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

A. JAMES MANCHIN  
SECRETARY OF STATE

STATE REGISTER FILING

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

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

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

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify Statement of the Facts and Circumstances of Constituting the Emergencies Requiring Emergency  
This filing pertains to Regulation XV

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

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE Oct. 28, 1983  
Administrative Law Division

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

October 28, 1983  
Date Submitted

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

STATEMENT OF THE FACTS AND CIRCUMSTANCES  
OF CONSTITUTING THE EMERGENCIES  
REQUIRING EMERGENCY REGULATION XV

This regulation sets forth air pollution emission standards for hazardous air pollutants. This regulation is required by the Clean Air Act to be included in the West Virginia State Implementation Plan for the control of hazardous air pollutants. This regulation was adopted by the West Virginia Air Pollution Control Commission on the 27th day of October, 1983, as an emergency regulation.

Adoption as an emergency regulation will allow the United States Environmental Protection Agency to begin immediate consideration of delegation regarding implementation of the program which provides for control of emission standards for hazardous air pollutants.

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE Oct. 28, 1983  
Administrative Law Division

**EMERGENCY REGULATION**

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Subject: Regulation XV - "Emission Standards for Hazardous Air Pollutants"

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

THIS DATE 10/28/83  
Administrative Law Division

**EMERGENCY REGULATION**

**WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
Air Pollution Control Commission**

Chapter 16-20  
Series XV  
(1983)

Subject: Regulation XV - "Emission Standards for Hazardous Air Pollutants"

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Section 1. General.

1.01. Scope.

This regulation adopts emission standards for hazardous air pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act. It is the intent of the Commission to adopt these standards by reference. It is also the intent of the Commission to adopt associated reference methods, performance specifications and other test methods which are appended to such standards.

1.02. Authority.

This regulation is issued under the authority of the West Virginia Code, Chapter 16, Article 20, Section 5. This regulation relates to West Virginia Code, Chapter 16, Article 20, Sections 1 through 13 inclusive.

1.03. Filing Date.

This emergency regulation was adopted by the Commission on the 27th day of October, 1983, and filed with the Secretary of State on the 28th day of October, 1983.

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

THIS DATE Oct. 28, 1983  
Administrative Law Division

1.04. Effective Date.

The effective date of this regulation is the 27th day of October, 1983.

1.05. Type.

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

Section 2. Requirements.

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

Section 3. Adoption of Standards.

3.01. Standards.

Emission standards for hazardous air pollutants including associated reference methods, performance specifications and other test methods which are appended to such standards promulgated as of the effective date of this regulation in 40 CFR Part 61 by the United States Environmental Protection Agency pursuant to Section 112(b) of the Federal Clean Air Act are hereby adopted in their entirety and incorporated herein by reference, except that Part 61.15 is amended to provide that information shall be available to the public in accordance with Chapter 16, Article 20, and Chapter 29B, Article 1 of the Code of West Virginia.

4.01. Director.

Any and all references in said 40 CFR Part 61 to the "Administrator" is amended to be the "Director of the West Virginia Air Pollution Control Commission" except in the following references which such references shall remain "Administrator of the United States Environmental Protection Agency":

(a) Part 61.02.

(b) Part 61.04.

(c) Part 61.11.

(d) Part 61.14.

5.01. Permits.

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

6.01. Inconsistency Between Regulations.

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

Section 7. Effective Date.

7.01. Emergency Regulation XV shall become effective on the 27th day of October, 1983.

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

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