

WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR QUALITY

IN RE:

PUBLIC HEARINGS FOR

2014 PROPOSED LEGISLATIVE RULES

Transcript of proceedings of the
above-entitled public hearings taken on the 7th day of July
2013, commencing at 6:02 p.m, at the headquarters of the West
Virginia Department of Environmental Protection, 601 57th
Street, Charleston, West Virginia, pursuant to notice.

MOUNTAIN REPORTING SERVICES, INC.
7720 Sissonville Drive
Charleston, West Virginia 25320
(304) 988-1588

1 MR. MASON: This public hearing will now
2 come to order on this 8th day of July, 2013, at the West
3 Virginia Department of Environmental Protection
4 Headquarters. Comments and testimony will be accepted until
5 the close of this hearing and will be made part of the
6 rulemaking record. Any substantive question regarding
7 revisions to the rules will be included with your comments,
8 and any such question will be answered as part of the response
9 to comments in the rulemaking record.

10 The purpose of this public hearing is to
11 satisfy state rulemaking requirements by accepting comments
12 on proposed revisions to rule 45CSR8 - *Ambient Air Quality*
13 *Standards*. This rule incorporates by reference the national
14 primary and secondary National Ambient Air Quality Standards
15 established by the EPA. The proposed rule contains U.S.
16 EPS's revised primary PM 2.5 NAAQS to provide requisite
17 protection of public health with an adequate margin of safety.
18 Upon authorization and promulgation of 45SCR8, the Division
19 will submit the rule to the EPA as a revision to the State
20 Implementation Plan pursuant to the federal Clean Air Act.
21 The floor is now open for comments. Please state your name
22 and any affiliation.

23 There being nothing further, this public
24 hearing for proposed rule 45CSR8 is concluded.

25 *****

1 This public hearing will now come to order
2 on this 8th day of July, 2013, at the West Virginia Department
3 of Environmental Protection Headquarters. Comments and
4 testimony will be accepted until of this hearing and will be
5 made part of the rulemaking record. Any question regarding
6 revisions to the rules will be included with your comments,
7 and any such question will be answered as part of the response
8 to comments in the rulemaking record.

9 The purpose of this public hearing is to
10 satisfy state rulemaking requirements by accepting comments
11 on proposed revisions to rule 45CSR14 - *Permits for*
12 *Construction and Major Modification of Major Stationary*
13 *Sources for the Prevention of Significant Deterioration of*
14 *Air Quality*. This rule establishes a state construction
15 permit program consistent with the federal Clean Air Act and
16 implementing regulations titled "Prevention of Significant
17 Deterioration of Air Quality." Revisions to the rule
18 incorporate implementation of 2012 Particulate Matter NAAQS
19 requirements with respect to the significant deterioration
20 permitting program. Revisions to the definition of
21 "Regulated NSR Pollutant" generally excludes the condensable
22 fraction of PM, and includes PM 2.5 and PM 10 condensable
23 particulate matter for purposes of PSD permitting. Due to
24 a DC Circuit court decision, significant impact levels and
25 significant monitoring concentration levels for PM 2.5 have

1 been vacated and remanded to EPA. Therefore, the significant
2 impact levels and the PM 2.5 significant monitoring
3 concentration levels have been struck from the rule. Upon
4 authorization and promulgation of 45CSR14, the Division will
5 submit the rule to the EPA as a revision to the State
6 Implementation Plan pursuant to the federal Clean Air Act.
7 The floor is now open for comments.

8 There being nothing further, this public
9 hearing for proposed rule 45CSR14 is concluded.

10 *****

11 This public hearing will now come to order
12 on this 8th day of July, 2013, at the West Virginia Department
13 of Environmental Protection Headquarters. Comments and
14 testimony will be accepted until of this hearing and will be
15 made part of the rulemaking record. Any question regarding
16 revisions to the rules will be included with your comments,
17 and any such question will be answered as part of the response
18 to comments in the rulemaking record.

19 The purpose of this public hearing is to
20 satisfy state rulemaking requirements by accepting comments
21 on proposed revisions to rule 45CSR16 - *Standards of*
22 *Performance for New Stationary Sources*. This rule
23 incorporates and adopts national standards of performances
24 for new stationary sources and other regulatory requirements
25 promulgated by the EPA pursuant to the federal Clean Air Act.

1 The rule incorporates by reference the New Source Performance
2 Standards promulgated by EPA under 40 CFR Part 60, effective
3 June 1, 2013. The floor is now open for comments.

4 There being nothing further, this public
5 hearing for proposed rule 45CSR16 is concluded.

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7 This public hearing will now come to order
8 on this 8th day of July, 2013, at the West Virginia Department
9 of Environmental Protection Headquarters. Comments and
10 testimony will be accepted until the close of this hearing
11 and will be made part of the rulemaking record. Any question
12 regarding revisions to the rules will be included with your
13 comments, and any such question will be answered as part of
14 the response to comments in the rulemaking record.

15 The purpose of this public hearing is to
16 satisfy state rulemaking requirements by accepting comments
17 on proposed revisions to rule 45CSR18 - *Control of Air*
18 *Pollution From Combustion of Solid Waste*. This rule is part
19 of West Virginia's Clean Air Action Section 111(d)/129 plan
20 for solid waste combustion sources. Revisions to the rule
21 reflect EPA's partial reconsideration of its Commercial and
22 Industrial Solid Waste Incinerator rule. The floor is now
23 open for comments.

