

approval of a supplemental abbreviated new animal drug application (ANADA) filed by IVX Animal Health, Inc. The supplemental ANADA provides for use of ivermectin oral paste for the treatment and control of additional species of gastrointestinal parasites in horses.

**DATES:** This rule is effective February 10, 2009.

**FOR FURTHER INFORMATION CONTACT:** John K. Harshman, Center for Veterinary Medicine (HFV 104), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240-276-8197, e-mail: john.harshman@fda.hhs.gov.

**SUPPLEMENTARY INFORMATION:** IVX Animal Health, Inc., 3915 South 48th Street Ter., St. Joseph, MO 64503, filed a supplement to ANADA 200-286 that provides for oral use of PHOENECTIN (ivermectin) Paste 1.87 percent for the treatment and control of additional species of gastrointestinal parasites in horses. The supplemental ANADA is approved as of December 18, 2008, and the regulations are amended in 21 CFR 520.1192 to reflect the approval.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

**List of Subject in 21 CFR Part 520**

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

**PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS**

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. In § 520.1192, remove paragraphs (b)(3), (e)(1)(ii)(A), and (e)(1)(ii)(B); and revise paragraphs (b)(1), (b)(2), and (e)(1)(ii) to read as follows:

**§ 520.1192 Ivermectin paste.**

\* \* \* \* \*

(b) \* \* \*

(1) No. 050604 for use of a 1.87 percent paste as in (e)(1) of this section and a 0.153 percent paste for use as in paragraph (e)(2) of this section.

(2) Nos. 051311, 054925, 059130, and 061623 for use of a 1.87 percent paste for use as in paragraph (e)(1) of this section.

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

(ii) *Indications for use.* For treatment and control of Large Strongyles (adults): *Strongylus vulgaris* (also early forms in blood vessels), *S. edentatus* (also tissue stages), *S. equinus*, *Triodontophorus* spp. including *T. brevicauda* and *T. serratus*, and *Craterostomum acuticaudatum*; Small Strongyles (adults, including those resistant to some benzimidazole class compounds): *Coronocylcus* spp. including *C. coronatus*, *C. labiatus*, and *C. labratus*, *Cyathostomum* spp. including *C. catinatum* and *C. pateratum*, *Cylicocylcus* spp. including *C. insigne*, *C. leptostomum*, *C. nassatus*, and *C. brevicapsulatus*, *Cylicodontophorus* spp., *Cylicostephanus* spp. including *C. calicatus*, *C. goldi*, *C. longibursatus*, and *C. minutus*, and *Petrovinema poculatum*; Small Strongyles (fourth-stage larvae); Pinworms (adults and fourth-stage larvae): *Oxyuris equi*; Ascarids (adults and third- and fourth-stage larvae): *Parascaris equorum*; Hairworms (adults): *Trichostrongylus axei*; Large mouth Stomach Worms (adults): *Habronema muscae*; Bots (oral and gastric stages): *Gasterophilus* spp. including *G. intestinalis* and *G. nasalis*; Lungworms (adults and fourth-stage larvae): *Dictyocaulus arnfieldi*; Intestinal Threadworms (adults): *Strongyloides westeri*; Summer Sores caused by *Habronema* and *Draschia* spp. cutaneous third-stage larvae; Dermatitis caused by neck threadworm microfilariae, *Onchocerca* sp.

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Dated: February 3, 2009.

**Steven D. Vaughn,**  
Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.  
[FR Doc. E9-2749 Filed 2-9-09; 8:45 am]

**BILLING CODE 4160-01-S**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[WV102-6039; FRL-8750-1]

**Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Update to Materials Incorporated by Reference**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; administrative change.

**SUMMARY:** EPA is updating the materials submitted by West Virginia that are incorporated by reference (IBR) into the State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by the West Virginia Department of Environmental Protection and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the Regional Office.

**DATES: Effective Date:** This action is effective February 10, 2009.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, EPA Headquarters Library, Room Number 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566-1742; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford, (215) 814-2108 or by e-mail at [frankford.harold@epa.gov](mailto:frankford.harold@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The SIP is a living document which the State revises as necessary to address the unique air pollution problems.

Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and the Office of the Federal Register (OFR). The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997 **Federal Register** document. On February 10, 2005 (70 FR 7024), EPA published a **Federal Register** beginning the new IBR procedure for West Virginia. On February 28, 2007 (72 FR 8903), EPA published an update to the IBR material in West Virginia.

## II. EPA Action

In this document, EPA is doing the following:

1. Announcing the update to the IBR material as of October 1, 2008.
2. Making corrections to the following entries listed in the paragraph 52.2520(c) chart, as described below:
  - a. Revising the dates in the State effective date and EPA approval date columns of paragraph 52.2520(c) where applicable so that the date format is consistent throughout the paragraph.
  - b. 45 CSR 5—Correcting the regulation title.
  - c. 45 CSR 14 and 45 CSR 19, "Additional explanation at 40 CFR § 52.2565" column, all entries—removing the SIP effective date from each entry.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation, and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect chart entries.

