

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

**SERIES 12
AMBIENT AIR QUALITY STANDARD FOR NITROGEN DIOXIDE**

§45-12-1. General.

1.1. Scope. -- Series 12 establishes ambient air quality standards for nitrogen dioxide.

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

1.3. Filing Date. -- February 2, 1972.

1.4. Effective Date. -- March 15, 1972.

§45-12-2. Anti-Degradation Policy.

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

2.2. Where the present ambient air is of better quality than the established standards, the Director will develop long-range plans to protect the difference between the present quality and the established standards. The plans will be based upon the best available forecasts of probable land and air uses in such areas of high air quality.

2.3. The air quality of these areas will not be lowered unless it has been clearly demonstrated to the Director that such a change is justifiable as a result of necessary economic or social development and will not result in a statutory air pollution.

2.4. This will require that any industrial, public, or private project or development which could constitute a new source of air pollutants, within an area of such high air quality, provide the best practicable control available under existing technology as part of the initial project.

§45-12-3. Definitions.

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

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

3.3. [Reserved]

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

3.5. "Standard Conditions" means, for the purposes of this rule, a temperature of 25 degrees C and a pressure of 760 millimeters of mercury column.

3.6. "Ambient Air Quality Standard" means the numerical expression of a specified concentration level for a particular air pollutant in the ambient air and the time-averaging interval over which that concentration level is measured.

§45-12-4. Ambient Air Quality Standard.

4.1. The following ambient air quality standard shall not be exceeded at any sampling site:

Nitrogen Dioxide

Annual Arithmetic Mean - 100 micrograms per cubic meter (0.05 parts per million)

§45-12-5. Methods of Measurement.

5.1. Nitrogen dioxide concentrations shall be determined by any of the methods listed below or by such other methods approved as equally or more specific, accurate, sensitive, and reproducible by the Director.

5.1.a. The Jacobs-Hocheiser method;

5.1.b. The use of a continuous sampling and recording instrument based on coulometric, colorimetric, or an equivalent principle.