "Notice of Hearing"  
House Bill No. 1257

Dear Mr. McCartney:

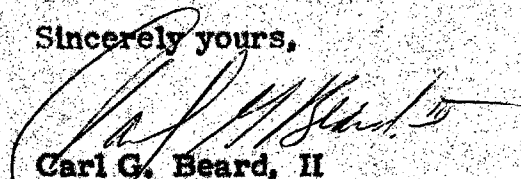
Pursuant to your memorandum dated May 26, 1976 and pursuant to the provisions of House Bill No. 1257 (Code 29A-3-5), I am hereby filing in the State Register a notice of hearing as follows:

Exhibit No. 1 - Public notice of hearing to be held on Tuesday, July 20, 1976, concerning proposed amendments to Regulation X (1973) - "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides".

I trust this meets with your approval, as it is intended to comply with your memorandum and with the provisions of 29A-3-5. If there are any questions concerning this matter, please do not hesitate to contact me.

As there is some questions as to whether this agency is included under the provisions of House Bill No. 1257, we have requested an opinion from the Attorney General of West Virginia.

Sincerely yours,

  
Carl G. Beard, II  
Director

CGB/mfj

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE JUN 18 1976

WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION

PUBLIC NOTICE

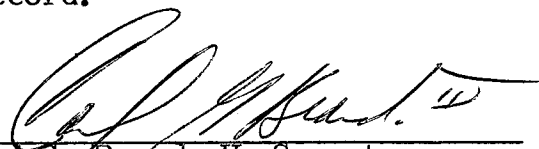
The public hearing scheduled for June 17, 1976 by the West Virginia Air Pollution Control Commission concerning proposed amendments to Regulation X(1973) - "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides" has been postponed until Tuesday, July 20, 1976.

Pursuant to the provisions of Chapter 29A of the Code of West Virginia and the 1970 Amendments to the Federal Clean Air Act, notice is hereby given that the public hearing will be held on Tuesday, July 20, 1976, at 9:00 a. m., in the House of Delegates Chamber, Capitol Building, Charleston, Kanawha County, West Virginia.

Copies of the proposed amendments to Regulation X (1973) are available for public inspection during normal office hours at the offices of the West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, Kanawha County, West Virginia.

If the proposed amendments to Regulation X (1973) are adopted by the Commission, subsequent hearing(s) will be held concerning the changes in West Virginia's Implementation Plan.

The hearing is open to the public and comments from any person will be received and made a part of the record.

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

June 14, 1976

JUN 18 1976



WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3286

June 17, 1976

The Honorable James R. McCartney  
Secretary of State  
Building No. 1, Room W-151  
Capitol Complex  
Charleston, West Virginia

Re: "Notice of Hearing"  
House Bill No. 1257

Dear Mr. McCartney:

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Sincerely yours,

  
Carl G. Beard, II  
Director

CGB/mfj

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE JUN 18 1976



**WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2276 OR 348-3288**

January 26, 1977

**Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment**

**Mr. Bill A. Light, Supervisor  
Environmental Quality Control  
Consolidation Coal Company  
N. West Virginia Region  
P. O. Box 100  
Osage, West Virginia 26543**

Dear Mr. Light:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

As mandated by present Article 3, Chapter 29A, this agency will file such notice with the Secretary of State for publication in the State Register. In addition, even though not specifically required by Article 3, this agency will continue its policy of publishing such notice in the major newspapers serving the geographical area possibly affected by any proposed rule or regulation adoption or amendments.

Respectfully,

A handwritten signature in cursive script that reads "Carl G. Beard, II".

Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
✓ The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



**WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION**  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3288

January 26, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. L. A. Demase, Esquire  
Rose, Schmidt and Dixon  
9th Floor, Oliver Building  
Pittsburgh, Pennsylvania 15222

Dear Mr. Demase:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
✓ The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3286

January 26, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. William C. Bosworth, Supervisor  
Environmental Quality Control  
Consolidation Coal Company  
Eastern Division  
P. O. Box 500  
Library, Pennsylvania 15129

Dear Mr. Bosworth:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
✓ The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



**WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2276 OR 348-3286**

January 26, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. R. M. Scott  
Plant Manager  
Monsanto Industrial Chemicals Co.  
Nitro, West Virginia

Dear Mr. Scott:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
✓ The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



**WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3286**

January 26, 1977

**Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment**

Mr. D. B. Tennant  
Manager, Environmental Control  
Allegheny Power System  
Cabin Hill  
Greensburg, Pennsylvania 15601

Dear Mr. Tennant:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Respectfully,

Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
✓ The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3288

January 26, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. G. L. Lamb  
Environmental Coordinator  
E. I. DuPont de Nemours & Co., Inc.  
901 W. DuPont Avenue  
Belle, West Virginia 25311

Dear Mr. Lamb:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
✓ The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



**WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION**  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3286

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. Howard D. Burge  
Vice-President  
Preston County Coal & Coke Corporation  
Cascade, West Virginia 26526

Dear Mr. Burge:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
✓ The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2276 OR 348-3286

January 26, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. W. G. Smith  
Plant Engineer  
Owens-Illinois  
Glass Container Division  
Post Office Box 640  
Huntington, West Virginia 25711

Dear Mr. Smith:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
✓ The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



**WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION**  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3288

January 26, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. C. A. Keil  
Plant Manager  
Union Carbide Corporation  
Chemicals and Plastics Division  
P. O. Box 8004  
South Charleston, West Virginia 25303

Dear Mr. Keil:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
✓The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



**WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION**  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2276 OR 348-3286

February 23, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. Donald K. Werle  
Product Manager  
Scrubbers and Cyclone Collectors  
Special Products Division  
Flex-Kleen  
Research-Cottrell  
222 S. Riverside Plaza  
Chicago, Illinois 60606

Dear Mr. Werle:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Respectfully,

Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3286

+ February 28, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. H. L. Webner  
Manager  
Harrison Power Station  
Monongahela Power Company  
P. O. Box 600  
Haywood, West Virginia 26366

Dear Mr. Webner:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



**WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION**  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3286

March 1, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

**Mr. George W. Jones  
Vice President-Engineering  
Amherst Coal Company  
Lundale, West Virginia 25631**

**Dear Mr. Jones:**

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



**WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION**  
1658 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2276 OR 348-3286

November 5, 1976

Honorable Mario J. Palumbo  
Senator, 8th District  
Chairman, Legislative Rule-Making  
Review Committee  
Capitol Building  
Charleston, West Virginia

Dear Chairman Palumbo:

In accordance with Chapter 29A, Article 3 of the Code of West Virginia, the West Virginia Air Pollution Control Commission hereby submits the following for the Committee's consideration in evaluating the revisions to our Regulation X - To Prevent and Control Air Pollution From the Emission of Sulfur Oxides:

- (1) Regulation X (1976) indicating additions and deletions to Regulation X (1973), seventeen copies,
- (2) Hearing notice that appeared in the Charleston Daily Mail (a similar hearing notice was also published in the other nine Air Quality Control Regions throughout the State), and
- (3) Record of the public hearing held on July 20, 1976, along with all transcripts, documents, exhibits, etc. filed as part of the hearing record.

Please note that at the July 20, 1976 hearing, the West Virginia Air Pollution Control Commission also voted to include the January 12 and February 5, 1976 hearing records as part of the record of the July 20, 1976 public hearing.

If there is additional information this agency can supply, please let me know.