## III. Statutory and Executive Order Reviews

### A. General Requirements

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

### B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement

Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

### C. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the West Virginia SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this "Identification of plan" reorganization update action for West Virginia.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 2, 2008.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

■ 40 CFR part 52 is amended as follows:

### PART 52—[AMENDED]

■ 1. The authority for citation for part 52 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

### Subpart XX—West Virginia

■ 2. Section 52.2520 is amended by revising paragraphs (b), (c), and (d) to read as follows:

#### § 52.2520 Identification of plan.

\* \* \* \* \*

(b) Incorporation by reference.  
 (1) Material listed as incorporated by reference in paragraphs (c) and (d) of this section was approved for incorporation by reference by the

Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates on or after October 1, 2008 will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region III certifies that the rules/regulations and source-specific requirements provided by EPA at the

addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations and source-specific requirements which have been approved as part of the State implementation plan as of October 1, 2008.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region III Office at 1650 Arch Street, Philadelphia, PA 19103. For further information, call (215) 814-2108; the EPA, Air and

Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460. For further information, call (202) 566-1742; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) EPA-Approved Regulations

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP

State citation [Chapter 16-20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.2565
<b>[45 CSR] Series 1 NO<sub>x</sub> Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides</b>				
Section 45-1-1	General	5/1/06	9/28/06; 71 FR 56881.	
Section 45-1-2	Definitions	5/1/06	9/28/06; 71 FR 56881.	
Section 45-1-3	Acronyms	5/1/06	9/28/06; 71 FR 56881.	
Section 45-1-4	NO <sub>x</sub> Budget Trading Program Applicability	5/1/06	9/28/06; 71 FR 56881.	
Section 45-1-5	Retired Unit Exemption	5/1/06	9/28/06; 71 FR 56881.	
Section 45-1-6	NO <sub>x</sub> Budget Trading Program Standard Requirements.	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-7	Computation of Time	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-10	Authorization and Responsibilities of the NO <sub>x</sub> Authorized Account Representative.	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-11	Alternate NO <sub>x</sub> Authorized Account Representative.	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-12	Changing the NO <sub>x</sub> Authorized Account Representative and the Alternate NO <sub>x</sub> Authorized Account Representative; Changes in Owners and Operators.	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-13	Account Certificate of Representation	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-14	Objections Concerning the NO <sub>x</sub> Authorized Account Representative.	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-20	General NO <sub>x</sub> Budget Trading Program Permit Requirements.	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-21	NO <sub>x</sub> Budget Permit Applications	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-22	Information Requirements for NO <sub>x</sub> Budget Permit Applications.	5/1/06	9/28/06; 71 FR 56881.	
Section 45-1-23	NO <sub>x</sub> Budget Permit Contents	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-24	NO <sub>x</sub> Budget Permit Revisions	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-30	Compliance Certification Report	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-31	Secretary's and Administrator's Action on Compliance Certifications.	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-40	State NO <sub>x</sub> Trading Program Budget	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-41	Timing Requirements for State NO <sub>x</sub> Allowance Allocations.	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-42	State NO <sub>x</sub> Allowance Allocations	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-43	Compliance Supplement Pool	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-50	NO <sub>x</sub> Allowance Tracking System Accounts	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-51	Establishment of Accounts	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-52	NO <sub>x</sub> Allowance Tracking System Responsibilities of NO <sub>x</sub> Authorized Account Representative.	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-53	Recordation of NO <sub>x</sub> Allowance Allocations	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-54	Compliance	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-55	NO <sub>x</sub> Allowance Banking	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-56	Account Error	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-57	Closing of General Accounts	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-60	Submission of NO <sub>x</sub> Allowance Transfers	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-61	Allowance Transfer Recordation	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-62	Notification	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-70	General Monitoring Requirements	5/1/06	9/28/06; 71 FR 56881.	
Section 45-1-71	Initial Certification and Recertification Procedures	5/1/06	9/28/06; 71 FR 56881.	
Section 45-1-72	Out of Control Periods	5/1/06	9/28/06; 71 FR 56881.	
Section 45-1-73	Notifications	5/1/02	5/10/02; 67 FR 37133	(c)(46).
Section 45-1-74	Recordkeeping and Reporting	5/1/06	9/28/06; 71 FR 56881.	
Section 45-1-75	Petitions	5/1/02	5/10/02; 67 FR 37133	(c)(46).

## EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.2565
Section 45–1–76 .....	Additional Requirements to Provide Heat Input Data.	5/1/02	5/10/02; 67 FR 37133 .....	(c)(46).
Section 45–1–80 .....	Individual Opt-in Applicability .....	5/1/02	5/10/02; 67 FR 37133 .....	(c)(46).
Section 45–1–81 .....	Opt-in General Requirements .....	5/1/02	5/10/02; 67 FR 37133 .....	(c)(46).
Section 45–1–82 .....	Opt-in NO <sub>x</sub> Authorized Account Representative ..	5/1/02	5/10/02; 67 FR 37133 .....	(c)(46).
Section 45–1–83 .....	Applying for NO <sub>x</sub> Budget Opt-in Permit .....	5/1/02	5/10/02; 67 FR 37133 .....	(c)(46).
Section 45–1–84 .....	Opt-in Process .....	5/1/02	5/10/02; 67 FR 37133 .....	(c)(46).
Section 45–1–85 .....	NO <sub>x</sub> Budget Opt-in Permit Contents .....	5/1/02	5/10/02; 67 FR 37133 .....	(c)(46).
Section 45–1–86 .....	Withdrawal from NO <sub>x</sub> Budget Trading Program ...	5/1/02	5/10/02; 67 FR 37133 .....	(c)(46).
Section 45–1–87 .....	Change in Regulatory Status .....	5/1/02	5/10/02; 67 FR 37133 .....	(c)(46).
Section 45–1–88 .....	NO <sub>x</sub> Allowance Allocations to Opt-in Units .....	5/1/02	5/10/02; 67 FR 37133 .....	(c)(46).
Section 45–1–89 .....	Appeal Procedures .....	5/1/06	9/28/06; 71 FR 56881.	
Section 45–1–90 .....	Requirements for Stationary Internal Combustion Engines.	5/1/06	9/28/06; 71 FR 56881.	
Section 45–1–100 ...	Requirements for Emissions of NO <sub>x</sub> from Cement Manufacturing Kilns.	5/1/06	9/28/06; 71 FR 56881.	

