

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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AUG 13 12 45 PM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Air Pollution Control Commission TITLE NUMBER: 45CSR16

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: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



Britt A. Bernheim, Secretary
Air Pollution Control Commission

22.60

DATE: August 13, 1993

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: G. DALE FARLEY
CHIEF, OFFICE OF AIR QUALITY

LEGISLATIVE RULE TITLE: 45CSR16 - "Standards of Performance for New Stationary"

1. Authorizing statute(s) citation W. Va. Code §16-20-5

2. a. Date filed in State Register with Notice of Hearing:

June 2, 1993 and July 28, 1993

b. What other notice, including advertising, did you give of the hearing?

Class II legal advertisement filed in a newspaper published

in each of the Air Quality Control Regions of West Virginia.

Office of Air Quality Mailing List.

c. Date of hearing(s): July 6, 1993

August 9, 1993

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received _____

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 13, 1993

f. Name and phone number of agency person to contact for additional information:

G. Dale Farley, Chief

Office of Air Quality

Phone: 558-2275

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

_____ N/A _____

b. Date of hearing: _____ N/A _____

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

_____ N/A _____

d. Attach findings and determinations and reasons:

Attached _____ N/A _____

FILED

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

AUG 13 12 45 PM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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.

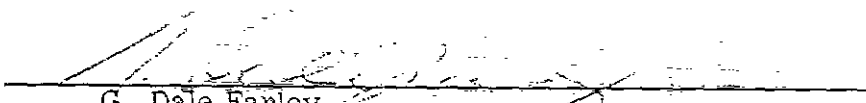
No impact above that resulting from the currently applicable Federal emission standards.

C. Economic impact on citizens/public at large.

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

Date: _____

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.

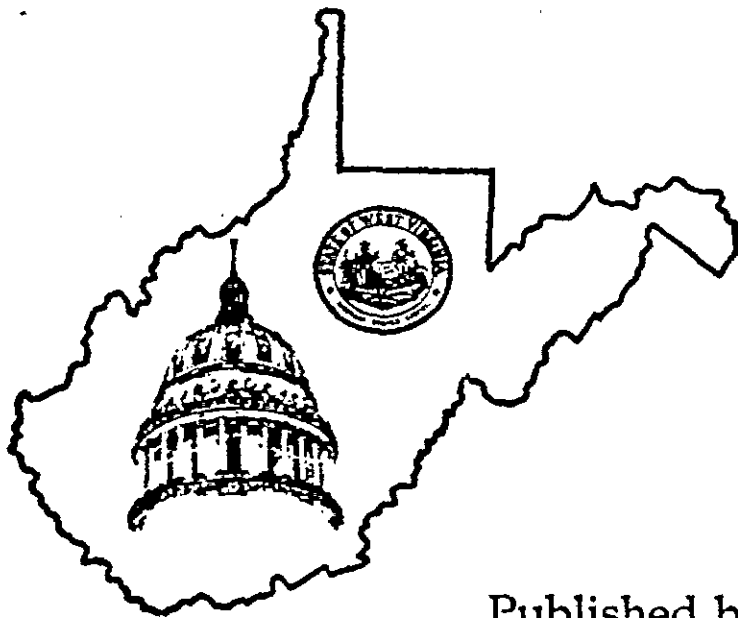
Subpart

- 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

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



WEST VIRGINIA REGISTER

Published by Ken Hechler, Secretary of State

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Volume X

Issue 23

June 4, 1993

Pages 957-1004

A Weekly Publication

Administrative Law Division

Judy Cooper
Director

Missy Phalen
Pam Reece
Administrative Assistants

Secretary of State
Administrative Law Division
Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770

(304)558-6000

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- XII. Publication Deadlines and Publication Dates

LEGISLATIVE

SECRETARIAT OF THE GOVERNMENT

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #1

FILED

JUN 24 3 37 PM '93

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

JUN 24 3 37 PM '93

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 X 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 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 X
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:
Britt A. Barnhelm, 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

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Air Pollution Control Commission TITLE NUMBER: 45CSR25
RULE TYPE: Legislative; CITE AUTHORITY: W. Va. Code §16-20-5 and §20-5E-7

AMENDMENT TO AN EXISTING RULE: YES X NO
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45CSR25
TITLE OF RULE BEING AMENDED: "To Prevent and Control Air Pollution from Hazardous Waste Treatment, Storage, or Disposal Facilities"

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:
TITLE OF RULE BEING PROPOSED:

DATE OF PUBLIC HEARING: Tuesday, July 6, 1993 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 X
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:
Britt A. Barnhelm, Secretary
Air Pollution Control Comm.
1615 Washington Street, East
Charleston, WV 25311

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ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

Britt A. Barnhelm, Secretary

Britt A. Barnhelm, Secretary



WEST VIRGINIA REGISTER

Published by Ken Hechler, Secretary of State

Volume X

Issue 31

July 30, 1993

Pages 1401-1441

A Weekly Publication

Administrative Law Division

*Judy Cooper
Director*

*Missy Phalen
Pam Reece
Administrative Assistants*

*Secretary of State
Administrative Law Division
Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770*

(304)558-6000

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MEETING NOTICES
Open Government Proceedings Act
§6-9A-1

<u>AGENCY</u>	<u>DATE FILED</u>	<u>PURPOSE</u>	<u>MEETING DATE/LOCATION</u>
Air Pollution Control Comm.	7/28/93	Final consideration of proposed rules Title 45-7, 10, 13, 15, 16, & 30 & other business	August 9, 1993, 9:00 a.m. 1558 Washington St. E. Charleston, WV
Barbers & Cosmetologists, Bd. of	7/29/93	Executive meeting	August 8, 1993, 6:00 p.m. Holiday Inn 100 Lodgeville Rd. Clarksburg, WV
Coal Mine Health & Safety, Bd. of	7/29/93	Regular monthly meeting	August 10, 1993, 9:00 a.m. Lakeview Resort & Conference Center Morgantown, WV
Commercial Hazardous Waste Mngt. Facility Siting Bd.	7/14/93	To receive public comment on draft regulations and respond to same.	August 10, 1993, 9:00 p.m. Ofc. of Air Quality 1558 Washington St. Charleston, WV
Consolidated Public Retirement Bd.	7/7/93	Regular business	August 5, 1993, 10:00 a.m. Gov.'s Con. Rm. State Capitol, Suite 157J Charleston, WV
Directors, State College & Univ. Systems Bd. of	7/22/93	Emergency meeting by conference call for purpose of adopting policy for payment of fees by credit cards & installment payments	July 22, 1993, 4:00 p.m. 10th Fl. Con. Rm. 1019 Kanawha Blvd. E. Charleston, WV
Educational Broadcasting Authority	7/20/93	Not specified	August 5, 1993, 1:00 p.m. Studios of WSWP-TV Beckley, WV

*Meeting Notice Does Not Comply With Open Government Proceeding Act



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
AIR POLLUTION CONTROL COMMISSION

1615 Washington Street, East Suite 301
Charleston, West Virginia 25311

Telephone: (304) 558-4002
Telefax: 558-1222

A G E N D A

WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION
Office of Air Quality Conference Room
1558 Washington Street East
Charleston, West Virginia 25311

August 9, 1993
9:00 a.m.

