



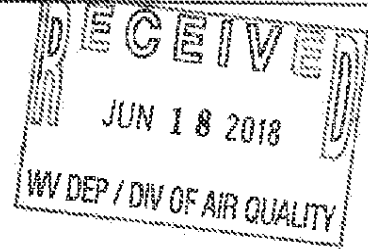
CHARLESTON NEWSPAPERS

P.O. Box 2993
Charleston, West Virginia 25330
Billing 348-4898
Classified 348-4848
1-800-WVA-NEWS

LEGAL ADVERTISING INVOICE

S# 2458245
DATE RECEIVED 6/12/18
SIGN Franklin Kimball
PAID BY VISA

INVOICE DATE	06/11/18
ACCOUNT NBR	094808103
SALES REP ID	0026
INVOICE NBR	070888001



BILLED TO

AIR QUALITY--WV DEP
601 57TH STREET SE
CHARLESTON WV 25304 USA

Please return this portion with your payment.
Make checks payable to: Charleston Newspapers

AMOUNT PAID:



CHARLESTON NEWSPAPERS

P.O. Box 2993
Charleston, West Virginia 25330
Billing 348-4898
Classified 348-4848
1-800-WVA-NEWS
FERN 55-0676079

INVOICE DATE	06/11/18
ACCOUNT NBR	094808103
SALES REP ID	0026
INVOICE NBR	070888001

Legal pricing is based upon 65 words per column inch.

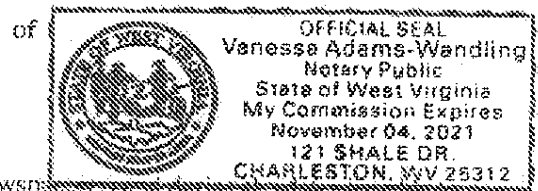
Each successive insertion is discounted by 25% of the first insertion rate.

The Charleston Gazette Mail rate is \$.14 per word.

ISSUE DATE	AD TYPE	PUB	DESCRIPTION	AD NUMBER	AD SIZE TOTAL LIN	RATE	GROSS AMOUNT	NET AMOUNT
06/08	LEG	GZ	PUBLICNOTICE2019PROPO	0683340	1X0950	8.40	79.80	79.80
			070888001		9.50			
TOTAL INVOICE AMOUNT								79.80

State of West Virginia, **AFFIDAVIT OF PUBLICATION**

I, _____ of
CHARLESTON GAZETTE MAIL,
do solemnly swear that the legal notice of:
PUBLICNOTICE2019PROPOSED
was duly published in said newspaper(s) at the stated price for the respective newsps



Subscribed and sworn to before me this 12 day of June 2018

06/08/18-06/08/18

Notary Public of Kanawha County, West Virginia



WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXV

Issue 23

June 8, 2018

A Weekly Publication:

Administrative Law Division
Judy Cooper, Manager

Mae Warner
Secretary of State
Administrative Law Division
Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770

(604) 858-6000
www.wv.gov

CONTENTS

Chronological Index

Rule Monitor

Notices

- a. Legislative Rules
- b. Interpretive Rules
- c. Procedural Rules
- d. Emergency Rules
- e. Legislative Rule-Making Review Committee

Legislative Interims

Orders

Elder Commission Opinions

Office of Tax Appeal Decisions

Other Documents or Information Filed

CHRONOLOGICAL INDEX, VOLUME XXV, ISSUE 23

NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Air Quality (45-08)	Subicun Air Quality Standards Legislative	§21-5-4	Public Hearing: July 10, 2018, 4:00 pm 601 57 th Street SE Dolly Sod's Conference Room #1125 Charleston, WV Written Comments: July 10, 2018, 6:00 pm Public Information Office Dept. of Environmental Protection 601 57 th Street SE Charleston, WV 25304 dep.comments@wv.gov
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	§22-5-4	Public Hearing: July 10, 2018, 6:00 pm 601 57 th Street SE Dolly Sod's Conference Room #1125 Charleston, WV Written Comments: July 10, 2018, 6:00 pm Public Information Office Dept. of Environmental Protection 601 57 th Street SE Charleston, WV 25304 dep.comments@wv.gov
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	§§22-5-4, 22-18-6	Public Hearing: July 10, 2018, 6:00 pm 601 57 th Street SE Dolly Sod's Conference Room #1125 Charleston, WV Written Comments: July 10, 2018, 6:00 pm Public Information Office Dept. of Environmental Protection 601 57 th Street SE Charleston, WV 25304 dep.comments@wv.gov

