

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Air Pollution Control Commission TITLE NUMBER: 45CSR29

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 45CSR29

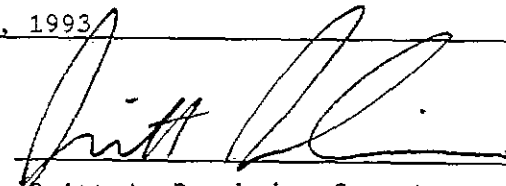
TITLE OF RULE BEING PROPOSED: "Regulation Requiring the Submission of
Emission Statements for Volatile Organic Compound Emissions and
Oxides of Nitrogen Emissions"

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) H.B. 100

SECTION 64-3-1(z), PASSED ON May 26, 1993

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: July 7, 1993


Britt A. Bernheim, Secretary
WV Air Pollution Control Commission

3.80

212 "On page fourteen, subsection §45.13.6.5 after the
213 word "[W]ithin" by striking the word "twelve (12)" and
214 inserting in lieu thereof the word "six (6)".

215 ~~(x)~~ The legislative rules filed in the state register on
216 the twenty-eighth day of August, one thousand nine
217 hundred ninety-two, modified by the air pollution
218 control commission to meet the objections of the
219 legislative rule-making review committee and refiled in
220 the state register on the nineteenth day of February, one
221 thousand nine hundred ninety-three, relating to the air
222 pollution control commission (regulations to prevent and
223 control air pollution from the operation of coal prepa-
224 ration plants and coal handling operations), are
225 authorized.

226 ~~(y)~~ The legislative rules filed in the state register on
227 the thirty-first day of August, one thousand nine
228 hundred ninety-two, modified by the air pollution
229 control commission to meet the objections of the
230 legislative rule-making review committee and refiled in
231 the state register on the nineteenth day of February, one
232 thousand nine hundred ninety-three, relating to the air
233 pollution control commission (requirements for pre-
234 construction review, determination of emission offsets
235 for proposed new or modified stationary sources of air
236 pollutants and emission trading for intrasource pollu-
237 tants), are authorized with amendments set forth below:

238 "On page twenty-one, subsection §45.19.12.5 after the
239 word "[W]ithin" by striking the word "twelve (12)" and
240 inserting in lieu thereof the word "six (6)".

241 ~~(z)~~ The legislative rules filed in the state register on
242 the twenty-eighth day of August, one thousand nine
243 hundred ninety-two, modified by the air pollution
244 control commission to meet the objections of the
245 legislative rule-making review committee and refiled in
246 the state register on the nineteenth day of February, one
247 thousand nine hundred ninety-three, relating to the air
248 pollution control commission (requiring the submission
249 of emission statements for volatile organic compound
250 emissions and oxides of nitrogen emissions), are autho-
251 rized with the amendments set forth below:

Adm.

*Title
45-29*

Adm.

252 "On page four, section 2.27. after the words 'VOC or'
253 by striking out the words '100 tons per year or more of'".

~~§64-3-2~~ Division of banking.

1 (a) The legislative rules filed in the state register on
2 the eleventh day of June, one thousand nine hundred
3 eighty-two, relating to commissioner of banking (com-
4 munication terminals and interchange systems), are
5 authorized.

6 (b) The legislative rules filed in the state register on
7 the fifteenth day of December, one thousand nine
8 hundred eighty-three, relating to the commissioner of
9 banking (consumer credit sales), are authorized.

10 (c) The legislative rules filed in the state register on
11 the nineteenth day of August, one thousand nine
12 hundred eighty-three, relating to the commissioner of
13 banking (legal lending limit), are authorized.

14 (d) The legislative rules filed in the state register, on
15 the seventh day of November, one thousand nine
16 hundred eighty-six, modified by the commissioner of
17 banking to meet the objections of the legislative rule-
18 making review committee and refiled in the state
19 register on the eleventh day of December, one thousand
20 nine hundred eighty-six, relating to the commissioner of
21 banking (implementing the West Virginia community
22 reinvestment act), are authorized.