I. FINAL CONSIDERATION OF PROPOSED RULES

1. 45 CSR 30 "Requirements for Operating Permits"
2. 45 CSR 13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation."
3. 45 CSR 25 "To Prevent and Control Air Pollution from Hazardous Waste Treatment, Storage, or Disposal Facilities."
4. 45 CSR 15 "Emission Standards for Hazardous Air Pollutants."
5. 45 CSR 16 "Standards of Performance for New Stationary Sources."
6. 45 CSR 7 "To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations."
7. 45 CSR 10 "To Prevent and Control Air Pollution from the Emission of Sulfur Oxides."

II. COMMISSION MEETING

Such other business as the Commission deems timely and appropriate.

July 6, 1993 Agenda



WEST VIRGINIA REGISTER

Published by Ken Hechler, Secretary of State

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A Weekly Publication

Administrative Law Division

*Judy Cooper
Director*

*Missy Phalen
Pam Reece
Administrative Assistants*

*Secretary of State
Administrative Law Division
Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770*

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DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
 DIVISION OF ENVIRONMENTAL PROTECTION
 1558 Washington Street, East
 Charleston, WV 25311-2509

John Caperton
 Governor
 Bill Blanton
 Secretary

David C. Daughen
 Director
 Ann A. Spence
 Deputy Director

WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION
 Conference Room

1558 Washington Street, East
 Charleston, West Virginia 25311

July 6, 1993
 9:00 a.m.

AGENDA

I. HEARINGS ON PROPOSED RULES

1. 45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (continuation of January 7, 1993 hearing)
2. 45CSR30 "Requirements for Operating Permits"
3. 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
4. 45CSR25 "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"
5. 45CSR15 "Emission Standards for Hazardous Air Pollutants"
6. 45CSR16 "Standards of Performance for New Stationary Sources"
7. 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
8. 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"

II. COMMISSION MEETING

1. Final Adoption of Rules Authorized by the Legislature.
 - a. 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
 - b. 45CSR14 "Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration"

OTHER

- c. 45CSR19 "Requirements for Pre-Construction Review, Determination of Emission Offsets for Proposed New or Modified Stationary Sources of Air Pollutants and Emission Trading for Intraresource Pollutants"
 - d. 45CSR21 "Regulation to Prevent and Control Air Pollution from the Emission of Volatile Organic Compounds"
 - e. 45CSR29 "Regulation Requiring the Submission of Emission Statements for Volatile Organic Compound Emissions and Oxides of Nitrogen Emissions"
 - f. 45CSR31 "Confidential Information"
 - g. 45CSR32 "Serious and Minor Violations of Applicable Rules"
2. Election of Chairman.*
 3. Election of Vice-Chairman.*
 4. Appointment of Secretary.*
 5. Such other business as the Commission deems timely and appropriate.

*The following is quoted from the West Virginia Air Pollution Control Law of West Virginia, 16-20-4:

At its first meeting the Commission shall elect from its membership a chairman, and at the first meeting in each fiscal year thereafter the Commission shall elect from its membership a chairman to act during such fiscal year. At similar times the Commission shall elect from its membership a vice-chairman and appoint a secretary. The secretary need not be a member of the Commission.





DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor
John M. Ranson
Cabinet Secretary

David C. Callaghan
Director
Ann A. Spaner
Deputy Director

AGENDA

WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION
Conference Room

1558 Washington Street, East
Charleston, West Virginia 25311

July 6, 1993
9:00 a.m.

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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FILED

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DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

The Clarksburg Exponent
Legal Ad Department
P. O. Box 2000
Clarksburg, WV 26301

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "asm".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Donna Riggs
Secretary
WV Air Pollution Control Commission
North Central Regional Office
109 Adams Street, Room M-2
Fairmont, West Virginia 26554-2800

Dear Ms. Riggs:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by a small "DFM" monogram.

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

Charleston Daily Mail
Legal Ad Department
1001 Virginia Street, East
Charleston, WV 25301

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

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Sincerely yours,

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Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Jeanne Chandler
Librarian
WV Air Pollution Control Commission
1558 Washington Street, East
Charleston, WV 25311

Dear Ms. Chandler:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

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Sincerely yours,

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

The Herald-Dispatch
Legal Ad Department
P. O. Box 2017
Huntington, WV 25720

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

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Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "sam".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Mr. Matt Onion
Cabell County Public Library
455 9th Street Plaza
Huntington, West Virginia 25701

Dear Mr. Onion:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

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Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

The Parkersburg News
Legal Ad Department
519 Juliana Street
Parkersburg, WV 26102

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993.

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "djm".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Dorothy Chittum
Librarian
Parkersburg/Wood County Public Library
3100 Emerson Avenue
Parkersburg, West Virginia 26104

Dear Ms. Chittum:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

Dale Farley sam

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

The Wheeling News-Register and
Intelligencer
Legal Ad Department
1500 Main Street
Wheeling, WV 26003

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "DFM".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Judith Tredway
Regional Engineer
WV Air Pollution Control Commission
Northern Panhandle Regional Office
1911 Warwood Avenue
Wheeling, West Virginia 26003

Dear Ms. Tredway:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

Dale Farley *DM*

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

Elkins Inter-Mountain
Legal Ad Department
P. O. Box 1339
Elkins, WV 26241

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley zsm".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Elkins-Randolph County Public Library
c/o Librarian
416 Davis Avenue
Elkins, West Virginia 26241

Dear Librarian:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "asm".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

Mineral Daily News Tribune
Legal Ad Department
P. O. Box 879
Keyser, West Virginia 26726

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993.

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley zsm".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Karen Hiser
Librarian
Keyser-Mineral County Public Library
105 North Main Street
Keyser, West Virginia 26726

Dear Ms. Hiser:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "DFM".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

The Evening/Weekend Journal
Legal Ad Department
207 West King Street
Martinsburg, WV 25401

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by a small monogram "DFM".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Peggy Y. Batten
Librarian
Martinsburg-Berkeley County Public Library
101 West King Street
Martinsburg, West Virginia 25401

Dear Ms. Batten:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "DFM".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

Beckley Register/Herald
Legal Ad Department
P. O. Drawer P
Beckley, WV 25801

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

Dale Farley *dfm*

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Susan Vidovich
Librarian
Raleigh County Public Library
P. O. Box 1876
Beckley, West Virginia 25802

Dear Ms. Vidovich:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by a small monogram "DFM".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

May 21, 1993

The Record Delta
Legal Ad Department
P. O. Box 550
Buckhannon, WV 26201

Dear Sir:

Please publish the enclosed "Notice of Public Hearing" as a Class II legal advertisement once a week for two (2) successive weeks. Please note that the publications must occur within a period of fourteen consecutive days with at least an interval of six full days between the dates of first and second publication date. The second publication of this Notice must occur on or before June 5, 1993.

Please submit your invoice and a tear sheet to the attention of Ms. Nadine Sitton, 1558 Washington Street East, Charleston, West Virginia 25311.