**[45 CSR] Series 2 To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers**

Section 45–2–1 .....	General .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 45–2–2 .....	Definitions .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 45–2–3 .....	Visible Emissions of Smoke And/Or Particulate Matter Prohibited And Standards of Measurement.	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 45–2–4 .....	Weight Emission Standards .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 45–2–5 .....	Control of Fugitive Particulate Matter .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 45–2–6 .....	Registration .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 45–2–7 .....	Permits .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 45–2–8 .....	Testing, Monitoring, Recordkeeping, and Reporting.	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 45–2–9 .....	Start-ups, Shutdowns, and Malfunctions .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 45–2–10 .....	Variations .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 45–2–11 .....	Exemptions .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 45–2–12 .....	Inconsistency Between Rules .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Table 45–2A .....	[Total Allowable Particulate Matter Emission Rate for All Type “c” Fuel Burning Units Located at One Plant].	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).

**45 CSR 2 Appendix Compliance Test Procedures for 45 CSR 2**

Section 1 .....	General .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 3 .....	Symbols .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 4 .....	Adoption of Test Methods .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 5 .....	Unit Load and Fuel Quality Requirements .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 6 .....	Minor Exceptions .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 7 .....	Pretest and Post Test General Requirements .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 8 .....	Heat Input Data Measurements .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).
Section 9 .....	Computations and Data Analysis .....	8/31/00	8/11/03; 68 FR 47473 .....	(c)(56).

**[45 CSR] Series 3 To Prevent and Control Air Pollution From the Operation of Hot Mix Asphalt Plants**

Section 45–3–1 .....	General .....	8/31/00	10/11/02; 67 FR 63270 ...	(c)(48).
Section 45–3–2 .....	Definitions .....	8/31/00	10/11/02; 67 FR 63270 ...	(c)(48).
Section 45–3–3 .....	Emission of Smoke and/or Particulate Matter Prohibited and Standards of Measurement—Visible.	8/31/00	10/11/02; 67 FR 63270 ...	(c)(48).
Section 45–3–4 .....	Emission of Smoke and/or Particulate Matter Prohibited and Standards of Measurement—Weight Emissions.	8/31/00	10/11/02; 67 FR 63270 ...	(c)(48).
Section 45–3–5 .....	Permits .....	8/31/00	10/11/02; 67 FR 63270 ...	(c)(48).
Section 45–3–6 .....	Reports and Testing .....	8/31/00	10/11/02; 67 FR 63270 ...	(c)(48).
Section 45–3–7 .....	Variance .....	8/31/00	10/11/02; 67 FR 63270 ...	(c)(48).
Section 45–3–8 .....	Circumvention .....	8/31/00	10/11/02; 67 FR 63270 ...	(c)(48).
Section 45–3–9 .....	Inconsistency Between Rules .....	8/31/00	10/11/02; 67 FR 63270 ...	(c)(48).

**[45 CSR] Series 5 To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations**

Section 45–5–1 .....	General .....	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Section 45–5–2 .....	Definitions .....	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Section 45–5–3 .....	Emission of Particulate Matter Prohibited and Standards of Measurement.	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.2565
Section 45–5–4 .....	Control and Prohibition of Particulate Emissions from Coal Thermal Drying Operations of a Coal Preparation Plant.	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Section 45–5–5 .....	Control and Prohibition of Particulate Emissions From an Air Table Operation of a Coal Preparation Plant.	10/22/93	7/13/99; 64 FR 37681 .....	(c)(42).
Section 45–5–6 .....	Control and Prohibition of Fugitive Dust Emissions From Coal Handling Operations and Preparation Plants.	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Section 45–5–7 .....	Standards for Coal Refuse Disposal Areas .....	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Section 45–5–8 .....	Burning Coal Refuse Disposal Areas .....	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Section 45–5–9 .....	Monitoring of Operations .....	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Section 45–5–10 .....	Construction, Modification, and Relocation Permits.	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Section 45–5–11 .....	Operating Permits .....	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Section 45–5–12 .....	Reporting and Testing .....	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Section 45–5–13 .....	Variance .....	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Section 45–5–14 .....	Transfer of Permits .....	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Section 45–5–15 .....	Inconsistency Between Rules .....	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).
Appendix .....	Particulate Emission Limitations and Operational monitoring Requirements Applicable to Thermal Dryers Installed Before October 24, 1974.	8/31/00	10/7/02; 67 FR 62379 .....	(c)(47).