23 (e) The legislative rules filed in the state register on
24 the twenty-fifth day of October, one thousand nine
25 hundred eighty-eight, modified by the commissioner of
26 banking to meet the objections of the legislative rule-
27 making review committee and refiled in the state
28 register on the seventh day of December, one thousand
29 nine hundred eighty-eight, relating to the commissioner
30 of banking (subsidiary bank holding the stock of its
31 parent company as collateral), are authorized.

32 (f) The legislative rules filed in the state register on
33 the twelfth day of August, one thousand nine hundred
34 ninety-one, modified by the division of banking to meet
35 the objections of the legislative rule-making review
36 committee and refiled in the state register on the

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[PROPOSED]
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TITLE 45
LEGISLATIVE RULE
WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 29
RULE REQUIRING THE SUBMISSION OF EMISSION
STATEMENTS FOR VOLATILE ORGANIC COMPOUND
EMISSIONS AND OXIDES OF NITROGEN EMISSIONS

§45-29-1. General.

1.1. Scope. -- This regulation rule requires the submission of an emission statement from owners and operators of stationary sources with emitting volatile organic compounds (VOCs) and/or oxides of nitrogen (NO_x) emissions. Facilities with less than 25 tons per year of plant-wide actual VOC or NO_x emissions are exempt from the requirements of this regulation rule if these such sources are included in the commission's Chief of Air Quality's base-year and periodic emissions inventories. This regulation rule applies only to stationary sources located in Putnam, Kanawha, Cabell, Wayne, Wood, and Greenbrier Counties.

1.2. Authority. -- W.Va. Code §16-20-5.

1.3. Filing Date. --

1.4. Effective Date. --

§45-29-2. Definitions.

For the purpose of this regulation rule, the following definitions shall apply:

2.1. "Actual emissions" means the ~~actual rate of emissions of a pollutant from an emissions unit for the calendar year or seasonal period within the calendar year.~~ Actual emission estimates must include upsets and downtime to parallel the documentation of these events in the emissions inventory and must follow an emission estimation method. quantity of volatile organic compounds (VOC) or oxides of nitrogen (NO_x) emitted from a source during a particular time period.

2.2. "AIRS" means the U.S. EPA's Aerometric Information Retrieval System.

2.3. "AFS" means AIRS Facility Subsystem.

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2.4. "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

2.5. "Annual fuel or process throughput rate" means the actual or estimated annual fuel usage or process operating rate.

2.6. "Certifying individual" means the individual responsible for the completion and certification of the emission statement (e.g. officer of the company) and who will take legal responsibility for the emission statement's accuracy.

2.7. "Chief of Air Quality" or "Chief" means the chief of the Office of Air Quality or his or her designated representative appointed by the Director of the Division of Environmental Protection pursuant to the provisions of §22-1-1, et seq., of the West Virginia Code.

2.8. "Commission" means the West Virginia Air Pollution Control Commission.

2.9. "Control efficiency" means the actual control efficiency achieved by the control device. The actual efficiency shall reflect control equipment downtime and maintenance degradation.

2.10. "Control equipment identification code" means the AIRS/AFS code which defines the equipment (such as an incinerator or carbon adsorber) used to reduce, by destruction or removal, the amount of air pollutant(s) in an air stream prior to discharge to the ambient air.

2.11. "Director" means the director of the Division of Environmental Protection or his or her designated representative.

2.12. "Division of Environmental Protection" or "DEP" means that division of the Department of Commerce, Labor and Environmental Resources which is created by the provisions of the West Virginia Code §22-1-1, et seq.

2.13. "Emission estimation method code" means a one-position code which identifies the estimation technique used in the calculation of estimated emissions.

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2.14. "Emissions Unit" means any part of a stationary source which emits or has the potential to emit any pollutant regulated pursuant to the provisions of this rule.

2.15. "Estimated emissions units" means a two-position code which identifies the units associated with an estimated emissions.