CHRONOLOGICAL INDEX, VOLUME XXXV ISSUE 23

NEW PROPOSED RULES AVAILABLE FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	§22-5-4	Public Hearing: July 10, 2018, 6:00 pm 601 57 th Street SE Dolly Sod's Conference Room #1125 Charleston, WV Written Comments: July 19, 2018, 6:00 pm Public Information Office Dept. of Environmental Protection 601 57 th Street SE Charleston, WV 25304 dep.comments@wv.gov
Air Quality (45-36)	Requirements for Determining Conformity of Transportation Plans, Programs, and Projects Developed, Funded or Approved under Title 23 CNC or the Federal Transit Laws, to Applicable Air Quality Implementation Plan (Transportation Conformity) Legislative	§22-5-4	Public Hearing: July 10, 2018, 6:00 pm 601 57 th Street SE Dolly Sod's Conference Room #1125 Charleston, WV Written Comments: July 16, 2018, 6:00 pm Public Information Office Dept. of Environmental Protection 601 57 th Street SE Charleston, WV 25304 dep.comments@wv.gov
Air Quality (45-38)	Provisions for Determination of Compliance with Air Quality Management Rule Legislative	§22-5-4	Public Hearing: July 10, 2018, 6:00 pm 601 57 th Street SE Dolly Sod's Conference Room #1125 Charleston, WV Written Comments: July 10, 2018, 6:00 pm Public Information Office Dept. of Environmental Protection 601 57 th Street SE Charleston, WV 25304 dep.comments@wv.gov

CHRONOLOGICAL INDEX, VOLUME XXXV ISSUE 23

NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Air Quality (45-43)	Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions Legislative	§22-5-4	Public Hearing: July 10, 2018, 6:00 pm 601 57 th Street SE Dolly Sudd's Conference Room #1125 Charleston, WV Written Comments: July 10, 2018, 6:00 pm Public Information Office Dept. of Environmental Protection 601 57 th Street SE Charleston, WV 25304 dep.enr@wv.gov
Natural Resources (55-75)	State Park Controlled Deer Hunts Procedural	§30-1-7	Written Comments Only July 5, 2018, 1:00 pm Dept. of Natural Resources Wendy L. Greene 724 4 th Avenue, Room 343 den.dnr@wv.gov
Secretary of State (53-06)	Filing and Formatting Rules and Related Documents and Other Documents for Publication in the State Register Legislative	§629A-2-6(c), 29A-2-7 et. seq.	Written Comments Only July 5, 2018, 12:00 pm Maurice Lewis Secretary of State's Office Building 1 Suite 157K State Capitol Complex Charleston, WV 25305 ML2018070508.com

NO NEW EMERGENCY RULES WERE FILED THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE FOR HEARING



WEST VIRGINIA SECRETARY OF STATE
 SING WARRER
 ADMINISTRATIVE LAW DIVISION

FILED
 8/20/18 4:18 PM
 Office of West Virginia
 Secretary of State



WEST VIRGINIA SECRETARY OF STATE
 SING WARRER
 ADMINISTRATIVE LAW DIVISION

FILED
 8/20/18 4:19 PM
 Office of West Virginia
 Secretary of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE SERIES: 45-08
 RULE TYPE: Final Rule Assessed for Existing Rule: Yes Recal of existing rule: No
 RULE NAME: Ambient Air Quality Standards
 LEGISLATIVE AUTHORITY: W. Va. Code § 22-5-4
 COMMENTS LIMITED TO:
 Oral and Written

DATE OF PUBLIC HEARING: 07/19/2018 9:00 PM

LOCATION OF PUBLIC HEARING:

801 5th Street SE, Dolly Sods Conference Room #1128, Charleston, WV

DATE WRITTEN COMMENT PERIOD ENDS: 07/19/2018 0:00 PM

COMMENTS MAY BE MADE ON THESE ITEMS:

