

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
KEN HECHLER  
**ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In this Box

**FILED**

AUG 13 12 41 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: 45CSR15

CITE AUTHORITY W. Va. Code §16-20-5

AMENDMENT TO AN EXISTING RULE: YES  NO

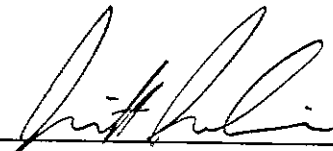
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45CSR15

TITLE OF RULE BEING AMENDED: "Emission Standards for Hazardous Air  
Pollutants"

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

1740

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.

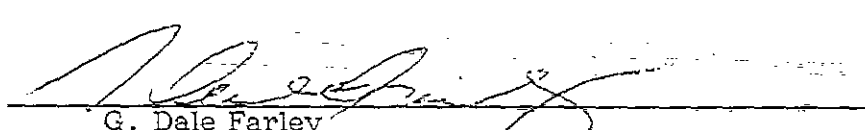
No economic impact above that resulting from current federal enforcement. sources affected by the proposed APCC NESHAPS regulation revision are presently required by USEPA to meet the NESHAPS standards. OAQ will become the primary enforcement authority with federal delegation.

C. Economic impact on citizens/public at large.

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

Date: July 1, 1973

Signature of agency head or authorized representative:

  
G. Dale Farley  
Chief, Office of Air Quality

FILED

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

AUG 13 12 41 PM '93

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

LEGISLATIVE RULE TITLE: 45CSR15 - "Emission Standards for Hazardous Air  
Pollutants"

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

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 \_\_\_\_\_

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 40CFR61 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"

# WEST VIRGINIA REGISTER



Published by Ken Hechler, Secretary of State

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*Volume X*

*Issue 23*

*June 4, 1993*

*Pages 957-1004*

*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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- X. Attorney General Opinions*
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- XII. Publication Deadlines and Publication Dates*

LEGISLATIVE

SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #1

FILED

JUN 2 4 34 PM '93

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Air Pollution Control Commission TITLE NUMBER: 45CSR13  
 RULE TYPE: Legislative; CITE AUTHORITY: V. Va. Code §16-20-5  
 AMENDMENT TO AN EXISTING RULE: YES X NO  
 IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45CSR13  
 TITLE OF RULE BEING AMENDED: "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"  
 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 X  
 COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:  
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

3/10

989

AGENCY: Air Pollution Control Commission TITLE NUMBER: 45CSR15  
 RULE TYPE: Legislative; CITE AUTHORITY: V. Va. Code §16-20-5  
 AMENDMENT TO AN EXISTING RULE: YES X NO  
 IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45CSR15  
 TITLE OF RULE BEING AMENDED: "Emission Standards for Hazardous Air Pollutants"  
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July 6, 1993 Agenda



# WEST VIRGINIA REGISTER

Published by Ken Hechler, Secretary of State

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*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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DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES  
 DIVISION OF ENVIRONMENTAL PROTECTION  
 1558 Washington Street, East  
 Charleston, WV 25311-2509

Caperton  
 Director  
 M. Blanton  
 Secretary

David C. Cullington  
 Director  
 Ann A. Spomer  
 Deputy Director

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

OTHER

- 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.

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"



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  
STATE

JUL 23 10 52 AM '93

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  - d. 45CSR21 "Regulation to Prevent and Control Air Pollution from the Emission of Volatile Organic Compounds"
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# WEST VIRGINIA REGISTER

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*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.  
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1402

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

\*Meeting Notice Does Not Comply With Open Government Proceeding Act



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 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. 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".

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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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.

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Sincerely yours,

*Dale Farley* *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

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 a small mark that appears to be "sam".

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 mark that looks like "dm".

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,

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

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,

*Dale Farley* *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. 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,

A handwritten signature in cursive 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

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

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 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

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 monogram "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

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 zam".

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 "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

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 sam".

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,

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

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 monogram "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. 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,

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

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 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. 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 sm".

