

# Division of Air Quality

William Fred Durham, Director  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304  
Phone: (304) 926-0475  
Fax: (304) 926-0479

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[www.dep.wv.gov/daq](http://www.dep.wv.gov/daq)

The Division of Air Quality (DAQ) develops and implements regulations and programs that protect the public health and prevent environmental degradation caused by air pollution. Using the federal Clean Air Act and the state Air Pollution Control Act as direction, it monitors and regulates stationary sources of air pollution and certain industrial facilities that treat, store or dispose of hazardous waste.

The DAQ is guided by the following laws and rules: federal Clean Air Act; W.Va. Code, Chapter 22, Articles 5 and 18; rules 45CSR Series 2-8, 10-11, 13-14, 16-23, 25, 27-36, 38-42. The federal Clean Air Act established (and the state adopted) national ambient air quality standards for particulate matter, sulfur dioxide, ozone, carbon monoxide, nitrogen oxides and lead. The rules require permit applicants to solicit public comments on proposed permits and permit modifications. Permits may have unique public participation requirements, as described below.

## **Construction, modification, relocation and temporary permits for minor stationary sources of air pollution (45CSR13)**

### **Purpose**

To cover construction, modification, relocation and temporary permits for stationary sources of air pollution

### **Who must apply**

Anyone seeking to construct a source that is subject to any substantive requirement of an emission control rule promulgated by the Director or discharges or has the potential to discharge:

- six (6) pounds per hour and ten (10) tons per year or 144 pounds/day of VOCs or any regulated air pollutant;
- more than two (2) pounds per hour or (5) five tons per year of HAPs on an aggregated basis; or
- any air pollutant listed in the amount shown in Table 45-13A of 45CSR13.

Additionally, any source wishing to physically move outside the existing plant boundaries must obtain a relocation permit.

### **Related laws/rules**

#### *Laws*

W.Va. Code Chapter 22, Articles 5,18

#### *Rules*

45CSR Series 2, 3, 5, 6, 7, 10, 14, 16, 19 and 34. Series 2 and 10 relate to boilers, Series 3 relates to asphalt, Series 5 relates to coal, 6 relates to incinerators, Series 7 relates to general manufacturing with particulate emissions, and Series 16 relates to new source performance standards, Series 34 relates to NESHAPs and MACTs.

### **Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a permit modification or administrative update). Temporary permits are valid for six (6) months but can be extended for an additional 12 months, if requested before the permit expires.

### **Fees**

Application fee.....\$1,000

Additional fees:

New source performance standard.....\$1,000

National emission standards for hazardous air pollutant requirements or toxic air pollutant requirements or MACT.....\$2,500

### **Typical requirements of owner/operator**

Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1227, or on the Internet at [www.dep.wv.gov/daq/permitting/pages/nsr-forms.aspx](http://www.dep.wv.gov/daq/permitting/pages/nsr-forms.aspx).

**Public participation**

At the time that an application (except Class I administrative updates) is filed, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

For all applications (except relocation, temporary and Class I and Class II administrative updates), the Director shall provide at least thirty (30) calendar days notice to the public by placing a one-time Class I legal advertisement of the agency's intent to approve in a newspaper in the area where the source is or will be located. The Director may also require the applicant to place a commercial display advertisement.

In addition for synthetic minors, the applicant must also place a commercial display advertisement and post a visible and accessible sign at the entrance to the source or proposed site.

A public meeting is conditional, based upon the level of public interest on issues relevant to permit issuance.

**Renewal period**

Permits are valid for the life of the source, with the exception of temporary permits.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

The agency has thirty (30) calendar days from receipt to review all permit applications for completeness and notify the applicant in writing as to whether the application is complete. The agency must issue or deny the permit:

- Within 90 calendar days of the receipt of a complete permit application for construction or modification;
- Within 45 calendar days of receipt of a complete application for relocation; or,
- Within 45 calendar days of receipt of a complete application for a temporary permit.

**Other approvals**

Not applicable

**Administrative updates to existing 45CSR13 permits****Purpose**

To revise or update a valid existing permit to incorporate any administrative update that does not otherwise constitute a modification as defined by the rule.

