

45CSR25
**CONTROL OF AIR POLLUTION FROM HAZARDOUS WASTE TREATMENT,
STORAGE AND DISPOSAL FACILITIES**

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. 25 on June 7, 2019. The public comment period concluded on July 9, 2019 after satisfying the minimum 30-day period. A public hearing was held at the DEP Headquarters located at 601 57th Street SE, Charleston WV in the Dolly Sods Conference Room on July 9, 2019 to accept oral and written comments on the proposed revisions to legislative rule 45 C.S.R. 25. Any comments received after this time are considered ex parte communications and cannot be considered in accordance with WV Code Chapter 29A Article 3.

No written comments were received regarding proposed revisions to rule 45 C.S.R. 25. One attendee present at the public hearing provided verbal comments. A summary of the verbal comments presented by Daniel Lutz, Conservation District Supervisor of Jefferson County, are provided below along with the response. The full comment can be found in the public hearing transcript, also part of the formal rulemaking record.

There were no changes made to 45 C.S.R. 25 as a result of the comments.

COMMENT: There is too little information on what the intent of this regulation is for a public comment. Many of the substances dealing with now are far too dangerous to be self-regulated by those who generate them and dispose of them. The commenter stated he read of a situation in another state that has a large amount of dangerous sludge which if released could devastate the Chesapeake Bay and its fisheries. The commenter stated WV has similar situations and these are unregulated, yet the proposal is to weaken the already deficient regulations.

RESPONSE: All required information concerning proposed rule 45 C.S.R. 25 was filed with the office of the Secretary of State and is available to the public for review. The WV DEP has the authority to enforce 45 C.S.R. 25; facilities subject to this rule are not self-regulated. The proposed rule does not weaken the existing rule.

THERE WEREN'T ANY WRITTEN COMMENTS RECEIVED FOR 45CSR25. ORAL COMMENTS RECEIVED AT THE PUBLIC HEARING ARE PROVIDED IN THE TRANSCRIPT FOR 45CSR25 (CONTROL OF AIR POLLUTION FROM HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES)

ORIGINAL

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BEFORE THE WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION
DIVISION OF AIR QUALITY

In re: 45CSR25 - Control of Air Pollution from
 Hazardous Waste Treatment, Storage and
 Disposal Facilities.

Transcript of proceedings had at a public hearing in the above-styled matter taken at the West Virginia Department of Environmental Protection, Division of Air Quality, Conference Room, 601 57th Street, S. E., Charleston, West Virginia, commencing at 6:25 p.m., on the 9th day of July 2019, pursuant to notice.

MISSY L. YOUNG, C.C.R.
POST OFFICE BOX 13622
SISSONVILLE, WEST VIRGINIA 25360
304-539-6192

P R O C E E D I N G S

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2 MS. JENNINGS: This public hearing for the
3 proposed legislative rule 45CSR25 Control of Air Pollution
4 from Hazardous Waste Treatment, Storage and Disposal
5 Facilities, will now come to order on this 9th day of July,
6 2019 at the West Virginia Department of Environmental
7 Protection Headquarters.

8 Comments and testimony will be accepted until the
9 close of this hearing and will be made part of the
10 rulemaking record. Any question regarding revisions to the
11 rules will be included with your comments, and any such
12 question will be addressed as part of the response to
13 comments in the rulemaking record.

14 The purpose of this public hearing is to accept
15 comments on proposed revisions to rule 45CSR25 - Control of
16 Air Pollution from Hazardous Waste Treatment, Storage and
17 Disposal Facilities.

18 This rule establishes and adopts emission
19 standards for the treatment, storage and disposal of
20 hazardous waste promulgated by the U.S. EPA pursuant to the
21 Resource Conservation and Recovery Act, or RCRA.
22 Promulgation of this rule will enable the Department of
23 Environmental Protection to continue to be the primary

1 enforcement authority for the Hazardous Waste Management
2 System in West Virginia. Revisions to the rule include
3 annual incorporation by reference updates for Sections and
4 Parts of RCRA listed in Table 45-25 of this rule, as of
5 June 1, 2019.

6 The floor is now open for comments. Please state
7 your name and any affiliation.

8 MR. LUTZ: Again, Daniel Lutz, Conservation
9 District Supervisor, Jefferson County, West Virginia.
10 There is two little information regarding of what the
11 intent of this regulation is for a public comment. Indeed,
12 many of the substances that we are dealing with now,
13 whether it's from an entity in Jefferson County, Doddridge
14 County or Mingo County, are far too dangerous just to be
15 allowed to be monitored and self regulated by those you
16 generate them and dispose of them.

17 I was reading recently of a situation in
18 Pennsylvania, which doesn't have anything to do with this
19 particular case of course, But this place has two hundred
20 million tons of dangerous sludge which that if released
21 could devastate the Chesapeake Bay and it's fisheries. In
22 West Virginia we have similar situations and these are
23 unregulated, yet the proposal is to weaken the already

1 deficient regulations. I thank you.

2 MS. JENNINGS: Thank you for your comments.

3 There being nothing further, this public hearing for

4 proposed rule 45CSR25 is concluded.

5 (WHEREUPON, the hearing was

6 concluded.)

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Proceedings

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STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

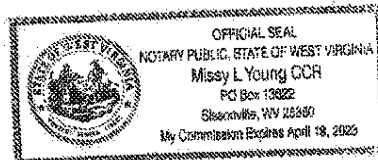
I, the undersigned, Missy L. Young, a Certified Court Reporter and Notary Public within and for the State of West Virginia, duly commissioned and qualified, do hereby certify that the foregoing, was taken to the best of my skill and ability, a true and accurate transcript of all the proceedings had in the aforementioned matter.

Given under my hand and official seal this 9th day of July, 2019.

Missy L. Young, CCR

Certified Court Reporter
Notary Public for the State of West Virginia

My commission expires April 19, 2023.



MISSY L. YOUNG, C.C.R. 304-539-6192



west virginia department of environmental protection

Public Hearing: July 9, 2019 at 6:00 PM,
DEP Building 601 57th Street SE, Charleston, WV - Dolly Sods Conference Room
Proposed Division of Air Quality 2020 Legislative Rules
45CSR8, 45CSR16, 45CSR25, 45CSR34 and 45CSR40
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
Danny Lutz	175 Wheelbarrow Rd	CT	304/8865006 304/8865071	p.lutz@ct.gov	701 OK
Missy					702 P22
Laura Crowder		DAQ		Laura.M.Crowder@wv.gov	N
Pam Kendrick		DAQ			
Stephanie Hammonds		DAQ			N
Laura Jennings		DAQ			N