



Office of Air Quality  
 1558 Washington Street, East  
 Charleston, WV 25311  
 Telephone Number: (304) 558-1213  
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## West Virginia Division of Environmental Protection

Cecil H. Underwood  
 Governor

Michael P. Miano  
 Director

March 11, 1999

Ms. Judy Cooper, Director  
 Administrative Law Division  
 Secretary of State  
 1900 Kanawha Blvd., East  
 State Capitol  
 Charleston, WV 25305

OFFICE OF THE SECRETARY OF STATE  
 MAR 11 1 12 PM '99

RE: 45CSR36--"Requirements for Determining Conformity of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws, to Applicable Air Quality Implementation Plans (Transportation Conformity)"

Dear Ms. Cooper:

The Department of Environmental Protection, Office of Air Quality (OAQ), hereby withdraws the proposed rule 45CSR36, which was filed as an agency-approved rule on July 31, 1998 and filed as a modified rule on January 5, 1999. The OAQ also desires to withdraw the counterpart emergency rule filed on September 2, 1998 and approved by your office on October 9, 1998.

We understand the withdrawal of the proposed rule and the emergency rule will have no effect on the rule which is currently in effect, which was made effective May 1, 1995.

Your cooperation in this matter is appreciated. If you have any questions, please feel free to contact my office.

Sincerely,

*Michael P. Miano by Edna UK [signature]*  
 Michael P. Miano *per telecon authorization*  
 Director *3/11/99*

"To use all available resources to protect and restore West Virginia's environment in concert with the needs of present and future generations."



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