



---

west virginia department of environmental protection

---

Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
(304) 926-0475

Harold Ward, Cabinet Secretary  
dep.wv.gov

March 31, 2023

## Current Title V Facilities

RE: Summary of revisions to 45CSR30 - Requirements for Operating Permits  
Title V Major and Deferred Sources  
Plant ID Number:  
Facility:

Revisions to 45CSR30 (Rule 30) approved during the 2023 Legislative Session became effective March 31, 2023. The final rule is available on the Secretary of State website at <https://apps.sos.wv.gov/adlaw/csr/ruleview.aspx?document=17663>. The revisions were in response to the U.S. Environmental Protection Agency's (EPA) concerns that the Title V fee structure in the 2015 version of the rule was not sustainable.

In addition to revising the fee structure in section 8 of the rule, changes were made in sections 5 and 6 to align with federal regulations, and additional changes were made throughout the rule to remove obsolete language and provide clarifications. This revised fee structure will be the basis of the annual Title V invoices generated on July 1, 2023, which will be due on July 31, 2023.

The annual Title V fee is no longer based entirely on an emissions fee factor multiplied by actual air emissions reported in the State and Local Emissions Inventory System (SLEIS) database. The revised fee is now based on an equation using a calculated emissions fee component (EF), a base fee component (BF), and a complexity fee component (CF). Title V Fee = BF + CF + EF. The emissions fee factor (EF) will be calculated based on an equation that includes all reported emissions. It is therefore more important than ever for facility emissions to be reported using SLEIS in a timely manner and by the established deadlines.

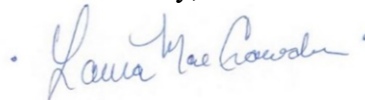
Other notable changes to Rule 30 include: (a) the 4,000 ton per pollutant cap on emissions used to calculate the emissions fee has been removed; (b) the requirement to submit a Certified Emissions Statement (CES) signed by the Responsible Official has been removed; (c) the requirement to report emissions remains and must be submitted by March 31<sup>st</sup> for major sources and by May 1<sup>st</sup> for deferred sources in accordance with prior policy; and (d) the Title V fee program

Promoting a healthy environment.

is no longer linked to 45CSR22 (Rule 22 minor source fee program). Title V deferred sources that have not operated in the previous calendar year will no longer have the option of paying the minimum Rule 22 fee as they have done in the past. The revised fee equation and examples of how 2023 fees will be calculated are enclosed.

In accordance with 45CSR30 section 8.1.b. the emission fee factor for this year will be calculated on or before June 1, 2023. Please check the Air Quality Fees webpage for updates <https://dep.wv.gov/daq/planning/Pages/AirQualityFees.aspx>. An updated example with the calculated emissions fee factor used to generate the 2023 invoices will be mailed with your invoice on July 1, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Laura M. Crowder". The signature is written in a cursive style and is enclosed in a faint, light blue oval.

Laura M. Crowder  
Director

Enclosure