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

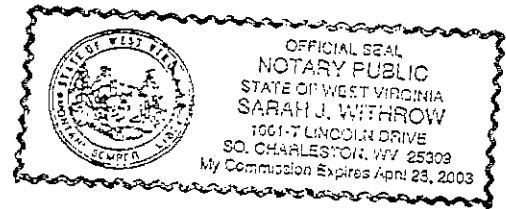
SUBSCRIBED AND SWORN TO BEFORE ME THIS

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 1993

OFFICE OF AIR QUALITY  
DIV OF ENVIR. PROT.

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

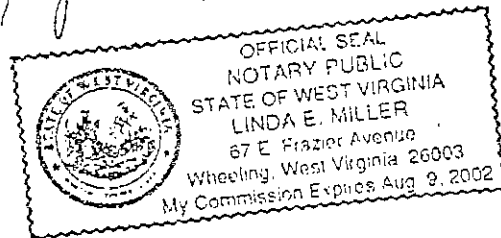
June 19 93 at WHEELING, OHIO COUNTY, WEST VIRGINIA

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, 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  
 (904) 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  
 a daily 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, 1993, 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  
*Robert 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 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. Bernhelm, Commission Secretary, at the address below:

Britt A. Bernhelm,  
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:**

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, published seven days each week, Monday through Sunday including New Year's Day, Fourth of July, Labor Day, Thanksgiving and Christmas; that I have advised the Board of Directors of such corporation to execute this affidavit on behalf of such corporation and the newspaper mentioned herein; that the said advertisement was placed in the left margin of this affidavit and made a part hereof and #696 was duly published in

the Dispatch for 2 successive weeks, commencing with its issue of the 14th day of May, 19 93, and ending with the issue of the 14th day of May, 19 93, and was posted at the East door of the Courthouse of May, 19 93: that said legal advertisement was published on the following dates: May 28, 1993  
Jun 3 4, 1993

The cost of publishing said annexed advertisement as aforesaid was such such newspaper in which such legal advertisement was 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

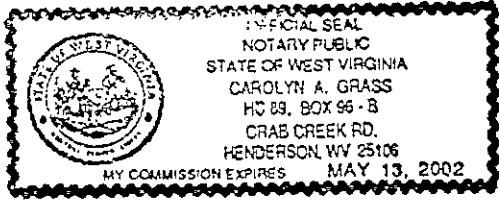
that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper on each date published consists of not less than four pages without a cover; and that it is a newspaper to which the general public resorts for passing events of a political, religious, commercial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

Cornie Rappold

Taken, subscribed and sworn to before me in my said county this 14th day of June, 19 93  
My commission expires May 13, 2002

Carolyn A. Grass

Notary Public  
Cabell County,  
West Virginia



# AFFIDAVIT OF PUBLICATION

OFFICE OF **BECKLEY NEWSPAPERS INC.**  
**BECKLEY, WEST VIRGINIA 25801**

1993 JUN -11 7 13 01

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 Robert 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. Blount  
 Notary Public of Raleigh County,  
 West Virginia

OFFICIAL SEAL  
 NOTARY PUBLIC  
 STATE OF WEST VIRGINIA  
 DIANA L. BLOUNT  
 BECKLEY REGISTER HERALD  
 P. O. DRAWER P OR R  
 BECKLEY, WV 25801  
 JUN 27 1993

## 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 Britt A. Bernhelm, Commission Secretary, at the address below:  
 Britt A. Bernhelm, Secretary  
 West Virginia Air Pollution Control Commission  
 1515 Washington Street East  
 Charleston, WV 25311  
 (304) 538-4002

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 Raleigh County Public Library, P.O. Box 1876, Beckley, WV.  
 6-3Thu-2-RH

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"

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

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(continuation of January 7, 1993 hearing)

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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"
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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 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"

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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)

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Brit A. Bernheim, Secretary  
West Virginia Air Pollution  
Control Commission  
1515 Washington Street East  
Charleston, WV 25311  
(304)528-4002

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 25311-2509

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.