2.16. "Facility" means all of the pollutant-emitting activities that are located on one or more contiguous or adjacent properties, and are under the control of the same person (or person under common control).

2.17. "Measured emissions method code" means a one-position code which identifies the test method used to ascertain measured emissions.

2.18. "Measured emissions units" means a two-position code which identifies the units associated with a measured emissions value.

2.19. "Owner or operator" means any person who owns, leases, controls, operates, or supervises a facility, a source, or air pollution control or monitoring equipment.

2.20. "Oxides of nitrogen" (also denoted as NO_x) means, in air pollution usage, a compound comprised of nitric oxide (NO) and nitrogen dioxide (NO_2), expressed as molecular weight of NO_2 .

2.21. "Ozone season" means that period of the year during which conditions for photochemical ozone formation are most favorable. Generally, sustained periods of direct sunlight (i.e., long days, small cloud cover) and warm temperatures. For West Virginia, the ozone season is June, July, and August.

2.22 "Percent seasonal throughput" means the weighted percent of yearly activity for the following periods:

- a. December-February;
- b. March-May;
- c. June-August; and
- d. September-November.

2.23. "Person" means any and all persons, natural or artificial, including the state of West Virginia or any other state, the United States of America, any municipal, statutory, 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.

2.24. "Point" means a physical emission point or process within a facility that results in pollutant emissions.

2.25. "Potential to emit" means the capability of a source to emit a pollutant at a maximum design capacity, except as constrained by the rules of the commission or U.S. EPA enforceable conditions which include the effect of installed air pollution control equipment, restrictions on the hours of operation, and the type and amount of material combusted, stored, or processed.

2.26. "Source" means any building, structure, equipment, or installation that directly or indirectly releases or discharges, or has the potential to release or discharge, VOCs or NO_x into the ambient air.

2.27. "Stationary Source" means any stationary facility or source of air pollutants which directly emits, or has the potential to emit, 10 tons per year or more of VOC or 100 tons per year or more of NO_x.

2.28. "Typical ozone season day" means a day typical of that period of the year during which conditions for photochemical ozone formation are most favorable, generally, sustained periods of direct sunlight (i.e., long days, small cloud cover) and warm temperatures. For West Virginia, this day is a typical day during the period of June, July, and August until otherwise notified by the chief.

2.29. "Volatile Organic Compounds" (also denoted as VOCs) means any organic compound that participates in atmospheric photochemical reactions. This includes any organic compound other than the following exempt compounds: methane, ethane, methyl chloroform (1,1,1-trichloromethane), CFC-113 (trichlorotrifluoroethane), methylene chloride, CFC-11 (trichlorofluoromethane), CFC-12 (dichlorodifluoromethane), CFC-22 (chlorodifluoromethane), CFC-23 (trifluoromethane), CFC-114 (dichlorotetrafluoroethane), CFC-115, (chloropentafluoroethane), HCFC-123 (dichlorotrifluoroethane), HFC-134a (tetrafluoroethane), HCFC-141b (dichlorofluoroethane), HCFC-142b (chlorodifluoroethane), 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); and perfluorocarbon compounds which fall into these classes:

- a. Cyclic, branched, or linear, completely fluorinated alkanes;
- b. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- d. Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Any organic photochemically nonreactive compounds listed in the Federal Register by the U.S. EPA after the effective date of this rule may be exempted by the commission by reference as long as established scientific standards and guidelines are followed by the U.S. EPA. For purposes of determining compliance with emission limits, VOC will be measured by the test methods approved by the U.S. EPA. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emission standard.

§45-29-3. Applicability.

3.1. The provisions of this rule apply to stationary sources of volatile organic compounds (VOCs) or oxides of nitrogen (NO_x).

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3.2. Exemption. Facilities with less than 25 tons per year of plant-wide actual VOC or NO_x emissions are exempt from the requirements of this rule if such sources are included in the Chief of Air Quality's base year and periodic emissions inventories.