Respectfully submitted,

  
Carl G. Beard, II  
Secretary

CGB/mfj

Attachments

(continued)

**WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION**

**Honorable Mario J. Palumbo  
Page Two  
November 5, 1976**

**cc: Honorable A. L. Sommerville, Jr.  
Delegate, Webster County  
Chairman, Legislative Rule-Making  
Review Committee**

**Members  
Legislative Rule-Making Review Committee**



WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3286

November 5, 1976

Honorable A. L. Sommerville, Jr.  
Delegate, Webster County  
Chairman, Legislative Rule-Making  
Review Committee  
Capitol Building  
Charleston, West Virginia

Dear Chairman Sommerville:

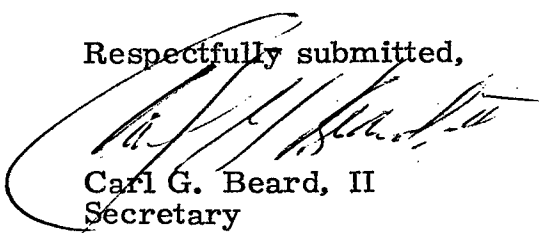
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Carl G. Beard, II  
Secretary

CGB/mfj

Attachments

(continued)

WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION

Honorable A. L. Sommerville, Jr.  
Page Two  
November 5, 1976

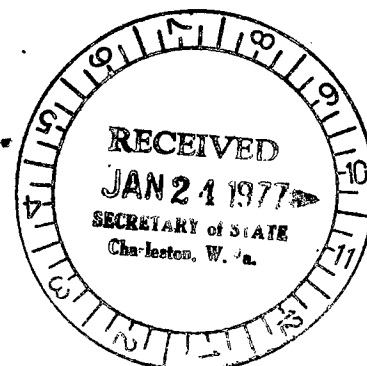
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Senator, 8th District  
Chairman, Legislative Rule-Making  
Review Committee

Members  
Legislative Rule-Making Review Committee



WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2276 OR 348-3288

Receive



January 24, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. Stephen G. Young  
Director  
State Governmental Relations  
Consolidation Coal Company, Inc.  
One Oliver Place  
Pittsburgh, Pennsylvania 15222

Dear Mr. Young:

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Respectfully,

Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
✓ The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General

P. S. We are returning your check No. 863 dated January 6, 1977 in the amount of \$1.00.



WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3286

January 24, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. Edwin K. Wiles  
President  
West Virginia Coal Association  
1340 One Valley Square  
Charleston, West Virginia 25301

Dear Mr. Wiles:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Carl G. Beard, II  
Director

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✓ The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General

P. S. We are returning your check No. 5655 dated January 13, 1977 in the amount of \$1.00.



**WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION**  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3286

January 26, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. Gregory R. Gorrell, Esquire  
Jackson, Kelly, Holt & O'Farrell  
Attorneys at Law  
P. O. Box 553  
Charleston, West Virginia 25322

Dear Mr. Gorrell:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

As mandated by present Article 3, Chapter 29A, this agency will file such notice with the Secretary of State for publication in the State Register. In addition, even though not specifically required by Article 3, this agency will continue its policy of publishing such notice in the major newspapers servicing the geographical area possibly affected by any proposed rule or regulation adoption or amendments.

Respectfully,

A handwritten signature in cursive script that reads "Carl G. Beard, II".

Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
✓ The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General



WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3288

January 26, 1977

Re: Notice by mail of proposed  
rule or regulation adoption or  
amendment

Mr. Carl D. Hrovatic, Supervisor  
Environmental Quality Control  
Consolidation Coal Company  
Southern Appalachia Region  
Pocahontas, Virginia 24635

Dear Mr. Hrovatic:

Prior to legislative amendments to Article 3, Chapter 29A of the Code of West Virginia, more commonly known as the "State Administrative Procedures Act", Section 2 required this agency to give notice of any proposed rule change or adoption directly to any person (including any corporation) who requested such notice. Article 3 no longer mandates such notice. Consequently, this letter is to inform you that this agency will no longer contact you directly concerning proposed rule or regulation adoption or amendment.

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Carl G. Beard, II  
Director

CGB, II:klr

cc: The Honorable Gus R. Douglass, Acting Chairman, WVAPCC  
✓ The Honorable A. James Manchin, Secretary of State  
Larry G. Kopelman, Assistant Attorney General

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

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

INDEX.