[45 CSR] Series 6 To Prevent and Control Air Pollution From Combustion of Refuse

Section 45–6–1 .....	General .....	7/1/01	2/10/03; 68 FR 6627 .....	(c)(51).
Section 45–6–2 .....	Definitions .....	7/1/01	2/10/03; 68 FR 6627 .....	(c)(51).
Section 45–6–3 .....	Open Burning Prohibited .....	7/1/01	2/10/03; 68 FR 6627 .....	(c)(51).
Section 45–6–4 .....	Emission Standards for Incinerators and Incineration.	7/1/01	2/10/03; 68 FR 6627 .....	(c)(51).
Section 45–6–5 .....	Registration .....	7/1/01	2/10/03; 68 FR 6627 .....	(c)(51).
Section 45–6–6 .....	Permits .....	7/1/01	2/10/03; 68 FR 6627 .....	(c)(51).
Section 45–6–7 .....	Reports and Testing .....	7/1/01	2/10/03; 68 FR 6627 .....	(c)(51).
Section 45–6–8 .....	Variances .....	7/1/01	2/10/03; 68 FR 6627 .....	(c)(51).
Section 45–6–9 .....	Emergencies and Natural Disasters .....	7/1/01	2/10/03; 68 FR 6627 .....	(c)(51).
Section 45–6–10 .....	Effect of the Rule .....	7/1/01	2/10/03; 68 FR 6627 .....	(c)(51).
Section 45–6–11 .....	Inconsistency Between Rules .....	7/1/01	2/10/03; 68 FR 6627 .....	(c)(51).

[45 CSR] Series 7 To Prevent and Control Particulate Matter Air Pollution From Manufacturing Process Operations

Section 45–7–1 .....	General .....	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).
Section 45–7–2 .....	Definitions .....	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).
Section 45–7–3 .....	Emission of Smoke and/or Particulate Matter Prohibited and Standards of Measurement.	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).
Section 45–7–4 .....	Control and Prohibition of Particulate Emissions by Weight from Manufacturing Process Source Operations.	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).
Section 45–7–5 .....	Control of Fugitive Particulate Matter .....	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).
Section 45–7–6 .....	Registration .....	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).
Section 45–7–7 .....	Permits .....	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).
Section 45–7–8 .....	Reporting and Testing .....	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).
Section 45–7–9 .....	Variance .....	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).
Section 45–7–10 .....	Exemptions .....	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).
Section 45–7–11 .....	Alternative Emission Limits for Duplicate Source Operations.	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).
Section 45–7–12 .....	Inconsistency Between Rules. ....	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).
TABLE 45–7A TABLE 45–7B.	[Maximum Allowable Emission Rates From Sources Governed by 45 CFR Series 7].	08/31/00	06/03/03; 68 FR 33010 ...	(c)(55).

[Ch. 16–20] TP–4 Compliance Test Procedures for Regulation VII—“To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations”

Section 1 .....	General .....	2/23/84	6/28/85; 45 FR 26732 .....	no (c) number.
Section 2 .....	Visible Emission Test Procedure .....	2/23/84	6/28/85; 45 FR 26732 .....	no (c) number.
Section 3 .....	Mass Emission Test Procedures .....	2/23/84	6/28/85; 45 FR 26732 .....	no (c) number.

[45 CSR] Series 8 Ambient Air Quality Standards for Sulfur Oxides and Particulate Matter

Section 45–8–1 .....	General .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
Section 45–8–2 .....	Definitions .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
Section 45–8–3 .....	Ambient Air Quality Standards .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).

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State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.2565
Section 45–8–4 .....	Methods of Measurement .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
Section 45–8–5 .....	Inconsistency Between Regulations .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
<b>[45 CSR] Series 9 Ambient Air Quality Standards for Carbon Monoxide and Ozone</b>				
Section 45–9–1 .....	General .....	6/1/00	10/7/02; 67 FR 62381 .....	(c)(50).
Section 45–9–2 .....	Anti-Degradation Policy .....	6/1/00	10/7/02; 67 FR 62381 .....	(c)(50).
Section 45–9–3 .....	Definitions .....	6/1/00	10/7/02; 67 FR 62381 .....	(c)(50).
Section 45–9–4 .....	Ambient Air Quality Standards .....	6/1/00	10/7/02; 67 FR 62381 .....	(c)(50).
Section 45–9–5 .....	Methods of Measurement .....	6/1/00	10/7/02; 67 FR 62381 .....	(c)(50).
<b>[45 CSR] Series 10 To Prevent and Control Air Pollution from the Emission of Sulfur Oxides</b>				
Section 45–10–1 .....	General .....	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
Section 45–10–2 .....	Definitions .....	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
Section 45–10–3 .....	Sulfur Dioxide Weight Emission Standards for Fuel Burning Units.	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
Section 45–10–4 .....	Standards for Manufacturing Process Source Op- erations.	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
Section 45–10–5 .....	Combustion of Refinery or Process Gas Streams	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
Section 45–10–6 .....	Registration .....	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
Section 45–10–7 .....	Permits .....	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
Section 45–10–8 .....	Testing, Monitoring, Recordkeeping and Report- ing.	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
Section 45–10–9 .....	Variance .....	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
Section 45–10–10 .....	Exemptions and Recommendations .....	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
Section 45–10–11 .....	Circumvention .....	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
Section 45–10–12 .....	Inconsistency Between Rules .....	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
TABLE 45–10A .....	[Priority Classifications] .....	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
TABLE 45–10B .....	[Allowable Percent Sulfur Content of Fuels] .....	8/31/00	6/3/03; 68 FR 33002 .....	(c)(53).
<b>[45 CSR] Series 11 Prevention of Air Pollution Emergency Episodes</b>				
Section 45–11–1 .....	General .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
Section 45–11–2 .....	Definitions .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
Section 45–11–3 .....	Episode Criteria .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
Section 45–11–4 .....	Methods of Measurement .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
Section 45–11–5 .....	Preplanned Reduction Strategies .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
Section 45–11–6 .....	Emission Reduction Plans .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
TABLE I .....	Emission Reduction Plans-Alert Level .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
TABLE II .....	Emission Reduction Plans-Warning Level .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
TABLE III .....	Emission Reduction Plans-Emergency Level .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
Section 45–11–7 .....	Air Pollution Emergencies; Contents of Order; Hearings; Appeals.	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
Section 45–11–8 .....	Inconsistency Between Regulations .....	4/25/90	6/28/93; 58 FR 34526 .....	(c)(28).
<b>[45 CSR] Series 12 Ambient Air Quality Standard for Nitrogen Dioxide</b>				
Section 45–12–1 .....	General .....	6/1/00	10/7/02; 67 FR 62378 .....	(c)(49).
Section 45–12–2 .....	Anti-Degradation Policy .....	6/1/00	10/7/02; 67 FR 62378 .....	(c)(49).
Section 45–12–3 .....	Definitions .....	6/1/00	10/7/02; 67 FR 62378 .....	(c)(49).
Section 45–12–4 .....	Ambient Air Quality Standard .....	6/1/00	10/7/02; 67 FR 62378 .....	(c)(49).
Section 45–12–5 .....	Methods of Measurement .....	6/1/00	10/7/02; 67 FR 62378 .....	(c)(49).
<b>[45 CSR] Series 13 Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation</b>				
Section 45–13–1 .....	General .....	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–2 .....	Definitions .....	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–3 .....	Reporting Requirements for Stationary Sources ..	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–4 .....	Administrative Updates to Existing Permits and General Permit Registrations.	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–5 .....	Permit Application and Reporting Requirements for Construction of and Modifications to Sta- tionary Sources.	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–6 .....	Determination of Compliance of Stationary Sources.	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–7 .....	Modeling .....	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–8 .....	Public Review Procedures .....	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–9 .....	Public Meetings .....	6/1/03	2/8/07; 72 FR 5932.	