3.3. Counties affected. This rule applies only to stationary sources of VOCs or NO_x located in Putnam, Kanawha, Cabell, Wayne, Wood, and Greenbrier counties.

\$45-29-4. Compliance Schedule.

4.1. On or before July 1 of each year, the owner or operator of a stationary source subject to the requirements of this rule shall submit an emission statement to the Chief for the prior calendar year.

4.2. Emission statement reporting forms, guidance, and numerical codes or symbols will be provided by the chief for applicable sources.

4.3. The chief may require the submission of such data in a specified format on magnetic media.

\$45-29-5. Emission Statement Requirements.

5.1. The emission statement shall contain, at a minimum, the following information:

a. Certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. The certification shall include the full name, title, signature, date of signature, and telephone number of the certifying individual.

b. Source identification information:

1. Full name, physical location, and mailing address of the facility.

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- c. Operating data:
 - 1. Percentage annual throughput;
 - 2. Days per week for both the normal operating schedule and for a typical ozone season day (if different from the normal operating schedule);
 - 3. Hours per day for both the normal operating schedule and for a typical ozone season day (if different from the normal operating schedule); and
 - 4. Hours per year for both the normal operating schedule and for a typical ozone season day (if different from the normal operating schedule).

- d. Emissions information:
 - 1. Actual VOC and/or NO_x emissions at the process level, in tons per year and pounds per day for a typical ozone season day (estimated or measured);
 - 2. Emission method code (estimated or measured);
 - 3. Units code to identify the emissions units (tons per year or pounds per day); and
 - 4. Calendar year for the emissions.

- e. Control equipment information:
 - 1. Current primary and secondary control equipment identification codes; and
 - 2. Current control equipment efficiencies (%).

- f. Process rate data:
 - 1. Annual fuel or process throughput rate; and
 - 2. Peak ozone season daily process rate.

5.2. The owner or operator submitting an emission statement pursuant to the provisions of this rule shall maintain records of test methods, procedures, calculations or other information used to determine emission estimates for a period of three (3) years following the date of submittal.

5.3. The chief may require the submittal of records, test methods, or other data upon which the information in section 5.2 is based to verify emission estimates.

5.4. All non-confidential emission statement data will be submitted by the chief to U.S. EPA by updating AIRS/AFS on an annual basis. All confidential emission statement data will be submitted by the chief to U.S. EPA in accordance with the

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provisions of W. Va. Code §16-20-12 and rules promulgated thereunder.

§45-29-6. Enforceability.

For the purpose of federal enforceability of the provisions of this rule, reference to the commission, director, or chief shall also mean the Administrator of the U.S. EPA.

§45-29-7. Severability.

The provisions of this rule are severable and if any provision or part thereof shall be held invalid, unconstitutional, or inapplicable to any person or circumstance, such invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sections, or parts of this rule or their application to any persons and circumstances.

SENATE BILL NO. 171

(By Senator Manchin)

[Introduced March 1, 1993; referred to the
Committee on Energy, Industry and Mining; and
then to the Committee on the Judiciary.]

8

9

10 A BILL to amend and reenact section one, article three, chapter
11 sixty-four of the code of West Virginia, one thousand nine
12 hundred thirty-one, as amended, relating to authorizing the
13 air pollution control commission to promulgate legislative
14 rules relating to requiring the submission of emission
15 statements for volatile organic compound emissions and oxides
16 of nitrogen emissions.

17 **Be it enacted by the Legislature of West Virginia:**

18 That section one, article three, chapter sixty-four of the
19 code of West Virginia, one thousand nine hundred thirty-one, as
20 amended, be amended and reenacted, to read as follows:

21 **ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND**
22 **ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.**

23 **§64-3-1. Air pollution control commission.**

1 (a) The legislative rules filed in the state register on the
2 thirteenth day of August, one thousand nine hundred eighty-two,
3 relating to the air pollution control commission (series VII),
4 are authorized.

