



APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 45CSR15 "Emission Standards for Hazardous Air Pollutants"

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	\$ ----	\$ ----	\$ ----
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

The Office of Air Quality (OAQ) presently reviews West Virginia sources for conformance with the federal NESHAPS standards. No additional cost anticipated at this time.

3. Objectives of these rules:

The existing regulation adopts by reference the Federal National Emission Standard for Hazardous Air Pollutants (NESHAPS) promulgated by EPA as of July 1, 1988. This revision to the regulation adopts with identified exceptions the NESHAPS standards promulgated by EPA as of May 1, 1993.

4. Explanation of overall economic impact of proposed rule.

A.— Economic impact on state government.

Minimal additional OAQ staff time for recordkeeping/enforcement of two of the additional NESHAPS.

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

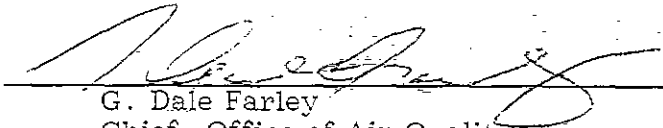
No economic impact above that resulting from current federal enforcement. sources affected by the proposed APCC NESHAPS regulation revision are presently required by USEPA to meet the NESHAPS standards. OAQ will become the primary enforcement authority with federal delegation.

C. Economic impact on citizens/public at large.

No impact above that which results from the currently applicable Federal emission standards.

Date: \_\_\_\_\_

Signature of agency head or authorized representative:

  
\_\_\_\_\_  
G. Dale Farley  
Chief, Office of Air Quality

45CSR15

SUMMARY

45CSR15 "Emission Standards for Hazardous Air Pollutants" adopted by reference National Emission Standards for Hazardous Air Pollutants (NESHAPs) promulgated by U.S. EPA through July 1, 1988. This revision to the rule updates NESHAP requirements, with noted exceptions, through May 1, 1993.

42 U.S.C. 7412 [C.A.A. §112] charges the Administrator of U.S. EPA with developing standards for certain categories of sources of hazardous air pollutants. These standards are enforceable by U.S. EPA. In turn, the State may request delegation from U.S. EPA to implement and enforce such standards. To that end, Federal standards, as contained in the proposed rule, are adopted by reference.

The following subparts have been added to 40CFR60 since the previous revision of this rule:

Subparts

- L - "Benzene Emissions from Coke By-Products Recovery Plants"
- Y - "Benzene Emissions from Benzene Storage Tanks"
- BB - "Benzene Emissions from Benzene Transfer Operations"
- FF - "Benzene Waste Operations"

The following subparts, test methods, and appendices have been adopted by U.S. EPA, but have been excluded from the proposed rule:

Subparts

- Q - "Radon Emissions from DOE Facilities"
- R - "Radon Emissions from Phosphogypsum Stacks"
- T - "Radon Emissions from the Disposal of Uranium Mine Tailings"

Test Methods

- Test Method 111 - "Test Method for Polonium"
- Test Method 114 - "Test Method for Radionuclides"
- Test Method 115 - "Test Method for Radon 222"

Appendixes

- Appendix D - "Estimation for Radionuclides Emissions"
- Appendix E - "Compliance with Subpart I"

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TITLE 45

LEGISLATIVE RULES

WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 15

EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

§45-15-1. General.

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

1.2. Authority. -- ~~This regulation is issued under the authority of the West Virginia Code, Chapter 16, Article 20, Section 5. This regulation relates to West Virginia Code, Chapter 16, Article 20, Sections 1 through 13 inclusive.~~ W. Va. Code §16-20-5.

1.3. Filing Date. -- April 25, 1990

1.4. Effective Date. -- April 25, 1990

1.5. Type. -- ~~This regulation is a legislative rule as defined in West Virginia Code, Chapter 29A, Article 2.~~

§45-15-2. Requirements.

2.1. 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 regulation.

§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 ~~Section 112(b)~~ 42 U.S.C. 7412 (C.A.A. §112) of the Federal Clean Air Act as of ~~July 1, 1988~~ May 1, 1993, 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 ~~Chapter 16, Article 20, and Chapter 29B, Article 1 of the Code of West Virginia~~ W. Va. Code §16-20-1, 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 40CFR61 shall be excluded.

§45-15-4. DirectorChief.

4.1. Any and all references in said 40 CFR ~~Part 61~~ to the "Administrator" is amended to be the "~~Director--of--the--West--Virginia--Air--Pollution--Control Commission~~"Chief" of the Office of Air Quality of the 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 ~~regulations~~rules shall in any way be limited or inapplicable.

§45-15-6. Inconsistency Between Regulations.

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



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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

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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FILED

- Re: 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"

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.

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*  
John M. Ranson  
Cabinet Secretary

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