**Who must apply**

Class I administrative updates are:

- Corrections of typographical errors;
- Corrections or updates to mailing addresses, contact personnel or telephone numbers;
- Changes in the construction schedule to the extent that the change does not interfere with any obligation under the existing permit;
- Changes in a permit condition to incorporate any new more stringent requirements;
- Permanent removal of equipment;
- Changes in monitoring, recordkeeping or reporting requirements; or,
- Changes in permit conditions to allow changes which result in a decrease in the emissions of the source.

Class II administrative updates are:

- Changes in a permit condition which result in an increase or no change in the emissions; or,
- Other minor changes on a case-by-case basis.

**Related laws/rules**

*Laws*

W.Va. Code Chapter 22, Articles 5,18

*Rules*

45CSR Series 2, 3, 5, 6, 7, 10, 16 and 34. Series 2 and 10 relate to boilers, Series 3 relates to asphalt, Series 5 relates to coal, Series 6 relates to incinerators, Series 7 relates to general manufacturing with particulate emissions, Series 16 relates to new source performance standards, and Series 34 relates to NESHAPs.

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a permit modification or administrative update).

**Fees**

Administrative update fees:

Class I .....	No Charge
Class II .....	\$300

Permittees which meet the definition of a small business according to section 507(c) of the federal Clean Air Act may have their administrative update fee waived.

**Typical requirements of owner/operator**

Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1277

or on the Internet at [www.dep.wv.gov/daq/permitting/pages/nsr-forms.aspx](http://www.dep.wv.gov/daq/permitting/pages/nsr-forms.aspx).

**Public participation**

For Class II administrative updates, at the time that an application is filed, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

A public meeting is conditional, based upon the level of public interest on issues relevant to permit issuance.

**Renewal period**

Permits are valid for the life of the source.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

Within sixty (60) calendar days of receipt of a complete administrative update application, final action will be taken.

**Other approvals**

Not applicable

**Class II general air quality permit for coal preparation and processing plants and coal handling operations (G10-D)**

**Purpose**

For facilities designed and operated for the purpose of handling and/or preparation of bituminous coal or coal-based synfuel.

**Who may apply**

Coal preparation and processing plants or coal handling operations having a Standard Industrial Classification (SIC) code of 1221, 1222 or 4449 (including area sources) or a North American Industry Classification System (NAICS) code of 212111 or 212112 (including area sources).

**Related laws/rules**

*Laws*

W.Va. Code, Chapter 22, Article 5, Section 1

*Rules*

45CSR Series 2, 5, 10, 13, 16, 22 and 30; 40CFR60 Subparts Y, IIII and JJJJ.

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a modification).

**Fees**

G10-D registration.....	\$500
Applicable NSPS.....	\$1,000
Administrative update.....	\$300
Annual fees:	
Tier I.....	\$200
Tier II.....	\$500

**Typical requirements of owner/operator**

Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1277 or on the Internet at [www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx](http://www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx).

**Public participation**

Prior to submitting a registration application, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

A public meeting is conditional, based upon the level of public interest on issues relevant to permit issuance.

**Renewal period**

Permits are valid for the life of the source.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

Once the registration application is deemed administratively and technically complete, the registration will be approved no later than forty-five (45) calendar days from the date the application is deemed complete.

**Other approvals**

Applicant must receive a coal mining permit (Surface Mine Control and Reclamation Act), a National Pollutant Discharge Elimination System permit and approval for its groundwater protection plan from the agency's Division of Mining and Reclamation.

**Class II general air quality permit for hot mix asphalt plants (G20-B)**

**Purpose**

To prevent and control air pollution caused by the construction, modification, relocation or operation of regulated pollutants from hot mix asphalt plants.

**Who may apply**

All batch mix, drum mix, combination batch/drum mix or continuous mix asphalt plants subject to the New Source Performance Standards of 45CSR16 and 40CFR60, Subpart I, and having a primary or secondary Standard Industrial Classification (SIC) code of 2951, which meet the standards and conditions as

established in the general permit.

**Related laws/rules**

*Laws*

W.Va. Code, Chapter 22, Article 5, Section 1

*Rules*

45CSR Series 3, 13, 16 and 30; 40CFR60 Subpart I and Subpart OOO

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a permit modification).

**Fees**

G20-B registration .....	\$500
Applicable NSPS .....	\$1,000
Administrative update.....	\$300
Additional fees:	
Annual fee.....	\$200

**Typical requirements of owner/operator**

Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1227 or on the Internet at [www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx](http://www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx).

