

45CSR34
EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

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. 34 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. 34. 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 for the proposed revisions to rule 45 C.S.R. 34. 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. 34 as a result of the comments.

COMMENT: Particulate matter and hazardous air pollutants smaller than 2.5 microns cannot be filtered without the use of a centrifuge. This is not going to do any good to allow more emissions of these compounds for people with certain health issues, yet this regulation will allow more emissions of these compounds. This should not be allowed. We should be looking for ways to remove the compounds from our environment.

RESPONSE: The purpose of this rule is to establish and adopt a program for National Emission Standards for Hazardous Air Pollutants (NESHAP). 45 C.S.R. 34 is being revised to meet federal requirements to allow DEP to maintain delegation of authority for the implementation and enforcement of the NESHAP program. WV DEP initially received delegation by the U.S. EPA to implement and enforce the NESHAPs in accordance with the Clean Air Act in 1984.

The proposed incorporation by reference of the NESHAPs for 45 C.S.R. 34 do not weaken existing regulations.

THERE WEREN'T ANY WRITTEN COMMENTS RECEIVED FOR 45CSR34. ORAL COMMENTS RECEIVED AT THE PUBLIC HEARING ARE PROVIDED IN THE TRANSCRIPT FOR 45CSR34 (EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS)

ORIGINAL

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

In re: 45CSR34 - Emission Standards for Hazardous
Air Pollutants

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

MS. JENNINGS: This public hearing for the proposed legislative rule 45CSR34 Emission Standards for Hazardous Air Pollutants will now come to order on this 9th day of July, 2019 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 public hearing is to accept comments on proposed revisions to rule 45CSR34 - Emission Standards for Hazardous Air Pollutants.

This rule incorporates and adopts national emission standards for hazardous air pollutants and other regulatory requirements promulgated by the U.S. Environmental Protection Agency pursuant to the federal Clean Air Act. Promulgation of this rule is necessary for the State to fulfill its responsibilities under the Clean Air Act, and will enable the West Virginia Department of Environmental Protection to continue to be the primary

1 enforcement authority for such national emission standards
2 promulgated by U.S. EPA. Revisions to the rule include the
3 annual incorporation by reference of the National Emission
4 Standards for Hazardous Air Pollutants promulgated by the
5 U.S. EPA under 40CFR Parts 61 and 63 as of June 1, 2019.
6 Upon authorization and promulgation of 45CSR34, the rule
7 will be submitted the U.S. EPA to fulfill delegation
8 obligations in accordance with the federal Clean Air Act.

9 The floor is now open for comments. Please state
10 your name and any affiliation.

11 MR. LUTZ: Again, Daniel Lutz, Conservation
12 District Supervisor, Jefferson County, West Virginia. In
13 the first statement I touched upon the particulate matter
14 and some of the other hazardous pollutants.

15 In particularly, for this regulation, I call your
16 attention to the illustration that I used earlier about the
17 size of the particulate matter relative to pollens.
18 Particulate matter and hazardous substances smaller than
19 2.5 microns can not be filtered. There is no filtering
20 technic possible short of centrifuge.

21 Now, this is not going to do any good to allow
22 more of these kinds of emissions for people with Chronic
23 Pulmonary Obstructive Disorder, asthma, severe bronchitis,

1 other respiratory ailments and cardiac problems. I being
 2 one of those. Yet, this regulation is going to allow more
 3 emissions of these compounds. This should not be allowed.
 4 We should be looking at ways to remove these from our
 5 environment. If I haven't touched upon it earlier, I can
 6 show any entity of this State how they can eliminate and go
 7 zero emissions and there is money to do it, if they will
 8 listen. So far none have indicated the willingness to
 9 listen. Thank you.

10 MS. JENNINGS: Thank you for your comments.
 11 There being nothing further, this public hearing for
 12 proposed rule 45CSR34 is concluded.

13 (WHEREUPON, the hearing was
 14 concluded.)
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Proceedings

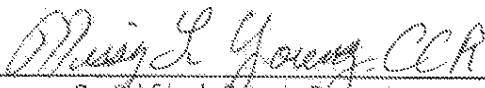
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STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

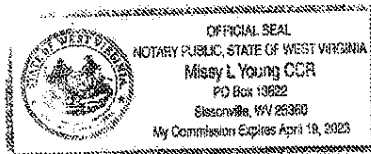
I, the undersigned, Missy L. Young, a
Certified Court Reporter and Notary Public within and for
the State of West Virginia, duly commissioned and
qualified, do hereby certify that the foregoing, was taken
to the best of my skill and ability, a true and accurate
transcript of all the proceedings had in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

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



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	304/8865066 304/8865071	p.lutz@ct.gov	701 CT
Missy					702 PA
Laura Crowder		DAQ		Laura.M.Crowder@wv.gov	N
Pam Kendrick		DAQ			
Stephanie Hammonds		DAQ			N
Laura Jennings		DAQ			N