Sincerely yours,

A handwritten signature in cursive script that reads "Dale Farley" followed by the initials "DFM".

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosure



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

June 4, 1993

Ms. Ruth B. Six
Librarian
Gassaway Public Library
100 Birch Street
Gassaway, West Virginia 26624

Dear Ms. Six:

On Tuesday, July 6, 1993 the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules: 45CSR7, 45CSR10, 45CSR13, 45CSR15, 45CSR16, 45CSR25, 45CSR28 and 45CSR30. Please retain the enclosed documents for public review until after the July 6th hearing. Also, please have any interested party sign the enclosed register and return the register and any correspondence you may have regarding the proposed legislative rules.

Thank you very much for your cooperation and assistance in this matter. If you have any questions, please direct them to Tammy Mowrer at (304) 558-2275.

Sincerely yours,

Dale Farley
Chief, Office of Air Quality

DF/tlm

Enclosures



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street, East
Charleston, WV 25311-2599

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

NOTICE OF PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a. m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

- 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
- 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
- 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
- 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
- 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"
- 45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities"
(continuation of January 7, 1993 hearing)
- 45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions to 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim, Secretary
West Virginia Air Pollution Control Commission
1615 Washington Street East
Charleston WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:

G. Dale Farley
Office of Air Quality
Division of Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the 1 .

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA,

KANAWHA COUNTY, TO-WIT:

I, Landra Bigg OF

THE DAILY MAIL, A DAILY REPUBLICAN NEWSPAPER,
PUBLISHED IN THE CITY OF CHARLESTON, KANAWHA COUNTY,
WEST VIRGINIA, DO SOLEMNLY SWEAR THAT THE ANNEXED
NOTICE OF: LEGISLATIVE RULES
WAS DULY PUBLISHED IN SAID PAPER(S) ON THE DATES
LISTED BELOW, AND WAS POSTED AT THE FRONT DOOR OF TH
COURT HOUSE OF SAID KANAWHA COUNTY, WEST VIRGINIA,
ON THE

28TH DAY OF MAY . 1993 .

DATES PUBLISHED:

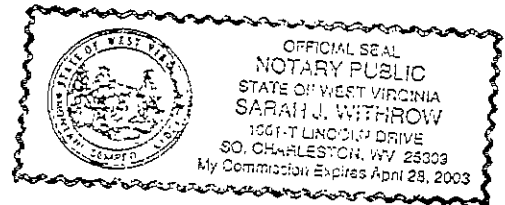
05/27/93 DAILY MAIL 06/03/93 DAILY MAIL

SUBSCRIBED AND SWORN TO BEFORE ME THIS

4TH DAY OF JUNE . 1993 .

Sarah J. Withrow
NOTARY PUBLIC OF KANAWHA COUNTY, WEST VIRGINIA

PRINTERS FEE \$ 90.34



NOTICE OF
PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

45CSR5 - "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"

45CSR7 - "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"

45CSR10 - "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"

45CSR13 - "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"

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"

45CSR28 - "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities"

45CSR30 - "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and

LEGAL ADVERTISEMENT

promulgation of revisions to 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim,
Secretary
West Virginia Air Pollution
Control Commission
1615 Washington Street East
Charleston, WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:
G. Dale Farley
Office of Air Quality
Division of
Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Library of the Office of Air Quality located at the address above.

(124995)

RECEIVED

JUN -9 1993

OFFICE OF AIR QUALITY
WV DIV OF ENVIR. PROT.

NOTICE OF PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

- 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
 - 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
 - 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
 - 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
 - 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"
 - 45CSR28 "Regulation to Prevent and Control Air Pollution from the Emission of Volatile Organic Compounds From Vehicle Refueling Operations at Gasoline Dispensing Facilities"
 - 45CSR30 "Requirements for Operating Permits"
- Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.
- Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title 5 of the federal Clean Air Act Amendments of 1990.
- Upon authorization and promulgation of revisions to 45CSR15 and 45CSR16, which adopt by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.
- Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.
- The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim, Secretary
West Virginia Air Pollution Control Commission
1515 Washington Street East
Charleston, WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:

G. Dale Farley
Office of Air Quality
Division of Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Office of Air Quality, Northern Panhandle Regional Office, 1911 Warwood Avenue, Wheeling, WV.
Int'l., May 28, June 4
N.R., May 28, June 4

STATE OF WEST VIRGINIA,
COUNTY OF OHIO.

I, Bonnie Mattern for the publisher of the

~~WHEELING NEWS-REGISTER~~
~~WHEELING INTELLIGENCER~~

newspapers published in the CITY OF

WHEELING, STATE OF WEST VIRGINIA, hereby certify that the annexed publication was inserted in said newspaper on the following dates:

May 28, June 4, 1993

commencing on the 28 day of May, 19 93

Given under my hand this 8 day of June, 19 93

Bonnie Mattern

Sworn to and subscribed before me this 8th day of

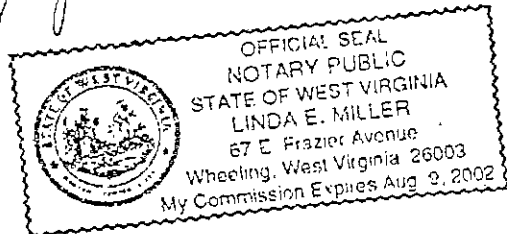
June 19 93 at WHEELING, OHIO COUNTY, WEST VIRGINIA

Linda E Miller

Notary Public

of, in and for OHIO COUNTY, WEST VIRGINIA.

My Commission expires August 9, 2002



LEGAL ADVERTISEMENTS

NOTICE OF PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:
 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
 45CSR7 "To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations"
 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Sanitary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
 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"
 45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities"
 (continuation of January 7, 1993 hearing)
 45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions to 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.
 The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim, Secretary
 West Virginia Air Pollution
 Control Commission
 1615 Washington Street East
 Charleston, WV 25311
 (304) 558-4002

Copies of such written comments should also be sent to:

G. Dale Farley
 Office of Air Quality
 Division of Environmental Protection
 1558 Washington Street East
 Charleston, WV 25311-2596

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Parkersburg/Wood County Public Library, 3100 Emerson Avenue, Parkersburg, West Virginia.

May 28 N
 June 4 N

MARCIA MOORE

being first duly sworn, says that the

notice of public hearing-- JULY 6th

hereto attached was printed in the Parkersburg News
 a daily newspaper published
 in the City of Parkersburg, Wood County, West Virginia, and posted
 at the front door of the Court House for two
 successive weeks, the first publication ~~and posting~~ thereon being on
 the 28th day of MAY, 1993, and subse-
 quent publication on the 4th day of JUNE, 1993,
 the day of , 19 , the day of
 19 , the day of
 19 , and the day of , 19 .