**Public participation**

Prior to submitting a registration application, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

A public meeting is conditional, based upon the level of public interest on issues relevant to permit issuance.

**Renewal period**

Permits are valid for the life of the source.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

Once the registration application is deemed administratively and technically complete, the registration will be approved no later than forty-five (45) calendar days from the date the application is deemed complete.

**Other approvals**

Not applicable.

**Class II general air quality permit for natural gas compressor stations (G30-D)**

**Purpose**

For facilities designed and operated for the purpose of gathering, transmitting, processing or compressing natural gas.

**Who may apply**

All natural gas compressor stations having a Standard Industrial Classification (SIC) code of 1311, 1321 or 4922 are eligible for general permit registration.

**Related laws/rules**

*Laws*

W.Va. Code, Chapter 22, Article 5, Section 1

*Rules*

45CSR Series 2, 4, 10, 13, 16, 22 and 34; 40CFR60 Subparts IIII and JJJJ

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a modification).

**Fees**

G30-D registration.....	\$500
Applicable NSPS.....	\$1,000
Administrative update.....	\$300
Additional fees:	
Annual fee.....	<i>(less than 1,000 hp)</i> \$200
.....	<i>(greater than or equal to 1,000 hp)</i> \$500

**Typical requirements of owner/operator**

Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1227 or on the Internet at [www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx](http://www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx).

**Public participation**

Prior to submitting a registration application, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

A public meeting is conditional, based upon the level of public interest on issues relevant to permit issuance.

**Renewal period**

Permits are valid for the life of the source.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

Once the registration application is deemed administratively and technically complete, the registration will be approved no later than forty-five (45) calendar days from the date the application is deemed complete.

**Other approvals**

None.

**Class I general air quality permit for spark ignition internal combustion engines greater than or equal to 25 HP and less than or equal to 500 HP (G33-A)**

**Purpose**

For facilities designed and operated for the purpose of gathering, transmitting, processing or compressing natural gas. It allows registrants to install and operate spark ignition internal combustion engines (SI ICE).

**Who may apply**

All SI ICEs greater than or equal to 25 HP and less than or equal to 500 HP designed and operated for the purpose of gathering, transmitting, processing or compressing natural gas with a Standard Industrial Classification (SIC) code of 1311, 1321 or 4922.

**Related laws/rules**

*Laws*

W.Va. Code, Chapter 22, Article 5, Section 1

*Rules*

45CSR Series 4, 13, 16 and 34; 40CFR60 Subpart JJJJ

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a modification).

**Fees**

G33-A construction, modification or relocation registration .....	\$250
Administrative update.....	\$300
Additional fees:	
Annual fee.....	\$200

**Typical requirements of owner/operator**

Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1227 or on the Internet at [www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx](http://www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx).

**Public participation**

Prior to submitting a registration application, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

A public meeting is conditional, based upon the level of public interest on issues relevant to permit issuance.

**Renewal period**

Permits are valid for the life of the source.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

Once the registration application is deemed administratively and technically complete, the registration will be approved no later than forty-five (45) calendar days from the date the application is deemed complete.

**Other approvals**

None.

**Class II general air quality permit for natural gas compressor stations with glycol dehydration units, flares or other specified control devices (G35-A)**

**Purpose**

For facilities designed and operated for the purpose of gathering, transmitting, processing or compressing natural gas. It allows registrants to install and operate glycol dehydration units, flares or other specified control devices.

**Who may apply**

All natural gas compressor stations with glycol dehydration units, flares or other specified control devices designed and operated for the purpose of gathering, transmitting, processing or compressing natural gas with a Standard Industrial Classification (SIC) code of 1311, 1321 or 4922.



**Related laws/rules**

*Laws*

W.Va. Code, Chapter 22, Article 5, Section 1

*Rules*

45CSR Series 2, 4, 13, 16, 22 and 34; 40CFR60 Subparts IIII and JJJJ; 40CFR63 Subparts HH, HHH and ZZZZ.

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a modification).

**Fees**

G35-A construction, modification or relocation registration .....	\$500
Administrative update.....	\$300
Applicable NSPS .....	\$1,000
Applicable NESHAPS .....	\$2,500
Additional fees:	
Annual fee.....	(less than 1,000 hp) \$200
.....	(greater than or equal to 1,000 hp) \$500

**Typical requirements of owner/operator**

Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1227 or on the Internet at [www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx](http://www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx).