NAME: Public Information Office
 ADDRESS: Department of Environmental Protection
 601 5th Street, SE, Charleston, WV 25304
 EMAIL: dep.comments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: Yes

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE SERIES: 45-16
 RULE TYPE: Legislative Assessed for Existing Rule: Yes Recal of existing rule: No
 RULE NAME: Standards of Performance for New Highway
 Sources
 LEGISLATIVE AUTHORITY: W. Va. Code § 22-5-4
 COMMENTS LIMITED TO:
 Oral and Written

DATE OF PUBLIC HEARING: 07/19/2018 9:00 PM

LOCATION OF PUBLIC HEARING:

801 5th Street, SE, Dolly Sods Conference Room #1128, Charleston, WV

DATE WRITTEN COMMENT PERIOD ENDS: 07/19/2018 9:00 PM

COMMENTS MAY BE MADE ON THESE ITEMS:

NAME: Public Information Office
 ADDRESS: 801 5th Street, SE, Charleston, WV 25304
 CHARLESTON, WV 25304
 EMAIL: dep.comments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: Yes

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)



LEGISLATIVE



NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE/REF: 45-2E
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeat of existing rule: No
 BILL NAME: Control of Air Pollution from "Nonroad Motor
 Treatment, Storage and Disposal Facilities"
 STATUTORY AUTHORITY: W. Va. Code §§ 22-5-4 and 22-10-4
 COMMENTS LIMITED TO:
 Civil and Medical

DATE OF PUBLIC HEARING: 07/18/2018 8:00 PM

LOCATION OF PUBLIC HEARING:

801 57th Street, SE, Dolly Sods Conference Room #625 Charleston, WV

DATE WRITTEN COMMENT PERIOD ENDS: 08/10/2018 8:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Public Information Office
 ADDRESS: DEPARTMENT OF ENVIRONMENTAL PROTECTION
 801 57th Street, SE, Charleston, WV 25304
 EMAIL: de.a.comments@wv.gov

PLEASE INDICATE IF THE FOLLOWING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No
 (IF YES, PLEASE CITE/ID IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: Yes

IF YES, PLEASE CITE/ID IN THE SUPPORTING DOCUMENTS FIELD

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE/REF: 45-2E
 RULE TYPE: Legislative Amendment to Existing Rule: No Repeat of existing rule: No
 BILL NAME: Emission Standards for Hazardous Air Pollutants
 STATUTORY AUTHORITY: W. Va. Code § 22-5-4
 COMMENTS LIMITED TO:
 Civil and Medical

DATE OF PUBLIC HEARING: 07/18/2018 8:00 PM

LOCATION OF PUBLIC HEARING:

Department of Environmental Protection, Dolly Sods Conference Room #625 801 57th Street, SE, Charleston, WV 25304

DATE WRITTEN COMMENT PERIOD ENDS: 07/18/2018 8:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Public Information Office, Department of Environmental Protection
 ADDRESS: 801 57th Street, SE
 Charleston, WV 25304
 EMAIL: de.a.comments@wv.gov

PLEASE INDICATE IF THE FOLLOWING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No
 (IF YES, PLEASE CITE/ID IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: Yes

IF YES, PLEASE CITE/ID IN THE SUPPORTING DOCUMENTS FIELD



LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE/NUMBER: 45-26
RULE TYPE: Legislative Amendment to Existing Rule: No Repeat of existing rule: No

RULE NAME: Requirements for Selecting Conformity of Installation Plans, Programs, and Projects Developed Pursuant to Agreements under Title 20, U.R.C. or the Federal Title I, for Applicable Air Quality Implementation Plans (Transportation Corridor)

CITE STATUTORY AUTHORITY: WV Code § 22-2-4

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 7/19/2018 8:00 PM

LOCATION OF PUBLIC HEARING:

601 5TH Street, SE, Dolly Soda Conference Room#1125, Charleston, WV

DATE WRITTEN COMMENTS PERIOD ENDS: 07/19/2018 8:00 PM

COMMENTS MAY BE MAILED OR FAXED TO:

NAME: Public Information Office

ADDRESS: Department of Environmental Protection

601 5TH Street, SE Charleston WV 25304

EMAIL: dep.comments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE/NUMBER: 45-26
RULE TYPE: Legislative Amendment to Existing Rule: No Repeat of existing rule: No

RULE NAME: Provisions for Determination of Compliance with Air Quality Management Plans

CITE STATUTORY AUTHORITY: WV Code § 22-2-4

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/19/2018 8:00 PM

LOCATION OF PUBLIC HEARING:

601 5TH Street, SE, Dolly Soda Conference Room#1125, Charleston, WV

DATE WRITTEN COMMENTS PERIOD ENDS: 07/19/2018 8:00 PM

COMMENTS MAY BE MAILED OR FAXED TO:

NAME: Public Information Office

ADDRESS: Department of Environmental Protection

601 5TH Street, SE, Charleston, WV 25304

EMAIL: dep.comments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)



LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality **TITLE OR BILL:** 45-25
RULE TYPE: Legislative **Academical in Rating Rule:** No **Report of existing rule:** No

RULE NAME: Class-Scale Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

COMMENTS LIMITED TO:

Cost and Value

DATE OF PUBLIC HEARING: 07/19/2018 8:00 AM

LOCATION OF PUBLIC HEARING:

601 57th Street, SE, Only 300's Conference Room #1125, Charleston, WV

DATE WRITTEN COMMENT PERIOD ENDS: 07/19/2018 8:00 PM

COMMENTS MAY BE MADE OR RECEIVED AT:

NAME: Public Information Office

ADDRESS: Department of Environmental Protection

601 57th Street, SE, Charleston, WV 25304

EMAIL: dep.cominfo@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD:

INCORPORATED BY REFERENCE: Yes

IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD:

NOTICE OF TECHNICAL AMENDMENT

AGENCY: Health And Human Resources **TITLE SERIES:** 24-17

RULE TYPE: Legislative

RULE NAME: Medication-Assisted Treatment (MAT) Treatment Programs

LICENSING AUTHORITY: W. Va. Code § 24-5-1, et seq.

LIST WITH DETAIL EACH SHOULD CHANGE MADE TO THE RULE AND WHY IT CAN BE RATION-

8.3.3.5. Renewal license fee - fewer than 500 patients - \$521.12,
 8.3.4.4. Renewal license fee - 500 to 1,000 patients - \$1,042.24, 318
 8.3.4.5. Renewal license fee - more than 1,000 patients - \$1,563.36
 Other changes include: (1) expand the rule to include technical assistance practitioners, (2) add attorney, (3) amend the numbering, (4) amend the title, and (5) amend the subtitle.

FILING DATE: 8/30/2018

EFFECTIVE DATE: 08/17/2017

BY CHOOSING "YES", I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Heather J McDaniel - By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code § 22A-9-11 and § 22A-9-2.

Public Notice
2019 Proposed Legislative Rules

The West Virginia Department of Environmental Protection (DEP), Division of Air Quality (DAQ) has scheduled a public hearing for its 2019 proposed legislative rules on Tuesday, July 10, 2018 at the DEP Charleston headquarters located at 601 5th Street S.E., Charleston, WV 25304. The public hearing will begin at 6:00 p.m. in the Dolly Parton Conference Room #1125.

Oral and written comments will be made part of the rulemaking record. The public comment period begins on June 5, 2018 and ends at the conclusion of the public hearing. Written comments may be submitted at any time during the public comment period to the Public Information Office at the DEP address above or emailed to publicinfo@wvdepro.gov.

Copies of the proposed rules are available from the Secretary of State's office or from the DEP at <http://www.wvdepro.gov/legis/ProposedRules.aspx>.