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State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.2565
Section 45–13–10 ...	Permit Transfer, Suspension, Revocation and Responsibility.	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–11 ...	Temporary Construction or Modification Permits ..	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–12 ...	Permit Application Fees .....	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–13 ...	Inconsistency Between Rules .....	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–14 ...	Statutory Air Pollution .....	6/1/03	2/8/07; 72 FR 5932.	
Section 45–13–15 ...	Hazardous Air Pollutants .....	6/1/03	2/8/07; 72 FR 5932.	
TABLE 45–13A .....	Potential Emission Rate .....	6/1/00	2/28/03; 68 FR 9559 .....	(c)(52).
TABLE 45–13B .....	De Minimis Sources .....	6/1/03	2/8/07; 72 FR 5932.	

**[45 CSR] Series 14 Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration**

Section 45–14–1 .....	General .....	6/1/05	11/2/06; 71 FR 64470.	
Section 45–14–2 (Except: 14–2.17, 14–2.40.i, 14–2.46.d.2, 14–2.46.g.4, and 14–2.56.)	Definitions .....	6/1/05	11/2/06; 71 FR 64470.	
Section 45–14–3 (Except: 4–3.4.e, 14–3.4.f (part), and 14–3.6).	Applicability .....	6/1/05	11/2/06; 71 FR 64470 .....	New Section.
Section 45–14–4 .....	Ambient Air Quality Increments and Ceilings .....	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–3.
Section 45–14–5 .....	Area Classification .....	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–4.
Section 45–14–6 .....	Prohibition of Dispersion Enhancement Techniques.	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–5.
Section 45–14–7 .....	Registration, Report and Permit Requirements for Major Stationary Sources and Major Modifications.	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–6.
Section 45–14–8 .....	Requirements Relating to Control Technology .....	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–7.
Section 45–14–9 .....	Requirements Relating to the Source’s Impact on Air Quality.	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–8.
Section 45–14–10 ...	Modeling Requirements .....	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–9.
Section 45–14–11 ...	Air Quality Monitoring Requirements .....	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–10.
Section 45–14–12 ...	Additional Impacts Analysis Requirements .....	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–11.
Section 45–14–13 ...	Additional Requirements and Variances for Sources Impacting Federal Class I Areas.	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–12.
Section 45–14–14 ...	Procedures for Sources Employing Innovative Control Technology.	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–13.
Section 45–14–15 ...	Exclusions From Increment Consumption .....	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–14.
Section 45–14–16 ...	Specific Exemptions .....	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–15.
Section 45–14–17 ...	Public Review Procedures .....	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–16.
Section 45–14–18 ...	Public Meetings .....	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–17.
Section 45–14–19 (Except part of 14–19.8).	Permit Transfer, Cancellation, and Responsibility	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–8.
Section 45–14–20 ...	Disposition of Permits .....	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–19.
Section 45–14–21 ...	Conflict with Other Permitting Rules .....	6/1/05	11/2/06; 71 FR 64470 .....	Formerly Section 45–14–20.
Section 45–14–25 ...	Actuals PALs .....	6/1/05	11/2/06; 71 FR 64470 .....	New Section.
Section 45–14–26 ...	Inconsistency Between Rules .....	6/1/05	11/2/06; 71 FR 64470 .....	New Section.

**[45 CSR] Series 19 Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution Which Cause or Contribute to Nonattainment**

Section 45–19–1 .....	General .....	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–2 (Except: 19–2.16, 19–2.33.c.8, 19–2.39.b.2.C, 19–2.39.b.5, and 19–2.53).	Definitions .....	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–3 (Except: 19–3.4.e, 19–3.4.f (part), and 19–3.6).	Applicability .....	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–4 .....	Conditions for a Permit Approval for Proposed Major Sources that Would Contribute to a Violation of NAAQS.	6/1/05	11/2/06; 71 FR 64468.	

