

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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JUN 21 4 13 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Division of Environmental Protection TITLE NUMBER: 45

RULE TYPE: Legislative; CITE AUTHORITY W.Va. Code §§22-5-1 et seq.

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 15

TITLE OF RULE BEING AMENDED: Emission Standards for Hazardous Air

Pollutants Pursuant to 40 CFR Part 61

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

TITLE OF RULE BEING PROPOSED: _____

DATE OF PUBLIC HEARING: July 29, 1994 TIME: 9:00 am

LOCATION OF PUBLIC HEARING: WVDEP - Office of Air Quality

1558 Washington Street East

Charleston WV 25311

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Office of Air Quality


1558 Washington Street E

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


Authorized Signature

45CSR15

EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS
PURSUANT TO 40 CFR PART 61

STATEMENT OF CIRCUMSTANCE

This rule adopts emission standards for hazardous air pollutants promulgated by the United States Environmental Protection Agency under the federal Clean Air Act, as amended.

No person may construct, reconstruct, modify, or operate, or cause to be constructed, modified, or operated any National Emissions Standards for Hazardous Air Pollutants (NESHAP) source which results, or will result in a violation of this rule.

Promulgation of this rule by the Legislature is necessary for the State to fulfill its responsibilities under the Clean Air Act, as amended.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 45CSR15 - Emission Standards for Hazardous Air Pollutants Pursuant to 40 CFR Part 61

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	There-after
Estimated Total Cost	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Personal Services	-0-	-0-	-0-	-0-	-0-
Current Expense	-0-	-0-	-0-	-0-	-0-
Repairs and Alterations	-0-	-0-	-0-	-0-	-0-
Equipment	-0-	-0-	-0-	-0-	-0-
Other	-0-	-0-	-0-	-0-	-0-

2. Explanation of above estimates: Costs incurred are covered under the budget estimates for implementing the federal Clean Air Act, as amended, under 45CSR30, promulgated by the Legislature during the 1994 Session.

3. Objectives of these rules: This rule adopts emission standards for hazardous air pollutants promulgated by the USEPA in 40 CFR Part 61. Promulgation of this rule by the Legislature is necessary for the State to fulfill its responsibilities under the Clean Air Act, as amended.

4. Explanation of overall economic impact of proposed rule.

A. Economic impact on state government.

See Section 2.

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

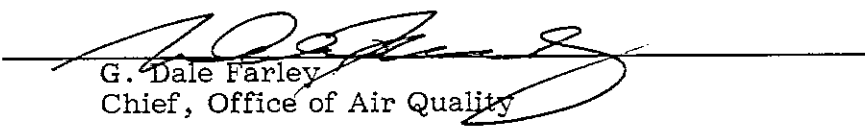
No impact above that resulting from the currently applicable federal emission standards.

C. Economic impact on citizens/public at large.

No impact above that resulting from the currently applicable federal emission standards.

Date: June 21, 1994

Signature of agency head or authorized representative:


G. Dale Farley
Chief, Office of Air Quality

45CSR15

EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS
PURSUANT TO 40 CFR PART 61

SUMMARY

This rule adopts emission standards for hazardous air pollutants promulgated by the United States Environmental Protection Agency under the federal Clean Air Act, as amended, and 40 CFR Part 61. It is the intent of the Director to adopt these standards by reference. It is also the intent of the Director to adopt associated reference methods, performance specifications and other test methods which are appended to such standards.

No person may construct, modify, or operate, or cause to be constructed, modified, or operated any National Emission Standards for Hazardous Air Pollutants (NESHAP) source which results, or will result, in a violation of this rule.

Promulgation of this rule by the Legislature is necessary for West Virginia to fulfill its responsibilities under the federal Clean Air Act, as amended.

FILED

45CSR15

JUN 21 4 13 PM '94

TITLE 45
LEGISLATIVE RULES
~~WEST-VIRGINIA-AIR-POLLUTION-CONTROL-COMMISSION~~
BUREAU OF ENVIRONMENT
DIVISION OF ENVIRONMENTAL PROTECTION
OFFICE OF AIR QUALITY

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 15
EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS
PURSUANT TO 40 CFR PART 61

§45-15-1. General.

1.1. Scope. -- This rule adopts emission standards for hazardous air pollutants promulgated by the United States Environmental Protection Agency under the federal Clean Air Act, as amended. It is the intent of the Commission Director to adopt these standards by reference. It is also the intent of the Commission Director to adopt associated reference methods, performance specifications and other test methods which are appended to such standards.

1.2. Authority -- W. Va. Code ~~§16-20-5~~ §22-5-1 et seq.

1.3. Filing Date -- ~~August 13, 1993~~

1.4. Effective Date -- ~~April 27, 1994~~

1.5. Incorporation by Reference -- Federal Counterpart Regulation. The Director has determined that a federal counterpart regulation exists and should be incorporated by reference.

1.6. Determination of Stringency -- Federal Counterpart Regulation. This rule incorporates, with limited exceptions, the federal counterpart rule by reference and is no more or no less stringent than the federal counterpart regulation.

1.7. Constitutional Takings Determination -- The Director has determined that this rule will not result in a constitutional taking of real property.

§45-15-2. Requirements.

2.1. No person may construct, reconstruct, modify, or operate, or cause to be constructed, modified, or operated any National Emission Standards for Hazardous Air Pollutants (NESHAP) source which results, or will result, in a violation of this regulation rule.

§45-15-3. Adoption of Standards.

3.1. Standards. -- Emission standards for hazardous air pollutants including associated reference methods, performance specifications and other test methods which are appended to such standards promulgated by the United States Environmental Protection Agency pursuant to 42 U.S.C. 7412 (C.A.A. §112) of the Federal Clean Air Act, as amended, as of ~~May 1, 1993~~ June 1, 1994, and contained in 40 CFR Part 61 are hereby adopted in their entirety and incorporated herein by reference, except as follows:

a. Part 61.6 is amended to provide that information shall be available to the public in accordance with W. Va. Code ~~§1622-205-1~~ et seq., W. Va. Code §29B-1-1 et seq., and 45CSR31.

b. Sub-parts B, H, I, K, W Q, R, and T; Methods 111, 114, 115 and Appendix D and E of 40 CFR Part 61 shall be excluded.

§45-15-4. ChiefDirector.

4.1. Any and all references in said 40 CFR Part 61 to the "Administrator" is amended to be the "ChiefDirector" ~~of the Office of Air Quality~~ of the West Virginia Division of Environmental Protection except in the following references which such references shall remain "Administrator of the United States Environmental Protection Agency":

- a. Part 61.02.
- b. Part 61.04.
- c. Part 61.11.
- d. Part 61.14.

§45-15-5. Permits.

5.1. Nothing contained in this adoption by reference shall be construed or inferred to mean that permit requirements in accordance with applicable rules shall in any way be limited or inapplicable.

§45-15-6. Inconsistency Between RegulationsRules.

6.1. In the event of any inconsistency between this rule and any other existing rule of the ~~Commission~~Director, such inconsistency shall be resolved by the determination of the ChiefDirector and such determination shall be based upon the application of the more stringent provision, term, condition, method, or rule.