

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #1

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JUL 6 4 35 PM '94

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

West Virginia Division of Environmental Protection  
AGENCY: Office of Air Quality TITLE NUMBER: 45CSR37  
RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code §§22-5-1 et seq.  
AMENDMENT TO AN EXISTING RULE: YES \_\_\_ NO X  
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_  
\_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 45CSR37

TITLE OF RULE BEING PROPOSED: "Provisions to Control Sulfur Dioxide  
Emissions and Ambient Air Quality Levels of Sulfur Dioxide in Hancock  
County"

DATE OF PUBLIC HEARING: August 9, 1994 TIME: 9:00 a.m.

LOCATION OF PUBLIC HEARING: Office of Air Quality  
1558 Washington Street, East  
Charleston, WV 25311

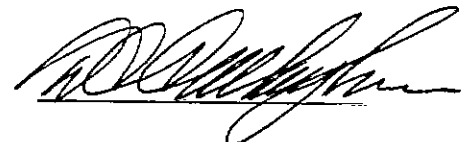
COMMENTS LIMITED TO: ORAL\_\_\_, WRITTEN\_\_\_, BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Same as above.

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



45CSR37

PROVISIONS TO CONTROL SULFUR DIOXIDE EMISSIONS AND  
AMBIENT AIR QUALITY LEVELS OF SULFUR DIOXIDE IN HANCOCK COUNTY

STATEMENT OF CIRCUMSTANCE

The purpose of this rule is to achieve attainment of the national and state ambient air quality standards for sulfur dioxide in the Hancock County area and to subsequently maintain such attainment. The national and state ambient air quality standards are being seriously violated under current regulatory provisions.

45CSR37

**PROVISIONS TO CONTROL SULFUR DIOXIDE EMISSIONS AND  
AMBIENT AIR QUALITY LEVELS OF SULFUR DIOXIDE IN HANCOCK COUNTY**

**SUMMARY**

This rule establishes emission standards, compliance determination methods and other requirements for the control of sulfur dioxide emissions and ambient concentrations of sulfur dioxide associated with sources of such emissions in Hancock County. The intent of the rule is to achieve attainment of the national and state ambient air quality standards for sulfur dioxide in the Hancock County area and to subsequently maintain such attainment.

**APPENDIX B**

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: 45CSR37 - Provisions to Control Sulfur Dioxide Emissions and Ambient Air Quality Levels of Sulfur Dioxide in Hancock County

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	There-after
Estimated Total Cost	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Personal Services	-0-	-0-	-0-	-0-	-0-
Current Expense	-0-	-0-	-0-	-0-	-0-
Repairs and Alterations	-0-	-0-	-0-	-0-	-0-
Equipment	-0-	-0-	-0-	-0-	-0-
Other	-0-	-0-	-0-	-0-	-0-

2. Explanation of above estimates:

Costs incurred are covered under the budget estimates for implementing the Clean Air Act, as amended, under 45CSR30, promulgated by the Legislature during the 1994 Session.

3. Objectives of these rules:

This rule establishes emission standards, compliance determination methods and other requirements for the control of sulfur dioxide emissions from sources of such emissions in Hancock County. The intent of the rule is to achieve attainment of the national and state ambient air quality standards for sulfur dioxide in the Hancock County area and to subsequently maintain such attainment.

Appendix B  
Fiscal Note For Proposed Rules  
Page Two

4. Explanation of overall economic impact of proposed rule.

A. Economic impact on state government.

Rule implementation should have minimal impact on state government. Cost of enforcement of this rule is included in prior estimates for implementing Title V permits under 45CSR30.

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

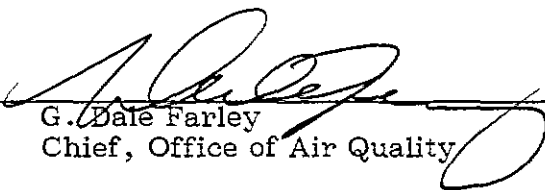
This rule could have substantial economic impact upon two industrial facilities in Hancock County: Weirton Steel Corporation and Quaker State Oil Refining Corporation. Additional fuel costs to modify exhaust stacks and costs to install and maintain emissions monitoring equipment would be incurred by these companies.

C. Economic impact on citizens/public at large.

This rule should have minimal impact upon the citizens and public at large.