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State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.2565
Section 45–19–5 .....	Conditions for Permit Approval for Sources Locating In Attainment or Unclassifiable Areas that Would Cause a New Violation of a NAAQS.	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–7 .....	Baseline for Determining Credit for Emission Offsets.	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–8 .....	Location of Emissions Offsets .....	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–9 .....	Administrative Procedures for Emission Offset Proposals.	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–12 ...	Reasonable Further Progress .....	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–13 ...	Source Impact Analysis .....	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–14 ...	Permit Requirements for Major Stationary Sources and Major Modifications.	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–15 ...	Public Review Procedures .....	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–16 ...	Public Meetings .....	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–17 (Except part of 19–17.4).	Permit Transfer, Cancellation and Responsibility	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–18 ...	Disposition of Permits .....	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–19 ...	Requirements for Air Quality Models .....	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–23 ...	Actuals PAL .....	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–24 ...	Conflict with Other Permitting Rules .....	6/1/05	11/2/06; 71 FR 64468.	
Section 45–19–25 ...	Inconsistency Between Rules .....	6/1/05	11/2/06; 71 FR 64468.	
Table 45–19A .....	No Title [Table of Significance Levels] .....	6/1/05	11/2/06; 71 FR 64468.	
Table 45–19B .....	Averaging Time (hours) .....	6/1/05	11/2/06; 71 FR 64468.	

**[45 CSR] Series 20 Good Engineering Practice as Applicable to Stack Heights**

Section 45–20–1 .....	General .....	7/14/89	4/19/94; 59 FR 18489 .....	(c)(27).
Section 45–20–2 .....	Definitions .....	7/14/89	4/19/94; 59 FR 18489 .....	(c)(27).
Section 45–20–3 .....	Standards .....	7/14/89	4/19/94; 59 FR 18489 .....	(c)(27).
Section 45–20–4 .....	Public Review Procedures .....	7/14/89	4/19/94; 59 FR 18489 .....	(c)(27).
Section 45–20–5 .....	Inconsistency Between Regulations .....	7/14/89	4/19/94; 59 FR 18489 .....	(c)(27).

**[45 CSR] Series 21 Regulation To Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds**

Section 45–21–1 .....	General .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–2 .....	Definitions .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–3 .....	Applicability .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–4 .....	Compliance Certification, Recordkeeping, and Reporting Procedures for Coating Sources.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–5 .....	Compliance Certification, Recordkeeping, and Reporting Requirements for Non-Coating Sources.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–6 .....	Requirements for Sources Complying by Use of Control Devices.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–7 .....	Circumvention .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–8 .....	Handling, Storage, and Disposal of Volatile Organic Compounds (VOCs).	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–9 .....	Compliance Programs, Registration, Variance, Permits, Enforceability.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–11 ...	Can Coating .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–12 ...	Coil Coating .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–14 ...	Fabric Coating .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–15 ...	Vinyl Coating .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–16 ...	Coating of Metal Furniture .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–17 ...	Coating of Large Appliances .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–18 ...	Coating of Magnet Wire .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–19 ...	Coating of Miscellaneous Metal Parts .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–21 ...	Bulk Gasoline Plants .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–22 ...	Bulk Gasoline Terminals .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–23 ...	Gasoline Dispensing Facility—Stage I Vapor Recovery.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–24 ...	Leaks from Gasoline Tank Trucks .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–25 ...	Petroleum Refinery Sources .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–26 ...	Leaks from Petroleum Refinery Equipment .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–27 ...	Petroleum Liquid Storage in External Floating Roof Tanks.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–28 ...	Petroleum Liquid Storage in Fixed Roof Tanks ....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–29 ...	Leaks from Natural Gas/Gasoline Processing Equipment.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).



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State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.2565
Section 45–21–31 ...	Cutback and Emulsified Asphalt .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–39 ...	Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–41 ...	Test Methods and Compliance Procedures: Gen- eral Provisions.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–42 ...	Test Methods and Compliance Procedures: De- termining the Volatile Organic Compound (VOC) Content of Coatings and Inks.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–43 ...	Test Methods and Compliance Procedures: Alter- native Compliance Methods for Surface Coat- ing.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–44 ...	Test Methods and Compliance Procedures: Emission Capture and Destruction or Removal Efficiency and Monitoring Requirements.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–45 ...	Test Methods and Compliance Procedures: De- termining the Destruction or Removal Effi- ciency of a Control Device.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–46 ...	Test Methods and Compliance Procedures: Leak Detection Methods for Volatile Organic Com- pounds (VOCs).	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–47 ...	Performance Specifications for Continuous Emis- sions Monitoring of Total Hydrocarbons.	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Section 45–21–48 ...	Quality Control Procedures for Continuous Emis- sion Monitoring Systems (CEMS).	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).
Appendix A .....	VOC Capture Efficiency .....	7/7/93	2/1/95; 60 FR 6022 .....	(c)(33).

