

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

FORM #5

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Dec 22 10 11 AM '98

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: Division of Environmental Protection, Office of Air Quality TITLE NUMBER: 45

CITE AUTHORITY: W.Va. Code §§22-5-4,12; W.Va. Code §29A-1-2(c); WV45CSR30

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE X \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_

CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW \_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES X , NO \_\_\_\_\_

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 30A

TITLE OF RULE BEING AMENDED: "Deferral of Area Sources from Permitting Requirements"

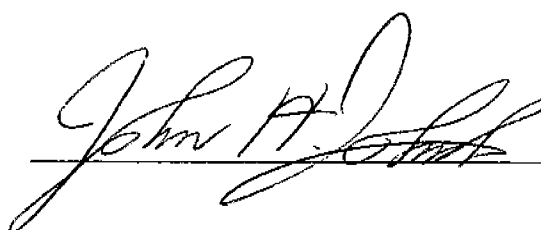
IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS February 1, 1999

John H. Johnston, Chief  
Office of Air Quality  
1558 Washington Street East  
Charleston, WV 25311-2599



\$3.20



CECIL H. UNDERWOOD  
GOVERNOR

**BUREAU OF ENVIRONMENT**  
10 McJunkin Road  
Nitro, WV 25143-2506

MICHAEL P. MIANO  
COMMISSIONER

December 21, 1998

Ms. Judy Cooper  
Director  
Administrative Law Division  
Capitol Complex  
Charleston, WV 25305

RE: 45CSR30A - "Deferral of Area Sources From Permitting Requirements"

Dear Ms. Cooper:

This is to advise that I am giving approval to file the above-referenced interpretive rule with your Office as Notice of Agency Adoption of an Interpretive Rule.

Your cooperation in this regard is very much appreciated. If you have any questions or require additional information, please feel free to contact Carrie Chambers in my office at 759-0515.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael P. Miano".

Michael P. Miano  
Commissioner

MPM:cc

Attachment

cc: John Johnston  
Karen Watson  
Carrie Chambers

**BUREAU OF ENVIRONMENT  
DIVISION OF ENVIRONMENTAL PROTECTION**

**BRIEFING DOCUMENT**

**Rule Title:** 45CSR30A - "Deferral of Area Sources from Permitting Requirements"

---

**A. AUTHORITY:** W. Va. Code §§22-5-4,12; W. Va. Code §29A-1-2(c); and WV 45CSR30.

**B. SUMMARY OF RULE:**

This interpretive rule is being amended to reflect technical changes previously made to 45CSR30. The revisions consist of changing references to "chief of the Office of Air Quality" to "Director", and renumbering to reflect the current system of the Secretary of State's office.

**C. STATEMENT OF CIRCUMSTANCES WHICH REQUIRE RULE:**

As noted in the Summary above, proposed revisions consist of technical changes only.

## APPENDIX B

### FISCAL NOTE FOR PROPOSED RULES

Rule Title: 45CSR30A - "Deferral of Area Sources from Permitting Requirements"

Type of Rule:        Legislative   X   Interpretive        Procedural

Agency: Office of Air Quality

Address: 1558 Washington Street, East

Charleston, WV 25311-2599

1. Effect of Proposed Rule	Annual		Fiscal Year		
	Increase	Decrease	Current	Next	There-after
Estimated Total Cost	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Personal Services	-0-	-0-	-0-	-0-	-0-
Current Expense	-0-	-0-	-0-	-0-	-0-
Repairs and Alterations	-0-	-0-	-0-	-0-	-0-
Equipment	-0-	-0-	-0-	-0-	-0-
Other	-0-	-0-	-0-	-0-	-0-

2. Explanation of above estimates:

Revisions consist of technical changes only; no substantive changes.

3. Objectives of these rules:

Revisions made in order to reflect technical changes previously made to 45CSR30.

Appendix B  
Fiscal Note For Proposed Rules  
Page Two

4. Explanation of Overall Economic Impact of Proposed Rule.
- A. Economic Impact on State Government.
- None.
- B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.
- None.
- C. Economic Impact on Citizens/Public at Large.
- None.

