TITLE 45
LEGISLATIVE RULE

DIVISION OF ENVIRONMENTAL PROTECTION
OFFICE OF AIR QUALITY

SERIES 2
TO PREVENT AND CONTROL PARTICULATE AIR
POLLUTION FROM COMBUSTION OF FUEL IN INDIRECT HEAT EXCHANGERS

§45-2-1. General.

1.1. Scope. -- Series 2 establishes emission limitations for smoke and particulate matter which are discharged from fuel burning units. The Appendix to this rule incorporates the compliance determination methods and procedures.

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

1.3. Filing Date. – June 2, 2000

1.4. Effective Date. – August 31, 2000

1.5. Former Rules. – This legislative rule amends 45CSR2 - 'To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers"' which was filed on April 28, 1995 and became effective on May 1, 1995.

§45-2-2. Definitions.

2.1 “ASTM” means American Society for Testing and Materials.

2.2. "Air Pollutants" means solids, liquids, or gases which, if discharged into the air, may result in a statutory air pollution.

2.3. "Air Pollution" or "statutory air pollution" shall have the meaning ascribed to it in WV Code §22-5-2.

2.4. "Air Pollution Control Equipment" means any equipment used for collecting or confining particulate matter for the purpose of preventing or reducing the emission of this air pollutant into the open air.

2.5. "Control Equipment" means any equipment used for collecting or confining particulate matter for the purpose of preventing or reducing the emission of this air pollutant into the open air.

2.6. "Director" means the Director of the West Virginia Division of Environmental Protection or such other person to whom the Director has delegated authority or duties pursuant to W. Va. Code §22-1-6 or §22-1-8.

2.7. "Discharge Point" means the point at which particulate matter is released from a stack into open air.

2.8 “Distillate Oil” means fuel oil that complies with the specifications for fuel oil numbers 1or 2, as defined by the American Society for Testing and Materials in ASTM D396-98, “Standard specification for Fuel Oils”.

2.9. "Fuel" means any form of combustible matter (solid, liquid, vapor, or gas) that is used as a source of heat.

2.10. "Fuel Burning Unit" means and includes any furnace, boiler apparatus, device, mechanism, stack, or structure used in the process of burning fuel or other combustible material for the primary purpose of producing heat or power by indirect heat transfer. For the purposes of this rule, all fuel burning units are classified in the following categories:

2.10.a. Type 'a' means any fuel burning unit which has as its primary purpose the generation of steam or other vapor to produce electric power for sale.

2.10.b. Type 'b' means any fuel burning unit not classified as a Type 'a' or Type 'c' unit such as industrial pulverized-fuel-fired furnaces, cyclone furnaces, gas-fired and liquid-fuel-fired units.

2.10.c. Type 'c' means any hand-fired or stoker-fired fuel burning unit not classified as a Type 'a' unit.

2.11. "Fugitive Particulate Matter" means any and all particulate matter generated by any operation involving or associated with the combustion of fuel in fuel burning units which, if not confined, would be emitted directly into the open air from points other than a stack outlet.

2.12. "Fugitive Particulate Matter Control System" means any equipment or method used to confine, collect, or dispose of fugitive particulate matter, including, but not limited to, hoods, bins, duct work, fans, and air pollution control equipment.

2.13. "Heat Input" means the rate of heat release from all fuels fired in all similar units vented by the test stack during the test run period.

2.13.a. 'Design Heat Input (DHI)' means the heat input level (in MM Btu/hr) for which an individual fuel burning unit has been designed to be operated during continuous operation.

2.13.b. 'Total Design Heat Input (TDHI)' means the sum of the design heat inputs for all similar units located at one plant.

2.13.c. 'Normal Maximum Operating Load (NMOL)' means the sum of the Design Heat Input levels (in MM Btu/hr) of the similar unit(s) vented by the test stack, unless the owner/operator has elected to operate one or more of the similar units vented by the test stack at or below a specified percentage of its Design Heat Input level as part of a compliance program, permit, or consent order officially accepted by the Director. In such event, the NMOL is the sum of the Design Heat Input levels or fractions thereof as appropriate (i.e., NMOL = 0.75 DHI_1 + DHI_2).