Printer's Fee \$ 73.23

6 1/2 " x103= 669.5 words @ 10.9375 Marcia Moore

Subscribed and sworn to before me this 4th day of

June 1993
Robert C. Covey
 Notary Public for Wood County, West Virginia

My commission expires July 25 1994

Parkersburg Printing Co. - 5/71

NOTICE OF PUBLIC HEARING
On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

- 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
- 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
- 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
- 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
- 45CSR15 "Emission Standards for Hazardous Air Pollutants"
- 45CSR16 "Standards of Performance for New Stationary Sources"

45CSR "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities"

45CSR "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities"

(continuation of January 7, 1993 hearing)

45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of the following rules, 45CSR5, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions to 45CSR15 and 45CSR 16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim,
Secretary
West Virginia
Air Pollution
Control Commission
1615 Washington St. E.
Charleston, WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:
G. Dale Farley
Office of
Air Quality
Division of
Environmental
Protection
1558 Washington St. E.
Charleston, WV
25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Cabell County Public Library, 455 9th Street Plaza, Huntington, WV.
LH-696 5-28,6-4,93

AFFIDAVIT OF PUBLICATION

WEST VIRGINIA,
COUNTY OF CABELL, TO-WIT:

I, Connie Rappold being first duly sworn, depose and say for The Herald-Dispatch, a corporation, who publishes at Huntington, West Virginia, the newspaper: The Herald-Dispatch, a independent newspaper given days each week, Monday through Sunday including New Year's Day, Fourth of July, Labor Day, Thanksgiving and Christmas; that I have authorized the Board of Directors of such corporation to execute this affidavit of publication on behalf of such corporation and the newspaper mentioned herein; that the said affidavit was attached in the left margin of this affidavit and made a part hereof and that the same was duly published in the 696 issue of the Herald-Dispatch on May 28, 1993 and was published in the 4th issue of the 1993 year, and ending with the issue of the 4th day of May, 1993, and was posted at the East door of the Cabell County Courthouse in Huntington, West Virginia on May 28, 1993; that said legal advertisement was published on the following dates: May 28, 1993

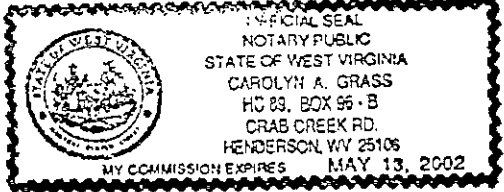
The cost of publishing said annexed advertisement as aforesaid was not more than the cost of publishing such newspaper in which such legal advertisement was published regularly, at least as frequently as once a week for at least one year immediately preceding the date on which the legal advertisement was published; that such newspaper is a newspaper of "general circulation" as defined in Article 3, Chapter 59, of the West Virginia Code, within the publication area or areas of the municipality of Huntington, Cabell and Wayne Counties, West Virginia, and the 4th day of May, 1993; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper on each date published consists of not less than four pages without a cover; and that it is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices.

Connie Rappold

Taken, subscribed and sworn to before me in my said county this 4th day of June, 1993
My commission expires May 13, 2002

Carolyn A. Grass

Notary Public
Cabell County,
West Virginia



AFFIDAVIT OF PUBLICATION
 WV DIV OF ENVIRONMENTAL PROTECTION
 OFFICE OF **BECKLEY NEWSPAPERS INC.**
BECKLEY, WEST VIRGINIA 25801

1993 JUN -11

RECEIVED

June 3, 19 93

COPY OF PUBLICATION

NOTICE OF PUBLIC HEARING
 On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:
 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
 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"
 45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (continuation of January 7, 1993 hearing)
 45CSR30 "Requirements for Operating Permits"
 Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.
 Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.
 Upon authorization and promulgation of revisions to 45CSR15 and 45CSR18, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.
 The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:
 Britt A. Bernheim, Secretary
 West Virginia Air Pollution Control Commission
 1558 Washington Street East
 Charleston, WV 25311
 (304) 558-4002

Copies of such written comments should also be sent to:
 G. Dale Farley
 Office of Air Quality
 Division of Environmental Protection
 1558 Washington Street East
 Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Raleigh County Public Library, P.O. Box 1876, Beckley, WV, 6-3-Thu-2-RH.

STATE OF WEST VIRGINIA
 COUNTY OF RALEIGH, to wit:

I, Robert E. Zutaut being first duly sworn upon my oath, do depose and say that I am Advertising Manager of Beckley Newspapers Inc., a corporation, publisher of the newspaper entitled The Register-Herald, an independent newspaper; that I have been duly authorized by the board of directors of such corporation to execute this affidavit of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published daily, for at least fifty weeks during the calendar year, in the municipality of Beckley, Raleigh County, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in article three, chapter fifty-nine of the Code of West Virginia, 1931, as amended, within the publication area or areas of the aforesaid municipality and county; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price of consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices; that the annexed notice

of Public Hearing
 (Description of notice)

was duly published in said newspaper once a week for two successive weeks (Class II), commencing with the issue of the 27th day of May, 1993, and ending with the issue of the 3rd day of June, 1993, (and was posted at the

on the _____ day of _____); that said annexed notice was published on the following dates:

5/27 & 6/3/93 and that the

cost of publishing said annexed notice as aforesaid was \$ 63.74

Signed R. E. Zutaut
 Robert E. Zutaut, Advertising Manager
 Beckley Newspapers

Taken, subscribed and sworn to before me in my said county this

3rd day of June 19 93

My commission expires March 27, 2001

Diana L. Stone
 Notary Public of Raleigh County,
 West Virginia



OFFICIAL SEAL
 NOTARY PUBLIC
 STATE OF WEST VIRGINIA
 DIANA L. STONE
 BECKLEY NEWSPAPERS
 P. O. DRAWER P CR R
 BECKLEY, WV 25801

R/H

PUBLISHER'S CERTIFICATE

NOTICE OF PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

45CSR5 "To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants and Coal Handling Operations"

45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"

45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"

45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation"

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"

45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities"

(continuation of January 7, 1993 hearing)

45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions to 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim, Secretary
West Virginia Air Pollution Control Commission
1615 Washington Street East
Charleston, WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:
G. Dale Farley
Office of Air Quality
Division of Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Office of Air Quality, North Central Regional Office, 109 Adams Street, Room M-2, Fairmont, WV.

VS.

STATE OF WEST VIRGINIA,
COUNTY OF HARRISON

I, Deborah S. Veltri

Classified Office Manager of THE CLARKSBURG EXPONENT, a newspaper of general circulation published in the City of Clarksburg, County and State aforesaid, do hereby certify that the annexed

Notice of Public Hearing

was published in said THE CLARKSBURG EXPONENT once a week for 2 successive weeks,

commencing on the 26 day of May 1993

and ending on the 2 day of June 1993

The publisher's fee for said publication is \$ 39.29

Given under my hand this 2 day of June 1993

Deborah S. Veltri
Classified Office Mgr. of The Clarksburg Exponent

SEAL

Subscribed and sworn to before me this 2 day

of June 1993

[Signature]
Notary Public in and for Harrison County, WV.

My commission expires on the 24th day of October 1993.

Form CA-15 E

I, as an officer of the News-Tribune, a daily newspaper published at Keyser, Mineral County, West Virginia, hereby certify that the notice of Public Hearing in the case of WV Air Pollution Control Commission

VS. _____
a copy whereof is hereto annexed has been published for 2 consecutive weeks in said NEWS-TRIBUNE, the first publication being on the 26th day of May 19 93.