**Public participation**

Prior to submitting a registration application, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

A public meeting is conditional, based upon the level of public interest on issues relevant to permit issuance.

**Renewal period**

Permits are valid for the life of the source.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

Once the registration application is deemed administratively and technically complete, the registration will be approved no later than forty-five (45) calendar days from the date the application is deemed complete.

**Other approvals**

None.

**Class II general air quality permit for non-metallic minerals processing plants (G40-C)**

**Purpose**

To prevent and control particulate matter (PM) emissions caused by the construction, modification, relocation or operation of eligible non-metallic minerals processing plants

**Who may apply**

Non-metallic mineral processing plants having a Standard Industrial Classification (SIC) code of 1422, 1423, 1429, 1442, 1446, 1481 or 1499, which meet the standards and conditions as established in the general permit.

**Related laws/rules**

*Laws*

W.Va. Code, Chapter 22, Article 5, Section 1

*Rules*

45CSR Series 7, 13, 16, 17, and 30; 40CFR60 Subpart 000

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a permit modification).

**Fees**

G40-C construction, modification or relocation registration .....	\$500
Administrative update.....	\$300
Applicable NSPS .....	\$1,000
Additional fees:	
Annual fee.....	\$200

**Typical requirements of owner/operator**

Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1227 or on the Internet at [www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx](http://www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx).

**Public participation**

Prior to submitting a registration application, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

A public meeting is conditional, based upon the level of public interest on issues relevant to permit issuance.

**Renewal period**

Permits are valid for the life of the source.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

Once the registration application is deemed administratively and technically complete, the registration will be approved no later than forty-five (45) calendar days from the date the application is deemed complete.

**Other approvals**

Not applicable.

**Class II general air quality permit for concrete batch plants (G50-B)**

**Purpose**

To prevent and control particulate matter (PM) emissions caused by the construction, modification, relocation or operation of concrete batch plants.

**Who may apply**

Concrete batch plants having a North American Industrial Classification System (NAICS) code of 327320 (SIC 3273) or 327331 (SIC 3271), which meet the standards and conditions as established in the general permit.

**Related laws/rules**

*Laws*

W.Va. Code, Chapter 22, Article 5, Section 1

*Rules*

45CSR Series 7, 13, 17, 22

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a permit modification).

**Fees**

G50-B construction, modification or relocation registration .....	\$500
Administrative update.....	\$300
Additional fees:	
Annual fee.....	\$200

**Typical requirements of owner/operator**

Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1227 or on the Internet at [www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx](http://www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx).

**Public participation**

Prior to submitting a registration application, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

A public meeting is conditional, based upon the level of public interest on issues relevant to permit issuance.

**Renewal period**

Permits are valid for the life of the source.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

Once the registration application is deemed administratively and technically complete, the registration will be approved no later than forty-five (45) calendar days from the date the application is deemed complete.

**Other approvals**

Not applicable.

**Class II general air quality permit for emergency generators (G60-C)**

**Purpose**

To prevent and control air pollution caused by the construction, modification, relocation or operation of emergency generators.

**Who may apply**

All emergency generators installed for the purpose of allowing key systems to continue to operate without interruption during times of utility power outages, including emergency generators installed at Title V (major) facilities and other facilities having additional point sources of emissions.

**Related laws/rules**

*Laws*

W.Va. Code, Chapter 22, Article 5, Section 1

*Rules*

45CSR Series 13, 16, 22, and 30; 40CFR60 Subparts IIII and JJJJ

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a permit modification).

**Fees**

G60-C construction, modification or relocation registration.....	\$500
Administrative update.....	\$300
Applicable NSPS.....	\$1,000
Additional fees:	
Annual fee.....	\$200

**Typical requirements of owner/operator**

Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1227 or on the Internet at [www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx](http://www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx).

**Public participation**

Prior to submitting a registration application, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

A public meeting is conditional, based upon the level of public interest on issues relevant to permit issuance.

**Renewal period**

Permits are valid for the life of the source.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

Once the registration application is deemed administratively and technically complete, the registration will be approved no later than forty-five (45) calendar days from the date the application is deemed complete.

**Other approvals**

Not applicable.

**Class I general air quality permit for emergency generators (G65-C)**

**Purpose**

To prevent and control air pollution caused by the construction, modification, relocation or operation of emergency generators.

