

45CSR16
STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES
RESPONSE TO COMMENTS

The WV Department of Environmental Protection (DEP), Division of Air Quality (DAQ) commenced the public comment period for proposed legislative rule 45 C.S.R. 16 on June 26, 2020. The public comment period concluded July 28, 2020 after satisfying the minimum 30-day period. The public hearing was held virtually to prevent the spread of COVID-19 in accordance with the Governor's Safer at Home Order and the WV DEP COVID-19 Policy on July 28, 2020 to accept oral and written comments on the proposed revisions to legislative rule 45 C.S.R. 16. Any comments received after this time are considered ex parte communications and cannot be considered in accordance with West Virginia Code Chapter 29A Article 3.

No written or verbal comments were received regarding the proposed revisions to rule 45 C.S.R. 16.

There were no changes made to 45 C.S.R. 16 as a result of the comments.

DEPARTMENT OF ENVIRONMENTAL PROTECTION PUBLIC HEARING

STANDARDS FOR PERFORMANCE FOR NEW STATIONARY SOURCES

07/28/2020


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DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF AIR QUALITY

PUBLIC HEARING TEXT - VIRTUAL HEARING

PROPOSED 2021 LEGISLATIVE RULES

July 28, 2020 - 6:00 PM

Held via Microsoft TEAMS

45CSR16, Standards For Performance
For New Stationary Sources

REALTIME REPORTERS, LLC
KRISTINA GUTHRIE, REPORTER
713 Lee Street
Charleston, West Virginia 25271
(304) 344-8463
realtimereporters.net

1 45CSR16, Standards For Performance
2 For New Stationary Sources

3 -- oOo --

4 MS. JENNINGS: Is Kristina, the Court Reporter
5 ready to proceed to the next hearing?

6 COURT REPORTER: I am.

7 MS. JENNINGS: The public hearing for the
8 proposed legislative Rule 45CSR16, Standards of
9 Performance for New Stationary Sources, will now come to
10 order on this 28th day of July 2020, held virtually to
11 prevent the spread of COVID-19 in accordance with the
12 Governor's Safer at Home Order and the West Virginia DEP
13 COVID-19 Policy.

14 Comments and testimony will be accepted until
15 the close of this hearing and will be made part of the
16 rule-making record. Any question regarding revisions to
17 the rules should be included with your comments, and any
18 such question will be addressed as part of the response
19 to comments in the rule-making record.

20 The purpose of this public hearing is to
21 accept comments on proposed revisions to Rule 45CSR16,
22 Standards of Performance for New Stationary Sources.
23 This rule establishes and adopts national standards of
24 performance for new stationary sources and other
regulatory requirements promulgated by the United States

1 Environmental Protection Agency pursuant to section
2 111(b) of the Federal Clean Air Act.

3 This rule codifies general procedures and
4 criteria to implement standards of performance for new
5 stationary sources set forth in 40 CFR Part 60. The
6 rule also adopts associated appendices, reference
7 methods, performance specifications and other test
8 methods which are appended to such standards.

9 Revisions to this rule are necessary to
10 maintain consistency with current federal regulations,
11 and for the State to fulfill its responsibilities under
12 the Clean Air Act and enable the West Virginia
13 Department of Environmental Protection to continue to be
14 the primary enforcement authority for such national
15 standards promulgated by the United States EPA.

16 Revisions to the rule include the annual
17 incorporation by reference of the federal regulations as
18 of June 1, 2020. Upon authorization and promulgation of
19 45CSR16, the rule will be submitted to the United States
20 Environmental Protection Agency to fulfill delegation
21 obligations in accordance with the Federal Clean Air
22 Act.

23 Stephanie, has anyone pre-registered to
24 provide comment or testimony in regard to proposed rule

1 45CSR16? If so, please unmute their line & call on them
2 now. Please ask them to state clearly their name and
3 any affiliation. As a reminder, please limit testimony
4 to one witness for each organization and limit testimony
5 to five minutes for each witness.

6 MS. HAMMONDS: Thanks, Laura. We have no
7 commenters registered. If you did not register to
8 comment but would like to at this time, please use the
9 Raise Your Hand feature or comment in the Chat and we
10 will recognize you to provide your comments.