Date: Mar 27, 1978

Signature of Agency Head or Authorized Representative

John D. Smith

TITLE 45  
INTERPRETIVE RULE  
DIVISION OF ENVIRONMENTAL PROTECTION  
OFFICE OF AIR QUALITY

DEC 22 10 11 AM '98

OFFICE OF THE ATTORNEY GENERAL  
SECRETARY OF STATE

SERIES 30A  
DEFERRAL OF AREA SOURCES FROM PERMITTING REQUIREMENTS

**§45-30A-1. General.**

1.1. Scope. -- Series 30A provides for the deferral of area sources from the obligation to obtain a permit under WV 45CSR30 "Requirements for Operating Permits".

1.2. Authority. -- W. Va. Code §§22-5-4,12; W. Va. Code §29A-1-2(c); and WV 45CSR30.

1.3. Filing Date. -- December 22, 1998

1.4. Effective Date. -- February 1, 1999

**§45-30A-2. Definitions.**

The definitions set forth in WVCSR §45-30-2 shall apply to this rule as though set forth herein.

**§45-30A-3. Deferral of Area Sources.**

3.1. Pursuant to the authority granted in WVCSR §45-30-3.2, the Director hereby defers from the obligation to obtain a permit under WV 45CSR30 each source that:

3.1.a. Is subject to a standard or other requirement promulgated under §111 or §112 of the Clean Air Act; and

3.1.b. Is not a major source, an affected source, or a solid waste incineration unit required to obtain a permit pursuant to §129(e) of the Clean Air Act.

3.2. Notwithstanding the provisions of subsection 3.1. of this rule, the Director may not defer a source from the obligation to obtain a permit if the source is included in a source category for which U.S. EPA has promulgated rules since July 21, 1992, which rules do not authorize the deferral of such source from the obligation to obtain a permit under Title V of the Clean Air Act.

3.3. Any sources deferred by the U.S. EPA from the obligation to obtain a Title V permit which are subsequently exempted from the requirement to obtain a permit shall not be required to obtain a permit under WV 45CSR30.

**§45-30A-4. Deferral Period.**

4.1. The deferral of sources pursuant to this rule shall remain in effect for a period of three (3) years from the effective date of the operating permit program; provided, that the Director may grant an extension of this period, which extension may last for an additional period, not to exceed two (2) years from the expiration of the initial three-year period; provided further, that the expiration date of any deferral provided pursuant to this rule shall be consistent with any rulemaking promulgated by U.S. EPA relating to area sources and the obligation to obtain a permit under Title V of the Clean Air Act.

4.2. Upon expiration of the deferral period, including any extension granted under subsection 4.1., sources deferred under this rule shall apply for permits in accordance with the requirements of WV 45CSR30 and the requirements of any rule promulgated by U.S. EPA relating to such area sources. Unless the Director specifies otherwise, due dates for WV 45CSR30 permit applications from deferred sources shall be calculated in accordance with the application schedule under WVCSSR §45-30-4.1.a. or any schedule promulgated by U.S. EPA, whichever is more stringent. Such application schedule shall commence at the expiration of the deferral period.

4.3. Notwithstanding the provisions of subsection 3.1. of this rule, sources that are deferred by operation of this rule may elect to apply for a permit under WV 45CSR30. In such an event, the source shall apply for a permit in accordance with the time schedule specified under WVCSSR §45-30-4.1.a., which time schedule shall commence upon the effective date of the operating permit program.

**§45-30A-5. Effect of Deferral.**

5.1. Sources that are deferred by operation of this rule shall not be relieved from the requirements of any applicable statutes, rules, or permits, other than the requirement to obtain a permit under WV 45CSR30; provided, however, that such sources shall not be relieved from the obligation to pay any and all permit fees required under WV 45CSR30.

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

FORM #2

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MAY 27 2 39 PM '98

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Division of Environmental Protection, Office of Air Quality TITLE NUMBER: 45

RULE TYPE: Interpretive; CITE AUTHORITY W. Va. Code §§22-5-4, 12; W. Va. Code §29A-1-2(c);  
and WV 45CSR30

AMENDMENT TO AN EXISTING RULE: YES X NO       

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 30A

TITLE OF RULE BEING AMENDED: "Deferral of Area Sources from Permitting  
Requirements"

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:                                 

TITLE OF RULE BEING PROPOSED:     
  

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY  
INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT  
PERIOD WILL END ON June 29, 1998 AT 5:00 PM

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING  
ADDRESS.