Given under my hand at Keyser this 2nd day of June 19 93.

A Judith Keyser
Publisher

Publisher's Fee
\$ 64.31

NOTICE OF PUBLIC HEARING

On Tues., July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

- 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
- 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
- 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
- 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
- 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"
- 45CSR28 "Regulation to prevent and Control Air Pollution From the Emission of Volatile Organic Compounds from Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (continuation of January 7, 1993 hearing)
- 45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the Federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions of 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim, Secretary
West Virginia Air Pollution Control Commission
1615 Washington Street East,
Charleston, WV 25311 (304) 558-4002

Copies of such written comments should also be sent to:
G. Dale Farley
Office of Air Quality
Division of Environmental Protection
1558 Washington Street East
Charleston, WV. 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Keyser-Mineral County Public Library, 105 North Main Street, Keyser, WV.

State of West Virginia, County of Randolph, ss.

NOTICE OF PUBLIC HEARING

On Tuesday, July 6, 1993, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

- 45CSR5 — "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
- 45CSR7 — "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
- 45CSR10 — "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
- 45CSR13 — "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"
- 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"
- 45CSR28 — "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (continuation of January 7, 1993 hearing)
- 45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR13, and 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions 45CSR15 and 45CSR16, which adopts by reference federal standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR26, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Bernheim, Commission Secretary, at the address below:

Britt A. Bernheim, Secretary
West Virginia Air Pollution
Control Commission
1615 Washington Street East
Charleston, WV 25311
(304) 558-4002

Copies of such written comments should also be sent to:

G. Dale Farley
Office of Air Quality
Division of Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2590

Copies of the proposed legislative rules will be available for public review on or before June 4, 1993, at the Elkins-Randolph County Public Library, 416 Davis Avenue, Elkins, WV, 26037.

WV DIV OF ENVIR.
OFFICE OF AIR

I, James Hoffman, Publisher of THE INTER-MOUNTAIN, a newspaper published at Elkins, in said county, do hereby certify that the annexed advertisement was published on the following dates:

1993 JUN -3

May 26 June 02

19 93 as required by law.

Given under my hand this 02 day of June 19 93

James Hoffman
Publisher

Printer's Fee: \$ 7301

Witness me this 02 day of June 19 93.

Shirley A. Meneau
Notary Public

15 day of April 19 2002

NOTICE OF PUBLIC HEARING

On Tuesday, July 6, 1983, beginning at 9 a.m., the West Virginia Air Pollution Control Commission will hold a public hearing on the following proposed legislative rules:

- 45CSR5 "To prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations"
- 45CSR7 "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"
- 45CSR10 "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides"
- 45CSR13 "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation"

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"

45CSR28 "Regulation to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Vehicle Refueling Facilities"

45CSR30 "Requirements for Operating Permits"

Upon authorization and promulgation of revisions to the following rules, 45CSR5, 45CSR7, 45CSR10, 45CSR28 will be submitted to the U.S. Environmental Protection Agency for incorporation into the West Virginia Implementation Plan under the federal Clean Air Act.

Upon authorization and promulgation, 45CSR30 will be submitted to the U.S. Environmental Protection Agency as the rule establishing a comprehensive air quality permitting system consistent with Title V of the federal Clean Air Act Amendments of 1990.

Upon authorization and promulgation of revisions to 45CSR15 and 45CSR16, which adopts by reference federal standards for certain standards for certain regulated pollutants and sources, the Office of Air Quality will seek federal delegation from the U.S. Environmental Protection Agency to enforce the revised standards.

Upon authorization and promulgation of 45CSR25, the rule will be submitted to U.S. EPA as part of the State Hazardous Waste Management Program.

The hearing will be held in the Commission's Conference Room at 1558 Washington Street, East, Charleston, West Virginia. The hearing is open to the public. Written and oral testimony by all interested parties will be accepted and made part of the record. All questions and comments concerning the proposed rules should be directed to Britt A. Berheim, Commission Secretary, at the address below:

Britt A. Berheim, Secretary
West Virginia
Air Pollution
Control Commission
1615 Washington Street East
Charleston, WV 25311
(304) 538-4002

Copies of such written comments should also be sent to:

G. Dale Farley
Office of Air Quality
Division of
Environmental Protection
1558 Washington Street East
Charleston, WV 25311-2599

Copies of the proposed legislative rules will be available for public review on or before June 4, 1983, at the Martinsburg-Berkeley County Public Library, 101 King Street, Martinsburg, WV 25401.
5:28.6:1.(2)

Certificate of Publication

This is to certify the annexed advertisement

WV DEPT. COMM., DIV. ENV. PROTECTION

NOTICE OF PUBLIC HEARING

appeared for 2 consecutive ^{days} weeks in The Journal Publishing Company a newspaper published in the City of Martinsburg, W. Va., in its issue beginning

5/28

and ending

6/1

The Journal

Fee \$ 79.43

OAQ MAILING LIST FOR PUBLIC HEARINGS/MEETINGS

Mr. Larry Myers
Allegheny Power Service Corp.
800 Cabin Hill Drive
Greensburg, Pennsylvania 15601

Mr. Brian Broderick
BNA PLUS
Bureau of National Affairs
1231 25th Street, N.W.
Washington, D.C. 20037

Mr. Greg Scandrett
ERM Midwest
5088 West Washington Street
Charleston, WV 25313

Ms. Becky Fleming
Charleston Daily Mail
1001 Virginia Street, East
Charleston, WV 25301

Mr. Norm Steenstra
Environmental Coordinator
West Virginia Citizen Action Group
1324 Virginia Street, East
Charleston, West Virginia 25301

Mr. Eric Niiler
Charleston Gazette
1002 Virginia Street, East
Charleston, WV 25301

Ms. Joline Brady
103 Timberlake Circle
Scott Depot, WV 25560

Ms. Mildred Holt
P. O. Box 367
Institute, WV 25112

Ms. Lillian Erskin
52 Bailes Drive
Nitro, WV 25143

Ms. Suzanne Tenkhoff
National Institute for Chemical Studies
Nitro/St. Albans Committee
31 Bailes Drive
Nitro, West Virginia 25143

Mr. Charles White
Chairman, Sub-Area Planning
Committee
P. O. Box 113
Institute, West Virginia 25112

Mr. Ray de Bolt
Fire Chief
Charleston Fire Department
808 Virginia Street, West
Charleston, WV 25302

The Honorable William Croye
Mayor, City of Belle
National Institute for Chemical Studies
Upper Kanawha Valley Committee
110 East DuPont Avenue
Belle, West Virginia 25015

Dr. Paul Hill, President
National Institute for Chemical Studies
University of Charleston
2300 MacCorkle Avenue, S.E.
Charleston, West Virginia 25304

Mr. Tim Carroll
Regional Office Supervisor
Northern Panhandle Regional Office
WV Office of Air Quality
1911 Warwood Avenue
Wheeling, West Virginia 26003

Mr. William Taylor
Regional Engineer
North Central Regional Office
WV Office of Air Quality
109 Adams Street, Room M-2
Fairmont, WV 26554-2800

