



west virginia department of environmental protection

Executive Office
601 57th Street, SE
Charleston, WV 25304

Austin Caperton, Cabinet Secretary
dep.wv.gov

August 6, 2018

Via E-mail and Interdepartmental Mail

Ms. Judy Cooper, Director of Administrative Law
Office of West Virginia Secretary of State
1900 Kanawha Boulevard, East
Building 1, Room 157K
Charleston, WV 25305

DEPARTMENT OF ENVIRONMENTAL PROTECTION
2018 AUG - 8 A 10: 53
FBI FPD

Re: *Repeal of Interpretive Rule 45CSR31A (Release of Previously Submitted Confidential Information)*

Dear Ms. Cooper:

The Department of Environmental Protection (DEP), Division of Air Quality (DAQ) is repealing interpretive rule 45CSR31A effective August 1, 2018 and requests that the administrative law office of the Secretary of State update its website and records to reflect this action.

The DAQ reviewed this rule in accordance with the 2018 Regulatory Reform Act and determined that it should be repealed on the basis that the rule is obsolete. The rule established factors the agency should consider pursuant to 45 C.S.R. 31 § 3.2 to determine whether to release confidential information submitted prior to the effective date of 45 C.S.R. 31 (September 25, 1997).

A public notice regarding the proposed repeal of the subject interpretive rule was published in the Charleston Gazette Mail and the WV State Register on June 22, 2018. Comments were solicited during the 30-day public comment period that concluded on July 23, 2018.

Should you require additional information or have questions, I can be reached by phone at (304) 926-0499 x1446 or by e-mail at Jason.E.Wandling@wv.gov.

Sincerely,

Jason E. Wandling
General Counsel and Chief of Legal Services

JW/lmj

cc: William F. Durham, Director DAQ
Laura Jennings, Technical Analyst DAQ