Section 1. Intent and Purpose.

Section 2. Definitions.

- 2.01. - "Air Pollution"
- 2.02. - "Air Pollutants"
- 2.03. - "Commission"
- 2.04. - "Director"
- 2.05. - "Person"
- 2.06. - "Fuel Burning Unit"
- 2.07. - "Waste Heat Boiler"
- 2.08. - "Fuel"
- 2.09. - "Priority I Regions", "Priority II Regions",  
and "Priority III Regions"
- 2.10. - "Air Pollution Control Equipment"
- 2.11. - "Manufacturing Process"
- 2.12. - "Source Operation"
- 2.13. - "Sulfur Dioxide"
- 2.14. - "Plant"
- 2.15. - "Equivalent Fuel Sulfur Content"
- 2.16. - "Stack"

INDEX.

Section 3. Sulfur Dioxide Weight Emission Standards for Fuel

Burning Units.

- 3.01. - Total Allowable Emission Rates for Similar Units in Priority I and Priority II Regions .
- 3.02. - Maximum Allowable Emission Rates for Similar Units in Region IV (Kanawha Valley Air Quality Control Region: Kanawha County, Putnam County, and Falls and Kanawha Magisterial Districts of Fayette County).
- 3.03. - Maximum Allowable Emission Rates for Similar Units in Priority III Regions Except Region IV.
- 3.04. - Allowable Emission Rates for Individual Stacks.
- 3.05. - Design Heat Input of Waste Heat Boilers
- 3.06. - Provision to Prevent Circumvention of This Regulation By Constructing Boilers Larger Than Necessary.
- 3.07. - Emission Limitations for Waste Heat Boilers.
- 3.08. - Weight Emission Standards for Manufacturing Process Source Operations.

Section 4. Registration.

INDEX.

Section 5. Permits.

Section 6. Reports and Testing.

Section 7. Compliance Programs and Schedules.

Section 8. Variance.

Section 9. Exemptions and Recommendations.

Section 10. Scope.

Section 11. Effective Date.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Air Pollution Control Commission

Chapter 16-20

Series X  
(1973)  
(1976)

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

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Section 1. Intent and Purpose.

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

Section 2. Definitions.

- 2.01. "Air Pollution", 'statutory air pollution', shall have the meaning ascribed to it in Section Two of Chapter Sixteen, Article Twenty of the Code of West Virginia, as amended.
- 2.02. "Air Pollutants" shall mean solids, liquids, or gases which, if discharged into the air, may result in a statutory air pollution.
- 2.03. "Commission" shall mean the West Virginia Air Pollution Control Commission.
- 2.04. "Director" shall mean the Director of the West Virginia Air Pollution Control Commission

2.05. "Person" shall mean any and all persons, natural or artificial, including any municipal, public or private corporation organized or existing under the laws of this or any other state or country, and any firm, partnership, or association of whatever nature.

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

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

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

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

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

~~2-07.~~ 2.08. "Fuel" shall mean any form of combustible matter (solid, liquid, vapor, or gas) that is used as a source of heat.

2-08. 2.09. "Priority I Regions", "Priority II Regions", and "Priority III Regions" are defined as follows:

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

2-09. 2.10. "Air Pollution Control Equipment" shall mean any equipment used for collecting, confining, or converting air pollutants for the purpose of preventing or reducing the emission of these pollutants into the open air.

~~2.10.~~ 2.11. "Manufacturing Process" shall mean any action, operation or treatment embracing chemical, industrial, or manufacturing efforts, and employing, for example, heat-treating furnaces, by-product coke plants, core-baking ovens, mixing kettles, cupolas, blast furnaces, open hearth furnaces, heating and reheating furnaces, puddling furnaces, sintering plants, electric steel furnaces, ferrous and non-ferrous foundries, kilns, stills, pipe stills, reformers, furnaces associated with manufacturing processes, driers, crushers, grinders, roasters, and equipment used in connection therewith, and all other methods or forms of manufacturing or processing that may emit sulfur dioxide or other sulfur compounds.