11 To give you time, let me just remind everyone
12 that cross examination of commenters is not allowed. As
13 Laura stated, DAQ will not be responding to comments
14 tonight.

15 MS. JENNINGS: Not seeing any comments or
16 commenters, Stephanie, I believe this hearing for
17 proposed rule 45CSR16 is concluded. The public hearing
18 for proposed rule 45CSR18 will begin momentarily.

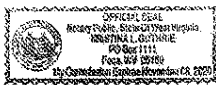
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1 STATE OF WEST VIRGINIA
2 COUNTY OF KANAWHA, to wit:

3 I, Kristina Guthrie, Professional Reporter and
4 Notary Public within and for the County and State
5 aforesaid, duly commissioned and qualified, do hereby
6 certify that the foregoing proceedings were duly
7 transcribed by me from stenographic notes taken in the
8 foregoing proceedings to the best of my skill and
9 ability.

10 I do further certify that the said proceedings
11 were correctly taken by me in shorthand notes, and that
12 the same were accurately written out in full and reduced
13 to typewriting by means of computer-aided transcription.

14 Given under my hand this 5th day of August,
15 2020.



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Kristina Guthrie, Professional
Reporter and Notary Public

<p>1</p> <hr/> <p>1 3:18 111(b) 3:2</p> <hr/> <p>2</p> <hr/> <p>2020 1:10 2:9 3:18 5:15 2021 1:8 25271 1:22 28 1:10 28th 2:9</p> <hr/> <p>3</p> <hr/> <p>304 344-8463 1:23</p> <hr/> <p>4</p> <hr/> <p>40 3:5 45CSR16 1:14 2:1, 7,20 3:19 4:1,17 45CSR18 4:18</p> <hr/> <p>5</p> <hr/> <p>5th 5:14</p> <hr/> <p>6</p> <hr/> <p>60 3:5 6:00 1:10</p> <hr/> <p>7</p> <hr/> <p>713 1:22</p> <hr/> <p>A</p> <hr/> <p>ability 5:9</p>	<p>accept 2:20 accepted 2:13 accordance 2:10 3:21 accurately 5:12 Act 3:2,12,22 addressed 2:17 adopts 2:22 3:6 affiliation 4:3 aforsald 5:5 Agency 3:1,20 Air 1:4 3:2,12,21 allowed 4:12 annual 3:16 appended 3:8 appendices 3:6 August 5:14 authority 3:14 authorization 3:18</p> <hr/> <p>B</p> <hr/> <p>begin 4:18</p> <hr/> <p>C</p> <hr/> <p>call 4:1 certify 5:6,10 CFR 3:5 Charleston 1:22 Chat 4:9 Clean 3:2,12,21 close 2:14 codifies 3:3 comment 3:24 4:8, 9</p>	<p>commenters 4:7, 12,16 comments 2:13, 16,18,20 4:10,13, 15 commissioned 5:5 computer-aided 5:13 concluded 4:17 consistency 3:10 continue 3:13 correctly 5:11 County 5:2,4 Court 2:3,5 COVID-19 2:10,12 criteria 3:4 cross 4:12 current 3:10</p> <hr/> <p>D</p> <hr/> <p>DAQ 4:13 day 2:9 5:14 delegation 3:20 DEP 2:11 Department 1:2 3:13 DIVISION 1:4 duly 5:5,6</p> <hr/> <p>E</p> <hr/> <p>enable 3:12 enforcement 3:14 Environmental 1:2 3:1,13,20 EPA 3:15</p>	<p>establishes 2:22 examination 4:12</p> <hr/> <p>F</p> <hr/> <p>feature 4:9 federal 3:2,10,17, 21 foregoing 5:6,8 fulfill 3:11,20 full 5:12</p> <hr/> <p>G</p> <hr/> <p>general 3:3 give 4:11 Governor's 2:11 Guthrie 1:21 5:3, 19</p> <hr/> <p>H</p> <hr/> <p>HAMMONDS 4:6 hand 4:9 5:14 hearing 1:6 2:4,6, 14,19 4:16,17 held 1:12 2:9 Home 2:11</p> <hr/> <p>I</p> <hr/> <p>Implement 3:4 Include 3:16 included 2:16 incorporation 3:17</p> <hr/> <p>J</p> <hr/> <p>JENNINGS 