Date: July 6, 1994

Signature of agency head or authorized representative:

  
\_\_\_\_\_  
G. Dale Farley  
Chief, Office of Air Quality

BRIEFING DOCUMENT - RULES AND POLICY

BUREAU OF ENVIRONMENT  
DIVISION OF ENVIRONMENTAL PROTECTION

45CSR37

PROVISIONS TO CONTROL SULFUR DIOXIDE EMISSION AND  
AMBIENT AIR QUALITY LEVELS OF SULFUR DIOXIDE IN HANCOCK COUNTY

JULY 6, 1994

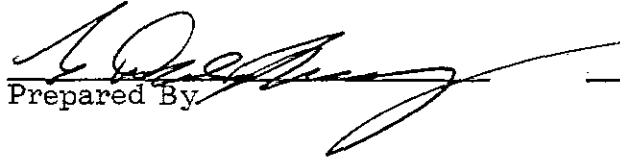
- A. AUTHORITY: W. Va. Code §§22-5-1 et seq.
- B. SCOPE: This rule establishes emission standards, compliance determination methods and other requirements for the control of sulfur dioxide emissions from sources of such emissions in Hancock County. The intent of the rule is to achieve attainment of the national and state ambient air quality standards for sulfur dioxide in the Hancock County area and to subsequently maintain such attainment.
- C. JUSTIFICATION: Violations of the annual ambient air quality standard for sulfur dioxide has been measured in Weirton since the early 1980's. More extensive measurements in the last two years show serious violations of the 3-hour and 24-hour sulfur dioxide standards. The current sulfur dioxide emission standards need to be made substantially more stringent in Hancock County to assure attainment of the ambient standards.
- D. CSR CITE: 45CSR37
- E. FEDERAL CITE: The Director has determined that this rule is necessary to achieve attainment of the national and state ambient air quality standards for sulfur dioxide established pursuant to the Federal Clean Air Act, as amended. There are no counterpart federal emission standards, facility design or other facility operating requirements for this purpose.

F. TIME SCHEDULE:

Filing with the Secretary of State's office on or about July 6, 1994.


Date of Public Hearing: August 9, 1994

Filing with the LRMRC: on or about August 12, 1994.

  
Prepared By

Air Quality  
Office of

558-3286  
Telephone

  
Approved By (Chief)

Approved By (Director)

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45CSR37

JUL 6 4 35 PM '94

TITLE 45  
LEGISLATIVE RULES  
BUREAU OF ENVIRONMENT  
DIVISION OF ENVIRONMENTAL PROTECTION OFFICE OF WEST VIRGINIA  
OFFICE OF AIR QUALITY SECRETARY OF STATE

SERIES 37  
PROVISIONS TO CONTROL SULFUR DIOXIDE EMISSIONS  
AND AMBIENT AIR QUALITY LEVELS OF SULFUR DIOXIDE  
IN HANCOCK COUNTY

**§45-37-1. General.**

1.1. Scope. -- This rule establishes emission standards, compliance determination methods and other requirements for the control of sulfur dioxide emissions from sources of such emissions in Hancock County. The intent of the rule is to achieve attainment of the national and state ambient air quality standards for sulfur dioxide in the Hancock County area and to subsequently maintain such attainment.

1.2. Authority. -- W. Va. Code §22-5-1 et seq.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Incorporation by Reference -- Federal Counterpart Regulation. Emission monitoring, emission test procedures and criteria, and related recordkeeping and reporting requirements promulgated by USEPA in 40 CFR Part 60 are adopted by reference. The emission standards and other provisions of this rule are intended to bring about attainment with the national and state ambient air quality standards and have no federal counterpart for inclusion.

1.6. Determination of Stringency -- Federal Counterpart Regulation. The Director has determined that this rule is necessary to achieve attainment of the national and state ambient air quality standards for sulfur dioxide established pursuant to the Federal Clean Air Act, as amended. There are no counterpart federal emission standards, facility design or other facility operating requirements for this purpose.

1.7. Constitutional Takings Determination -- The Director has determined that this rule will not result in a constitutional taking of real property.

**§45-37-2. Definitions.**

2.1. "Coal" means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society of Testing and Materials, Designation D388-77.

2.2. "Construction" means fabrication, erection, or installation of an emissions source or facility subject to this rule.

45CSR37

2.3. "Continuous monitoring system" means the total equipment, required to sample and condition (if applicable), to analyze and to provide a permanent record of emissions or process parameters.

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

2.5. "Discharge" means the release or emission of air pollutants into the air.