~~2.11.~~ 2.12. "Source Operation" shall mean the last operation in a manufacturing process preceding the emission of air pollutants which operation:

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

(b) Is not an air pollution abatement operation.

~~2.12.~~ 2.13. "Sulfur Dioxide" is an air pollutant which is a nonflammable, nonexplosive, colorless, gaseous molecule composed of one atom of sulfur and two atoms of oxygen. In concentrations of 0.3 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.

- 2-13. 2.14. "Plant" shall mean and include all fuel burning units, source operations, equipment and grounds utilized in an integral complex.
- 2-14. 2.15. "Equivalent Fuel Sulfur Content" shall mean that quantity of sulfur dioxide in pounds per million British Thermal Units (B. T. U. 's) which corresponds to a given percent sulfur in fuel being burned and is calculated on the basis of 100 percent conversion of the sulfur to sulfur dioxide and assuming that no sulfur or sulfur dioxide recovery or control measures are employed.
- 2-15. 2.16. "Stack", for the purposes of this regulation, shall mean, but not be limited to, any duct, control equipment exhaust, or similar apparatus, which vents gases and/or particulate matter into the open air.

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

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

~~-(a)- Not later than June 30, 1975,~~ No person shall cause, suffer, allow, or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the amount determined as follows:

- (1) For fuel burning units of the Kammer and Mitchell Plants of Ohio Power Company, located in Air Quality Control Region I, the product of 6.8 and the total design heat inputs for such units discharging through those stacks in million British Thermal Units (B. T. U. 's) per hour.

- (2) For fuel burning units of the Willow Island Station of Monongahela Power Company, located in Air Quality Control Region II, the product of 6.0 and the total design heat inputs for such units discharging from those stacks in million B. T. U. 's per hour.
- ~~(1)~~ (3) For all other Type 'a' fuel burning units, the product of 2.7 and the total design heat inputs for such units discharging through those stacks in million ~~British Thermal Units~~ (B. T. U. 's) per hour.
- ~~(2)~~ (4) For Type 'b' and Type 'c' fuel burning units, the product of 3.1 and the total design heat inputs for such units discharging through those stacks in million B. T. U. 's per hour.

~~(b) - Not later than June 30, 1973, no person shall cause, suffer, allow, or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant measured in terms of pounds per hour, in excess of the amount determined as follows:~~

- ~~(1) - For Type 'a' fuel burning units, the product of 2.0 and the total design heat inputs for such units discharging through these stacks in million B. T. U. 's per hour, provided however, that no more than 45,000 pounds per hour of sulfur dioxide shall be discharged into the open air from all such stacks.~~
- ~~(2) - For Type 'b' and Type 'c' fuel burning units, the product of 2.3 and the total design heat inputs for~~

~~such units discharging through those stacks in million B. T. U. 's per hour, provided however, that no more than 8,000 pounds per hour of sulfur dioxide shall be discharged into the open air from all such stacks.~~

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

~~Not later than January 1, 1973, No person shall cause, suffer, allow, or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the amount determined as follows:~~

- (1) For fuel burning units of the John Amos Plant of Appalachian Power Company, located in Air Quality Control Region IV, the product of 2.5 and the total design heat inputs for such units discharging from those stacks in million B. T. U. 's per hour.
  
- ~~(a)~~ (2) For all other Type 'a' fuel burning units, the product of 1.6 and the total design heat inputs for such units discharging through those stacks in million B. T. U. 's per hour, provided however, that no more than 45,000 pounds per hour of sulfur dioxide shall be discharged into the open air from all such stacks.