WV DIV OF ENVIR.  
OFFICE OF AIR

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:

1993 JUN -3

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

me this 02 day of June 19, 93

Shirley A. Menner  
Notary Public

15 day of April 19 2002

**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"

45CSR18 "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"

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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.  
5:28.6:1(21)

*Certificate of Publication*

This is to certify the annexed advertisement

WV DEPT. COMM., DIV. ENV. PROTECTION

NOTICE OF PUBLIC HEARING

appeared for 2 consecutive <sup>days</sup> 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  
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Ms. Rhonda Hooper  
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COMMISSION MEETING

JULY 6, 1993

NAME	COMPANY AFFILIATION	ADDRESS
Yvonne Clarkson	Allegheny Power (Mon Power)	Greensburg, PA
Claudia Banner	APPALACHIAN POWER	ROANOKE, VA
Gary Coers	Capital Cement	Martinsburg, WV
Tony Vandenberg	Union Carbide Synthol HUN	→
Bob Parsons	Jackson & Kelly	Charleston WV
Eugene Hooper	Elkum Metall Co	Alloy, WV
Bob HICE	American Alloys	New Haven, WV
Scott Dismukes	DKWM	Fgh Pa
Eril Varney	WORK-TV 13	Char, WV
Charlie Olt	DuPont	Parkersburg
K.B. Poland	Robinson & Mc Elwee	Charleston, WV
Judy M. Uy	Robson + McEl	Char
Richard St. Bana	UNION CARBIDE	S. CHARLESTON
Paul W. Jones	WV DEP	Charleston

COMMISSION MEETING

JULY 6, 1993

NAME	COMPANY AFFILIATION	ADDRESS
Shret Vineyard	WV Petro Mkt.	Suite 912, AAUS Bldg. Chas
Gary A Jack	Monongahela River	Fairmont
Dave Yaussey	Robinson & McElwee	Charleston, WV
Talwinder Hayer	Elkem Metals Co.	Alloy, WV
Jim Union	SEI	Chas. WV
Charles M. Boehle	Witens Churnin	Hghtn WVA.
JACK HARRISON	WV PETROLEUM CONCERN	CHAS. WV
RANDY RAPP	Vienna Chevron	VIENNA WV
LAWRENCE PFEL	Pitco's Service Center	Murree, WV
MARVIN GRAY	WV Gasoline Dealers	HUNT WV
Jackie Hallman	ACT	
William D. Lepley	Lepley's Management	St Albans, WV
Paul P. Boyd	Capitol Extension	Chas. WV.
Robert Gray	Robinson McElwee	

COMMISSION MEETING

JULY 6, 1993

NAME	COMPANY AFFILIATION	ADDRESS
W.R. Semples	Wheeling-Pittsburg Steel	WHEELING
STEVE GUZY	"	"
Brian Farkas	DEP	N. F. W.
Sean R. Stegk	CNG Transmiss. Sys. Corp.	Charleston W.V.
David M. Flannery	Robinson McElwee	Charleston
Birn Ramey	WV Coal Association	
CRA Ellenbach	Elken	M.F., N.Y.
A.C. [Signature]	WOWK-TV	
Mark Schultz	WOWK	
Kary [Signature]	Robin McElwee	600 United Center
Marilyn Stamps	AG's Of	Build 3
Barbara [Signature]	Jackson Kelly	1600 Loibley 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	APS - Monongahela Power	Greensburg, PA
K.G. Beckett	Robinson & McElwee	Chris, WV
W.R. Samples	Cohocking - Pittsburgh Steel	Cohocking, WV
K.B. Paland	Robinson & McElwee	Charleston, WV
D. Young	Robinson & McElwee	Charleston WV
Charles T. Oelt	Du Pont	Parkersburg, WV
Seth Seavel	Appalachian Power	Chas.
Bob Foster	Chas Ryan Assoc.	Chas



## P R O C E E D I N G S

(1:35 PM)

CHAIRMAN THOMAS: I would like to call the hearing of the West Virginia Air Pollution Control Commission back to order.

The subject for consideration for this hearing is Reg 15 and will incorporate Reg 16.

Reg 15 is Emission Standards for Hazardous Air Pollutants and Reg 16 is Standards of Performance for New Stationary Sources.

