

General Requirement Comparison Table

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
Any general Rule 13 requirement which states that the permittee shall submit a Certified Emissions Statement (CES) and pay an annual operating fee.	<p>Included in Title V — Section 3.5.4.</p> <p>Certified emission statement. 45CSR§30-8. The permittee shall submit a certified emission statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.</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>Included in Title V — Section 2.23.1.</p> <p>Severability. 45CSR§30-5.1.e. 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>
Any general Rule 13 requirement which states that the permittee 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.	<p>Included in Title V — Section 3.1.7. (formerly Section 3.1.6.)</p> <p>Emission inventory. W.Va. Code § 22-5-4(a)(14). 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.</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>Included in Title V — Section 2.13.1.</p> <p>Duty to Comply. 45CSR§30-5.1.f.1. 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>

Rule 13 General Requirement	Title V General Condition
<p>Any general Rule 13 requirement which states that 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.</p>	<p>Included in Title V — Section 3.3.1</p> <p>Testing Requirements. WV Code §§22-5-4(a)(14-15) and 45CSR13</p> <p>As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, 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 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 this permit or as otherwise approved or specified by the Secretary in accordance with the following:</p> <ol style="list-style-type: none"> a. 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, if applicable, in accordance with the Secretary’s delegated authority and any established equivalency determination methods which are applicable. 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 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 3.3.1.a. of this permit. c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in 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. d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following: <ol style="list-style-type: none"> 1. The permit or rule evaluated, with the citation number and language. 2. The result of the test for each permit or rule condition. 3. A statement of compliance or non-compliance with each permit or rule condition.