Mr. Robert Parsons
Jackson & Kelly
1600 Laidley Tower
Charleston, WV 25301

Mr. Ira H. Dorfman
Vice-President, Energy & Environment
Ryan-McGinn
2300 Clarendon Blvd., Suite 610
Arlington, VA 22201

Larry G. Kopelman
Special Assistant Attorney General
WV Air Pollution Control Commission
No. 9 Pennsylvania Avenue
Charleston, WV 25302

Ms. Kim Baker
Ohio Valley Environmental Coalition
P. O. Box 970
Proctorville, OH 45669

Ms. Helen Gibbins
6128 Gideon Road
Huntington, WV 25705

Ms. Missy Woolverton
WV Citizen Action Group
1324 Virginia Street, East
Charleston, WV 25301

Ms. Rhonda Hooper
Monsanto
1 Monsanto Road
Nitro, WV 25143

Mr. Richard Poling
Engineer II
c/o WV Division of Highways
P. O. Box 88
Burlington, WV 26710

Ms. Claudia Banner
Appalachian Power Company
P. O. Box 2021
Roanoke, Virginia 24022-2121

Mr. David C. Callaghan
Director, Division of Environmental
Protection
10 McJunkin Road
Nitro, WV 25143-2506

Ms. Kim Baker
OVEC
2630 Collis Avenue
Huntington, WV 25702

Act Foundation
523 Central Avenue
Charleston, WV 25302

John M. Ranson
Cabinet Secretary
WV Department Commerce, Labor, &
Environmental Resources
Capitol Complex
Main Building, Room 146
Charleston, WV 25305-0310

Ms. Pamela Nixon
406 Grandview Point
Dunbar, WV 25064

Mr. Oliver A. Fick
Air Program Manager
Engineering-Science, Inc.
57 Executive Park South, N.E.
Suite 590
Atlanta, Georgia 30329-2265

Mr. Brian Farkas
Public Information Officer
WV Division of Environmental
Protection
10 McJunkin Road
Nitro, WV 25143-2506

COMMISSION MEETING

JULY 6, 1993

NAME	COMPANY AFFILIATION	ADDRESS
Yvonne Clarkson	Allegheny Power (Mon Power)	Greensburg, PA
Claudia Banner	APPALACHIAN POWER	ROANOKE, VA
Gary Coers	Capital Cement	Martinsburg, WV
Tony Vandenberg	Union Carbide Synth H ₂ UN	→
Bob Parsons	Jackson & Kelly	Charlottesville, WV
Ernest Hogan	Elkem Metals Co	Alloy, W. Va.
Bob HICE	American Alloys	New Haven, CN
Scott Dismukes	DKAM	Pgh Pa
Ernie Varney	WORK-TU 13	Charlottesville
Charlie Olt	DuPont	Parkersburg
K. B. Poland	Robinson & McElwee	Charleston, WV
H. M. W.	Holman + McEwen	Charlottesville
Richard S. Baier	UNION CARBIDE	S. CHARLESTON
Paul W. Jones	WV DEP	Charleston

COMMISSION MEETING

JULY 6, 1993

NAME	COMPANY AFFILIATION	ADDRESS
Shret Vineyard	WV Petro. Wkt.	Suite 912, Atlas Bldg. Chas
Gary A Jack	Monongahela Power	Fairmont
Dave Yaussey	Robinson & McElwre	Charleston, WV
Tajmadsre Hager	Elkem Metals C.	Alloy, WV
Lisa Quinn	SEET	Chas. WV
Charles M. Brooke	Whitson's Churnin	Hgtm WVA.
JACK HARRISON	WV PETROLEUM CONCERN	CHAS. WV
RANDY RAPP	Vienna Chevron	Vienna WV
LAWRENCE FIFER	Pitco's Service Center	Martinsburg
MARVIN GRAY	WV Gasoline Dealers	Hunt WV
Jackie Hallman	ACT	
William D. Kopley	Kopley's Management	St Albans, WVA
E. Paul Brown	Capitol Express	Chas. WV.
Robert Gray	Robinson McElwre	

COMMISSION MEETING

JULY 6, 1993

NAME	COMPANY AFFILIATION	ADDRESS
C.B. Samples	Columbia - Pottery & Steel	WHEELING
STEVE GUZY	"	"
Brian Farkas	DEP	N. F.V.
Senta R. Steyck	CNG Transmiss & Comp.	Clarksburg WV
Dana M Flannery	Roberson McElwee	Charleston
Burr Rowley	WV Coal Association	
CRA Alenbrock	Elkton	N.F., W.V.
A. A. ...	work-TV	
M. Schmidt	work	
Kay H. ...	Robt. McElwee	600 United Center
Mildred Stanger	AG's of	Build 3
Barbara ...	Jackson & Kelly	1600 Laibley Tower

W VA AIR POLLUTION CONTROL COMMISSION MEETING

August 9, 1993

NAME	COMPANY AFFILIATION	ADDRESS
C J BANNER	APPALACHIAN POWER	ROANOKE, VA
Y F Clarkson	APS - Monongahela Power	Greensburg, PA
K.G. Beckett	Robinson's McElwee	Chas. WV
W.R. Samples	Wheeling-Pittsburgh Steel	Cohending, W.V.
K.B. Paland	Robinson & McElwee	Charleston, WV
D. Yarnum	Robinson & McElwee	Charleston WV
Charles T. Oelt	Du Pont	Parkersburg, WV
Sara Grand	Appalachian Power	Chas.
Bob Foster	Chas Ryan Assoc.	Chas

WEST VIRGINIA DEPARTMENT OF
COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION

IN RE: Public Hearing on Ambient Ozone and
Hazardous Air Pollutants & Standards of
Performance For New Stationary Sources

NOTICE OF PUBLIC HEARING

testimony received at the public hearing of the West
Virginia Air Pollution Control Commission, 1559
Conference Room at 1559 Washington Street, East,
Charleston, Kanawha County, West Virginia, on the 6th day
of July, 1998, commencing at 1:35 p.m.

BEFORE: L. NEWTON THOMAS, JR., Chairman
JOSEPH P. SCHOCK, Commissioner
SAMUEL KUSIC, Commissioner
ALLEN HAMNER, Commissioner
JEAN NEELY, Commissioner

G. DALE FARLEY, Chief, Office of Air
Quality
LARRY KOPELMAN, Special Assistant A.G.
RANDALL SUTER, Staff Attorney
BRITT A. BERNHEIM, Secretary

DONNA KAY MILLER
Certified Court Reporter
7724 Sissonville Drive
Sissonville, West Virginia 25320
(304) 988-9581

PROCEEDINGS

(1:35 PM)

CHAIRMAN THOMAS: - I would like to call the hearing of the West Virginia Air Pollution Control Commission back to order.

The subject for consideration for this hearing is Reg 15 and will incorporate Reg 16

Reg 15 is Emission Standards for Hazardous Air Pollutants and Reg 16 is Standards of Performance for New Stationary Sources.

Let the record indicate that we have a quorum of the Commissioners present with the attendance of Commissioner Jean Neely, Allen Hamner, Sam Kusic, Joseph Shock, and L. Newton Thomas, Junior.