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.

Again, I will defer to the Chief of the Office of Air Quality, Dale Farley, for his comments.

MR. FARLEY: Again, these are regulations that adopt federal new source performance standards and NESHAPS by reference. We are attempting -- the last update, I think, to the regs adopted the NESHAPS and the new source performance standards as promulgated, I believe, on July 1 of 1988.

If you look at the summaries in your book or in your material, it tells you -- just gives you a very general description of the subpart that is being adopted and the title of the subpart.

Essentially, in the Reg 15 update we would be incorporating in the state rules with the adoption of this rule. Benzene standards from relative coke by-products recovery plant, benzene emissions from methane storage tanks, benzene emissions from benzene storage tanks, benzene emissions from benzene transfer operations, and benzene waste operations.

That is pretty much the new

material other than the appendixes relating to test methods and so forth.

We are excluding any reference or any inclusion of regulations for radio active sources, because that is not something the EPA is really encouraging, nor do we really want to take that over.

So that is pretty much what would be brought in with the update to this regulation and the adoption by reference.

With respect to Reg 16, the federal new source performance standards, I think there is a summary similar, and what we would be adding in terms of new emission standards or performance standards subsections are, there again, listed in the summary on the second page or so of the material you have.

We would be adding subpart Dc, small steam generating units. We have expanded all our new source performance.

Subpart DDD, VOC emissions from polymer manufacturing industries. Subpart III, VOC

emissions from SOCOMI air oxidation unit processes.

Subpart NNN, VOC emissions from Synthetic Organic Chemicals Manufacturing Industry distillation operation.

Subpart QQQ, VOC emissions from petroleum refiner waste water systems, Subpart SSS, magnetic tape coating facilities. Subpart VVV, polymeric coat of supporting substrates facilities.

I don't think we have any of those applicable anyway, but that is just an overall inclusion.

Subpart UUU, calciners and dryers in mineral industries, we do have some of those facilities that would be regulated.

There again, this is emissions standards that would be applicable to new facilities as defined by the various subparts in terms of their applicable date of applicability of the standards.

There again, this is simply adoption by reference. These standards are already being enforced by the U.S. EPA. The only thing we would be doing is updating our regulations to bring in all

applicable requirements up to this point under our rules and ask for EPA delegation of authority to enforce.

CHAIRMAN THOMAS: Do you want to speak to the inclusions of 16?

COMMISSIONER NEELY: Well, both of them.

CHAIRMAN THOMAS: Yes. These are the ones I am most curious about. Are these addressed in some other way?

MR. FARLEY: Basically, what we did -- and I might have to get Rick Adkins back in the room here. He is the one that worked on the regs.

One of the things he was told to do was to make sure -- this is pretty typical of what we have done in the past, if there is any subpart or any federal NSPS or NESHAPS that is in litigation somewhere. It is a mess. Somebody sued someone or we don't know whether it is going to be a fine or there is something, some cloud hanging over it. We excluded it.

CHAIRMAN THOMAS: I see.

MR. FARLEY: So the presumption was that with respect to the subparts listed that there was some issue that still needed to resolve itself on these subparts.

COMMISSIONER NEELY: Why have they been excluded, though? Why can't they just be suspended or something?

MR. FARLEY: Well, the problem with -- I am not sure when this is going to get resolved and without asking or having Rick speak to that, who knows all the facts behind these, I am not quite sure when -- obviously the Commission adopted this rule and filed it and was authorized to enforce it as of -- or take over the enforcement of these standards to the extent any of them would apply.

I think it is sort of a moot point anyway because we don't have any municipal waste combustors, and pursuant to the discussion we have already had earlier today, we are not likely to ever have any. So it is kind of moot whether you adopt those standards

anyway.

COMMISSIONER NEELY: What about sulfuric acid?

MR. FARLEY: There again, I would have to have Rick explain why that was excluded, but his instruction when he put this together was to exclude for adoption at this time any standard for which there was some issue associated with it in terms of lawsuits.

COMMISSIONER NEELY: And radon from anything having to do with the Department of Energy, it looks like.

