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STATE OF WEST VIRGINIA

OFFICE OF THE SECRETARY OF STATE

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A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

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

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

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

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify ()

This filing pertains to

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

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

December 15, 1978
Date Submitted

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

NOTICE OF PUBLIC HEARINGS

Pursuant to the provisions of Chapter 16 and Chapter 29A of the Code of West Virginia and the Federal Clean Air Act, as amended, notice is hereby given that the West Virginia Air Pollution Control Commission will hold public hearings concerning proposed regulations to establish the means and methods for the attainment of National Ambient Oxidant Standards in Air Quality Control Region IV by the reduction of volatile organic compounds. On the same date, hearings will also be held concerning the following proposed regulations:

Regulation XIX - "To Prevent and Control Air Pollution

From the Emission of Volatile Organic Compounds

From the Manufacturing and Use of Cutback Asphalt";

Regulation XX - "To Prevent and Control Air Pollution

From the Emission of Volatile Organic Compounds

From Gasoline Service Stations Stage I";

Regulation XXI - "To Prevent and Control Air Pollution

From the Emission of Volatile Organic Compounds

From the Storage of Petroleum Liquids in Fixed

Roof Tanks";

Regulation XXII - "To Prevent and Control Air Pollution

From the Emission of Volatile Organic Compounds

From Bulk Gasoline Plants";

Regulation XXIII - "To Prevent and Control Air Pollution

From the Emission of Volatile Organic Compounds

From Bulk Gasoline Terminals";

Regulation XXIV - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds
From Petroleum Refinery Sources";

Regulation XXV - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Solvent Metal Cleaning Operations";

Regulation XXVI - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds
From Automobile and Light Duty Truck Manufacturing
Operations";

Regulation XXVII - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Can Manufacturing Operations";

Regulation XXVIII - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Metal Furniture Manufacturing Operations";

Regulation XXIX - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Paper and Textile Manufacturing Operations" and

Regulation XXX - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Large Appliance Manufacturing Operations".

more more more

Proposed Regulation XXVI through Regulation XXX will apply to all of West Virginia, while proposed Regulation XIX through Regulation XXV will apply only to Air Quality Control Region IV.

The public hearings will be held on Tuesday, January 16, 1979, at 9:15 a.m. in the Charleston Civic Center "North Gallery" located on Reynolds Street, Charleston, Kanawha County, West Virginia.

Copies of the proposed additions to West Virginia's Implementation Plan are available for public inspection in the offices of the West Virginia Air Pollution Control Commission located at 1558 Washington Street, Charleston, West Virginia., and the West Virginia Air Pollution Control Commission's Northern Panhandle Regional Office located at 1911 Warwood Avenue, Wheeling, West Virginia.

Any person who desires to submit exhibits or other written material must submit the exhibits or documents and eleven (11) copies thereof.

The hearings are open to the public and comments from any person will be received and made part of the record.

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

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
AIR POLLUTION CONTROL COMMISSION

PROPOSED REGULATION

REGULATION XXVIII

"TO PREVENT AND CONTROL AIR POLLUTION FROM
THE EMISSION OF VOLATILE ORGANIC COMPOUNDS
FROM METAL FURNITURE MANUFACTURING
OPERATIONS"

Proposed Regulation

A public hearing will be held concerning proposed additions to West Virginia's Implementation Plan relative to the attainment and maintenance of Ambient Air Quality Standards for Photochemical Oxidants (Ozone) on Tuesday, January 16, 1979, at 9:15 a.m. at the Charleston Civic Center, "North Gallery", located on Reynolds Street, Charleston, Kanawha County, West Virginia. Following the hearing on proposed additions to the Implementation Plan, public hearings will be held, in consecutive order, concerning proposed Regulationx XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX and XXX.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Air Pollution Control Commission

Chapter 16-20
Series XXVIII
(1979)

Subject: Regulation XXVIII - To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Metal Furniture Manufacturing Operations.

Section 1. Intent and Purpose.

It is the intent of the Commission that all persons engaged in the manufacture and coating of metal furniture control the emission of volatile organic compounds through the application of reasonably available control technology.

Section 2. Definitions.

- 2.01. "Air Pollution", 'statutory air pollution', shall have the meaning ascribed to it in Section Two of Chapter Sixteen, Article Twenty of the Code of West Virginia, as amended.
- 2.02. "Application Area" shall mean the area where the coating is applied by spraying, dipping or flowcoating techniques.
- 2.03. "Approved" shall mean approved by the designated official of the West Virginia Air Pollution Control Commission.
- 2.04. "Capture System" shall mean the equipment (including hoods, ducts, fans, etc.) used to contain, capture, or transport a pollutant to a control device.
- 2.05. "Coating Applicator" shall mean an apparatus used to apply a surface coating.

