

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

**SERIES 30A  
DEFERRAL OF NONMAJOR AND AREA SOURCES FROM  
PERMITTING REQUIREMENTS**

**§45-30A-1. General.**

1.1. Scope. -- Series 30A provides for the deferral of nonmajor and area sources from the obligation to obtain a permit under WV 45CSR30 "Requirements for Operating Permits".

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

1.3. Filing Date. -- January 18, 2000.

1.4. Effective Date. -- February 18, 2000.

**§45-30A-2. Definitions.**

2.1. The definitions set forth in WVCSR §45-30-2 shall apply to this rule as though set forth herein with the exception of the following definition:

2.1.a. "Area source" means any nonmajor source subject to a standard, limitation or other requirement under 40 CFR Part 63.

**§45-30A-3. Deferral of Nonmajor and Area Sources.**

3.1. Pursuant to the authority granted in WVCSR §45-30-3.2, the Director hereby defers from the obligation to obtain a permit under WV 45CSR30 each source that:

3.1.a. Is subject to a standard, limitation or other requirement promulgated under §111 or §112 of the Clean Air Act; and

3.1.b. Is not a major source, an affected source, or a solid waste incineration unit required to obtain a permit pursuant to §129(e) of the Clean

Air Act.

3.2. Notwithstanding the provisions of subsection 3.1, the Director may not defer an area source from the obligation to obtain a permit if the source is subject to a standard, limitation or other requirement promulgated after July 21, 1992, and the standard or requirement does not authorize the deferral of the source from the obligation to obtain a permit under Title V of the Clean Air Act.

3.3. Notwithstanding the provisions of subsection 3.1, the Director may not defer a source subject to a standard, limitation or other requirement under 40 CFR Part 60 (§111 of the Clean Air Act) from the obligation to obtain a permit in a manner inconsistent with any specific date or schedule established by such standard or requirement relating to the obligation to obtain a permit under Title V of the Clean Air Act.

3.4. Any sources deferred by the U.S. EPA from the obligation to obtain a Title V permit which are subsequently exempted by U.S. EPA from the requirement to obtain a permit shall not be required to obtain a permit under WV 45CSR30.

**§45-30A-4. Deferral Period.**

4.1. The deferral of sources pursuant to this rule shall remain in effect until the date specified in any rulemaking promulgated by U.S. EPA relating to nonmajor or area sources and the obligation to obtain a permit under Title V of the Clean Air Act or until the date specified in any individual standard or requirement relating to a source's obligation to obtain a Title V permit.

4.2. Upon expiration of the deferral period,

sources deferred under this rule shall apply for permits in accordance with the requirements of WV 45CSR30 and the requirements of any rule promulgated by U.S. EPA relating to such non-major and area sources. Due dates for WV 45CSR30 permit applications from deferred sources shall be calculated in accordance with the application schedule under WVCSR §45-30-4.1.a or any schedule promulgated by U.S. EPA, whichever is more stringent.

4.3. Notwithstanding the provisions of subsection 3.1, sources that are deferred by operation of this rule may elect to apply for a permit under WV 45CSR30.

**§45-30A-5. Effect of Deferral.**

5.1. Sources that are deferred by operation of this rule shall not be relieved from the requirements of any applicable statutes, rules, or permits, other than the requirement to obtain a permit under WV 45CSR30; provided, however, that such sources shall not be relieved from the obligation to pay any and all permit fees required under WV 45CSR30.