



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

THIS DATE July 15, 1983

Administrative Law Division

STATE OF WEST VIRGINIA  
OFFICE OF THE SECRETARY OF STATE

CHARLESTON 25305

A. JAMES MANCHIN  
SECRETARY OF STATE

STATE REGISTER FILING

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

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 Notice of Public Hearing on Proposed Regulation XVI - "Standards of Performance for New Stationary Sources". (Notice Attached)
- other - specify

This filing pertains to

Chapter 16  
Article 20  
Series XVI  
Section \_\_\_\_\_  
Page No. \_\_\_\_\_

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

July 15, 1983

Date Submitted

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

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### NOTICE OF PUBLIC HEARINGS

Pursuant to Chapter 16, Article 20 and Chapter 29A Code of West Virginia and the Federal Clean Air Act, notice is hereby given that the following public hearings will be held by the West Virginia Air Pollution Control Commission concerning the following proposed regulations:

Regulation XIV - "Permits for Construction and Modification of Stationary Sources of Air Pollution for the Prevention of Significant Deterioration."

Regulation XV - "Emission Standards for Hazardous Air Pollutants."

Regulation XVI - "Standards of Performance for New Stationary Sources."

The hearings will be held on Tuesday, September 13, 1983, beginning at 9:15 a.m. in Conference Rooms A and B of the Capitol Complex Conference Center, Second Floor, Building No. 7, 1900 Washington Street, East, Charleston, Kanawha County, West Virginia. All interested persons are invited to attend and be heard.

Any person, firm, corporation, partnership or association who desires to submit exhibits or other writings as evidence into the record of a public hearing held pertaining to the promulgation or amendment of a rule or regulation of the Commission shall submit the exhibits or other documentary evidence and eleven (11) copies thereof.

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



WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION  
1558 Washington Street, East  
CHARLESTON, WEST VIRGINIA 25311  
TELEPHONE: 348-2275 OR 348-3286

Regulation XVI

"Standards of Performance for New Stationary Sources"

FISCAL NOTE

I. PURPOSE:

Regulation XVI will allow the West Virginia Air Pollution Control Commission to implement the United States Environmental Protection Agency requirements and allow the State of West Virginia to have an approvable State Implementation Plan by US EPA.

II. COST:

- (1) As Regulation XVI will be a delegated US EPA program and the financial support for this program will be part of the US EPA Federal grant to the APCC.
- (2) Under the Federal Clean Air Act, all manufacturing facilities are required to meet the requirements of Regulation XVI either with US EPA or the APCC. There would be no additional cost to the source.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Subject: Standards of Performance for New Stationary Sources

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INDEX.

Section 1. General.

- 1.01. - Scope
- 1.02. - Authority
- 1.03. - Filing Date
- 1.04. - Effective Date
- 1.05. - Type

Section 2. Requirements.

Section 3. Adoption of Standards.

- 3.01. - Standards
- 3.02. - Director

Section 4. Permits.

Section 5. Inconsistency Between Regulations.

Section 6. Effective Date.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
Air Pollution Control Commission

Chapter 16-20  
Series XVI  
(1983)

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

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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 promulgated on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, and was filed with the office of the Secretary of State the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

1.04. Effective Date.

The effective date of this regulation is the \_\_\_\_\_ 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 as of the effective date of this regulation in 40 CFR Part 60 by the United States Environmental Protection Agency pursuant to Section 111(b) of the Federal Clean Air Act 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 and C 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 foregoing is a true and correct copy of the West Virginia Air Pollution Control Commission Regulation XVI (1983) as adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 1983.

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