**Who may apply**

All emergency generators installed for the purpose of allowing key systems to continue to operate without interruption during times of utility power outages, including emergency generators installed at Title V (major) facilities and other facilities having additional point sources of emissions.

**Related laws/rules**

*Laws*

W.Va. Code, Chapter 22, Article 5, Section 1

*Rules*

45CSR Series 13, 16, 22, and 30; 40CFR60 Subparts IIII and JJJJ

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a permit modification).

**Fees**

G65-C construction, modification or relocation registration .....	\$250
Administrative update.....	\$300
Additional fees:	
Annual fee.....	\$200

**Typical requirements of owner/operator**

Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1227 or on the Internet at [www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx](http://www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx).

**Public participation**

Prior to submitting a registration application, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

A public meeting is conditional, based upon the level of public interest on issues relevant to permit issuance.

**Renewal period**

Permits are valid for the life of the source.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

Once the registration application is deemed administratively and technically complete, the registration will be approved no later than forty-five (45) calendar days from the date the application is deemed complete.

**Other approvals**

Not applicable.

## **Class II general air quality permit for oil and natural gas production facilities located at the well site (G70-A)**

**Purpose**

General Permit G70-A is for oil and natural gas production facilities designed and operated for the purpose of oil and natural gas production located at the well site. Activities may include: natural gas well completion operations; separation of the condensate, natural gas and water in gas production units; additional separation of the natural gas, condensate, and water emulsion in heater treaters; compression of the natural gas; dehydration of the natural gas; storage of the condensate and produced water; and loading of tank trucks to transport condensate and produced water from the facility.

**Who may apply**

All oil and natural gas production facilities included in NAICS code 211111 (Crude Petroleum and Natural Gas Extraction), and/or SIC code 1311 (Crude Petroleum and Natural Gas) are eligible for the G70-A General Permit registration.

**Related laws/rules**

*Laws*

W.Va. Code, Chapter 22, Article 5, Section 1

*Rules*

45CSR Series 2, 4, 13, 16, 22, 30 and 34; 40CFR60 Subparts IIII, JJJJ and 0000; 40CFR63 Subparts HH, HHH and ZZZZ.

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a modification).

**Fees**

G70-A construction, modification or relocation registration .....	\$500
Administrative update.....	\$300
Applicable NSPS.....	\$1,000
Applicable NESHAPS .....	\$2,500
Additional fees:	
Annual fee.....	(less than 1,000 hp) \$200
.....	(greater than or equal to 1,000 hp) \$500

**Typical requirements of owner/operator**

Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1227 or on the internet at [www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx](http://www.dep.wv.gov/daq/permitting/pages/airgeneralpermit.aspx).

**Public participation**

Prior to submitting a registration application, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

A public meeting is conditional, based upon the level of public interest on issues relevant to permit issuance.

**Renewal period**

Permits are valid for the life of the source.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

Once the registration application is deemed administratively and technically complete, the registration will be approved no later than forty-five (45) calendar days from the date the application is deemed complete.

**Other approvals**

None.

**Permission to commence construction**

**\*These applications are highly complex. Please contact the DAQ before submitting.**

**Purpose**

To allow construction of any such alteration, expansion, modification or new emission unit in advance of permit issuance in accordance with 45CSR13 Section 16, for those permittees that hold an active West Virginia air quality permit issued under 45CSR13 at an existing source. However, the person may not operate any altered, expanded, modified or new emission unit without first obtaining an air quality permit as required by 45CSR13.

**Who may not apply**

The following sources are ineligible for permission to commence construction in advance of permit issuance:

- Sources subject to the "Federal Clean Air Act" subsections 112(g) or 112(j).
- Sources seeking federally-enforceable permit conditions in order to avoid otherwise applicable standards.
- Sources requiring a specific case-by-case emission limitation or standard under 45CSR21 or 45CSR27.
- New greenfield sources.

**Related laws/rules***Laws*

W.Va. Code Chapter 22, Articles 5,18

*Rules*

45 CSR Series 2, 3, 5, 6, 7, 10, 16 and 34. Series 2 and 10 relate to boilers, Series 3 relates to asphalt, Series 5 relates to coal, Series 6 relates to incinerators, Series 7 relates to general manufacturing with particulate emissions, Series 16 relates to new source performance standards, and Series 34 relates to NESHAPs.