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

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

~~(a) - Not later than June 30, 1975,~~ No person shall cause, suffer, allow, or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the amount determined as follows:

- (1) For fuel burning units of the Harrison Power Station of Monongahela Power Company, located in Air Quality Control Region VI, the product of 6.0 and the total design heat inputs for such units discharging from those stacks in million B. T. U. 's per hour.
- (2) For fuel burning units of the Rivesville Power Station of Monongahela Power Company, located in Air Quality Control Region VI, the product of 5.35 and the total design heat inputs for such units discharging from those stacks in million B. T. U. 's per hour.
- (3) For fuel burning units of the Albright Power Station of Monongahela Power Company, located in Air Quality Control Region VI, the product of 4.50 and the total

design heat inputs for such units discharging from those stacks in million B. T. U. 's per hour.

(4) For fuel burning units of the Fort Martin Power Station of Monongahela Power Company, located in Air Quality Control Region VI, the product of 4.30 and the total design heat inputs for such units discharging from those stacks in million B. T. U. 's per hour.

(5) For fuel burning units of the Philip Sporn Plant of Central Operating Company, located in Air Quality Control Region III, the product of 2.55 and the total design heat inputs for such units discharging from those stacks in million B. T. U. 's per hour.

~~(1)~~ (6) For all other Type 'a' fuel burning units, the product of 3.2 and the total design heat inputs for such units discharging through those stacks in million B. T. U. 's per hour.

~~(2)~~ (7) For Type 'b' and Type 'c' fuel burning units, the product of 3.2 and the total design heat inputs for such units discharging through those stacks in million B. T. U. 's per hour.

~~(b) - Not later than June 30, 1978, the requirements of Sub-Section 3.01 (b) shall apply to all Type 'a', and Type 'b', and Type 'c' fuel burning units.~~

3.04. Allowable Emission Rates for Individual Stacks.

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

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

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

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

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

3.07. No person shall cause, suffer, allow, or permit the discharge of sulfur dioxide to the open air from the combustion of fuel in a fuel burning unit of a waste heat boiler in excess of 2.2 pounds of sulfur

dioxide per million B. T. U. 's of heat input per hour. This limita-  
tion is based on the heat input provided to the boiler by the  
combustion of this auxiliary fuel.

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

~~3.05.~~ 3.08. Weight Emission Standards for Manufacturing Process  
Source Operations.

(a) ~~Not later than June 30, -1975,~~ No person shall cause, suffer, allow, or permit the emission into the open air from any source operation an in-stack sulfur dioxide concentration exceeding 2,000 parts per million by volume from existing source operations, except as provided in Sub-Sections (b), (c), (d), (e), and (f) following.

(b) ~~Not later than June 30, -1975,~~ No person shall cause, suffer, allow, or permit sulfur dioxide tail gas emissions from sulfuric acid manufacturing plants to exceed the following:

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

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

(c) ~~Not later than June 30, -1975,~~ 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) ~~Not later than June 30, -1975,~~ No person shall cause, suffer, allow, or permit the combustion of any refinery process

gas stream or any other process gas stream that contains hydrogen sulfide in a concentration greater than 50 grains per 100 cubic feet of gas. In certain cases very small units may be considered exempt from this requirement if, in the opinion of the Commission, compliance would be economically unreasonable and if the contribution of the unit to the surrounding air quality could be considered negligible.

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

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

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

(f) No person shall cause, suffer, allow or permit the total sulfite pulp mill emissions of sulfur oxides, calculated as sulfur dioxide, from operations such as blow pits, washer vents, storage tanks, digester relief, and recovery system, to exceed 9.0 pounds per air-dried ton of pulp produced.

#### Section 4. Registration.

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

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

Section 5. Permits.

5.01. After the effective date of this regulation, no person shall construct or modify any source of sulfur dioxide without first obtaining a permit for such construction or modification. Applications for permits shall be made upon forms available from the Director and shall be filed no less than ninety (90) days prior to the construction or modification. These forms shall include such information as in the judgment of the Director will enable him to determine whether such source will be so designed as to operate in conformance with the provisions of this regulation and the Code of West Virginia, and will not cause or contribute to the violation of Secondary-Air Quality Standards. Within ninety (90) days of the receipt of an application the Director shall issue or deny such permit in accordance with the provisions of Section 2 of Chapter 16, Article 20, Paragraph 11b of the Code of West Virginia, as amended, and Regulation XIII of this agency.