2.14 “Indirect Heat Exchanger” means a device that combusts any fuel and produces steam or heats water or any other heat transfer medium. This term includes any duct burner that combusts fuel and in part of a combined cycle system. This term does not include process heaters as defined in subsection 2.26.

2.15. "Laboratory Official" means the person, qualified by experience or education, who is charged with overseeing or conducting the laboratory analysis of the collected samples. This person is responsible for ensuring the accuracy and validity of the laboratory results.

2.16. "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.

2.17 “Natural Gas” means (1) a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth’s surface, of which the principal constituent is methane, or (2) liquified petroleum (LP) gas, as defined by the American Society for Testing and Materials in ASTM D1835-97, “Standard specification for Liquified Petroleum Gases.”

2.18. "Normal Operation" when used in the context of fuel quality and combinations fired, means the type, quality, and combination of fuel(s) fired which is representative of the fuel or fuel combination fired, in the unit(s) tested, over a reasonable period prior to the test, and the fuel or fuel combination which might reasonably be expected to continue to be fired in this unit after the test. If the type of fuel, quality or combination used in the unit is variable, use the type, quality, and/or combination fired in day-to-day operation which can reasonably be expected to produce the greatest particulate matter loading to the control equipment (e.g., if coal is fired eight months out of the year and gas is fired four months out of the year, coal is to be burned during the test).

2.19. “Opacity” means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

2.20. "Owner or Operator" means the person responsible for the compliance of the fuel burning units subject to the provisions of 45CSR2.

2.21. "Particulate Matter" means any material except uncombined water that exists in a finely divided form as a liquid or solid.

2.22. "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.

2.23. "Plant" means and includes all fuel burning units, source operations, equipment, and grounds utilized in an integral complex.

2.24. "Prefilter" means a filter used in the sampling train prior to the primary filter for the purpose of reducing the particulate matter build-up on the primary filter.

2.25. "Primary Filter" means the last filter used in the sampling train to separate the particulate matter sample from the sampled stack gas.

2.26 “Process Heater” means a device that is primarily used to heat a material to initiate or promote a chemical reaction in which the material participates as a reactant or catalyst.

2.27. "Probe" means the part of the pitot tube assembly (nozzle, sample tube, pitot tube, filter holder(s), sensor(s)), which precedes the last filter in the sampling train and conveys the sample gas and particulate matter from the nozzle inlet to the last filter disc used for collecting stack particulate matter.

2.28 “Residual Oil” means crude oil, fuel oil that does not comply with the specifications under the definition of distillate oil, and all fuel numbers 4, 5 and 6, as defined by the American Society for Testing and Materials in ASTM D396-98, “Standard for the Specification for Fuel Oils”.

2.29. "Sampling Plane" means the imaginary plane located perpendicular to the gas flow in the duct or stack at the place selected for the extraction of the required samples.

2.30 “Shipment” means any discrete, identifiable quantity of fuel for which a quality report is available. For example, a fuel shipment may be All fuel delivered from a specific lot, identified by the lot number, or fuel delivered under a specific purchase order number.

2.31. "Shutdown" means the cessation of operation of a fuel burning unit(s) subject to this rule for any purpose.

2.32. "Similar Unit(s)" means all Type 'a', or all Type 'b', or all Type 'c' fuel burning units located at one plant.

2.33. "Smoke" means small gasborne and airborne particulate matter arising from a process of combustion in sufficient number to be visible.

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

2.35. "Start-up" means the setting in operation of a fuel burning unit subject to this rule for any purpose.

2.36. "Test Team Supervisor" means the person, qualified by experience or education, who is charged with supervising the stack test. This person is responsible for ensuring the validity and correctness of the submitted test results.

2.37. "Wet Scrubber System" means any emission control device that mixes an aqueous stream or slurry with the exhaust gases from an indirect heat exchanger to control emissions of particulate matter (PM) or SO_2.

2.38. "Wood" means wood, wood residue, bark, or any derivative fuel or residue thereof, in any form, including, but not limited to, sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings and processed pellets made from wood or other forest residues.

2.39 Other words and phrases used in this rules, unless otherwise indicated, shall have the meaning ascribed to them in W.Va. 22-5-1 et seq.