**Term of permit**

Permissions to commence construction are valid until the 45CSR13 air quality permit is issued.

**Fees**

\$200.

**Typical requirements of owner/operator**

Permission to commence construction forms are available from the Permitting Section, (304) 926-0499, extension 1277 or on the Internet at [www.dep.wv.gov/daq/permitting/pages/nsr-forms.aspx](http://www.dep.wv.gov/daq/permitting/pages/nsr-forms.aspx).

**Public participation**

Upon submitting an application for permission to construction, the applicant must place a one-time Class I legal advertisement in a newspaper in the area where the source is or will be located to provide at least thirty (30) calendar days notice to the public.

The applicant shall also post a visible and accessible sign at the entrance to the source or proposed site.

**Renewal period**

Permissions to commence construction are valid until the 45CSR13 air quality permit is issued.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

Within 15 days of a complete application, the applicant will be notified of approval or denial.

**Other approvals**

Not applicable

# Permit to construct, modify or relocate major stationary sources of air pollution (PSD)

**\*These applications are highly complex. Please contact the DAQ before submitting.**

## Purpose

To ensure emissions from construction of new major sources of air pollution or major modifications from existing major sources of air pollution will not cause an area to enter non-attainment for any criteria pollutant: particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), sulfur dioxide, ozone, carbon monoxide, nitrogen oxide or lead). It also sets limits on how far air quality may deteriorate in areas that have good air quality.

## Who must apply

Any applicant who is proposing to construct a major stationary source or proposes a major modification of an existing major source in an area that is designated as in attainment with the NAAQS, according to the following definitions:

- A major stationary source is defined as having a potential to emit 100 tons/year or more of any regulated air pollutant and is one of the stationary sources named in Table 1 below
- A major stationary source is defined as having a potential to emit 250 tons/year or more of any regulated air pollutant and is not one of the stationary sources named in Table 1 below
- A major modification is defined as any physical change or change in the method of operation at an existing major source that results in a net emissions increase greater than the significance thresholds as given under Section 2.74(a) of 45CSR14.

Table 1 – stationary sources of air pollution

- Fossil-fuel-fired steam electric plants (greater than 250 million British thermal units/hour heat input)
- Coal-cleaning plants (with thermal dryers)
- Kraft pulp mills
- Portland Cement Plants
- Primary zinc smelters
- Iron and steel mill plants
- Primary aluminum ore reduction plants
- Primary copper smelters
- Municipal incinerators capable of charging greater than 250 tons of refuse/day
- Hydrofluoric, sulfuric and nitric acid plants
- Petroleum refineries
- Lime plants
- Phosphate rock processing plants
- Coke oven batteries
- Sulfur recovery plants
- Carbon black plants (furnace process)
- Primary lead smelters
- Secondary metal production plants
- Chemical process plants
- Fossil-fuel boilers (or combinations thereof) totaling more than 250 million Btu/hour heat input
- Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
- Taconite ore processing plants
- Glass fiber processing plants
- Charcoal production plants

## Related laws/rules

### Laws

W.Va. Code Chapter 22, Articles 5, 18



*Rules*

40CFR Part 51, 42.21, 61, 63  
45CSR Series 13, 14, 16, 22, 30 and 34

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a permit modification). Best Available Control Technology (BACT) determinations may be revisited after 18 months if the source has not been constructed.

**Fees**

Application fee.....	\$1,000
Additional fees:	
New source performance standard.....	\$1,000
National emission standards for hazardous air pollutant requirements or toxic air pollutant requirements .....	\$2,500
Prevention of significant deterioration or nonattainment review/bubble concept for the following:	
New major sources and bubble plans.....	\$10,000
Major modifications .....	\$5,000

**Typical requirements of owner/operator**

- Schedule pre-application meeting with Permitting Section to discuss proposed facility.
- Analyze impact of emission increase on both Class I and Class II areas.
- Confirm emission increase does not violate NAAQS or available increment.
- Dispersion modeling and best available control technology are usually required, among other stipulations.
- Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1227 or on the Internet at [www.dep.wv.gov/daq/permitting/Pages/nsr-forms.aspx](http://www.dep.wv.gov/daq/permitting/Pages/nsr-forms.aspx).

