

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

FORM #2

Do Not Mark In This Box

FILED

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 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.

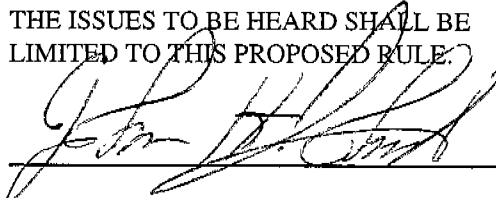
John H. Johnston

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

\$3.40



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

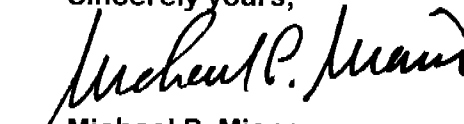
**RE: 45CSR30A - "Deferral of Area Sources From
Permitting Requirements"**

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,


Michael P. Miano
Commissioner

MPM:cc

Attachment

cc: Karen Watson, OAQ

**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 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: May 27, 1998

Signature of Agency Head or Authorized Representative

John D. [Signature]

FILED

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

MAY 27 2 39 PM '98

OFFICE OF WEST VIRGINIA
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. -- ~~September 5, 1995:~~

1.4. Effective Date. -- ~~October 5, 1995:~~

§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 ~~chief of the Office of Air Quality~~ Director hereby defers from the obligation to obtain a permit under WV 45CSR30 each source that:

3.1.1a. Is subject to a standard or other requirement promulgated under §111 or §112 of the Clean Air Act; and

3.1.2b. 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 ~~chief~~ 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 ~~chief~~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 ~~chief~~Director specifies otherwise, due dates for WV 45CSR30 permit applications from deferred sources shall be calculated in accordance with the application schedule under WVCSR §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 WVCSR §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.