Division of Air Quality:

- 42CSR9 - *Definition of Quality Standards*
- 42CSR16 - *Standards of Performance for New Stationary Sources*
- 42CSR25 - *Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities*
- 42CSR36 - *Permitting Standards for Treatment, Air Pollution*
- 42CSR38 - *Methodology for Determining Compliance of Transportation Plans, Programs, and Projects Developed, Funded or Approved under Title 23 U.S.C. as the Federal Trustee*
- 42CSR39 - *Methodology for Determining Compliance with Air Quality Management Plans*
- 42CSR41 - *Good-Neighbor Rule to Control Ground Nitrogen Oxide Emissions from Stationary Sources, and Greenhouse Gases from Electric Generating*

Upon identification and promulgation, 42CSR9, 42CSR16, and 42CSR36 will be submitted to the United States Environmental Protection Agency (EPA) for full federal obligations under the Clean Air Act (CAA), including delegations and authorizations. Upon authorization and promulgation, 42CSR38 and 42CSR39 will be submitted to the EPA as a reference to the State Implementation Plan pursuant to the federal CAA. 42CSR41 and 42CSR41 are proposed for repeal because they are no longer needed.

For more information, contact the DEP info desk at 304-261-6073.

FILED
MAY 31 AM 10:25
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SECRETARY'S OFFICE

OTHER

PUBLIC NOTICE

WEST VIRGINIA MEDICAID PROGRAM

SNAP PLAN AMENDMENT 18-001

REGARDING

ALTERNATIVE TREATMENTS FOR CHRONIC PAIN MANAGEMENT

Pursuant to 42 U.S.C. §1916(a)(1)(1987) and 42 C.F.R. §447.206, the Department of Health and Human Resources ("Department"), Bureau for Medical Services ("BMS") provides notice of the filing of a state plan amendment (SPA), identified as SPA 18-001, regarding rules for alternative treatments for chronic pain. The SPA provides for 23 combined visits of physical therapy, occupational therapy, chiropractic manipulation, chiropractic services, or other non-surgical, non-pharmaceutical treatments related to a chronic pain management program, without need for a referral. This SPA is prompted by Senate Bill 273, enacted by the Legislature and signed by the Governor in during the West Virginia 2018 Regular Legislative Session. Specifically, this SPA code governs W. Va. Code §6-54-8.

This SPA will be made effective on June 7, 2018, or as soon as CMS approves the SPA, whichever occurs first. The expenditure request for fiscal year 2018 and 2019 cannot be determined at this time.

The SPA and this notice will be available for public inspection in each county office of the Department of Health and Human Resources during normal business hours, 8:30 a.m. to 4:30 p.m., beginning Wednesday, June 6, 2018 through Friday, July 6, 2018, and on the web at: www.dhhr.wv.gov/home then click "Public Notices" on the top toolbar.

Written comments may be sent to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 360 Capitol Street, Suite 251, Charleston, WV 25301-3708, or by email at SPAComments@dhhr.wv.gov. Any written comments received will be available for review at the above address during normal business hours, 8:30 a.m. to 4:30 p.m., beginning Wednesday, June 6, 2018 through Friday, July 6, 2018. Comments will also be posted on the BMS website page referenced above noted above for review as soon as possible.

FILED

MAY 31 PM 1:10

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Public Notice

2019 Proposed Legislative Rules

The West Virginia Department of Environmental Protection (DEP), Division of Air Quality (DAQ) has scheduled a public hearing for its 2019 proposed legislative rules on Tuesday, July 10, 2018 at the DEP Charleston headquarters located at 601 57th Street S.E., Charleston, WV 25304. The public hearing will begin at 6:00 p.m. in the Dolly Sods Conference Room #1125.

Oral and written comments will be made part of the rulemaking record. The public comment period begins on June 8, 2018 and ends at the conclusion of the public hearing. Written comments may be submitted at any time during the public comment period to the Public Information Office at the DEP address above or e-mailed to dep.comments@wv.gov.

Copies of the proposed rules are available from the Secretary of State's office or from the DEP at <http://www.dep.wv.gov/pio/Pages/Rules.aspx>.

Division of Air Quality:

- 45CSR8 - *Ambient Air Quality Standards*
- 45CSR16 - *Standards of Performance for New Stationary Sources*
- 45CSR25 - *Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities*
- 45CSR34 - *Emission Standards for Hazardous Air Pollutants*
- 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)*
- 45CSR38 - *Provision for Determination of Compliance with Air Quality Management Rules*
- 45CSR43 - *Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions*

Upon authorization and promulgation, 45CSR16, 45CSR25, and 45CSR34 will be submitted to the United States Environmental Protection Agency (EPA) to fulfill federal obligations under the Clean Air Act (CAA), including delegations and authorizations. Upon authorization and promulgation, 45CSR8 and 45CSR43 will be submitted to the EPA as a revision to the State Implementation Plan pursuant to the federal CAA. 45CSR36 and 45CSR38 are proposed for repeal because they are no longer needed.