- 2.06. "Coating Line" shall mean one or more apparatus or operations which include a coating applicator, flash-off area, and oven wherein a surface coating is applied, dried, and/or cured.
- 2.07. "Commission" shall mean the West Virginia Air Pollution Control Commission.
- 2.08. "Construction" shall mean commencement of onsite fabrication, erection, or installation of an emission source, air pollution control equipment, or a facility.
- 2.09. "Control Device" shall mean equipment (incinerator, adsorber, or the like) used to destroy or remove air pollutant(s) prior to discharge to the ambient air.
- 2.10. "Day" shall mean a 24-hour period beginning at midnight.
- 2.11. "Director" shall mean the Director of the West Virginia Air Pollution Control Commission.
- 2.12. "Emission" shall mean the release or discharge, whether directly or indirectly, of any air pollutant into the ambient air from any source.
- 2.13. "Facility" shall mean any building, structure, installation, activity, or combination thereof which contains a stationary source of air contaminants.
- 2.14. "Flashoff Area" shall mean the space between the application area and the oven.
- 2.15. "Incinerator" shall mean a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.

- 2.16. "Metal Furniture Coating" shall mean the application of prime and topcoat, or single surface coatings to any furniture made of metal or any metal part which will be assembled with other metal, wood, fabric, plastic or glass parts to form a furniture piece, window coverings, or similar furnishing.
- 2.17. "Oven" shall mean a chamber within which heat is used to bake, cure, polymerize, and/or dry a surface coating.
- 2.18. "Owner or Operator" shall mean any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.
- 2.19. ~~"Person" shall mean any and all persons, natural or artificial, including any municipal, public or private corporation organized or existing under the laws of this or any other state or country, and any firm, partnership, or association of whatever nature.~~
- 2.20. "Prime Coat" shall mean the first film of coating applied in a two-coat operation.
- 2.21. "Single Coat" shall mean a single film of coating applied directly to the metal substrate omitting the primer application.
- 2.22. "Standard Conditions" shall mean a temperature of 20°C (68°F) and pressure of 760 millimeters of mercury (29.92 inches of mercury).
- 2.23. "Top Coat" shall mean the final film of coating applied in a multiple coat operation.
- 2.24. "Volatile Organic Compound" (also denoted as VOC) shall mean any compound of carbon that has a vapor pressure greater than 0.1 millimeters of mercury at standard conditions excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

Section 3. Emission Limitations and Standards of Measurement

- 3.01. No owner or operator of any metal furniture coating line subject to this Regulation may cause, allow or permit the discharge into the atmosphere of any volatile organic compounds in excess of 0.36 kilograms per liter of coating (3.0 pounds per gallon), excluding water, delivered to the coating applicator from prime and top coat or single coat operations.
- 3.02. The emission limits under Sub-Section 3.01 shall be achieved by:
- (a) the application of low solvent content coating technology;
 - or
 - (b) incineration, provided that 90 percent of the nonmethane volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water; or,
 - (c) a system demonstrated to have control efficiency equivalent to or greater than provided under paragraph (a) or (b) of this Sub-Section and approved by the Director.
- 3.03. The design, operation, and efficiency of any capture system used in conjunction with Sub-Section 3.02 (b) and (c) shall be certified in writing by the owner or operator and approved by the Director.
- 3.04. (a) After no person may cause, allow, or permit the disposal of more than 5.7 liters (1.5 gallons) of any volatile organic compounds, or of any materials containing more

than 5.7 liters (1.5 gallons) of any volatile organic compounds, in any one (1) day in a manner that would permit their evaporation into the atmosphere.

(b) Paragraph (a) of this Section includes, but is not limited to, the disposal of volatile organic compounds which must be removed from volatile organic compound control devices so as to maintain the control devices at their required operating efficiency.

3.05. (a) Realizing that compliance with the provisions of this Section may, in some cases, be technologically infeasible, the Commission may, upon specific application by the owner or operator of a metal furniture coating line, grant exemptions from these provisions. However, the petition must be submitted in writing in a manner approved by the Director and must contain:

- (1) a detailed description of the proposed alternative operational and/or equipment controls, the magnitude of volatile organic compound emission reduction which will be achieved, and the quantity and composition of volatile organic compounds which will be emitted if the alternative operational and/or equipment controls are instituted; and,
- (2) a plan, which will be instituted in addition to the proposed alternative operational and/or equipment controls, to reduce volatile organic compound emissions from other source operations, not required under this regulation, such that aggregate

volatile organic compound emissions from the facility will in no case be greater through application of the alternative control than would be permitted through conformance with Sub-Section 3.01; and,

- (3) a schedule for the installation and/or institution of the alternative operational and/or equipment controls.

(b) From time to time the Commission shall review such exemptions to determine if they are still warranted. If the Commission revises or terminates an exemption, the owner or operation of the affected metal furniture coating line shall be notified by certified mail. Such revision or terminations shall not become effective for at least ninety (90) days after the receipt of notification by the owner or operator.

