

Public Notice

Proposed Rule 45CSR30

The West Virginia Division of Air Quality is soliciting comment, and will hold a public hearing, on revisions to proposed legislative rule 45CSR30 - *Requirements for Operating Permits*. The comment period will begin on January 14, 2011 and end at the conclusion of the public hearing, which will begin at 6 p.m. on February 14, 2011, at the Division of Environmental Protection's Charleston headquarters, 601 57th Street S.E., Charleston, WV 25304.

Written comments may be submitted to the Public Information Office at the above address. Comments may also be e-mailed to comments@wv.dep.gov. Comments will be limited to the proposed revisions of the rule and will be made a part of the rulemaking record. During the hearing, oral comments will also be accepted. Copies of the proposed rule are available from the Secretary of State's office or from the DEP at www.wv.dep.gov/2012rules. You may also obtain hardcopies of the proposed rule by calling the phone number listed below.

The proposed revisions to the Title V permit program under 45CSR30 implement the provisions of the U.S. Environmental Protection Agency's final Greenhouse Gas Tailoring Rule, published on June 3, 2010 at 75 Federal Register 31514. The effect of the Tailoring Rule provisions on the Title V permit program is to limit the applicability of sources subject to greenhouse gas permit requirements which became effective on January 2, 2011. The limitation is implemented by effectively raising the major source applicability threshold for greenhouse gases to 100,000 tons per year of carbon dioxide equivalent greenhouse gases. The proposed revisions specify that greenhouse gases are not subject to fees under the Title V program. There are also update revisions to the rule which ensure the rule comports with the federal counterpart regulation.

In order to effect the Title V permit provisions of the Tailoring Rule as soon as practicable, the State has also adopted this rule as an emergency rule, which will become effective on February 1, 2011. The proposed rule is identical to the emergency rule and will ensure continuity when the emergency rule expires after fifteen months as required by law. Upon authorization and promulgation of proposed rule 45CSR30, the rule will be submitted to the U.S. Environmental Protection Agency as a revision to the State's Operating Permit Program under Title V of the federal Clean Air Act.

For more information on any of the DAQ rules call 304-926-0475.