

TITLE 45
LEGISLATIVE RULES
AIR POLLUTION CONTROL COMMISSION

SERIES 15
REGULATIONS PERTAINING TO
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. -- W. Va. Code §16-20-5

1.3. Filing Date. -- May 15, 1984

1.4. Effective Date. -- June 14, 1984

§45-15-2. Requirements.

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

§45-15-3. Adoption of Standards.

3.1. Standards. Emission standards for hazardous air pollutants including associated reference methods, performance specifications and other test methods which are appended to such standards promulgated by the United States Environmental Protection Agency pursuant to Section 112(b) of the Federal Clean Air Act as of September 27, 1983, and contained in 40 CFR Part 61 are hereby adopted in their en-

tirety 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 Sixteen, Article Twenty, and Chapter 29B, Article one of the Code of West Virginia.

§45-15-4. Director.

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) Part 61.02.
- (b) Part 61.04.
- (c) Part 61.11.
- (d) Part 61.14.

§45-15-5. Permits.

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.

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