For more information on any of the DAQ rules call 304-926-0475.



west virginia department of environmental protection

Public Hearing: July 10, 2018 at 6:00 PM, Dolly Sods Conference Room
Division of Air Quality 2019 Proposed Rules
45CSR8, 45CSR16, 45CSR25, 45CSR34, 45CSR36, 45CSR38, and 45CSR43
SIGN-IN SHEET

The information provided below becomes part of the public record related to this topic.

Name (please print)	Address	Organization	Phone	E-mail	Comment Y/N
Laura Jennings	601 5th Street Charleston WV 25301	DEP/DAR	(304) 926-0491	laura.m.jennings@wv.gov	
Pam Kadrick	"	"	"	pam.kadrick@wv.com	
Jennifer Wilson	14 Cecil Park Dr Martinsburg, WV 25751	Court reporter	(304) 550-8477	jennwilson206@gmail.com	305
Brad Scott	179 Summers St Charleston WV 25301	Sargents (Court reporter)	(606) 213-1177	bradsargentscourtreporter@gmail.com	304
6305 Julie Szymank	Morgantown	Addvant	304-284-2214	julie.szymank@addvant.com	
William F. Dushan	Chas.	WV DAP	304-926-0499	william.f.dushan@wv.gov	N

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR QUALITY

* * * * *

IN RE: PROPOSED REVISIONS TO RULE 45CSR8, RULE 45CSR16,
RULE 45CSR25, RULE 45CSR34;
PROPOSED REPEAL OF RULE 45CSR36, RULE 45CSR38;
AND PROPOSED RULE 45CSR43

PUBLIC HEARING

* * * * *

BEFORE: LINDA JENNINGS, Facilitator
HEARING: Tuesday, July 10, 2018
6:08 p.m.
LOCATION: West Virginia Department of Environmental
Protection
601 57th Street
Charleston, WV 25304

Reporter: Bradley Scott

Any reproduction of this transcript is prohibited
without authorization by the certifying agency.

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATEMENT

By Ms. Jennings

4 - 12

E X H I B I T S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

<u>Number</u>	<u>Description</u>	<u>Page</u> <u>Offered</u>	<u>Page</u> <u>Admitted</u>
---------------	--------------------	-------------------------------	--------------------------------

NONE OFFERED

P R O C E E D I N G S

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

MS. JENNINGS: Okay. This public hearing will now come to order on the 10th day of July 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 should be included with your comments and any such question will be addressed as part of the response to comments in the rulemaking record.

The purpose of this hearing is to accept comments on proposed revisions to Rule 45CSR8, Ambient Air Quality Standards. This rule establishes and adopts ambient air quality standards for sulfur oxides, particulate matter, carbon monoxide, ozone, nitrogen dioxide and lead, equivalent to those primary and secondary National Ambient Air Quality Standards or NAAQS established under the Clean Air Act and promulgated by the U.S. Environmental Protection Agency under 40 CFR part 50. This rule also establishes and adopts ambient air monitoring reference methods and equivalent methods promulgated by the U.S. EPA under 40 CFR part 53.

Revisions to this rule include amendments

1 promulgated by EPA under 40 CFR parts 50 and 53 as of
2 June 1st, 2018. Upon authorization and promulgation of
3 45CSR8, the rule will be submitted to the EPA as a
4 revision to the State Implementation Plan or SIP pursuant
5 to the Federal Clean Air Act.

6 The floor is now open for comments.

7 That being nothing - there being nothing
8 further, this public hearing for proposed Rule 45CRS8 is
9 concluded.

10 ---

11 (WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD)

12 ---

13 MS. JENNINGS: Okay. Okay. This public
14 hearing will now come to order on this 10th day of July,
15 2018 at the West Virginia Department of Environmental
16 Protection Headquarters. Comments and testimony will be
17 accepted until close of this hearing and will be made
18 part of the rulemaking record. Any question regarding
19 revisions to the rules should be included with your
20 comments and any such question will be addressed as part
21 of the response to comments in the rulemaking record.