§45-2-3. Visible Emissions of Smoke And/Or Particulate Matter Prohibited And Standards of Measurement.

3.1. No person shall cause, suffer, allow, or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is darker in shade or appearance than ten (10) percent opacity based on a six minute block average.

3.2. Compliance with the visible emission requirements of subsection 3.1 of this section shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9 (July 1, 1994) or by using measurements from continuous opacity monitoring systems approved by the Director. The Director may require the installation, calibration, and operation of continuous opacity monitoring systems and

may establish policies for the evaluation of continuous opacity monitoring results and the determination of compliance with the visible emission requirements of subsection 3.1. of this section. Compliance opacity monitors shall not be required on fuel burning units which employ wet scrubbing systems for emission control.

3.3. If the owner or operator of a fuel burning unit can demonstrate to the satisfaction of the Director that compliance with subsection 3.1 cannot practically be achieved with respect to soot blowing operations or during the cleaning of a fire box, the Director may formally approve specific visible emission standards applicable to the fuel burning unit for soot blowing periods; provided that the exception period shall not exceed a total of six (6) minutes per eight hour period with visible emissions limited to thirty percent (30%) opacity.

3.4. The Director may approve an alternative visible emission standard to that required under subsection 3.1 of this section, not to exceed twenty (20) percent opacity, upon the filing of a written petition by the owner or operator, which petition shall include a demonstration satisfactory to the Director:

3.4.a. That it is technologically or economically infeasible to comply with section 3.1;

3.4.b. That emissions from the fuel burning unit for which an alternative visible emission standard is proposed impact no area in which the National Ambient Air Quality Standards for particulate matter are being exceeded nor will any such emissions cause or contribute to a violation of the National Ambient Air Quality Standards for particulate matter in an area which currently meets such standards;

3.4.c. That the particulate weight emission standards under section 4 of this rule are being met, as determined in accordance with the Appendix to this rule--"Compliance Test Procedures for 45CSR2";

3.4.d. That the fuel burning unit for which an alternative visible emission standard is proposed is at all times operated and maintained in accordance with the provisions of subsection 9.2;

3.4.e. That the fuel burning unit for which an alternative visible emission standard is proposed and its associated air pollution control equipment are incapable of being adjusted or operated at normal operating loads to meet the applicable visible emission standard;

3.4.f. That the owner or operator will install, calibrate, and operate a continuous opacity monitoring system approved by the Director, for the fuel burning unit for which an alternative visible emission standard is proposed, and will submit the results of such monitoring system to the Director on a calendar monthly basis in a format approved by the Director, provided that this provision shall not apply to fuel burning units which employ wet scrubbing systems for emission control; and

3.4.g. That all other requirements of law and rules enforced by the Director will be met.

§45-2-4. Weight Emission Standards.

4.1. No person shall cause, suffer, allow, or permit the discharge of particulate matter into the open air from all fuel burning units located at one plant, measured in terms of pounds per hour in excess of the amount determined as follows:

4.1.a. For Type 'a' fuel burning units, the product of 0.05 and the total design heat inputs for such units in million British Thermal Units (B.T.U.'s) per hour, provided however that no more than twelve hundred (1200) pounds per hour of particulate matter shall be discharged into the open air from all such units;

4.1.b. For Type 'b' fuel burning units, the product of 0.09 and the total design heat inputs for such units in million B.T.U.'s per hour, provided however that no more than six hundred (600) pounds per hour of particulate matter shall be discharged into the open air from all such units; and

4.1.c. For Type 'c' fuel burning units, in excess of the values listed in Table 45-2A, provided however that no more than three hundred (300) pounds per hour of particulate matter shall be discharged into the open air from all such units.

4.1.c.1. For values between any two corresponding consecutive values listed in Table 45-2A, linear interpolation is to be used for both columns.

4.2. Subject to the provisions of this rule, allowable emission rates for individual stacks shall be determined by the owner and/or operator and registered with the Director at the request of, and on forms provided by, the Director. Such rates shall be subject to review and approval by the Director.

4.2.a. The approved set of individual stack allowable emission rates shall become an official part of the compliance schedule and/or any permits concerning such source(s), and shall not be changed without the prior written approval of the Director.