5 (b) The legislative rules filed in the state register on the
6 thirteenth day of August, one thousand nine hundred eighty-two,
7 relating to the air pollution control commission (series XIX),
8 are authorized.

9 (c) The legislative rules filed in the state register on the
10 sixteenth day of November, one thousand nine hundred
11 eighty-three, relating to the air pollution control commission
12 (emission standards for hazardous air pollutants) (series XV),
13 are authorized.

14 (d) The legislative rules filed in the state register on the
15 sixteenth day of November, one thousand nine hundred
16 eighty-three, relating to the air pollution control commission
17 (standards of performance for new stationary sources) (series
18 XVI), are authorized.

19 (e) The legislative rules filed in the state register on the
20 sixth day of January, one thousand nine hundred eighty-four,
21 relating to the air pollution control commission (to prevent and
22 control air pollution from hazardous waste treatment, storage or
23 disposal facilities)(series XXV), are authorized with the
24 amendments set forth below:

1 Page 3, §1.06, change the § title from "Enforcement" to
2 "Procedure"; place an "(a)" in front of the existing paragraph
3 and add the following:

4 "(b) Permit applications filed pursuant to this regulation
5 shall be processed in accordance with the permitting procedures
6 as set forth in code §20-5E of this regulation. Permit
7 procedures set forth in code §16-20 and any other regulation of
8 this commission are not applicable to any permit application
9 filed pursuant to this regulation."

10 Such rules shall also include a section which shall read as
11 follows:

12 "The commission shall report to the legislative rule-making
13 review committee as required by that committee, but in no event
14 later than the first day of the regular session of the
15 Legislature in the year one thousand nine hundred eighty-five.
16 Such report shall include information regarding the commission's
17 data gathering efforts, the development of compliance programs,
18 the progress in implementation, and such other matters as the
19 committee may require, pertaining to the regulations hereby
20 authorized."

21 (f) The legislative rules filed in the state register on the
22 ninth day of January, one thousand nine hundred eighty-four,
23 relating to the air pollution control commission (permits for
24 construction and modification of stationary sources of air

1 pollution for the prevention of significant deterioration)
2 (series XIV), are authorized.

3 (g) The legislative rules filed in the state register on the
4 thirtieth day of December, one thousand nine hundred
5 eighty-eight, modified by the air pollution control commission to
6 meet the objections of the legislative rule-making review
7 committee and refiled in the state register on the twenty-third
8 day of February, one thousand nine hundred eighty-nine, relating
9 to the air pollution control commission (prevention and control
10 of air pollution from hazardous waste treatment, storage or
11 disposal facilities), are authorized.

12 (h) The legislative rules filed in the state register on the
13 thirtieth day of December, one thousand nine hundred
14 eighty-eight, modified by the air pollution control commission to
15 meet the objections of the legislative rule-making review
16 committee and refiled in the state register on the twenty-third
17 day of February, one thousand nine hundred eighty-nine, relating
18 to the air pollution control commission (good engineering
19 practice as applicable to stack heights), are authorized.

20 (i) The legislative rules filed in the state register on the
21 thirtieth day of December, one thousand nine hundred
22 eighty-eight, modified by the air pollution control commission to
23 meet the objections of the legislative rule-making review
24 committee and refiled in the state register on the twenty-third
25 day of February, one thousand nine hundred eighty-nine, relating

1 to the air pollution control commission (TP-2, compliance test
2 procedures for regulation 2 -- to prevent and control particulate
3 air pollution from combustion of fuel in indirect heat
4 exchangers), are authorized.

5 (j) The legislative rules filed in the state register on the
6 sixth day of September, one thousand nine hundred eighty-nine,
7 modified by the air pollution control commission to meet the
8 objections of the legislative rule-making review committee and
9 refiled in the state register on the tenth day of January, one
10 thousand nine hundred ninety, relating to the air pollution
11 control commission (ambient air quality standards for sulfur
12 oxides and particulate matter), are authorized.