22 The purpose of this public hearing is to
23 accept comments on proposed revisions to Rule 45CSR16,
24 standards of performance for new stationary sources.

1 This rule establishes and adopts national standards of
2 performance for new stationary sources and other
3 regulatory requirements promulgated by the EPA pursuant
4 to the Federal Clean Air Act. This rule codifies general
5 procedures and criteria to implement standards of
6 performance for new stationary sources set forth in 40CFR
7 part 60.

8 Revisions to this rule are necessary to
9 maintain consistency with current federal regulations and
10 for the State to fulfill its responsibilities under the
11 Clean Air Act and enable DEP to continue to be the
12 primary enforcement authority for such national standards
13 promulgated by EPA. Revisions to the rule include annual
14 incorporation by reference of the federal regulations as
15 of June 1st, 2018.

16 The floor is now open for comments.

17 There being nothing further this public
18 hearing for proposed Rule 45CSR16 is concluded.

19 The public hearing will now come to order
20 on this 10th day of July 2018 at the West Virginia
21 Department of Environmental Protection headquarters.
22 Comments and testimony will be accepted until the close
23 of this hearing and should be made part of the rule
24 making record. Any question regarding revisions to the

1 rules will be included with your comments and any such
2 question will be addressed as part of the response to
3 comments in the rulemaking record.

4 The purpose of this public hearing is to
5 accept comments on proposed revisions to Rule 45CSR25,
6 control air pollution from hazardous waste treatment,
7 storage and disposal facilities. This rule establishes
8 and adopts emission standards for the treatment, storage,
9 and disposal of hazardous waste promulgated by the EPA
10 pursuant to the Resource Conservation and Recovery Act.
11 Promulgation of this rule will enable the Department of
12 Environmental Protection to continue to be the primary
13 enforcement authority for the hazardous waste management
14 system in West Virginia. Revisions to the rule include
15 annual incorporation by reference updates.

16 The floor is now open for comments.

17 There being nothing further this public
18 hearing for proposed Rule 45CSR25 is concluded.

19 This public hearing will now come to order
20 on this 10th day of July 2018 at the West Virginia
21 Department of Environmental Protection headquarters.
22 Comments and testimony will be accepted until the close
23 of this hearing and will be made part of the rulemaking
24 record. Any question regarding revisions to the rules

1 should be included with your comments. And any such
2 question will be addressed as part of the response to
3 comments in the rulemaking record.

4 The purpose of this public hearing is to
5 accept comments on proposed revisions to Rule 45CSR34,
6 emission standards for hazardous air pollutants. This
7 rule incorporates and adopts national emission standards
8 for hazardous air pollutants and other regulatory
9 requirements promulgated by the EPA pursuant to the
10 Federal Clean Air Act. Promulgation of this rule is
11 necessary for the State to fulfill its responsibilities
12 under the Clean Air Act and will enable the DEP to
13 continue to be the primary enforcement authority for such
14 national emission standards promulgated by EPA.
15 Revisions to the rule include annual incorporation by
16 reference of the national emission standards for
17 hazardous air pollutants promulgated by EPA under 40 CFR
18 part 63 as of June 1st, 2018.

19 The floor is now open for comments.

20 There being nothing further this public
21 hearing for proposed Rule 45CSR34 is concluded.

22 This public hearing will now come to order
23 on this 10th day of July 2018 at the West Virginia
24 Department of Environmental Protection headquarters.

1 Comments and testimony will be accepted until the close
2 of this hearing and will be made part of the rulemaking
3 record. Any question regarding revisions to the rules
4 should be included with your comments. And any such
5 question will be addressed as part of the response to
6 comments in the rulemaking record.

7 The purpose of this public hearing is to
8 accept comments on the proposed repeal of Rule 45CSR36,
9 requirements for determining conformity of transportation
10 plans, programs, and projects, developed, funded, or
11 created under Title 23, United States Code or the Federal
12 Transit Laws to applicable air quality implementation
13 plans transportation conformity.