**[45 CSR] Series 26 NO<sub>x</sub> Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides From Electric Generating Units**

Section 45–26–1 .....	General .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–2 .....	Definitions .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–3 .....	Measurements, Abbreviations and Acronyms .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–4 .....	NO <sub>x</sub> Budget Trading Program Applicability .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–5 .....	Retired Unit Exemption .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–6 .....	NO <sub>x</sub> Budget Trading Program Standard Require- ments.	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–7 .....	Computation of Time .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–10 ...	Authorization and Responsibilities of the NO <sub>x</sub> Au- thorized Account Representative.	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–11 ...	Alternate NO <sub>x</sub> Authorized Account Representa- tive.	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–12 ...	Changing the NO <sub>x</sub> Authorized Account Rep- resentative and the Alternate NO <sub>x</sub> Authorized Account Representative; Changes in Owners and Operators.	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–13 ...	Account Certificate of Representation .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–14 ...	Objections Concerning the NO <sub>x</sub> Authorized Ac- count Representative.	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–20 ...	General NO <sub>x</sub> Budget Trading Program Permit Requirements.	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–21 ...	NO <sub>x</sub> Budget Permit Applications .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–22 ...	Information Requirements for NO <sub>x</sub> Budget Permit Applications.	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–23 ...	NO <sub>x</sub> Budget Permit Contents .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–24 ...	NO <sub>x</sub> Budget Permit Revisions .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–30 ...	Compliance Certification Report .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–31 ...	Secretary's and Administrator's Action on Compli- ance Certifications.	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–40 ...	State NO <sub>x</sub> Trading Program Budget .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–41 ...	Timing Requirements for State NO <sub>x</sub> Allowance Allocations.	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–42 ...	State NO <sub>x</sub> Allowance Allocations .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–43 ...	Compliance Supplement Pool .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–50 ...	NO <sub>x</sub> Allowance Tracking System Accounts .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–51 ...	Establishment of Accounts .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–52 ...	NO <sub>x</sub> Allowance Tracking System Responsibilities of NO <sub>x</sub> Authorized Account Representative.	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–53 ...	Recordation of NO <sub>x</sub> Allowance Allocations .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–54 ...	Compliance .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–55 ...	NO <sub>x</sub> Allowance Banking .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).

## EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.2565
Section 45–26–56 ...	Account Error .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–57 ...	Closing of General Accounts .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–60 ...	Submission of NO <sub>x</sub> Allowance Transfers .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–61 ...	Allowance Transfer Recordation .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–62 ...	Notification .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–70 ...	General Monitoring Requirements .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–71 ...	Initial Certification and Recertification Procedures .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–72 ...	Out of Control Periods .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–73 ...	Notifications .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–74 ...	Recordkeeping and Reporting .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–75 ...	Petitions .....	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
Section 45–26–76 ...	Additional Requirements to Provide Heat Input Data.	5/1/02	5/10/02; 67 FR 31733 .....	(c)(46).
<b>[45 CSR] Series 29 Rule Requiring the Submission of Emission Statements for Volatile Organic Compound Emissions and Oxides of Nitrogen Emissions</b>				
Section 45–29–1 .....	General .....	7/7/93	8/4/95; 60 FR 39855 .....	(c)(34).
Section 45–29–2 .....	Definitions .....	7/7/93	8/4/95; 60 FR 39855 .....	(c)(34).
Section 45–29–3 .....	Applicability .....	7/7/93	8/4/95; 60 FR 39855 .....	(c)(34).
Section 45–29–4 .....	Compliance Schedule .....	7/7/93	8/4/95; 60 FR 39855 .....	(c)(34).
Section 45–29–5 .....	Emission Statement Requirements .....	7/7/93	8/4/95; 60 FR 39855 .....	(c)(34).
Section 45–29–6 .....	Enforceability .....	7/7/93	8/4/95; 60 FR 39855 .....	(c)(34).
Section 45–29–7 .....	Severability .....	7/7/93	8/4/95; 60 FR 39855 .....	(c)(34).
<b>[45 CSR] Series 35 Requirements for Determining Conformity of General Federal Actions to Applicable Air Quality Implementation Plans (General Conformity)</b>				
Section 45–35–1 .....	General .....	5/1/95	9/5/95; 60 FR 46029 .....	(c)(37).
Section 45–35–2 .....	Definitions .....	5/1/95	9/5/95; 60 FR 46029 .....	(c)(37).
Section 45–35–3 .....	Adoption of Criteria, Procedures and Requirements.	5/1/95	9/5/95; 60 FR 46029 .....	(c)(37).
Section 45–35–4 .....	Requirements .....	5/1/95	9/5/95; 60 FR 46029 .....	(c)(37).
<b>[45 CSR] Series 39 Control of Annual Nitrogen Oxide Emissions to Mitigate Interstate Transport of Fine Particulate Matter and Nitrogen Oxides</b>				
Section 45–39–40 ...	CAIR NO <sub>x</sub> Annual Trading Budget .....	5/1/06	12/18/07; 72 FR 71576 ...	Only Phase I (2009–2014).
Section 45–39–41 ...	Timing Requirements for CAIR NO <sub>x</sub> Annual Allowance Allocations.	5/1/06	12/18/07; 72 FR 71576 ...	Only Phase I (2009–2014).
Section 45–39–42 ...	CAIR NO <sub>x</sub> Annual Allowance Allocations .....	5/1/06	12/18/07; 72 FR 71576 ...	Only for Phase I (2009–2014).
<b>[45 CSR] Series 40 Control of Ozone Season Nitrogen Oxide Emissions to Mitigate Interstate Transport of Ozone and Nitrogen Oxides</b>				
Section 45–40–40 ...	CAIR NO <sub>x</sub> Ozone Season Trading Budget .....	5/1/06	12/18/07; 72 FR 71576 ...	1. Except for subsection 40.3, and non-EGUs in subsection 40.1 table. 2. Only Phase I (2009–2014).
Section 45–40–41 ...	Timing Requirements for CAIR NO <sub>x</sub> Ozone Season Allowance Allocations.	5/1/06	12/18/07; 72 FR 71576 ...	Only Phase I (2009–2014).
Section 45–40–42 ...	CAIR NO <sub>x</sub> Ozone Season Allowance Allocations	5/1/06	12/18/07; 72 FR 71576 ...	1. Except for subsections 42.2.d, 42.2.e, 42.3.a.2, and 42.4.b. 2. Only Phase I (2009–2014).