13 (k) The legislative rules filed in the state register on the
14 sixth day of September, one thousand nine hundred eighty-nine,
15 modified by the air pollution control commission to meet the
16 objections of the legislative rule-making review committee and
17 refiled in the state register on the tenth day of January, one
18 thousand nine hundred ninety, relating to the air pollution
19 control commission (prevention of air pollution emergency
20 episodes), are authorized.

21 (l) The legislative rules filed in the state register on the
22 sixth day of September, one thousand nine hundred eighty-nine,
23 modified by the air pollution control commission to meet the
24 objections of the legislative rule-making review committee and
25 refiled in the state register on the tenth day of January, one

1 thousand nine hundred ninety, relating to the air pollution
2 control commission (permits for construction and major
3 modification of major stationary sources of air pollution for the
4 prevention of significant deterioration), are authorized.

5 (m) The legislative rules filed in the state register on the
6 sixth day of September, one thousand nine hundred eighty-nine,
7 relating to the air pollution control commission (standards of
8 performance for new stationary sources), are authorized.

9 (n) The legislative rules filed in the state register on the
10 sixth day of September, one thousand nine hundred eighty-nine,
11 relating to the air pollution control commission (emission
12 standards for hazardous air pollutants), are authorized.

13 (o) The legislative rules filed in the state register on the
14 sixteenth day of October, one thousand nine hundred eighty-nine,
15 modified by the air pollution control commission to meet the
16 objections of the legislative rule-making review committee and
17 refiled in the state register on the tenth day of January, one
18 thousand nine hundred ninety, relating to the air pollution
19 control commission (prevention and control of emissions of toxic
20 air pollutants), are authorized.

21 (p) The legislative rules filed in the state register on the
22 tenth day of August, one thousand nine hundred ninety, relating
23 to the air pollution control commission (prevention and control
24 of air pollution from the emission of volatile organic compounds
25 from bulk gasoline terminals), are authorized.

1 (q) The legislative rules filed in the state register on the
2 thirteenth day of August, one thousand nine hundred ninety,
3 modified by the air pollution control commission to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the fifteenth day of November,
6 one thousand nine hundred ninety, relating to the air pollution
7 control commission (air quality management fee program), are
8 authorized.

9 (r) The legislative rules filed in the state register on the
10 tenth day of August, one thousand nine hundred ninety, relating
11 to the air pollution control commission (prevention and control
12 of air pollution from the emission of volatile organic compounds
13 from the storage of petroleum liquids in fixed roof tanks), are
14 authorized.

15 (s) The legislative rules filed in the state register on the
16 tenth day of August, one thousand nine hundred ninety, relating
17 to the air pollution control commission (prevention and control
18 of air pollution from the emission of volatile organic compounds
19 from petroleum refinery sources), are authorized.

20 (t) The legislative rules filed in the state register on the
21 twenty-eighth day of August, one thousand nine hundred ninety-
22 two, modified by the air pollution control commission to meet the
23 objections of the legislative rule-making review committee and
24 refiled in the state register on the nineteenth day of February,
25 one thousand nine hundred ninety-three, relating to the air

1 pollution control commission (requiring the submission of
2 emission statements for volatile organic compound emissions and
3 oxides of nitrogen emissions), are authorized.

4

5 NOTE: The purpose of this bill is to authorize the Air
6 Pollution Control Commission to promulgate legislative rules
7 relating to requiring the submission of emission statements for
8 volatile organic compound emissions and oxides of nitrogen
9 emissions.

10

11 Strike-throughs indicate language that would be stricken from
12 the present law, and underscoring indicates new language that
13 would be added.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

May 28, 1993

Randy Suter
Air Pollution Control Comm.
1558 Washington St., E
Charleston, WV 25305

HB 100 authorizing, Title 45, Series 29, Regulation Requiring the Submission of Emission Statements for VOC Emissions & Oxides of Nitrogen Emissions, passed the Legislature on May 26, 1993. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs HB 100, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office. Authorization for your legislative rule is cited in **HB 100** section **64-3-1(z)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, PLEASE SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division