14 This rule is proposed for repeal in its
15 entirety because it is no longer required for West
16 Virginia to remain in compliance with its transportation
17 conformity obligations under the Clean Air Act.

18 The floor is not open for comments.

19 There being nothing further this public
20 hearing for proposed Rule 45CSR36 is concluded.

21 This public hearing will now come to order
22 on this 10th day of July 2018 at the West Virginia
23 Department of Environmental Protection headquarters.

24 Comments and testimony will be accepted until the close

1 of this hearing and should be made part of the rulemaking
2 record. Any question regarding revisions to the rules
3 will be included with your comments and any such question
4 will be addressed as part of the response to comments in
5 the rulemaking record.

6 The purpose of this public hearing is to
7 accept comments on the proposed repeal of Rule 45CSR38,
8 provisions for determination of compliance with air
9 quality management rules. This rule is proposed for
10 repeal in its entirety because the circumstances that
11 initially required promulgation of the rule no longer
12 exist.

13 The floor is now open for comments.

14 There being nothing further this public
15 hearing for proposed Rule 45CSR36 is concluded. Excuse
16 me, 38 is concluded.

17 This public hearing will now come to order
18 on the 10th day of July 2018 at the West Virginia
19 Department of Environmental Protection headquarters.
20 Comments and testimony will be accepted until the close
21 of this hearing and should be made part of the rulemaking
22 record. Any question regarding revision to the rules
23 will be included with your comments. And any such
24 question will be addressed as part of the response to

1 comments in the rulemaking record.

2 The purpose of this public hearing is to
3 accept comments on proposed Rule 45CSR43, Cross-State Air
4 Pollution Rule to control annual nitrogen oxide
5 emissions, annual sulfur dioxide emissions, and ozone
6 season nitrogen oxide emissions. This is a new rule that
7 incorporates by reference the federal Cross-State Air
8 Pollution Rule, CSAPR, limiting emissions of nitrogen
9 oxides, NOx, and sulfur dioxide, SO2, through three
10 emissions trading programs. The trading programs
11 including the CSAPR Nox Annual Trading Program set forth
12 under 40 CFR part 97, subpart AAAAA. The CSAPR NOx Ozone
13 season group two trading program set forth under 40 CFR
14 part 97 subpart EEEEE and the CSAPRT SO2 Group One
15 Trading Program set forth under CFR - 40 CFR part 97,
16 subpart CCCCC.

17 This rule codifies general procedures and
18 criteria to implement these trading programs and adopts
19 and incorporates by reference these standards. Upon
20 authorization and promulgation of 45CSR43, the rule will
21 be submitted to the EPA as a revision to the State
22 Implementation Plan, or SIP, pursuant to the Federal
23 Clean Air Act.

24 The floor is now open for comments.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

There being nothing further this public hearing for proposed Rule 45CSR43 is concluded. Okay.

* * * * *

HEARING CONCLUDED AT 6:23 P.M.

* * * * *

1 CERTIFICATE

2

3 I hereby certify, as the stenographic reporter,
4 that the foregoing proceedings were taken stenographically
5 by me, and thereafter reduced to typewriting by me or
6 under my direction; and that this transcript is a true and
7 accurate record to the best of my ability.

8


9 I certify that the attached transcript meets the
10 requirements set forth within article twenty-seven,
11 chapter forty-seven of the West Virginia Code.

12

13

14

15


Court Reporter

16

Bradley Scott

17

18

19

20

21

22

23

24

45CSR43

CROSS-STATE AIR POLLUTION RULE TO CONTROL ANNUAL NITROGEN OXIDES EMISSIONS, ANNUAL SULFUR DIOXIDE EMISSIONS, AND OZONE SEASON NITROGEN OXIDES EMISSIONS

RESPONSE TO COMMENTS

The Division of Air Quality (DAQ) commenced the public comment period for proposed legislative rule 45CSR43 on June 8, 2018. The public comment period concluded on July 10, 2018 after satisfying the minimum 30-day period. A public hearing was held on July 10, 2018 to accept oral and written comments on the proposed revisions to legislative rule 45CSR43. No written comments were received for the proposed revisions to rule 45CSR43, and no attendee of the public hearing provided verbal or written comments.