2:3,6</p>	<p>4:15 July 1:10 2:9 June 3:18</p> <hr/> <p>K</p> <hr/> <p>KANAWHA 5:2 Kristina 1:21 2:3 5:3,19</p> <hr/> <p>L</p> <hr/> <p>Laura 4:6,13 Lee 1:22 legislative 1:8 2:7 limit 4:3,4 LLC 1:21</p> <hr/> <p>M</p> <hr/> <p>made 2:14 maintain 3:10 means 5:13 methods 3:7,8 Microsoft 1:12 minutes 4:5 momentarily 4:18</p> <hr/> <p>N</p> <hr/> <p>national 2:22 3:14 Notary 5:4,20 notes 5:7,11</p> <hr/> <p>O</p> <hr/> <p>obligations 3:21 order 2:9,11</p>
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<p>organization 4:4</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>part 2:14,17 3:5</p> <p>performance 1:14 2:1,8,21,23 3:4,7</p> <p>PM 1:10</p> <p>Policy 2:12</p> <p>pre-registered 3:23</p> <p>prevent 2:10</p> <p>primary 3:14</p> <p>procedures 3:3</p> <p>proceed 2:4</p> <p>proceedings 5:6, 8,10</p> <p>Professional 5:3, 19</p> <p>promulgated 2:24 3:15</p> <p>promulgation 3:18</p> <p>proposed 1:8 2:7, 20 3:24 4:17,18</p> <p>Protection 1:2 3:1, 13,20</p> <p>provide 3:24 4:10</p> <p>public 1:6 2:6,19 4:17 5:4,20</p> <p>purpose 2:19</p> <p>pursuant 3:1</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualified 5:5</p> <p>QUALITY 1:4</p> <p>question 2:15,17</p>	<p style="text-align: center;">R</p> <hr/> <p>Raise 4:9</p> <p>ready 2:4</p> <p>REALTIME 1:21</p> <p>realtime reporters .net 1:23</p> <p>recognize 4:10</p> <p>record 2:15,18</p> <p>reduced 5:12</p> <p>reference 3:6,17</p> <p>regard 3:24</p> <p>register 4:7</p> <p>registered 4:7</p> <p>regulations 3:10, 17</p> <p>regulatory 2:24</p> <p>remind 4:11</p> <p>reminder 4:3</p> <p>Reporter 1:21 2:3, 5 5:3,20</p> <p>REPORTERS 1:21</p> <p>requirements 2:24</p> <p>responding 4:13</p> <p>response 2:17</p> <p>responsibilities 3:11</p> <p>revisions 2:15,20 3:9,16</p> <p>rule 2:7,20,22 3:3, 6,9,16,19,24 4:17, 18</p> <p>rule-making 2:15, 18</p> <p>rules 1:8 2:16</p>	<p style="text-align: center;">S</p> <hr/> <p>Safer 2:11</p> <p>section 3:1</p> <p>set 3:5</p> <p>shorthand 5:11</p> <p>skill 5:8</p> <p>sources 1:14 2:1, 8,21,23 3:5</p> <p>specifications 3:7</p> <p>spread 2:10</p> <p>standards 1:14 2:1,7,21,22 3:4,8, 15</p> <p>state 3:11 4:2 5:1,4</p> <p>stated 4:13</p> <p>States 2:24 3:15, 19</p> <p>stationary 1:14 2:1,8,21,23 3:5</p> <p>stenographic 5:7</p> <p>Stephanie 3:23 4:16</p> <p>Street 1:22</p> <p>submitted 3:19</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>TEAMS 1:12</p> <p>test 3:7</p> <p>testimony 2:13 3:24 4:3,4</p> <p>TEXT 1:6</p> <p>time 4:8,11</p> <p>tonight 4:14</p> <p>transcribed 5:7</p> <p>transcription 5:13</p>	<p>typewriting 5:13</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>United 2:24 3:15, 19</p> <p>unmute 4:1</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Virginia 1:22 2:11 3:12 5:1</p> <p>VIRTUAL 1:6</p> <p>virtually 2:9</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>West 1:22 2:11 3:12 5:1</p> <p>wit 5:2</p> <p>written 5:12</p>
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DAQ Public Hearing - Proposed 2021 Legislative Rules
Registration to Virtually Attend - July 28, 2020

