

45CSR30B

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

**SERIES 30B
IDENTIFICATION AND COUNTING OF FUGITIVE EMISSIONS IN
MAJOR SOURCE DETERMINATIONS UNDER WV 45CSR30**

§45-30B-1. General.

1.1. Scope. -- Series 30B provides guidance with respect to which stationary sources are required to count fugitive emissions, and the proper method of identifying such emissions, in making major source determinations for the purpose of determining applicability of the permitting program under WV 45CSR30 "Requirements for Operating Permits."

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

1.3. Filing Date. -- September 5, 1995.

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

§45-30B-2. Definitions.

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

§45-30B-3. Sources Required To Count Fugitive Emissions In Making Major Source Determinations.

3.1. Any source which belongs to a source category regulated by a standard promulgated under §111 or §112 of the Clean Air Act on or before August 7, 1980, including, but not limited to, those source categories listed in subparagraphs A through Z of WV CSR §45-30-2.26.b., shall include fugitive emissions from all quantifiable fugitive emission operations located at the source category, including, but not limited to, all "affected facilities" at the source, in order to determine whether the source is a major source subject to the requirements of WV 45CSR30.

3.2. The provisions of subparagraph 3.1 apply to a source whether or not the source commenced construction or modification before the applicable date in the regulation promulgated under §111 or §112 of the Clean Air Act.

3.3. In addition to those facilities covered under subparagraphs 3.1 and 3.2, all coal preparation plants as defined under 40 C.F.R. §60.251(a) which process more than 200 tons per day shall count fugitives from all "affected facilities" at the source, i.e., from all thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems.

3.4. Fugitive emissions of hazardous air pollutants listed in §112(b) of the Clean Air Act shall be counted in determining whether a source is a major source subject to the requirements of WV 45CSR30, regardless of whether the source is included in a source category listed pursuant to §112(c) of the Clean Air Act.

3.5. For the purpose of this section, the term "affected facilities" means those facilities which are listed or identified as "affected facilities" in the applicable standard promulgated under §111 or §112 of the Clean Air Act.

§45-30B-4. Sources Not Required To Count Fugitive Emissions In Making Major Source Determinations.

4.1. Any source which belongs to a stationary source category regulated by a standard promulgated under §111 or §112 of the Clean Air Act after August 7, 1980, including, but not limited to, those source categories listed in subparagraphs AA through QQ of WV CSR §45-30-2.26.b., shall not be required to count fugitive emissions in order to determine whether the source is a major source subject to the requirements of WV 45CSR30; provided however, that

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any such source shall still be required to count fugitives for hazardous air pollutants as provided under subsection 3.4 of this rule; provided further, that all such sources shall be required to count fugitive emissions at such time as U.S. EPA promulgates rulemaking pursuant to §302(j) of the Clean Air Act applicable to such sources.