Let me also state that we have a Court Reporter here who is taking a transcript of these proceedings. Her name is Donna Miller. Any of those interested in receiving a copy of the transcript will make arrangements with Ms. Miller following the conclusion of the hearing.

Again, I will defer to the Chief of the Office of Air Quality, Dale Farley, for his comments.

MR. FARLEY: Again, these are regulations that adopt federal new source performance standards a CONFIDENTIAL reference. We are attempting in the last update, I think, to the regs adopted the NESHAPS and the new source performance standards as promulgated, I believe, on July 1 of 1990.

If you look at the summaries in your book or in your material, it tells you -- just gives you a very general description of the subpart that is being adopted and the title of the subpart.

Essentially, in the Reg 15 update we would be incorporating in the state rules with the adoption of this rule. Benzene standards from relative coke by-products recovery plant, benzene emissions from methane storage tanks, benzene emissions from benzene storage tanks, benzene emissions from benzene transfer operations, and benzene waste operations.

That is pretty much the new

material other than the appendixes relating to test methods and so forth.

We are excluding any reference or any inclusion of regulations for radioactive sources, because that is not something the EPA is really encouraging, nor do we really want to take that over.

So that is pretty much what would be brought in with the update to this regulation and the adoption by reference.

With respect to Reg 16, the federal new source performance standards, I think there is a summary similar, and what we would be adding in terms of new emission standards or performance standards subsections are, there again, listed in the summary on the second page or so of the material you have.

We would be adding subpart Dc, small steam generating units. We have expanded all our new source performance.

Subpart DDD, VOC emissions from polymer manufacturing industries. Subpart III, VOC

emissions from SOCOMI air oxidation unit processes.

Subpart NNN, VOC emissions from Synthetic Organic Chemicals Manufacturing Industry distillation operation.

Subpart OOO, VOC emissions from petroleum refiner waste water systems. Subpart PPP, magnetic tape coating facilities. Subpart QQQ, roll-coat of supporting substrates facilities.

I don't think we have any of these applicable anyway, but that is just an overall indication.

Subpart UUU, calciners and dryers in mineral industries, we do have some of those facilities that would be regulated.

There again, this is emissions standards that would be applicable to new facilities as defined by the various subparts in terms of their applicable date of applicability of the standards.

There again, this is simply adoption by reference. These standards are already being enforced by the U.S. EPA. The only thing we would be doing is updating our regulations to bring in all

applicable requirements up to this point under our rules and ask for EPA delegation of authority to enforce.

CHAIRMAN THOMAS: Do you want to speak to the inclusions of 16?

COMMISSIONER NEELY: Well, both of them.

CHAIRMAN THOMAS: Yes. These are the ones I am most curious about. Are these and covered in some other way?

MR. FARLEY: Basically, what we did -- and I might have to get Rick Adkins back in the room here. He is the one that worked on the regs.

One of the things he was told to do was to make sure -- this is pretty typical of what we have done in the past, if there is any subpart or any federal NSPS or NESHAPS that is in litigation somewhere. It is a mess. Somebody sued someone or we don't know whether it is going to be a fine or there is something, some cloud hanging over it. We excluded it.

CHAIRMAN THOMAS: I see.

MR. FARLEY: So the presumption was that with respect to the subjects listed that there was some issue that still needed to resolve itself on these subjects.

COMMISSIONER NEELY: Why have they been excluded, though? Why can't they just be suspended or something?

MR. FARLEY: Well, the problem with -- I am not sure when this is going to get resolved and without asking or having Rick speak to that, who knows all the facts behind these, I am not quite sure when -- obviously the Commission adopted this rule and filed it and was authorized to enforce it as of -- or take over the enforcement of these standards to the extent any of them would apply.

I think it is sort of a moot point anyway because we don't have any municipal waste combustors, and pursuant to the discussion we have already had earlier today, we are not likely to ever have any. So it is kind of moot whether you adopt those standards

anyway.

COMMISSIONER NEELY: What about sulfuric acid?

MR. FARLEY: There again, I would have to have Rick explain why that was excluded, but his instruction when he put this together was to exclude for objection at this time any standard for which there was some issue associated with it in terms of lawsuits.

COMMISSIONER NEELY: And radon from anything having to do with the Department of Energy, it looks like.

MR. FARLEY: Anything that involves the enforcement of standards of radio activity, we have always excluded because EPA, up to this point anyway, has not encouraged any state to take those programs, and we don't feel we have the expertise or the facilities to handle radio active sources.

Rick, I would just ask in relation to the proposal to update Regulation 16 about the subsections that were excluded. Can you explain in each

of those cases. -- We are talking about emission guidelines for municipal waste combustors. Municipal waste combustors, I think those are kind of moot anyway, but we did exclude them.

We also excluded subpart CE, emission guidelines for sulfuric acid production units. Can you explain briefly why we excluded it?

MR. ADKINS: The municipal combustors, we talked with the people that are doing that at EPA in North Carolina and that particular reg is in total flux right now in litigation and other things, and they think it is going to be extensively changed.

They felt it would be reasonable not to include it at this point until it is sorted out.

MR. FARLEY: How about the sulfuric acid production units? Is that true --

MR. ADKINS: That is under the Section C and that had several things in it, and as far as we knew when we were talking about it, we do not have a sulfuric acid production unit.

MR. FARLEY: The way these standards work is EPA usually will strongly encourage the state to take the enforcement authority over a standard for which there are facilities covered in a state.

The state obviously -- there are quite a number of things we have adopted or not adopted and more obviously that would never cover any or does not now cover any source that was a new source under those provisions.

There is a possibility that something within the state -- you know, if a facility would be proposed, it might be subject to these standards, but I don't think that would occur with municipality waste combustors. I am not sure about sulfuric acid production.

MR. SUTER: Sulfuric acid, I believe those are just emission guidelines.

MR. FARLEY: Right. Well, as Randy Suter just pointed out, these are guidelines. The first two, CA and CB, are guidelines for the adoption or construction of state regulations and requirements anyway.

They are not really regs per se.

COMMISSIONER NEELY: Do they have to be in a rule before they can be enforced, in a reg?

MR. FARLEY: Well, what the guidelines, at least as I understand it -- a guideline would be something that is put out to the state to use for the possible adoption of a rule.

That is sort of like a control techniques guideline document. It is not a rule. It is just a guideline for a state to use.

COMMISSIONER NEELY: It doesn't have to be in here?

MR. FARLEY: It does not have to be.

CHAIRMAN THOMAS: Any other questions of the Commission? Is there anyone in the audience that wants to speak to Regulation 15 or 16? Apparently there aren't any.

This then concludes the hearing on Regulation 15 and 16. The record will be held open for a

30-day period for comments, which will be included in the final consideration of the reg.

We will now adjourn the hearing on Regulation and 16.

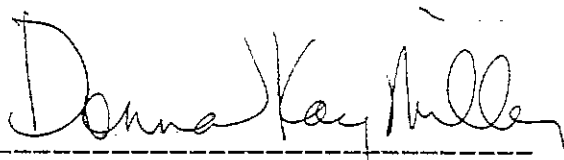
(WHEREUPON, the hearing was concluded at 1:45 p.m.)