24 There being nothing further, this public
25 hearing for proposed rule 45CSR18 is concluded.

This public hearing will now come to order on this 8th day of July, 2013, at the West Virginia Department of Environmental Protection Headquarters. Comments and testimony will be accepted until the close of this hearing and will be made part of the rulemaking record. Any question regarding revisions to the rules will be included with your comments and any such question will be answered as part of the response to comments in the rulemaking record.

The purpose of this public hearing is to satisfy state rulemaking requirements by accepting comments on proposed revisions to rule 45CSR19 - *Permits for Construction and Major Modification of Major Stationary Sources Which Cause or Contribute to Nonattainment Areas*. This rule establishes a state construction permit program consistent with the federal Clean Air Act, and sets forth the criteria and procedures for major stationary sources to obtain a permit to construct, operate and/or modify a major source located in the nonattainment area or impacting a nonattainment area. Revisions to the rule remove pollutant interprecursor trading rations with respect to emissions offset requirements. The DAQ will submit final rule 45CSR19 as a revision to the State Implementation Plan. The floor is now open for comments.

There being nothing further, this public

1 hearing for proposed rule 45CSR19 is concluded.

2 *****

3 This public hearing will now come to order
4 on this 8th day of July, 2013, at the West Virginia Department
5 of Environmental Protection Headquarters. Comments and
6 testimony will be accepted until the close of this hearing
7 and will be made part of the rulemaking record. Any question
8 regarding revisions to the rules will be included with your
9 comments, and any such question will be answered as part of
10 the response to comments in the rulemaking record.

11 The purpose of this public hearing is to
12 satisfy state rulemaking requirements by accepting comments
13 on proposed revisions to rule 45CSR25 - *Control of Air*
14 *Pollution from Hazardous Waste Treatment, Storage and*
15 *Disposal Facilities*. This rule establishes and adopts
16 emission standards for the treatment, storage and disposal
17 of hazardous waste promulgated by the EP pursuant to the
18 Resource Conservation and Recovery Act. Promulgation of
19 this rule will enable the Department of Environmental
20 Protection to continue to be the primary enforcement
21 authority for the Hazardous Waste Management System in West
22 Virginia. Revisions to the rule include annual
23 incorporation by reference updates. The floor is now open
24 for comments.

25 There being nothing further, this public

1 hearing for proposed rule 45CSR25 is concluded.

2 *****

3 This public hearing will now come to order
4 on this 8th day of July, 2013, at the West Virginia Department
5 of Environmental Protection Headquarters. Comments and
6 testimony will be accepted until the close of this hearing
7 and will be made part of the rulemaking record. Any questions
8 regarding revisions to the rules will be included with your
9 comments, and any such question will be answered as part of
10 the response to comments in the rulemaking record.

11 The purpose of this public hearing is to
12 satisfy state rulemaking requirements by accepting comments
13 on proposed revisions to rule 45CSR34 - *Emission Standards*
14 *for Hazardous Air Pollutants*. This rule incorporates and
15 adopts national emissions standards for hazardous air
16 pollutants and other regulatory requirements promulgated by
17 the EPA pursuant to the federal Clean Air Act. Promulgation
18 of this rule is necessary for the State to fulfill its
19 responsibilities under the Clean Air Act, and will enable the
20 Department of Environmental Protection to continue to be the
21 primary enforcement authority for such national emission
22 standards promulgated by EPA. Revisions to the rule include
23 annual incorporation of federal counterpart regulations.
24 The rule incorporates by reference the National Emission
25 Standards for Hazardous Air Pollutants promulgated by EPA

1 under 40 CFR Part 63, effective June 1, 2013. The floor is
2 now open for comments.

3 There being nothing further, this public
4 hearing for proposed rule 45CSR34 is concluded.

5 (WHEREUPON, the hearings
6 were concluded at 6:15 p.m.)
7

REPORTER'S CERTIFICATE

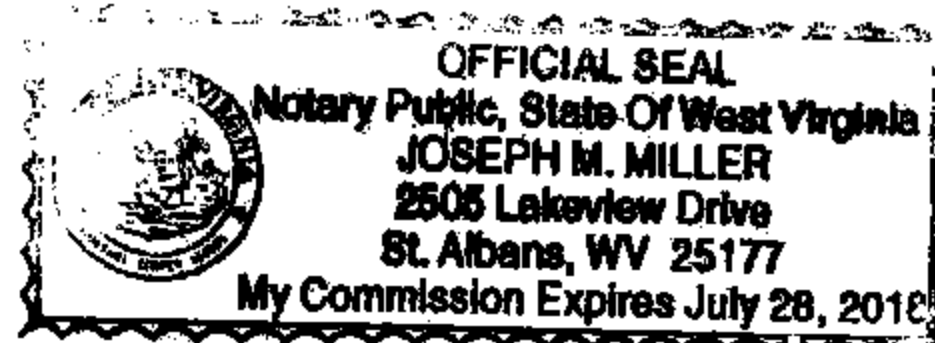
STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to wit:

I, the undersigned, Joseph M. Miller, a
Certified Court Reporter and Notary Public within and for the
county and state aforesaid, duly commissioned and qualified,
do hereby certify that the foregoing is, to the best of my skill
and ability, a true and accurate transcript of all the
proceedings had in the aforementioned matter.

Given under my hand this 15th day of July 2013.

Joseph M. Miller
Certified Court Reporter
Notary Public



My Commission expires July 28, 2018.