



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

*Obsolete
Last date
effective
1-18-85*

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, Carl G. Beard, II, Secretary,
Title or Position

WV Air Pollution Control Commission, hereby submit to record in
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- () proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- () proposed rules and regulations superseding rules and regulations already on file;
- () notice of hearing;
- () findings and determinations;
- () rules and regulations; or
- (X) other - specify (1) Description of Amendments and Statement of Reasons for such Amendments to Proposed Regulation XVI.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 11/16/83
Administrative Law Division

This filing pertains to (2) Notice of Filing of Regulation XVI with the West Virginia Legislative Rule-Making Review Committee.

Chapter 16
Article 20
Series XVI
Section _____
Page No. _____

- (X) proposed rules and regulations are required to go to Legislative Rule Making Committee;
- () proposed rules and regulations are excluded from Legislative Rule Making Committee;

November 16, 1983
Date Submitted

Carl G. Beard II
Signature of Person Authorizing
this Filing Secretary

**WEST VIRGINIA
AIR POLLUTION CONTROL COMMISSION**

Description of Amendments and Statement of Reasons for Such Amendments to
Proposed Regulation XVI - "Standards of Performance for New Stationary Sources":

- (1) Section 3.01 was amended by deleting the reference date as being the effective date of the regulation and inserting in lieu thereof the date of adoption by the Commission, that being September 27, 1983. This change was made in order to give a fixed and determined date upon which adoption by reference is applicable.

- (2) Section 3.01(b) was amended to include Subpart CC of 40 CFR, Part 60. This inclusion provides that manufacturers of glass shall be excluded from this regulation. This exclusion was determined to be appropriate by the West Virginia Air Pollution Control Commission in that the United States Environmental Protection Agency has determined that the requirements in Subpart CC are too stringent and is currently reviewing the requirements for the purpose of proposing less stringent requirements. The Commission determined that the exclusion of glass manufacturing from this regulation would be de minimis in that glass manufacturers must still comply with the permitting requirements of the Commission's Regulation XIII and all other regulations of the Commission.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE Nov. 16, 1983
Administrative Law Division

**WEST VIRGINIA
AIR POLLUTION CONTROL COMMISSION**

Notice of Filing of Regulation XVI - "Standards of Performance for New Stationary Sources" with the West Virginia Legislative Rule-Making Review Committee.

Notice is hereby given that on the 16th day of November, 1983, Regulation XVI of the West Virginia Air Pollution Control Commission was submitted for consideration and permission to finally adopt said regulation to the West Virginia Legislative Rule-Making Review Committee.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Air Pollution Control Commission

Chapter 16-20
Series XVI
(1983)

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 11/16/83
Administrative Law Division

Subject: Regulation XVI - "Standards of Performance for New Stationary Sources"

Section 1. General.

1.01. Scope.

This regulation adopts standards of performance for new stationary sources promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act, regulating the construction or modification of new stationary sources. 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.

1.02. 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.

1.03. Filing Date.

This regulation was adopted by the Commission on the 27th day of October, 1983, and filed with the Secretary of State on the _____ day of _____, 19__.

1.04. Effective Date.

The effective date of this regulation is the _____th day of _____, 19__.

1.05. Type.

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

Section 2. Requirements.

- 2.01. No person may construct, modify, or operate or cause to be constructed, modified, or operated a New Source Performance Standard (NSPS) source which results or will result in violations of this regulation.

Section 3. Adoption of Standards.

3.01. Standards.

Standards of performance for new stationary sources 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 111(b) of the Federal Clean Air Act as of September 27, 1983, and contained in 40 CFR Part 60 are hereby adopted in their entirety and incorporated herein by reference, except as follows:

(a) Part 60.9 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, and

(b) Sub-parts B, C and CC of 40 CFR Part 60 shall be excluded.

3.02. Director.

Any and all references in said 40 CFR Part 60 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 60.2.

(b) Part 60.4.

(c) Part 60.8(b)(2).

(d) Part 60.8(b)(3).

(e) That sentence of Part 60.8(b) which deals with the authority of the Administrator to require testing under Section 114 of the Clean Air Act.

(f) Part 60.11(e).

(g) Part 60.13(c).

(h) Part 60.45(a).

(i) Part 60.195(b).

(j) Part 60.332(a).

(k) Part 60.335(a)(1)(i).

4.01. 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.

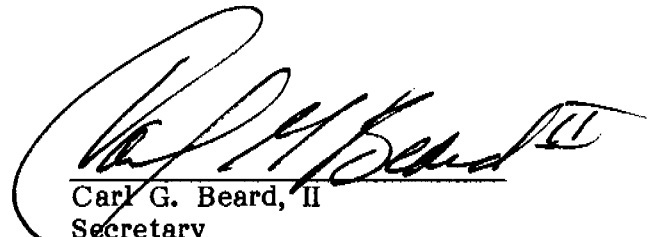
5.01. Inconsistency Between Regulations.

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.

Section 6. Effective Date.

6.01. Regulation XVI shall become effective on the _____th day of _____, 19____.

The foregoing is a true and correct copy of the West Virginia Air Pollution Control Commission XVI (1983) as adopted on the 27th day of October, 1983.


Carl G. Beard, II
Secretary
West Virginia Air Pollution
Control Commission