REPORTER'S CERTIFICATE

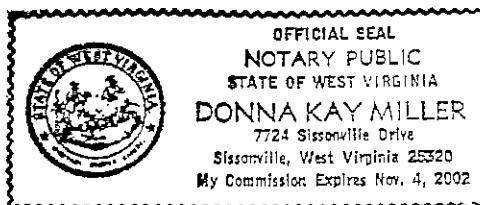
STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, to-wit:

I, Donna Kay Miller, do hereby
certify that the foregoing is, to the best of my skill and
ability, a true and accurate transcript of all the testimony
adduced or proceedings as set forth in the caption hereof.

Given under my hand this 24th day
of July, 1993.



Donna Kay Miller
Certified Court Reporter



COMMENTS OF
WEST VIRGINIA MANUFACTURERS ASSOCIATION
REGARDING
PROPOSED APCC REGULATION 16 REVISIONS

WV DIV OF ENVR. PROTECT.
OFFICE OF AIR QUALITY
1993 JUL 22 P 4: 58
McELWEE

Prepared By:

WEST VIRGINIA MANUFACTURERS ASSOCIATION

and

ROBINSON & McELWEE
600 United Center
Post Office Box 1791
Charleston, West Virginia 25326

Counsel for
West Virginia Manufacturers Association

July 22, 1993

COMMENTS OF
WEST VIRGINIA MANUFACTURERS ASSOCIATION
REGARDING
PROPOSED APCC REGULATION 16 REVISIONS

I. INTRODUCTION

On June 2, 1993, the West Virginia Air Pollution Control Commission ("APCC") filed with the Secretary of State a proposed legislative rule pertaining to "Standards of Performance for New Stationary Sources" as authorized under the West Virginia Air Pollution Control Act at Chapter 16, Article 20 of the West Virginia Code ("the Act"). The rule is proposed for inclusion in the Code of State Regulations at Title 45 Series 16.

The West Virginia Manufacturers Association ("WVMA") represents a broad cross-section of large, medium and small industrial concerns in West Virginia. Because certain of its members are subject to the Act, or indirectly affected by it, the WVMA has pledged to be involved in the development of these regulations. For example, many of our members operate facilities in West Virginia which will be directly impacted by these rules. It is in furtherance of our active and supportive role that the WVMA offers these comments.

II. COMMENTS

The proposed rule at §45-16-3.1.b excludes "sub-parts B, C and Ea of 40 C.F.R. 60." The Summary of the regulation indicates that Subpart Ca - Emissions Guidelines for Municipal Waste Combusters, Subpart Cb - Emissions Guidelines for Sulfuric Acid Production Units, and Subpart Ea - Municipal Waste Combusters have been excluded. The WVMA assumes that the Summary of the

regulation indicating the exclusion of Subparts Ca, Cb and Ea is correct and that the apparent typographical error in the regulation which indicates that "Sub-parts B, C and Ea of 40 C.F.R. 60 ..." will be corrected in the final rule.

As a matter of policy, the WVMA encourages the adoption of performance standards which are consistent with both U.S. EPA and, to the extent possible, other states with which West Virginia competes in the area of economic development. It is imperative that all regulatory programs which affect businesses considering expansion in or relocating to West Virginia from other states impose a total regulatory impact on such businesses that provides an economic incentive to expand or relocate to West Virginia.

At the July 6, 1993, public hearing on the proposed APCC regulatory revision package, the OAQ staff indicated that the municipal waste combustor regulations were being excluded at the recommendation of U.S. EPA inasmuch as these subparts are the subject of ongoing litigation. The reason given for excluding the subpart on sulfuric acid production units apparently was that there are no such facilities in West Virginia. Until such time as the ongoing litigation is resolved, the WVMA is in agreement with the proposal to exclude the subparts related to municipal waste combustors. WVMA disagrees with the exclusion of the subpart on sulfuric acid production units on the basis that there are no such units currently in West Virginia.

The result of the proposed exclusion is that a sulfuric acid producer which may be evaluating locating in any of several states would be placed at a needless regulatory disadvantage in West Virginia because of the possibility of prolonged

permit application review proceedings. Such proceedings would be prolonged because of the need for extensive interaction with U.S. EPA Region III in establishing NSPS permit conditions since the WV APCC failed to adopt current U.S. EPA standards in its latest regulatory revision.

Although this proposed regulatory revision would effectively exclude only one subpart related to sulfuric acid production units, the WVMA suggests that it should be the policy of the APCC in incorporating U.S. EPA new source performance standards to include all such standards which have been promulgated since the time of the last revision to the APCC regulation, provided that the U.S. EPA standards are in full force and effect at the time of the incorporation by APCC.

III. CONCLUSION

In these comments, the WVMA offers its position on a key policy issue presented by APCC's proposed new source performance standard revisions. Our concern relates to the implementation of an efficient and fair regulatory program for the comprehensive management of air quality in West Virginia.

WEST VIRGINIA MANUFACTURERS ASSOCIATION
Suite 503, 405 Capitol Street

CONTACT: Karen S. Price, President
PHONE: (304) 342-2123

STAFF RESPONSE TO
WVMA COMMENTS 45CSR16
JULY 22, 1993

COMMENT 1. WVMA notes that the proposed rule excludes "sub-parts B, C and Ea of 40 C.F.R.60." WVMA notes that the cited exclusions are different from the Summary of the proposed rule.

RESPONSE: The proposed exclusions differ from that contained in the proposed rule. 40 C.F.R.60 Subpart C, 40 C.F.R.60 Subpart Ca, and 40 C.F.R.60 Subpart Cb are distinct subparts and should be included separately in the list of exclusions. These subparts deal with guidelines, not standards, and OAQ believes the inclusion of such guidelines is inappropriate to the purpose of the rule.

COMMENT 2. WVMA disagrees with the exclusion of 40 C.F.R.60 Subpart Cb - "Emission Guidelines and Compliance Times for Sulfuric Acid Production Units." WVMA disagrees with the exclusion of this subpart based on the rationale that there are no such units currently in West Virginia. WVMA believes that new sulfuric acid production units might locate in other states if West Virginia did not have proper regulations governing such a facility.

RESPONSE: The provisions of subpart Cb were excluded because it does not provide standards, but merely guidelines. Further, the standards contained in 40 C.F.R.60 Subpart H - "Standards of Performance for Sulfuric Acid Plants" are in the current and proposed rules.



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

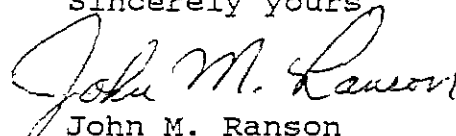
- Re: 45CSR15 - "Emission Standards for Hazardous Air
Pollutants"
- 45CSR16 - "Standards of Performance for New Stationary
Sources"
- 45CSR25 - "To Prevent and Control Air Pollution From
Hazardous Waste Treatment, Storage, or
Disposal Facilities"

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
Cabinet Secretary

JMR:ro

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