

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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1989 JUN -1 PM 4:29
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: WV Air Pollution Control Commission TITLE NUMBER: 45

RULE TYPE: Legislative; CITE AUTHORITY Chapter 16, Article 20, Section 5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 15

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: _____

DATE OF PUBLIC HEARING: July 31, 1989 TIME: 9:15 a.m.

LOCATION OF PUBLIC HEARING: WV Air Pollution Control Commission
1558 Washington Street, East
Charleston, WV 25311

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Same As Above

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

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[PROPOSED]

45CSR15

OFF. OF WEST VIRGINIA
SECRETARY OF STATE

SUMMARY

45CSR15 was promulgated by the Commission on May 15, 1984 and became effective on June 14, 1984. The regulation adopted by reference the Federal National Emission Standard for Hazardous Air Pollutants (NESHAPS) promulgated by EPA as of September 27, 1983. This revision to the regulation adopts the NESHAPS standards promulgated by EPA as of July 1, 1988.

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[PROPOSED]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

45CSR15

TITLE 45
LEGISLATIVE RULES
WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION

SERIES 15
EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

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- §45-15-2. Requirements.
- §45-15-3. Adoption of Standards.
- §45-15-4. Director.
- §45-15-5. Permits.
- §45-15-6. Inconsistency Between Regulations.

[PROPOSED]

45CSR15

TITLE 45
LEGISLATIVE RULES
WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION

SERIES 15
EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

§45-15-1. General.

1.1. Scope. — This regulation 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.

1.3. Filing Date. —

~~This regulation was promulgated by the Commission on the 15th day of May, 1984 and filed with the Secretary of State on the 15th day of May, 1984.~~

1.4. Effective Date. —

~~The effective date of this regulation is the 14th day of June, 1984.~~

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.

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§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) of the Federal Clean Air Act as of ~~September 27, 1983~~ July 1, 1988, and contained in 40 CFR Part 61 are hereby adopted in their entirety and incorporated herein by reference, except that Part 61.15 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.

§45-15-4. Director.

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" except in the following references which such references shall remain "Administrator of the United States Environmental Protection Agency":

(a)a. Part 61.02.

(b)b. Part 61.04.

(c)c. Part 61.11.

(d)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 shall be in any way be limited or inapplicable.

§45-15-6. Inconsistency Between Regulations.

6.1. In the event of any inconsistency between this regulation and any other existing regulation of the Commission, such inconsistency shall be resolved by the

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determination of the Director and such determination shall be based upon the application of the more stringent provision, term, condition, method, rule or regulation.

~~45-15-7.-----Effective-Date.~~

~~Regulation--XV--shall--become--effective--on--the--14th--day--of--June--1984.~~