Section 6. Reports and Testing.

6.01. Tests to determine compliance with the allowable sulfur dioxide emission limitations of this regulation shall be based on a two (2)-hour averaging time.

6.02. (a) At the request of the Commission the owner and/or operator of a source shall install such stack gas monitoring devices as the Director deems necessary to determine compliance with the provisions of this regulation. The data from such devices shall be readily available at the source location or such other

reasonable location that the Director may specify. At the request of the Director, or his duly authorized representative, such data shall be made available for inspection or copying. Failure to promptly provide such data shall constitute a violation of this regulation.

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

- 6.03. At such reasonable times as the Director may designate, the owner or operator of a source(s) of sulfur dioxide may be required to conduct or have conducted tests to determine the compliance of such source(s) with the emission limitations of Section 3. Such tests shall be conducted in such manner as the Director may specify and be filed on forms and in a manner acceptable to the Director. The Director, or his duly authorized representative, may at his option witness or conduct such tests. Should the Director exercise his option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports to be located in such manner as the Director may require, power for test equipment, and the required safety equipment such as scaffolding, railings, and ladders to comply with generally accepted good safety practices.
- 6.04. The Director, or his duly authorized representative, may conduct such other tests as he may deem necessary to evaluate air pollution emissions other than those noted in Section 3.
- 6.05. The operators of the fuel burning units or persons selling fuel shall submit data on the fuel used or sold for use in such units.

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

Section 7. Compliance Programs and Schedules.

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

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

Section 8. Variance.

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

Section 9. Exemptions and Recommendations.

9.01. All fuel burning units having a heat input under ten (10) million B. T. U. 's per hour will be exempt from Section 3 through Section 8. However, failure to attain acceptable air quality in parts of some urban areas may require the mandatory control of these sources at a later date.

9.02. In an effort to avoid the necessity for such mandatory controls the Commission strongly recommends that specific fuel quality objectives be met. In Priority I and Priority II regions and in cities in Priority III regions with a population of more than 10,000 (based on the latest census) the Commission recommends that no person use or provide for sale fuel having a sulfur content greater than that listed in the following table for use in residential and other fuel burning units not otherwise restricted by this regulation:

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

Section 10. Scope.

(a) Regulation X (1976) shall in no way circumvent or supersede the requirements as established in 40 C.F.R. Part 60 et. seq. (July 1, 1976) more commonly referred to as the Standards of Performance for New Stationary Sources.

(b) If Regulation X (1976), adopted by the West Virginia Air Pollution Control Commission on the 4th day of November, 1976, is found invalid by any court of competent jurisdiction, then Regulation X (1973), adopted by the West Virginia Air Pollution Control Commission on the 28th day of June, 1973, shall remain in full force and effect.

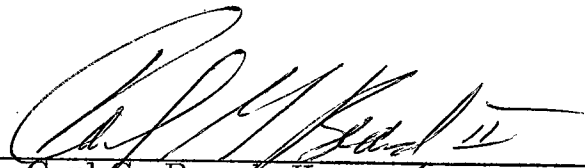
~~Section 10.~~ Section 11. Effective Date.

Regulation X (1976) shall become effective December 10, 1976.

~~Regulation X (1973) shall become effective July 30, 1973, and shall supersede Regulation X (1972) which was adopted by the West Virginia Air Pollution Control Commission on the 10th day of~~

~~January, 1972, and became effective March 15, 1972, and was filed  
with the Secretary of State February 1, 1972.~~

The foregoing is a true and correct copy of the West Virginia Air Pollution  
Control Commission Regulation X (1976) as adopted on the ~~28th day of June,~~  
~~1973~~ 4th day of November, 1976.



---

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