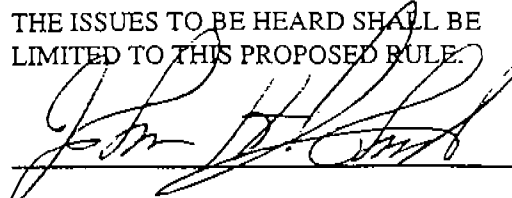
John H. Johnston

Office of Air Quality

1558 Washington Street, East

Charleston, WV 25311-2599

THE ISSUES TO BE HEARD SHALL BE  
LIMITED TO THIS PROPOSED RULE.



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL





**BUREAU OF ENVIRONMENT**  
10 McJunkin Road  
Nitro, WV 25143-2506

CECIL H. UNDERWOOD  
GOVERNOR

MICHAEL P. MIANO  
COMMISSIONER

May 26, 1998

Ms. Judy Cooper  
Director  
Administrative Law Division  
Capitol Complex  
Charleston, WV 25305

RE: 45CSR30A - "Deferral of Area Sources From  
Permitting Requirements"

Dear Ms. Cooper:

This is to advise that I am giving approval to file the above-referenced  
Interpretive Rule with your Office as Notice of Comment Period on a Proposed Rule.

Your cooperation in this regard is very much appreciated. If you have any  
questions or require additional information, please feel free to contact Carrie Chambers  
in the Director's Office at 759-0515.

Sincerely yours,

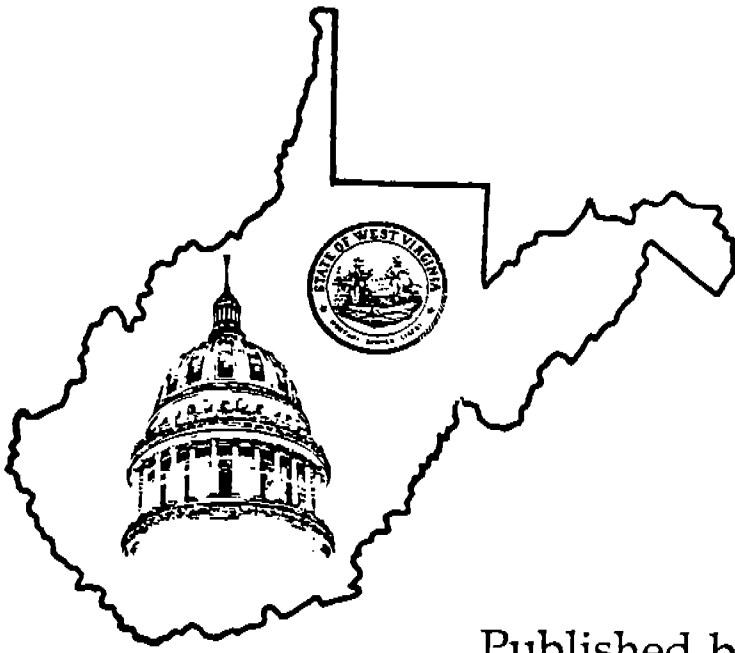
A handwritten signature in black ink, reading "Michael P. Miano".

Michael P. Miano  
Commissioner

MPM:cc

Attachment

cc: Karen Watson, OAQ



# WEST VIRGINIA REGISTER

Published by Ken Hechler, Secretary of State

*Volume XV*

*Issue 22*

*May 29, 1998*

*Pages 870-916*

*A Weekly Publication*

*Administrative Law Division*

*Judy Cooper  
Director*

*Lisa Blake  
Leah Powell  
Administrative Assistants*

*Secretary of State  
Administrative Law Division  
Bldg. 1, Suite 157K  
1900 Kanawha Blvd. E.  
Charleston, WV 25305-0770*

*(304)558-6000*

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  - c. Procedural Rules*
  - d. Emergency Rules*
  - e. Legislative Rule-Making Review Committee*
- VI. Legislative Interims*
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- X. Attorney General Opinions*
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**PROPOSED RULES FILED FOR PUBLIC HEARING**