**Public participation**

For construction and modification applications for sources subject to 45CSR14, the Director shall place a Class I legal advertisement in a newspaper in the area where the source is or will be located providing thirty (30) calendar days for written public comment and provisions for requesting a public meeting. Public notice shall also be provided to U. S. EPA and all officials and agencies having cognizance over the location where the proposed construction would occur.

**Renewal period**

Permits are valid for the life of the source.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

The agency has thirty (30) calendar days from receipt to review all permit applications for completeness and notify the applicant in writing as to whether the application is complete. The agency must issue or deny the permit within six (6) months of the application being deemed complete.

**Other approvals**

Not applicable

**Permit for pre-construction review, determination of emission offsets for proposed new or modified stationary sources of air pollution and emission trading for intra-source pollutants (NNSR)**

*\*These applications are highly complex. Please contact the DAQ before submitting*

**Purpose**

To ensure emissions from construction of new major sources of air pollution or major modifications from existing major sources of air pollution in an area that is designated as in non-attainment with the NAAQS meet the pre-construction review procedures and conditions of the Clean Air Act and state regulations.

**Who must apply**

Any applicant who is proposing to construct a major stationary source or proposes a major modification of an existing major source in an area that is designated as in non-attainment with the NAAQS, according to the following definitions:

- A major stationary source is defined as having a potential to emit 100 tons/year or more of any regulated air pollutant.
- A major modification is defined as any physical change or change in the method of operation at an existing major source that results in a net emissions increase greater than the significance thresholds as given under Section 2.65 of 45CSR19.

**Related laws/rules**

*Laws*

Federal Clean Air Act  
W.Va. Code Chapter 22, Article 5

*Rules*

45CSR Series 13, 14, 16, 19, 22, 34 and 30

**Term of permit**

Permits are valid for the life of the source (unless the applicant proposes a permit modification or administrative update). Lowest Achievable Emission Rate (LAER) determinations may be revisited after 18 months if the source has not been constructed.

**Fees**

Application fee.....	\$1,000
Additional fees:	
New source performance standard.....	\$1,000
National emission standards for hazardous air pollutant requirements or toxic air pollutant requirements .....	\$2,500
Prevention of significant deterioration or nonattainment review/bubble concept for the following:	
New major sources and bubble plans.....	\$10,000
Major modifications .....	\$5,000

**Typical requirements of owner/operator**

- Stationary source must meet lowest achievable emission rate criteria.
- Source must obtain emission offsets for negative impact to non-attainment area and provide a net positive air quality benefit.
- Permit application forms are available from the Permitting Section, (304) 926-0499, extension 1227 or on the Internet at [www.dep.wv.gov/daq/permitting/Pages/nsr-forms.aspx](http://www.dep.wv.gov/daq/permitting/Pages/nsr-forms.aspx).

**Public participation**

For construction and modification applications for sources subject to 45CSR19, the Director shall place a Class I legal advertisement in a newspaper in the area where the source is or will be located providing thirty (30) calendar days for written public comment and provisions for requesting a public meeting. Public notice shall also be provided to U. S. EPA and all officials and agencies having cognizance over the location where the proposed construction would occur.

**Renewal period**

Permits are valid for the life of the source unless the applicant proposes a permit modification or administrative update.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

The agency has thirty (30) calendar days from receipt to review all permit applications for completeness and notify the applicant in writing as to whether the application is complete. The agency must issue or deny the permit within six (6) months of the receipt of a complete permit application for construction or modification.

**Other approvals**

Not applicable

**Air pollution control permit for hazardous waste treatment, storage and disposal facilities**

**Purpose**

To regulate air emissions for the construction and operation of hazardous waste treatment, storage or disposal facilities.

**Who must apply**

Any hazardous waste facility that treats, stores or disposes of hazardous waste

**Related laws/rules**

45CSR Series 25 and 33; 33 CSR Series 20

**Term of permit**

Permits are valid for 10 years.

**Fees**

Each permit has a one-time fee, as specified in 45CSR22, section 3.4 (additional fees may be required under other agency rules). The fees for hazardous waste management facilities are:

- Treatment design capacity of more than 1,000 tons of hazardous waste
- per year ..... \$5,000
- Treatment design capacity less than 1,000 tons of hazardous waste per year..... \$5,000
- Class 1 modification ..... \$500
- Class 2 and 3 modifications or renewals of permits for hazardous waste
- management facilities ..... \$1,000

**Typical requirements of owner/operator**

- Submit part A and part B permit applications which contain the information outlined in 40 CFR parts 264, 265, 266, 270, 279 and 33 CSR 20, as incorporated by reference in 45CSR25.
- Permit application forms are available from the Hazardous Waste Section, (304) 926-0499, extension 1687, or on the Internet at <http://www.dep.wv.gov/daq/HWMA/Pages/default.aspx>.