2.6 "Division of Environmental Protection", 'DEP' means the Division of Environmental Protection as defined in W. Va. Code §§22-1-1 et seq.

2.7. "Enforceable" means enforceable by the Director and the United States Environmental Protection Agency (USEPA).

2.8. "Excess emissions" means any sulfur dioxide emission rate or concentration exceeding an emission standard in section 4 of this rule.

2.9. "Excess Emissions and Monitoring Systems performance report" means a report that must be submitted periodically by the owner or operator of a source in order to provide data on its compliance with stated emission limits and operating parameters, and on the performance of its monitoring systems.

2.10. "Flare" means and includes a combustion source normally comprised of but not limited to a length of stack or pipe which has an attached burner mechanism designed to destroy liquid or gaseous material with an open or semi-enclosed flame.

2.11. "Heat input" means heat derived from combustion of fuel in a boiler, process heater, or other fuel combustion device and does not include the heat input from preheated combustion air, recirculated flue gases, or exhaust gases from other sources, such as gas turbines, internal combustion engines, kilns, etc.

2.12. "Incinerator" means any device or furnace designed to destroy combustible refuse.

2.13. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

2.14. "Modification" means for the purpose of this rule, any physical change or change in the method of operation of any sulfur dioxide emission source subject to this rule which results in or may result in an increase of 2 pounds per hour or 5 tons per year or more of sulfur dioxide.

2.15. "Owner or Operator" means any person who owns, leases, operates, controls, or supervises a source subject to air pollutant emission standards.

45CSR37

2.16. "Person" means any and all persons, natural or artificial, including the State of West Virginia or any other state and all agencies or divisions thereof, any state political subdivision, the United States of America, any municipal, public, statutory, or private corporation or association organized or existing under the laws of this or any other state or country, and any firm, partnership, or association of whatever nature.

2.17. "Process unit" means any source of sulfur dioxide emission other than boilers, process heaters, incinerators, or flares associated with any manufacturing process.

2.18. "Refinery fuel gas" means any gas which is generated at a petroleum refinery and which is combusted.

2.19. "Refuse" means the useless and/or unwanted or discarded solid, liquid and/or gaseous waste materials resulting from community, commercial, industrial or citizen activities.

2.20. "Run" means the net period of time during which sufficient emission samples are collected to characterize a three hour period in accordance with the applicable emission test procedure.

2.21. "Shut-down" means the cessation of a facility subject to this rule for any purpose.

2.22. "State Implementation Plan", 'SIP' means a State Implementation Plan approved by USEPA which provides for implementation, maintenance, and enforcement of national ambient air quality standards for each state (or portion thereof).

2.23. "Stack" means, for the purpose of this rule, but is not limited to, any duct, control equipment exhaust, or similar apparatus, which vents gases and/or particulate matter into the open air.

2.24. "Start-up" means the setting in operation of a facility subject to this rule for any purpose.

2.25. "Sulfur dioxide" means an air pollutant which is a nonflammable, nonexplosive, colorless, gaseous molecule composed of one (1) atom of sulfur and two (2) atoms of oxygen. In concentrations of 0.3 to 1.0 parts per million and above, most people can detect it by taste; in concentrations greater than 3.0 parts per million it has a pungent, irritating odor to most people.

2.26. "USEPA" means the United States Environmental Protection Agency.

**§45-37-3. Requirements.**

3.1. No person shall operate any source of sulfur dioxide emissions subject to the emissions standards or other provisions of this rule unless such source is in compliance with the provisions of this rule. No person shall construct or modify or cause to be constructed or modified any source subject to the requirements of this rule without first obtaining a permit for such construction or modification in accordance with all applicable permitting rules enforced by the Director.

3.2. At all times, including periods of start-up, shut-down, and malfunction, owners and operators shall, to the extent practicable, maintain and operate all sources of sulfur dioxide emissions subject to this rule including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

**§45-37-4. Sulfur Dioxide Emission Standards.**

4.1. The following sulfur dioxide emission limitations or operating limitations shall apply to the listed emission sources owned and operated by Weirton Steel Corporation or its assigns or successors at Weirton, West Virginia:

- a. High pressure boilers No. 1, 2, 3, and 4:
  - A. 1.2 pounds of sulfur dioxide per million Btu of heat input when coal or a combination of coal with fuel oil or gas is fired.
  - B. 0.6 pounds of sulfur dioxide per million Btu of heat input when fuel oil or a combination of fuel oil and gas is fired.
- b. Low pressure boilers No. 1 and 2, basic oxygen furnace waste heat boilers, reheat furnaces No. 1 and 2, and high pressure boiler No. 5:
  - A. 0.6 pounds of sulfur dioxide per million Btu of heat input when firing fuel oil or a combination of fuel oil and gas.
- c. Sinter plant: 120 pounds of sulfur dioxide per hour.
- d. Slag granulator: 32 pounds of sulfur dioxide per hour.
- e. Blast furnace gas or natural gas shall be the only fuels fired in low pressure boiler No. 15, the two Foster Wheeler boilers and combustion sources at the hydrochloric acid regeneration plant, continuous annealing facility, jumbo annealing facility, detinning facility, galvanizing facility, and blast furnace stoves.

#### 45CSR37

4.2. The following sulfur dioxide emission or operating limitations shall apply to the listed emission sources owned and operated by Quaker State Oil Refining Corporation or its assigns or successors at its Congo refinery:

a. Fluidized-bed boilers No. 1 and 2: 1.2 pounds of sulfur dioxide per million Btu of heat input.

b. Fuel-oil fired boilers A and B: 0.38 pounds of sulfur dioxide per million Btu of heat input when firing fuel oil or fuel oil in combination with natural or refinery gas.

c. No refinery fuel gas or other process gas stream shall be fired in any combustion device, including but not limited to, boilers, process heaters, incinerators, and flares, which contains greater than 50 grains of hydrogen sulfide per dry standard cubic feet of gas.

d. The Isomax unit heater, designated as H-605 shall fire only natural gas. The vacuum fractionator heater, designated as H-701, shall fire only refinery fuel gas or natural gas.

e. Except as otherwise provided in this section, any process heater in which fuel oil is fired shall comply with an emission limitation of 1.1 pounds of sulfur dioxide per million Btu's of heat input when firing fuel oil or a combination of fuel oil and refinery fuel gas or natural gas.

f. Process heaters H-101, H-501/6, and H-601/4: not more than two of these process heaters shall be fired with fuel oil concurrently.

4.3. Notwithstanding the emission control requirements of any other rule, no boiler, process heater, incinerator, or flare with a design heat input greater than 3 million Btu per hour shall be operated by any person within Hancock County unless such fuel burning unit or combustion device complies with an emission limitation which does not exceed 0.6 pounds of sulfur dioxide per million Btu of heat input.

4.4. Notwithstanding the emission control requirements of any other rule, no process unit shall be operated by any person within Hancock County unless all exhaust gas streams from such process unit comply with sulfur dioxide concentration limits which do not exceed 50 parts per million by volume.

#### **§45-37-5. Compliance Testing and Monitoring Requirements.**

5.1. Continuous emission monitoring systems shall be installed, calibrated, maintained and operated to measure sulfur dioxide emissions and either oxygen or carbon dioxide concentrations in the exhaust gases from the following fuel burning equipment or process units:

a. At the Weirton integrated steel production plant operated by Weirton Steel Corporation or its assigns or successors:

45CSR37

- A. High pressure boilers Nos. 1, 2, 3 and 4
- B. Low pressure boilers Nos. 1 and 2
- C. BOF waste heater boiler
- D. Reheat furnaces Nos. 1 and 2
- E. Sinter Plant

b. At the Congo refinery operated by Quaker State Oil Refining Corporation or its assigns or successors:

- A. Fluidized-bed boilers Nos. 1 and 2
- B. Fuel oil-fired boilers A and B

c. Installation, calibration, maintenance and operation of the continuous emission monitoring systems required under subsection 5.1.a. and 5.1.b shall comply with the following provisions under 40 CFR Part 60 which are adopted by reference:

- A. Part 60.13(a)
- B. Part 60.13(c)
- C. Part 60.13(d)(1)
- D. Part 60.13(e)(2)
- E. Part 60.13(f)
- F. Part 60.13(g)
- G. Part 60.13(h)
- H. Part 60.13(i)
- I. Part 60.13(j)
- J. Part 60.45(c)
- K. Part 60.45(e)
- L. Part 60.45(f)
- M. Part 60.46(b)(4)
- N. Part 60, Appendix A, Methods 6, 6A, and 6B
- O. Part 60, Appendix B, Performance Specification 2
- P. Part 60, Appendix B, Performance Specification 3

Where the term "Administrator" (USEPA) is used within any of the adopted 40 CFR Part 60 provisions the term shall mean the Director.