4.3. If the number of similar fuel burning units located at one plant, each of which is meeting the requirements of this rule, is expanded by the addition of a new unit(s), the total allowable emission rate for the new unit(s) shall be determined by the following formula. However, the maximum allowable emission rates given in subsection 4.1. are not to be exceeded:

$$R_a = \left(1 - \left(\frac{H_{at} - R_{at}}{H_{at}} \right) \right) H_a$$

Where,

R_e is the total allowable emission rate in pounds per hour for the new fuel burning unit(s);

H_{et} is the total design heat input in million B.T.U.'s per hour of the existing and new similar units;

R_{et} is the total allowable emission rate in pounds per hour corresponding to H_{et}; and

H_e is the total design heat input in million B.T.U.'s per hour for the new fuel burning unit(s).

4.4. The addition of sulfur oxides into a combustion unit gas stream for the purpose of improving emissions control equipment efficiency shall be reviewed by the Director. No person shall cause, suffer, allow, or permit the addition of sulfur oxides as described above unless written approval for such addition is provided by the Director.

4.5. The provisions of subsection 4.4 of this section shall not apply to combustion units in operation on or before September 1, 1974.

§45-2-5. Control of Fugitive Particulate Matter.

5.1. No person shall cause, suffer, allow, or permit any source of fugitive particulate matter to operate that is not equipped with a fugitive particulate matter control system. This system shall be operated and maintained in such a manner as to minimize the emission of fugitive particulate matter. Sources of fugitive particulate matter associated with fuel burning units shall include, but not be limited to, the following:

5.1.a. Stockpiling of ash or fuel either in the open or in enclosures such as silos;

5.1.b. Transport of ash in vehicles or on conveying systems, to include spillage, tracking, or blowing of particulate matter from or by such vehicles or equipment; and

5.1.c. Ash or fuel handling systems and ash disposal areas.

§45-2-6. Registration.

6.1. All persons owning and/or operating fuel burning units in existence on September 1, 1974 not previously registered shall have registered such units with the Director. 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 and/or operator of fuel burning unit(s) subject to the provisions of this section.

6.2. The owner and/or operator of fuel burning units that were under construction or on which construction was initiated as of October 1, 1974 not previously registered shall have registered such fuel burning units with the Director.

§45-2-7. Permits.

7.1 No person shall construct, modify or relocate any fuel burning unit without first obtaining a permit in accordance with the provisions of W. Va. Code 22-5-1 et seq., and Series 13 14, 19 [XIX] and 30 of Title 45.

§45-2-8. Testing, Monitoring, Recordkeeping and Reporting

8.1. Testing.

8.1.a. The owner or operator of a fuel burning unit(s) shall demonstrate compliance with section 3 by periodic testing in accordance with 40 CFR Part 60, Appendix A, Method 9, or a certified continuous opacity monitoring system, as approved by the Director, and section 4 by periodic particulate matter stack testing, conducted in accordance with the appropriate test method set forth in the Appendix to this rule or other equivalent EPA approved method approved by the Director. The owner or operator shall conduct such testing at a frequency to be established by the Director.

8.1.b. At such reasonable times as the Director may designate, the owner or operator of any fuel burning unit(s) may be required to conduct or have conducted tests to determine the compliance of such unit(s) with the emission limitations of section 4. Such tests shall be conducted in accordance with the appropriate method set forth in the Appendix to this rule or other equivalent EPA approved method approved by the Director. 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 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 such as scaffolding, railings, and ladders to comply with generally accepted good safety practices.

8.1.b.1. Sufficient information on temperatures, velocities, pressures, weights and dimensional values shall be reported to the Director, with such necessary commentary as he may require to allow an accurate evaluation of the reported test results and the conditions under which they were obtained.

8.1.c. 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 subsection 4.1.

8.2. Monitoring

8.2.a. The owner or operator of a fuel burning unit(s) shall monitor compliance with section 3 as set forth in an approved monitoring plan for each emission unit. Such monitoring plan(s) shall include, but not be limited to, one or more of the following: continuous measurement of emissions, monitoring of emission control equipment, periodic parametric monitoring, or such other monitoring as approved by the Director.