MR. FARLEY: Anything that involves the enforcement of standards of radio activity, we have always excluded because EPA, up to this point anyway, has not encouraged any state to take those programs, and we don't feel we have the expertise or the facilities to handle radio active sources.

Rick, I would just ask in relation to the proposal to update Regulation 16 about the subsections that were excluded. Can you explain in each

of those cases -- we are talking about emission guidelines for municipal waste combustors. Municipal waste combustors, I think those are kind of moot anyway, but we did exclude them.

We also excluded subpart CB, emission guidelines for sulfuric acid production units. Can you explain briefly why we excluded it?

MR. ADKINS: The municipal combustors, we talked with the people that are doing that at EPA in North Carolina and that particular reg is in total flux right now in litigation and other things, and they think it is going to be extensively changed.

They felt it would be reasonable not to include it at this point until it is sorted out.

MR. FARLEY: How about the sulfuric acid production units? Is that true --

MR. ADKINS: That is under the Section C and that had several things in it, and as far as we knew when we were talking about it, we do not have a sulfuric acid production unit.

MR. FARLEY: The way these standards work is EPA usually will strongly encourage the state to take the enforcement authority over a standard for which there are facilities covered in a state.

The state obviously -- there are quite a number of things we have adopted or not adopted and more obviously that would never cover -- or does not now cover any source that was a new source under those provisions.

There is a possibility that something within the state -- you know, if a facility would be proposed, it might be subject to these standards, but I don't think that would occur with municipality waste combustors. I am not sure about sulfuric acid production.

MR. SUTER: Sulfuric acid, I believe those are just emission guidelines.

MR. FARLEY: Right. Well, as Randy Suter just pointed out, these are guidelines. The first two, CA and CB, are guidelines for the adoption or construction of state regulations and requirements anyway.

They are not really regs per se.

COMMISSIONER NEELY: Do they have to be in a rule before they can be enforced, in a reg?

MR. FARLEY: Well, what the guidelines, at least as I understand it -- a guideline would be something that is put out to the state to use for the possible adoption of a rule.

That is sort of like a control techniques guideline document. It is not a rule. It is just a guideline for a state to use.

COMMISSIONER NEELY: It doesn't have to be in here?

MR. FARLEY: It does not have to be.

CHAIRMAN THOMAS: Any other questions of the Commission? Is there anyone in the audience that wants to speak to Regulation 15 or 16? Apparently there aren't any.

This then concludes the hearing on Regulation 15 and 16. The record will be held open for a

30-day period for comments, which will be included in the final consideration of the reg.

We will now adjourn the hearing on Regulation and 16.

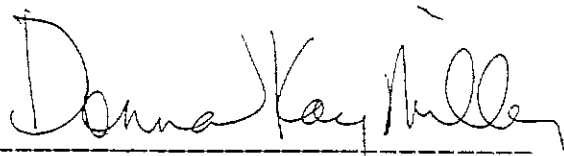
(WHEREUPON, the hearing was concluded at 1:45 p.m.)

## REPORTER'S CERTIFICATE

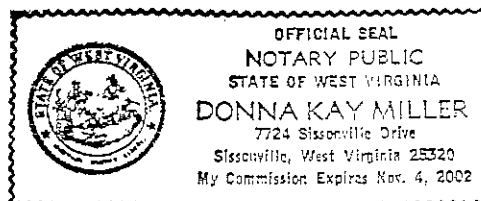
STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, to-wit:

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 Miller  
Certified Court Reporter





DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES

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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

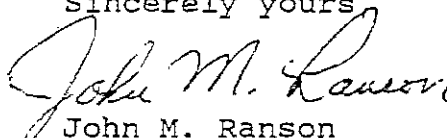
- Re: 45CSR15 - "Emission Standards for Hazardous Air  
Pollutants"
- 45CSR16 - "Standards of Performance for New Stationary  
Sources"
- 45CSR25 - "To Prevent and Control Air Pollution From  
Hazardous Waste Treatment, Storage, or  
Disposal Facilities"

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  
Cabinet Secretary

JMR:ro

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