5.2. A continuous emission monitoring system(s) shall be installed, calibrated, maintained, and operated to measure the concentration of hydrogen sulfide in all refinery fuel gas streams at the Congo refinery operated by Quaker State Oil Refining Corporation or its assigns or successors. Installation, calibration, maintenance, and operation of this continuous emission monitoring system shall comply with the following provisions of 40 CFR Part 60 which are adopted by reference:

45CSR37

- a. Part 60.13(a)
- b. Part 60.13(c)
- c. Part 60.13(d)(1)
- d. Part 60.13(e)(2)
- e. Part 60.13(f)
- f. Part 60.13(g)
- g. Part 60.13(h)
- h. Part 60.13(i)
- i. Part 60.13(j)
- j. Part 60.105(a)(4)
- k. Part 60.106(e) Part 60, Appendix A, Method 11
- l. Part 60, Appendix B Performance Specification 7

The Director may approve the installation of sulfur dioxide and oxygen monitoring systems to monitor sulfur dioxide emissions in the exhaust gases from combustion units firing refinery fuel gas in lieu of a hydrogen sulfide monitoring systems for the fuel gas streams. Such sulfur dioxide and oxygen monitoring systems shall be subject to the performance specifications, quality assurance procedures and other related requirements under 40 CFR Part 60.

5.3. All data required to be collected under subsections 5.1 and 5.2 shall be quality assured in accordance with 40 CFR Part 60, Appendix F Quality Assurance Procedures which is adopted herein by reference.

5.4. The Director may require any person subject to this rule to install, calibrate, maintain and operate continuous emission monitoring equipment in accordance with provisions of 40 CFR Part 60 adopted by reference in subsections 5.1 and 5.2.

5.5. Sources of sulfur dioxide subject to this rule shall demonstrate compliance with the emission standards under Section 4 using data collected in accordance with subsections 5.1., 5.2. and 5.4. and reference emissions test procedures in 40 CFR Part 60, Appendix A, Methods 6, 6A, 6B, and 19. In addition to the emissions data collected pursuant to this sub-section, the Director may use any other credible evidence in determining compliance with this rule.

5.6. Compliance with this rule shall be based upon a three-hour rolling average determination of the sulfur dioxide emissions rate or concentration (or hydrogen sulfide concentration) where continuous emissions monitoring data is used to determine compliance. Any source of sulfur dioxide emissions not subject to continuous monitoring requirements must demonstrate compliance in accordance with subsection 5.5 not less frequently than semi-annually (six month intervals or more frequently). At least three test runs, each with sufficient samples to characterize a three hour period representative of normal source operation, shall be required for each compliance demonstration using the reference test procedures specified in subsection 5.5. The Director may order any person subject to this rule to conduct or have conducted an emissions test at any time that he or she has reason to believe that an emission limitation may be exceeded. The semi-annual tests shall otherwise be scheduled as ordered by or in consultation with the Director.

## 45CSR37

5.7. Any person subject to this rule and to the requirement of demonstrating compliance using a reference test method under 40 CFR Part 60, Appendix A shall be required to submit a test protocol to the Director for approval at least thirty (30) days prior to the projected test dates. The Director shall be provided written notice of the actual test dates after approval of the test protocol but not less than fifteen (15) days prior to the first date of testing.

5.8. Should the Director exercise his option to conduct emissions tests or monitoring, the owner or operator of a source of sulfur dioxide emissions subject to this rule shall provide all necessary sampling connections and sampling ports to be located in such a manner as the Director may require, power for test equipment, safe sampling platforms and safe access to such sampling platforms.

### **§45-37-6. Recordkeeping and Reporting Requirements.**

6.1. Any person subject to continuous monitoring requirements under subsection 5.1, 5.2, or 5.4 of this rule shall provide written notice to the Director at least thirty (30) days prior to any performance demonstration of the continuous monitoring system or device.

