

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Air Pollution Control Commission TITLE NUMBER: 45CSR16

RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code §16-20-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45CSR16

TITLE OF RULE BEING AMENDED: "Standards of Performance for New
Stationary Sources"

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

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:

Britt A. Bernheim, Secretary

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



Britt A. Bernheim, Secretary

APPENDIX B
FISCAL NOTE FOR PROPOSED RULES

Rule Title: 45CSR16 "Standards of Performance for New Stationary Sources"

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 presently reviews West Virginia sources for conformance with Federal new source performance standards. No additional cost anticipated at this time.

3. Objectives of these rules:

The existing regulation adopts by reference the Federal New Source Performance Standards (NSPS) promulgated by EPA as of July 1, 1988. The revision to the regulation adopts with identified exceptions the NSPS standards promulgated by EPA as of May 1, 1993. A list of such standards contained in the rule summary.

4. Explanation of overall economic impact of proposed rule.

A. Economic impact on state government.

Only minor recordingkeeping and enforcement responsibility added to OAQ current regulatory responsibilities. Adoption of proposed amendments to Regulation 16 simply updates the State's NSPS regulation to conform with the Code of Federal Regulations as of May 1, 1993.

B. Economic impact on political subdivisions; specific industries; specific groups of citizens.

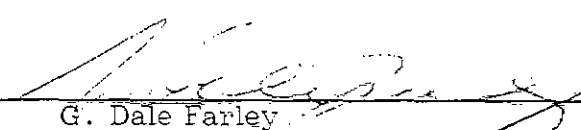
No impact above that resulting from the currently applicable Federal emission standards.

C. Economic impact on citizens/public at large.

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

Date: 01/1/1993

Signature of agency head or authorized representative:


G. Dale Farley
Chief, Office of Air Quality

45CSR16

SUMMARY

45CSR16 "Standards of Performance for New Stationary Sources" adopted by reference New Source Performance Standards (NSPS) promulgated by U. S. EPA through July 1, 1988. This revision to the rule updates NSPS requirements, with noted exceptions, through May 1, 1993.

42 U.S.C. 7411 [C.A.A. §111] charges the Administrator of U. S. EPA with developing standards for sources if the sources cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. 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 40CFR60 since the previous revision of this rule.

Subpart

- Dc - "Small Steam Generating Units"
- DDD - "VOC Emissions from Polymer Manufacturing Industries"
- III - "VOC Emissions from SOCOMI Air Oxidation Unit Processes"
- NNN - "VOC Emissions from SOCOMI Distillation Operations"
- QQQ - "VOC Emissions from Petroleum Refiner Wastewater Systems"
- SSS - "Magnetic Tape Coating Facilities"
- VVV - "Polymeric Coat of Supporting Substrates Facilities"
- UUU - "Calciners and Dryers in Minerals Industries"

The following subparts have been adopted by U. S. EPA but have been excluded from the proposed rule.

Subpart

- Ca - "Emission Guidelines for Municipal Waste Combusters"
- Cb - "Emissions Guidelines for Sulfuric Acid Production Units"
- Ea - "Municipal Waste Combusters"

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45CSR16

TITLE 45
LEGISLATIVE RULES
WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 16
STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

§45-16-1. General.

1.1. Scope. -- This regulation rule 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.

1.2. 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~~ W. Va. Code §16-20-5.

1.3. Filing Date. -- ~~April 25, 1990~~

1.4. Effective Date. -- ~~April 25, 1990~~

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

§45-16-2. Requirements.

2.1. 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.

§45-16-3. Adoption of Standards.

3.1. 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~~ 42 U.S.C. 7411(b) [C.A.A. §111(b)] as of July 1, 1988 May 1, 1993, and contained in ~~40 CFR Part 60~~ 40 CFR 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~~ W. Va. Code 16-20-1, et seq., W. Va. Code 29B-1-1, et seq., and 45CSR31.

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

§45-16-4. DirectorChief.

4.1. 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~~"Chief" of the Office of Air Quality of the Division of Environmental Protection" 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).

§45-16-5. Permits.

5.1. Nothing contained in this adoption by reference shall be construed or inferred to mean that permit requirements in accordance with applicable regulationsrules shall be in any way be limited or inapplicable.

§45-16-6. Inconsistency Between Regulations.

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



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
OFFICE OF THE SECRETARY

State Capitol, Room M-146
Charleston, West Virginia 25305-0310
Telephone: (304) 558-0400
Fax No.: (304) 558-4983

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

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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- 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
John M. Ranson
Cabinet Secretary

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