ID	Start time	Completion time	First Name	Last name	Email Address	Organization (if not affiliated with a group, type "Self")	Street Address	City, State and Zip Code
1	6/15/2020 12:56	6/15/2020 12:56	Stephanie	Hammonds	Stephanie.E.Hammonds@wv.gov	WVDEP-DAQ	601 57th Street, SE	Charleston, WV 25304
2	6/22/2020 17:52	6/22/2020 17:54	Edward	Andrews	edward.s.andrews@wv.gov	WVDEP/Division of Air Quality	601 57th Street, SE	Charleston, WV 25304
3	6/29/2020 11:52	6/29/2020 12:04	Kaitlin	Meszaros	meszaros@pinyon-env.com	Pinyon Environmental, INC.	3222 S. Vance Street, Suite 200	Lakewood, CO 80227
4	7/7/2020 10:44	7/7/2020 10:46	Todd	Shrewsbury	todd.h.shrewsbury@wv.gov	West Virginia Division of Air Quality	601 57th Street SE	Charleston, WV 25304
5	7/7/2020 10:51	7/7/2020 10:53	Laura	Crowder	Laura.M.Crowder@wv.gov	WVDEP DAQ	601 57th Street, SE	Charleston, WV 25304
6	7/7/2020 13:53	7/7/2020 13:54	Laura	Jennings	laura.m.jennings@wv.gov	WV DAQ	601 57th Street, SE	Charleston, WV 25304
7	7/9/2020 16:56	7/9/2020 16:58	Trevor	Galley	trevor_galley@tcenergy.com	TC Energy	1700 MacCorkle Ave SE	Charleston, WV 25314
8	7/13/2020 14:52	7/13/2020 14:54	David	Flannery	dave.flannery@steptoe-johnson.com	Steptoe & Johnson PLLC	Chase Plaza 17th Floor	25302
9	7/20/2020 8:43	7/20/2020 8:45	David	Fewell	david.r.fewell@wv.gov	WVDAQ	601 57th Street, SE	Charleston, WV 25304
10	7/20/2020 16:58	7/20/2020 16:59	Aileen	Curfman	acurfman@gmail.com	West Virginia Sierra Club	1067 Comstock Dr.	Shepherdstown, WV 25443
11	7/27/2020 14:15	7/27/2020 14:16	Aileen	Curfman	acurfman@gmail.com	West Virginia Sierra Club	1067 Comstock Dr.	Shepherdstown, WV 25443
12	7/27/2020 16:34	7/27/2020 16:35	Jason	Wandling	jason.e.wandling@wv.gov	WVDEP	601 57th St. SE	Charleston, WV 25301
13	7/27/2020 17:58	7/27/2020 17:58	Kaitlin	Meszaros	meszaros@pinyon-env.com	Pinyon Environmental, Inc.	3222 S. Vance Street Suite 200	Lakewood, CO 80227
14	7/28/2020 11:08	7/28/2020 11:09	Bev	McKeone	beverly.d.mckeone@wv.gov	WVDEP, DAQ	601 57th Street SE	Charleston WV 25304
15	7/28/2020 11:51	7/28/2020 11:52	David	White	envattorney2013@gmail.com	Appalachian and Atlantic Defense Council	179 Church Street	Chillicothe, Ohio 45601
16	7/28/2020 12:12	7/28/2020 12:13	James	Kotcon	jkotcon@gmail.com	West Virginia Chapter of Sierra Club	PO Box 4142	Morgantown, WV 26504
17	7/28/2020 13:38	7/28/2020 13:40	Sandra	Adkins	sandra.k.adkins@wv.gov	WVDEP	601 57th Street, SE	Charleston, WV 25304
18	7/28/2020 14:23	7/28/2020 14:28	Fred	Tipane	frederick.tipan@wv.gov	WV DEP/DAQ	601 57th ST SE	Charleston, WV 25304
19	7/28/2020 15:35	7/28/2020 15:36	Terry	Fletcher	terry.a.fletcher@wv.gov	WVDEP	123 Swarthmore Ave.	Charleston, WV 25302
20	n/a - Added by LMJ 7/29/20		Angie	Rosser		West Virginia Rivers Coalition	3501 MacCorkle Ave SE #129	Charleston, WV 25304