6.2. Each owner or operator required to install a continuous monitoring system or monitoring device shall submit an excess emissions and monitoring systems performance report to the Director quarterly unless the Director determines that monthly reports are required in which case he or she shall provide written notice of such requirements or shall include such a requirement in a construction permit or operating permit. All such reports shall be post-marked by the thirtieth day following the end of each calendar quarter or fifteenth day following each calendar month for monthly reports. Written reports of excess emissions shall include the following information:

a. The magnitude of excess emissions computed in accordance with 40 CFR §60.13(h), any conversion factor(s) used, the date and the time at which the excess emissions started and ended for each occurrence of excess emissions, and the process operating time during the reporting period.

b. Specific identification of each period of excess emissions that occurs during start-ups, shut-downs, and malfunctions of the affected facility. Each malfunction report filed with the Director in accordance with subsection 6.6 shall be referenced by report number with the date of occurrence and date of report submission noted.

c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

d. When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

## 45CSR37

If the total duration of excess emissions during the reporting period is less than 1 percent of the total operating time for the reporting period and downtime for the continuous monitoring system for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form listed as Figure 1 in 40 CFR 60.7(d) shall be submitted and the excess emission report described above need not be submitted unless requested by the Director. If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total continuous system downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described above shall both be submitted to the Director.

6.3. Any owner or operator subject to this rule shall maintain records of the occurrence and duration of any start-up, shut-down or malfunction in the operation of sources subject to this rule, any malfunction of air pollution control equipment, or any periods during which a continuous monitoring system or device is inoperative. These records shall be retained for at least five (5) years following the date of such measurements, maintenance, reports, and records and shall be made available to the Director upon request or during any facility inspection.

6.4. Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least five (5) years following the date of such measurements, maintenance, reports, and records and shall be made available to the Director upon request or during any facility inspection.

6.5. Any report of an emissions test conducted by or for an owner or operator pursuant to subsection 5.5 and 5.6 shall be completed, certified and submitted to the Director within thirty (30) days of the final sampling date for the test.

6.6. The owner or operator of a source of sulfur dioxide emissions subject to this rule shall report to the Director, by telephone or telefax, any malfunction of such source or its air pollution control equipment which results in any excess sulfur dioxide emission rate or concentration within twenty-four (24) hours of becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Director within ten (10) days providing the following information:

a. A detailed explanation of the factors involved or causes of the malfunction.

b. The date and time of duration (with starting and ending times) of the period of excess emissions.

## 45CSR37

c. An estimate of the mass of excess emissions discharged during the malfunction period.

d. The maximum emission rate or concentration measured or otherwise determined during the malfunction in units of the applicable emissions standard.

e. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction.

f. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

### §45-37-7 Circumvention.

7.1. No owner or operator subject to the provisions of this rule shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

### §45-37-8. Stack Height Requirements.

8.1. Except as provided in Section 8.3, all exhaust gases from high pressure boilers 1, 2, 3, and 4 at Weirton Steel Corporation's (assigns or successors) Weirton integrated steel production plant shall be discharged to the air from a stack(s) with good engineering practice stack height(s) calculated in accordance with paragraph 2.4.b of 45CSR20.

8.2. Except as provided in subsection 8.3, all exhaust gases from fluidized-bed boilers Nos. 1 and 2 and fuel oil-fired boilers A and B at Quaker State Oil Refining Corporation, its assigns or successors, shall be discharged to the air from a stack(s) with a height(s) of 65 meters above ground level elevation at the base of the stack(s).

8.3. The Director may relieve Weirton Steel Corporation or Quaker State Oil Refining Corporation (its assigns or successors to either company) from the requirement to comply with sub-section 8.1 or 8.2 pursuant to a demonstration by either company, approved by the Director and USEPA, assuring attainment of the ambient air quality standards for sulfur dioxide under the emission and operating limitations set forth in section 4 or upon formal approval and incorporation into the State Implementation Plan of alternative emission or operating limitations in accordance with an approved attainment demonstration.

## 45CSR37

### **§45-37-9. Compliance Programs and Schedules.**

9.1. In the event that a source(s) of sulfur dioxide emissions in existence on the effective date of this rule cannot comply with the requirements of this rule, an acceptable program to fully comply shall be developed and submitted to the Director by the owner or operator of the source(s). This program shall be submitted to the Director within sixty (60) days of the effective date of this rule and shall provide for compliance to be achieved as expeditiously as practicable but not later than twelve (12) months from the effective date of this rule.

9.2. In the event that an owner or operator of such source(s) of sulfur dioxide emissions fails to submit an acceptable program and schedule, the Director shall, by order determine the compliance program and schedule.

### **§45-37-10. Relationship to Other Rules.**

10.1. The provisions of this rule shall supersede the provisions of 45CSR10 with respect to sources of sulfur dioxide emissions in Hancock County. In the event of any inconsistency in this rule and any other rule of the West Virginia Division of Environmental Protection, 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.