(d) EPA approved state source-specific requirements.

EPA-APPROVED SOURCE SPECIFIC REQUIREMENTS

Source name	Permit/order or registration number	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.2565
Mountaineer Carbon Co	Consent Order	7/2/82	9/1/82 47 FR 38532	(c)(18).
National Steel Corp.—Weirton Steel Division.	Consent Order (Bubble)	7/6/82	12/9/82 47 FR 55396	(c)(19).
Columbia Gas Transmission Corporation—Lost River Station.	Consent Order	9/12/90	4/24/91 56 FR 18733	(c)(24).
Wheeling-Pittsburgh Steel Corp	Consent Order CO-SIP-91-29	11/14/91	7/25/94 59 FR 37696	(c)(26).
Standard Lafarge	Consent Order CO-SIP-91-30	11/14/91	7/25/94 59 FR 37696	(c)(26).
Follansbee Steel Corp	Consent Order CO-SIP-91-31	11/14/91	7/25/94 59 FR 37696	(c)(26).
Koppers Industries, Inc	Consent Order CO-SIP-91-32	11/14/91	7/25/94 59 FR 37696	(c)(26).
International Mill Service, Inc	Consent Order CO-SIP-91-33	11/14/91	7/25/94 59 FR 37696	(c)(26).
Starvaggi Industries, Inc	Consent Order CO-SIP-91-34	11/14/91	7/25/94 59 FR 37696	(c)(26).
Quaker State Corporation	Consent Order CO-SIP-95-1	1/9/95	11/27/96 61 FR 60191	(c)(35).
Weirton Steel Corporation	Consent Order CO-SIP-95-2	1/9/95	11/27/96 61 FR 60191	(c)(35).
PPG Industries, Inc	Consent Order CO-SIP-2000-1	1/25/00	8/2/00 65 FR 47339	(c)(44)(i)(B)(1).
Bayer Corporation	Consent Order CO-SIP-2000-2	1/26/00	8/2/00 65 FR 47339	(c)(44)(i)(B)(2).
Columbian Chemicals Company	Consent Order CO-SIP-2000-3	1/31/00	8/2/00 65 FR 47339	(c)(44)(i)(B)(3).
PPG Industries, Inc	Consent Order CO-SIP-C-2003-27	7/29/03	4/28/04 69 FR 23110	(c)(58).
Wheeling-Pittsburgh Steel Corporation	Operating Permit R13-1939A	8/19/03	05/05/04 69 FR 24986	(c)(59)(i)(B)(1).
Weirton Steel Corporation	Consent Order, CO-SIP-C-2003-28	8/4/03	05/05/04 69 FR 24986	(c)(59)(i)(B)(2).

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 [FR Doc. E9-2355 Filed 2-9-09; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R03-OAR-2008-0694; FRL-8759-6]

**Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Ambient Air Quality Standards**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of West Virginia. This revision establishes and requires ambient air quality standards for sulfur oxides, particulate matter, carbon monoxide, ozone, nitrogen dioxide, and lead equivalent to the national primary and secondary ambient air quality standards. This action is being taken under the Clean Air Act (CAA).

**DATES:** *Effective Date:* This final rule is effective on March 12, 2009.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2008-0694. All documents in the docket are listed in the <http://www.regulations.gov> website. Although listed in the electronic docket, some information is not publicly

available, *i.e.*, confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street, SE., Charleston, WV 25304.

**FOR FURTHER INFORMATION CONTACT:** Gobeail McKinley, (215) 814-2033, or by e-mail at [mckinley.gobeail@epa.gov](mailto:mckinley.gobeail@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On October 28, 2008 (73 FR 63915), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. The NPR proposed approval of West Virginia's ambient air quality standards for sulfur oxides, particulate matter (PM), carbon monoxide, ozone, nitrogen dioxide, and lead equivalent to the national primary and secondary ambient air quality standards.

**II. Summary of SIP Revision**

On April 25, 2008, the State of West Virginia submitted as a SIP revision

Rule 45CSR8—Ambient Air Quality Standards, which updates and incorporates all six criteria pollutants to be equivalent to the national ambient air quality standards. The revision repeals rules 45CSR9—Ambient Air Quality Standards for Carbon Monoxide and Ozone and 45CSR12—Ambient Air Quality Standard for Nitrogen Dioxide, and moves these ambient air quality standards into Rule 45CSR8. The revision includes a correction of the sulfur dioxide annual primary standard from 0.003 to 0.030 parts per million (ppm), removes the annual PM<sub>10</sub> standard, and incorporates the annual PM<sub>2.5</sub> standard, the 24-hour PM<sub>2.5</sub> standard of 35 µg/m<sup>3</sup>, the primary and secondary standards for lead, and the primary and secondary 1-hour and 8-hour ozone standards. The SIP revision includes the revocation of the 1-hour ozone standard except for Berkeley and Jefferson Counties and it identifies the 1-hour ozone maintenance areas. The SIP revision also adds new reference conditions for PM<sub>2.5</sub> and measurement methods for PM<sub>2.5</sub> and lead. Other specific requirements of West Virginia's ambient air quality standards and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

**III. Final Action**

EPA is approving Rule Section 45CSR8—Ambient Air Quality Standards as a revision to the West Virginia SIP.