8.2.a.1. Direct measurement with a certified continuous opacity monitoring system (COMS) shall be deemed to satisfy the requirements for a monitoring plan. Such COMS shall be installed, calibrated, operated and maintained as specified in 40 CFR Part 60, Appendix B, Performance Specification 1 (PS1). COMS meeting the requirements of 40 CFR Part 75 (Acid Rain) will be deemed to have satisfied the requirements of PS1.

8.2.a.2. Monitoring plans pursuant to subdivision 8.2.a. shall be submitted to the Director within six (6) months of the effective date of this rule. Approval or denial of such plans shall be within twelve (12) months of the effective date of this rule or six (6) months after receipt of the monitoring plan, whichever is later. The owner or operator may presume approval until notified otherwise.

8.2.a.3. Excursions outside the range of operating parameters associated with control or process equipment which are established in an approved monitoring plan will not necessarily constitute a violation of this rule.

8.3. Recordkeeping and Reporting.

8.3.a. The owner or operator of a fuel burning unit(s) shall maintain on-site all records of monitored data established in the monitoring plan pursuant to subdivision 8.2.a. Such records shall be made available to the Director or his duly authorized representative upon request. Such records shall be retained on-site for a minimum of five years.

8.3.b. The owner or operator shall submit a periodic exception report to the Director, in a manner and at a frequency to be established by the Director. Such exception report shall provide details of all excursions outside the range of measured emissions or monitored parameters established in an approved monitoring plan, and shall include, but not be limited to, the time of the excursion, the magnitude of the excursion, the duration of the excursion, the cause of the excursion and the corrective action taken.

8.3.c. The owner or operator shall maintain records of the operating schedule and the quantity and quality of fuel consumed in each fuel burning unit in a manner to be established by the Director. Such records are to be maintained onsite and made available to the Director or his duly authorized representative upon request.

8.3.d. Where appropriate the owner or operator of a fuel burning unit(s) may maintain such records in electronic form.

8.4. Exceptions.

8.4.a. The owner or operator of a fuel burning unit(s) may petition for alternatives to testing, monitoring and reporting requirements prescribed pursuant to this rule for conditions, including, but not limited to, the following:

8.4.a.1. Infrequent use of a fuel burning unit(s).

8.4.a.2. Continuous emission measurement equipment that does not meet the design requirements of 40 CFR Part 60, Appendix B, Performance Specification 1(PS1) or 40 CFR 75 (Acid Rain), where it can be adequately demonstrated that there is a definite and consistent relationship between its measurement and the measurements of opacity by a system complying with PS1. The Director may require that such demonstration be performed for each fuel burning unit.

8.4.a.3. Where a single fuel burning unit may have more than one emission point.

8.4.a.4. Where the desired location of the continuous monitoring system does not meet the requirements of the applicable performance standard, when the owner or operator can demonstrate that installation at alternative locations will enable accurate and representative measurements.

8.4.b. The owner or operator of a fuel burning unit(s) which combusts only natural gas shall be exempt from the requirements of subdivision 8.1.a and subsection 8.2.

8.4.c. The owner or operator of a fuel burning unit(s) with a Design Heat Input of less than 100 mmBtu/hr shall be exempt from the periodic testing requirements of subdivision 8.1.a and the monitoring requirements of subsection 8.2. The Director reserves the right to require testing pursuant to subdivisions 8.1.b and 8.1.c.

8.5. Requests for Information.

8.5.a. The Director shall respond within five working days to requests for information

generated or required under this rule. Requests for information not in the Director's custody shall be promptly forwarded to the appropriate federal or state agency known to have such information.

8.5.b. Data relating to electric utilities and fuel quality and costs of fuels are available from the Federal Energy Regulatory Commission (FERC) and the West Virginia Public Service Commission (PSC). Requests for FERC data should be sent to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, D.C. 20426 or online at http://www.ferc.fed.us/electric/f423/form423.htm. Requests for PSC data should be sent to: The West Virginia Public Service Commission, Utility Division, P.O. Box 812, Charleston, W. Va. 25323-0812.

§45-2-9. Start-ups, Shut-downs and Malfunctions.