NOTE: EPA promulgated Maximum Achievable Control Technology (MACT) standards, also called the National Emission Standards for Hazardous Air Pollutants (NESHAP), for hazardous waste burning incinerators, cement kilns and light weight aggregate kilns on September 30, 1999. These standards are promulgated under joint authority of the Clean Air Act (CAA) and Resource Conservation and Recovery Act (RCRA). Facilities subject to the hazardous waste combustor MACT standards are by law required to have both RCRA and Title V permits issued under the CAA. However, the two permits will address different aspects of the facility. The facilities must continue to comply with the RCRA combustion permit conditions until these conditions either expire or are removed; they are not automatically removed upon promulgation of the MACT standards.

**Public participation**

Place a Class I legal advertisement in a local newspaper to inform the public of the permit application. A 45-day comment period is required. The public comment period also must be advertised on radio or

television stations in the area.

A notice must also be sent to the individuals listed on a mailing list maintained by the Director and to state and federal agencies as required by law or regulation.

A public meeting is conditional, based on the level of public interest on issues relevant to the draft permit.

#### **Renewal period**

Permittee must apply for a permit renewal at least 180 calendar days before the current permit expires.

#### **Contact**

(304) 926-0499, extension 1277

#### **Application processing time**

##### *Technical review*

12-36 months depending on the completeness and complexity of the application. This includes thorough evaluation of the comprehensive performance test and the comprehensive risk assessments of the hazardous waste combustion incinerators, boilers and thermal treatment sources.

##### *Public participation*

2-3 months

#### **Other approvals**

Applicant must receive a hazardous waste treatment, storage and disposal facility permit from the Division of Water and Waste Management.

Applicant also must receive approval from the Commercial Hazardous Waste Management Facility Siting Board (for new commercial hazardous waste management facilities).

## **Title V operating permits**

#### **Purpose**

To ensure major stationary sources of air pollution comply with the requirements of Title V of the Clean Air Act.

#### **Who must apply**

Major stationary sources (potential to emit greater than 100 tons per year of regulated air pollutants), 10 tons per year of an individual HAP or 25 tons per year of a combination of HAPs, and sources subject to the requirements of Chapters 111 and 112 of the Clean Air Act, unless a deferral is granted.

#### **Related laws/rules**

##### *Laws*

Federal Clean Air Act, Title V, Section 501

##### *Rules*

45CSR Series 13, 14, 16, 19, 25, 30, 33, 34

#### **Term of permit**

Permits are valid for five years but may be revised during that time.

#### **Fees**

Each source subject to Title V has an annual fee. The annual fee is based on the actual emission rate of the previous calendar year's emissions.

**Typical requirements of owner/operator**

- Operator must submit a timely and complete application to receive an application shield for processing a Title V permit under the requirements of 45CSR30 and pay the appropriate annual fee. The agency has 60 calendar days to approve or deem the application submittal to be complete. A new source may also be required to obtain a construction permit under the applicable requirements of 45CSR 13, 14 or 19.
- Permit application is available from the Permitting Section, (304) 926-0499, extension 1227 or on the Internet at <http://www.dep.wv.gov/daq/permitting/Pages/TitleVGuidanceandForms.aspx>.

**Public participation**

The agency must publish a notice (Class I legal advertisement) with a 30-day comment period in a local newspaper to inform the public the agency has developed a draft permit that meets legal and regulatory requirements. The agency also must inform states within 50 miles of the facility and any Class I areas impacted by the facility.

A public meeting is conditional, based on the level of public interest on issues relevant to the draft permit.

Interested parties may request an extension of the public comment period, which the agency may extend no more than 30 calendar days.

**Renewal period**

Permittee must submit a permit renewal application at least six (6) months before the current permit expires.

**Contact**

Permitting Section, (304) 926-0499, extension 1227

**Application processing time**

12 months for initial/renewal operating permits, six months for significant modifications, 60 days for administrative amendments.

**Other approvals**

U. S. Environmental Protection Agency reviews any Title V permit approved by the state air quality program.