<u><b>AGENCY</b></u>	<u><b>RULE/TYPE</b></u>	<u><b>AUTHORITY</b></u>	<u><b>HEARING/COMMENT PERIOD/LOCATION</b></u>
Air Quality (45-7A)	Compliance Test Procedures for 45CSR7 - To prevent & Control Particulate Air Pollution from Manufacturing Process Operations Procedural	§§22-5-1 et seq. §29A-1-2(g) & WV 45CSR7	June 29, 1998, 5:00 p.m. Written Comments only: John H Johnston Office of Air Quality 1558 Washington Street East Charleston, WV 25311-2599
Air Quality (45-25A)	Standards for Performing Direct & Indirect Exposure Risk Assessments Interpretive	§§22-5-1 et seq. §§22-18-1, 29A-1-2(c) & WV 45CSR25	June 30, 1998, 6:00 p.m. Office of Air Quality 1558 Washington Street East Charleston, WV 25311-2599 Written Comments to: Same as above
Air Quality (45-30A)	Deferral of Area Sources from Permitting Requirements Interpretive	§§22-5-4, 12 29A-1-2(c) & WV 45CSR30	June 29, 1998, 5:00 p.m. Written Comments only: Same as above
Education (126-81)	Attendance Policy (4110) Legislative	§§18-2-5,18-8-1; W.Va. Const. Art. XII §2	July 12, 1998, 4:00 p.m. Therese M Wilson, Director WV Dept of Education Bldg 6 Rm B-057 1900 Kanawha Blvd East Charleston, WV 25305-0330
Education (126-98)	Student Handbook - Student Rights & Responsibilities (4372) Legislative	§§18-2-5,18-5-1, 18-5-13, W Va. Const. Art. XII §2	July 12, 1998, 4:00 p.m. Same as Above
Health (64-60)	Medication Administration by Unlicensed Personnel Legislative	§§16-50-11,16-1-7	June 30, 1998, 4:30 p.m. Regulatory Development Dept of Health & Human Resources Capitol Complex - Bldg 3 Rm 265 Charleston, WV 25305 Attn: Marsha Dadisman, Acting Director

## RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS.	FINAL FILE	EFFECTIVE
Agriculture (61-12)	Fee Structure for Pesticide Control Act of 1990 \$3.60 Legislative	5/14/98	6/25/98						
Agriculture (61-23A)	WV Fish Processing Rules \$7.20 Legislative	6/19/97	7/21/97		8/1/97	Modified & Approved 11/5/97 Filed 11/25/97	SB 329	5/15/98	6/15/98
Air Quality (45-7)	To Prevent & Control Particulate Air Pollution From Manufacturing Process Operations** \$4.80 Legislative	6/30/97	8/4/97	6/27/97 ERD 6-97 APP 8/5/97	8/14/97	Approved 1/12/98	HB 4136	5/1/98	5/1/98
Air Quality (45-7A)	Compliance Test Procedures for 45 CSR7-To Prevent & Control Particu- late Air Pollution from Manufacturing Process Operations \$4.20 Procedural	5/27/98	6/29/98						
Air Quality (45-25)	To Prevent & Control Air Pollution from Hazardous Waste Treatment Storage or Disposal Facilities \$4.20 Legislative	6/17/97	7/21/97		8/1/97	Modified & Approved 11/18/97 Filed 12/2/97	HB 4136	5/1/98	5/1/98
Air Quality (45-25A)	Standards for Performing Direct & Indirect Exposure Risk Assessments \$15.10 Interpretive	5/27/98	6/30/98						
Air Quality (45-30A)	Deferral of Area Sources from Per- mitting Requirements \$3.40 Interpretive	5/27/98	6/29/98						
Air Quality (45-31A)	Release of Previously Submitted Confidential Information \$3.40 Interpretive	3/25/98	5/4/98			N/A	N/A		

**INTERPRETIVE**

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

FORM #1

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*F-11*

*May 21 2 40 PM '98*

OFFICE OF THE  
SECRETARY OF STATE

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

FORM #2

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*F-11*

*May 21 2 39 PM '98*

OFFICE OF THE  
SECRETARY OF STATE

**NOTICE OF PUBLIC HEARING ON A PROPOSED RULE**

AGENCY: Division of Environmental Protection, Office of Air Quality TITLE NUMBER: 45

RULE TYPE: Interpretive CITE AUTHORITY: W. Va. Code §§22-5-1, et seq., W. Va. Code §§22-18-1, et seq., W. Va. Code §29A-1-2(c), and WV 45CSR25

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

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

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 25A

TITLE OF RULE BEING PROPOSED: "Standards for Performing Direct and Indirect Exposure Risk Assessments"

DATE OF PUBLIC HEARING: June 30, 1998 TIME: 6:00 p.m.