9.1. The visible emission standards set forth in section 3 shall apply at all times except in periods of start-ups, shut-downs, and malfunctions. Where the Director believes that start-ups and shut-downs are excessive in duration and/or frequency, the Director may require an owner or operator to provide a written report demonstrating that such frequent start-ups and shut-downs are necessary.

9.2. At all times, including periods of start-ups, shutdowns, and malfunctions, owners and operators shall, to the extent practicable, maintain and operate any fuel burning unit(s) 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, visible emission observations, review of operating and maintenance procedures, and inspection of the source.

9.3. The owner or operator of a fuel burning unit(s) subject to this rule shall report to the Director, by telephone or telefax, any malfunction of such unit or its air pollution control equipment which results in any excess particulate matter emission rate or excess opacity (i.e., emissions exceeding the standards in section 3 and 4) as provided in one of the following subdivisions:

9.3.a. Excess opacity periods meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Director:

9.3.a.1. The excess opacity period does not exceed thirty (30) minutes within any 24-hour period;

9.3.a.2. Excess opacity does not exceed 40%.

9.3.b. The owner or operator shall report to the Director any malfunction resulting in excess particulate matter or excess opacity, not meeting the criteria set forth in subdivision 9.3.a, by

telephone, telefax, or e-mail by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Director within thirty (30) days providing the following information:

9.3.b.1. A detailed explanation of the factors involved or causes of the malfunction.

9.3.b.2. The date and time of duration (with starting and ending times) of the period of excess emissions.

9.3.b.3. An estimate of the mass of excess emissions discharged during the malfunction period.

9.3.b.4. The maximum opacity measured or observed during the malfunction.

9.3.b.5. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction.

9.3.b.6. 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.

9.4. A malfunction, as defined under this rule, constitutes an affirmative defense to an action brought for noncompliance with the weight emission standards under section 4 of this rule if the owner or operator demonstrates to the satisfaction of the Director that the requirements of subsections 9.2 and 9.3 of this section have been met.

9.5. In any enforcement proceeding, the owner or operator seeking to establish the occurrence of a malfunction has the burden of proof.

§45-2-10. Variances.

10.1. In the event of an unavoidable shortage of fuel having characteristics or specifications necessary for a fuel burning unit to comply with the opacity standards set forth in section 3 or any emergency situation or condition creating a threat to public safety or welfare, the Director may grant an exception to the otherwise applicable visible emission standards for a period not to exceed fifteen (15) days, provided that visible emissions during the exception period do not exceed a maximum six (6) minute average of thirty (30) percent and that a reasonable demonstration is made by the owner or operator that the emission standards under section 4 of this rule will not be exceeded during the exemption period.

10.2. In the event a fuel burning unit employing a flue gas desulphurization system must by-

pass such system because of necessary planned or unplanned maintenance, visible emissions may not exceed twenty percent (20%) opacity during such period of maintenance. The Director may require advance notice of necessary planned maintenance, including a description of the necessity of the maintenance activity and its expected duration and may limit the duration of the variance or the amount of the excess opacity exception herein allowed. The Director shall be notified of unplanned maintenance and may limit the duration of the variance or the amount of excess opacity exception allowed during unplanned maintenance.

§45-2-11. Exemptions.

11.1. All fuel burning units having a heat input under ten (10) million B.T.U.'s per hour will be exempt from sections 4, 5, 6, 8 and 9. However, failure to attain acceptable air quality in parts of some urban areas may require the mandatory control of these sources at a later date.

§45-2-12. Inconsistency Between Rules.

12.1. In the event of any inconsistency between this rule and Appendix 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, or rule.

TABLE 45-2A

Total Design Heat Input for All Type 'c' Fuel Burning Units Located at One Plant in Millions of B.T.U.'s Per Hour	Total Allowable Particulate Matter Emission Rate for All Type 'c' Fuel Burning Units Located at One Plant in Pounds Per Hour
10	3.4
20	5.6
40	9.0
60	11.7
80	14.4
100	16.6
200	26.4
400	42.2
600	54.0
3,333	300.0

Appendix 45CSR2 -- Compliance Test Procedures for 45CSR2

[See separate file]