

General Requirement Comparison Table A

The following table is a comparison of Rule 13 permit language and the corresponding Title V permit language:

Rule 13 General Requirement	Title V General Condition
<p>In accordance with 45CSR30 - "Requirements for Operating Permits," enclosed with this permit is a Certified Emissions Statement registration form. Please complete this form and return it to the West Virginia Division of Environmental Protection, Division of Air Quality (DAQ) along with the correct operating fee within thirty (30) days. If you have already submitted a Certified Emissions Statement to the DAQ please disregard this requirement.</p> <p style="text-align: center;">- or -</p> <p>In accordance with 45CSR30 - "Operating Permit Program", the permittee shall not operate nor cause to operate the permitted facility or other associated facilities on the same or contiguous sites comprising the plant without first filing a Certified Emissions Statement (CES) and paying the appropriate fee. Such Certified Emissions Statement (CES) shall be filed and the appropriate fee paid annually. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Director or his/her duly authorized representative.</p> <p style="text-align: center;">- or -</p> <p>In accordance with 45CSR30 - "Operating Permit Program", enclosed with this permit is a Certified Emissions Statement (CES) Invoice, from the date of initial startup through the following June 30. Said invoice and the appropriate fee shall be submitted to this office no later than 30 days prior to the date of initial startup. For any startup date other than July 1, the permittee shall pay a fee or prorated fee in accordance with the Section 4.5 of 45CSR22. A copy of this schedule may be found attached to the Certified Emissions Statement (CES) Invoice.</p>	<p>Included in Title V - Section II.E.</p> <p>CERTIFIED EMISSIONS STATEMENT AND FEES C.S.R. § 45-30-8. The permittee shall file a certified annual emission statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.</p>
<p>Possession of this permit does not relieve any person of the responsibility of complying with any and all applicable rules of the Commission or any other governmental agency.</p> <p style="text-align: center;">- or -</p> <p>Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses, and/or approvals from other agencies; i.e., local, state, and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.</p>	<p>Included in Title V - Section II.A.11.</p> <p>This permit does not convey permission to treat, store, or dispose of any materials determined to be hazardous wastes as per 45 C.S.R. 25. Additionally, it does not relieve the permittee herein of the responsibility to apply for and obtain all other required permits, licenses, and/or approvals from the Division of Air Quality as well as other local, state, and federal agencies which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted. WV Code §§ 22-5-1 <u>et seq</u></p>

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<p>The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.</p>	<p>Included in Title V - Section II.L. SEVERABILITY C.S.R. § 45-30-5.1.e.</p> <p>The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.</p>
<p>On or before July 1st of each calendar year, the permittee herein shall prepare and submit an emission inventory for the previous calendar year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emissions inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Director may, based upon the type and quantity of the pollutants emitted, establish a submittal frequency other than on an annual basis.</p>	<p>Included in Title V - Section III.B.2.a.v. - Specific Conditions</p> <p>The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality. W.V. Code § 22-5-4(a)(14). (effective date August 4, 1995). (<i>Facility-Wide Applicability</i>).</p>
<p>Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7.</p>	<p>Included in Title V - Section II.I.1.</p> <p>Duty to Comply C.S.R. § 45-30-5.1.f.1.</p> <p>The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.</p>
<p>This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13.</p>	<p>Included in Title V - Section II.F.4.</p> <p>Permit Transfers. C.S.R. § 45-30-6.4.a.4.</p> <p>A change in ownership or operational control of the permitted source may utilize the procedures for administrative permit amendments if the following requirements are met:</p> <ol style="list-style-type: none"> a. The Secretary determines no other changes in the permit are required. b. A written agreement containing the following information is submitted to the Secretary: <ol style="list-style-type: none"> i. The specific date for transfer of permit responsibility; ii. Coverage; and iii. Liability between the current and the new permittee. c. The permittee shall transfer any existing permits under 45 C.S.R. 13, 45 C.S.R. 14, and 45 C.S.R. 19 simultaneously in accordance with the requirements under the applicable rule.

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<p>At such reasonable time(s) as the Director may designate, the permittee shall conduct or have conducted test(s) to determine compliance with the emission limitations established in the permit application and/or applicable rules. Test(s) shall be conducted in such a manner as the Director may specify or approve and shall be filed in a manner acceptable to the Director. The Director, or his/her duly authorized representative, may at his option witness or conduct such test. Should the Director exercise his option to conduct such test(s), the operator shall provide all the necessary sampling connections and sampling ports to be located in such manner as the Director may require, power for test equipment, and the required safety equipment such as scaffolding, railings, and ladders to comply with generally accepted good safety practices. For any tests to be conducted by the permittee, a test protocol shall be submitted to the DAQ by the permittee at least thirty (30) days prior to the test and shall be approved by the Director. The Director shall be notified at least fifteen (15) days in advance of the actual dates and times during which the test will be conducted.</p>	<p>Included in Title V - Section III.B.1.a.v.</p> <p>As per provisions set forth in Section III of this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying rules, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all the necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in Section III of this permit or as otherwise approved or specified by the Secretary in accordance with the following:</p> <ul style="list-style-type: none"> (a) For emissions for which there are no applicable requirements within the permit, the Secretary for cause may require testing or monitoring to determine emissions of air pollutants or emissions from sources. (b) The Secretary may, on a source-specific basis, approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit will be revised in accordance with C.S.R. § 45-30-6.4. or C.S.R. § 45-30-6.5. as applicable. (c) The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section III.B.1.a.v.(b). If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit will be revised in accordance with C.S.R. § 45-30-6.4. or C.S.R. § 45-30-6.5. as applicable. <p>All periodic tests to determine mass emissions from or air pollutant concentrations in discharge stacks and such other tests as specified in Section III of this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary. WV Code §22-5-4(a)(15). <i>(Facility-Wide Applicability)</i>.</p>