LOCATION OF PUBLIC HEARING: Office of Air Quality

1558 Washington Street, East  
Charleston, WV

COMMENTS LIMITED TO: ORAL ☐ WRITTEN ☒ BOTH ☐

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: John L. Johnston, Chief

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

John L. Johnston

Office of Air Quality

1558 Washington Street, East

Charleston, WV 25311-2599

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Division of Environmental Protection, Office of Air Quality TITLE NUMBER: 45

RULE TYPE: Interpretive CITE AUTHORITY: W. Va. Code §§22-5-4, 12, W. Va. Code §29A-1-2(c), and WV 45CSR30

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 30A

TITLE OF RULE BEING AMENDED: "Deferral of Area Sources from Permitting Requirements"

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 29, 1998 AT 5:00 PM

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

John H. Johnston

Office of Air Quality

1558 Washington Street, East

Charleston, WV 25311-2599

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL



# CHARLESTON NEWSPAPERS

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			REFERENCE NBR	PURCHASE ORDER #					
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			537477001			3.63	6.19	22.47	
05/30	LEGF	DM	PUBLIC COMMENT		L421339	1X0363			
			537477001			3.63	6.19	22.47	44.94
			TOTAL INVOICE AMOUNT						44.94

State of West Virginia.

## AFFIDAVIT OF PUBLICATION

I, Annalia Ligg of  
THE CHARLESTON GAZETTE, A DAILY DEMOCRATIC NEWSPAPER,  
THE DAILY MAIL, A DAILY REPUBLICAN NEWSPAPER,  
published in the city of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of:  
PUBLIC COMMENT

was duly published in said paper(s) during the dates listed below, and was posted at the front door of the court house of said Kanawha County West Virginia, on the 1ST day of JUNE 1998. Published during the following dates: 05/30/98-05/30/98  
Subscribed and sworn to before me this 7 day of June  
Printers fee \$ 44.94



OFFICIAL SEAL  
NOTARY PUBLIC  
STATE OF WEST VIRGINIA  
LYNN R. FIELDER  
3249 PUYANNA AVE.  
HURRICANE, WV 25703  
My Commission Expires December 11, 2001

Notary Public of Kanawha County, West Virginia

### NOTICE OF PUBLIC COMMENT PERIOD

The West Virginia Division of Environmental Protection, Office of Air Quality has established a public comment period on revisions to an interpretive rule, titled "Deferral of Area Sources from Permitting Requirements" (45CSR30A) and on revisions to a procedural rule, titled "Compliance Test Procedures for 45CSR7-To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations" (45CSR7A).

The Office of Air Quality will accept written comments on 45CSR30A and 45CSR7A until June 29, 1998 at 5:00 p.m. Comments must be hand-delivered or mailed by June 29, 1998 in order to be considered by the Agency and made a part of the rule-making record. Written comments must be sent to the following address:

John H. Johnston, Chief  
Office of Air Quality  
1558 Washington St., E.  
Charleston, WV 25311-2599

A copy of 45CSR30A and 45CSR7A will be available for public review on or before May 29, 1998, in the Office of Air Quality's Charleston Office.