Section 4. Registration.

4.01. Within thirty (30) days after the effective date of this Regulation all persons owning and/or operating a metal furniture coating line(s) subject to this Regulation and not previously registered shall have registered such source(s) with the Commission. The information required for registration shall be determined and provided in the manner specified by the Director. Registration forms should be requested from the Director by the owner or operator of such source(s).

4.02. The owner or operator of a metal furniture coating line that is under construction or on which construction is initiated within thirty (30)

days after the effective date of this Regulation shall register such source(s) within this thirty (30) day period.

Section 5. Permits.

5.01. After the effective date of this Regulation, no person shall construct or modify any metal furniture coating line subject to this section without first obtaining a permit for such construction or modification. Applications for permits shall be made upon forms available from the Director and shall be filed no less than ninety (90) days prior to the construction or modification. These forms shall include such information as in the judgment of the Director will enable him to determine whether such source will be so designed as to operate in conformance with the provisions of this regulation and the Code of West Virginia, and will not cause or contribute to the violation of Air Quality Standards. Within ninety (90) days of the receipt of an application the Director shall issue or deny such permit in accordance with the provisions of Section Two of Chapter Sixteen, Article Twenty, Paragraph 11b of the Code of West Virginia, as amended, and Regulation XIII of this agency.

Section 6. Reports and Testing.

6.01. At such reasonable times as the Director may designate, the owner or operator of any metal furniture coating line(s) may be required to conduct or have conducted tests to determine the compliance of such line(s) with the emission limitations of Section 3. The Director, or his duly authorized representative, may at his option witness or conduct such tests. Should the Director exercise

his option to conduct such tests, the owner or operator will provide all the necessary sampling connections and sampling ports to be located in such manner as the Director may require, power for test equipment, and the required safety equipment to comply with good safety practices.

6.02. For the purpose of determining the volatile content of surface coatings, a representative sample of the coating shall be obtained at the point of delivery to the coater or any other point in the process that the Director approves. The volatile content of the sample shall be determined in a manner approved by the Director.

6.03. For the purpose of determining the efficiency of a volatile organic compound emission control system, the following procedure shall be included:

(a) The volatile organic compound containing material shall be sampled and analyzed in a manner approved by the Director such that the quantity of emissions that could result from the use of the material can be quantified.

(b) The efficiency of any capture system used to transport the volatile organic compound emissions from their point of origination to the control equipment shall be computed using accepted engineering practice and in a manner approved by the Director.

(c) Samples of the volatile organic compound containing gas stream shall be taken simultaneously at the inlet and outlet of the emissions control device in a manner approved by the Director.

(d) The total combustible carbon content of the samples shall be determined by a method approved by the Director.

(e) The efficiency of the control device shall be expressed as a fraction of total combustible carbon content reduction achieved.

(f) The volatile organic compound mass emission rate shall be the sum of emissions from the control device, emissions not collected by the capture system and capture system losses.

6.04. The Director, or his duly authorized representative may conduct such other tests as he may deem necessary to evaluate air pollution emissions other than those noted in Section 3.

~~6.05.~~ The Commission may publish, and from time to time revise, detailed test procedures and reporting instructions implementing the provisions of this section.

Section 7. Compliance Programs and Schedules.

7.01. In the event that a metal furniture coating line subject to this Regulation and in existence prior to the adoption of this Regulation does not meet the emission limitations, an acceptable program to fully comply with the regulation shall be developed and offered to the Commission by the person responsible for the source. This program shall be submitted upon the request of, and within such time as shall be fixed by the Commission. Once this program has been approved by the Commission, the owner and/or operator of such installation shall not be in violation of this Regulation so long as the approved or amended program is observed.

7.02. In the event that an owner or operator of such a metal furniture coating line fails to submit a program or an acceptable program and

schedule, the Commission shall, by order, determine the compliance program and schedule.

Section 8. Variance.

8.01. Due to unavoidable malfunction of equipment, emissions exceeding those provided for in this Regulation may be permitted by the Director for periods not to exceed ten (10) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the equipment malfunction. In cases of major equipment failure, additional time periods may be granted by the Commission provided a corrective program has been submitted by the owner or operator and approved by the Commission.

Section 9. Exemptions.

9.01. Sources subject to this Regulation whose emissions of volatile organic compounds are not more than 6.8 kilograms (15 pounds) in any one (1) day, nor more than 1.4 kilograms (3 pounds) in any one (1) hour will be exempt from Sections 3 through 8, provided the emission rates are determined and certified before _____ in a manner approved by the Director.

9.02. Sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance will be exempt from Sections 3 through 8 provided;

(a) The operation of the source is not an integral part of the production process; and,

(b) The emissions from the source do not exceed 363 kilograms (800 pounds) in any calendar month; and,

(c) The exemption is approved in writing by the Director.

Section 10. Effective Date.

Regulation XXVIII shall become effective _____.