(421339)

The items listed herein conform to specification, were received and are approved for payment.						
Date: 06-04-98 Signed: M. Linton						
Comm #	SA PO #	PO#	S. J. Linton			
		QCR#	COC#			
CLASS	LEASE	TECH/SS 250-676-079				
4		CNS VENDOR #: 50987				
FUND	FY	ORG	ACT	OBJ CODE	GRANT#	
3336	1998	9310	099	035		

06/01/98



WEST VIRGINIA  
MANUFACTURERS ASSOCIATION

2001 Quarrier Street, Charleston, WV 25311

Telephone: (304) 342-2123

FAX: (304) 342-4552

wvma@citynet.net

June 22, 1998

John Johnston, Chief  
Office of Air Quality  
1558 Washington Street, East  
Charleston, WV 25311

Re: 45 C.S.R. 30A - Deferral of Area Sources  
from Permitting Requirements

Dear Chief Johnston:

On behalf of the West Virginia Manufacturers Association I have reviewed proposed 45 C.S.R. 30A, the interpretative rule deferring area sources from the obligation to obtain a Title V operating permit. After reviewing the rule, I would note that the deferral period in Section 4.1 is unchanged, making it unclear how long the deferral period is meant to extend. As written, the rule might be interpreted as allowing only the initial three year deferral, unless the rule was changed to allow extensions for up to two years. It is our understanding that the Office of Air Quality has issued a letter to area sources advising them that the deferral period has been extended to four years (one year in addition to the original three year deferral), with a possible fifth year to be decided later. If that is the case, you might want to consider amending Section 4.1 to identify the date on which the West Virginia operating permit program became effective, and to specifically grant the four year deferral, with the fifth year to be granted upon written notice to area sources. This would allow those who refer to 45 C.S.R. for guidance to know when the deferral period started, and for how long the deferral has been approved.

Thank you for the opportunity to offer this comment.

Sincerely yours,

John K. Pitner, Chairman  
WVMA Air Subcommittee

RECEIVED  
1998 JUN 25 P 3:43  
WV DIV OF ENVIR PROTECT  
OFFICE OF AIR QUALITY ANNEX

JKP:shb

cc: Karen S. Price  
Kim Brown Poland

Board of Directors

AEP  
Ashland Inc.  
BASF Corporation  
Bayer, Inc.  
Capitol Cement Corporation  
Coming Incorporated  
The Dean Company

Downard Hydraulics, Inc.  
DuPont  
Eagle Manufacturing Co.  
Elkem Metals Company  
Flexsys  
FMC Corporation  
GE Plastics

Georgia-Pacific Corporation  
Halltown Paperboard Company  
Hester Industries, Inc.  
Imation  
Inco Alloys International, Inc.  
Kanawha Manufacturing Co.  
Koppers Industries, Inc.

Marble King, Inc.  
One Valley Bank  
P&WC Aircraft Services, Inc.  
PPG Industries, Inc.  
Quebecor Printing  
Ravenswood Aluminum Corp.  
Rhône-Poulenc Ag Company

U.S. Silica Company  
Union Carbide Corporation  
W.M. Cramer Lumber Co.  
Weirton Steel Corporation  
Wheeling-Pittsburgh Steel Corp.

## 45CSR30A

### DEFERRAL OF AREA SOURCES FROM PERMITTING REQUIREMENTS

#### RESPONSE TO COMMENTS

On May 27, 1998, the Office of Air Quality (OAQ) filed a Notice of Comment Period on its amended procedural rule 45CSR30A, permitting written comments to be submitted through June 29, 1998. The OAQ received one written comment on the rule from the West Virginia Manufacturers Association. The OAQ has summarized the comment and provides the following response.

**Commenter: West Virginia Manufacturers Association**

#### COMMENT:

*The deferral period in section 4.1. is unchanged, making it unclear how long the deferral period is meant to extend. It is our understanding that the deferral period for area sources has been extended to four years with a possible fifth year to be decided later. If that is the case, OAQ might want to consider amending Section 4.1. to identify the date on which the WV operating permit program became effective, and to specifically grant the four year deferral, with the fifth year to be granted upon written notice to area sources. This would allow those who refer to 45CSR30A to know when the deferral period started, and for how long the deferral has been approved.*

#### RESPONSE:

The OAQ's purpose in revising this interpretive rule was merely to make a minor technical correction. Although the agency understands it could be desirable, while making this correction, to explain that the agency had granted a one-year extension to the deferral period as per the rule, we do not believe it is necessary or appropriate to actually revise the rule to effectuate such an extension. The OAQ effectuated the first extension by a letter to all minor sources eligible for the deferral and would contemplate using the same approach if a second extension were to be granted as per the rule.