

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 26, 2020. The public comment period concluded July 28, 2020 after satisfying the minimum 30-day period. The public hearing was held virtually to prevent the spread of COVID-19 in accordance with the Governor's Safer at Home Order and the WV DEP COVID-19 Policy on July 28, 2020 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 West Virginia Code Chapter 29A Article 3.

No written or verbal comments were received regarding the proposed revisions to rule 45 C.S.R. 34.

There were no changes made to 45 C.S.R. 34 as a result of the comments.

DEPARTMENT OF ENVIRONMENTAL PROTECTION PUBLIC HEARING

EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

07/28/2020



"Because your time matters"

713 LeeStreet
Charleston, WV 25301

(304) 344-8463
schedulerealtime@gmail.com

Realtimereporters.net

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF AIR QUALITY

PUBLIC HEARING TEXT - VIRTUAL HEARING

PROPOSED 2021 LEGISLATIVE RULES

July 28, 2020 - 6:00 PM

Held via Microsoft TEAMS

45CSR34, Emission Standards for
Hazardous Air Pollutants

REALTIME REPORTERS, LLC
KRISTINA GUTHRIE, REPORTER
713 Lee Street
Charleston, West Virginia 25271
(304) 344-8463
realtimereporters.net

1 45CSR34, Emission Standards for
2 Hazardous Air Pollutants

3 -- oOo --

3 MS. JENNINGS: Is the court reporter ready to
4 proceed?

5 COURT REPORTER: I am.

6 MS. JENNINGS: Thank you.

7 The public hearing for the proposed
8 Legislative Rule 45CSR34, Emission Standards for
9 Hazardous Air Pollutants, will now come to order on this
10 28th day of July 2020, held virtually to prevent the
11 spread of COVID-19 in accordance with the Governor's
12 Safer at Home Order and the West Virginia DEP COVID-19
13 policy.

14 Comments and testimony will be accepted
15 until the close of this hearing and will be made
16 part of the rule-making record. Any question
17 regarding revisions to the rules should be included
18 with your comments, and any such question will be
19 addressed as part of the response to comments in
20 the rule-making record.

21 The purpose of this public hearing is to
22 accept comments on proposed revisions to Rule
23 45CSR34, Emission Standards for Hazardous Air
24 Pollutants. This rule incorporates and adopts

1 national emission standards for hazardous air
2 pollutants and other regulatory requirements
3 promulgated by the United States Environmental
4 Protection Agency pursuant to the Federal Clean Air
5 Act.

6 Promulgation of this rule is necessary for
7 the State to fulfill its responsibilities under the
8 Clean Air Act and will enable the West Virginia
9 Department of Environmental Protection to continue
10 to be the primary enforcement authority for such
11 national emission standards promulgated by the
12 United States Environmental Protection Agency.

13 Revisions to the rule include the annual
14 incorporation by reference of the National Emission
15 Standards for Hazardous Air Pollutants promulgated
16 by the U.S. EPA under 40 CFR Parts 61 and 63 as of
17 June 1, 2020.

18 Upon authorization and promulgation of
19 45CSR34, the rule will be submitted to the United
20 States Environmental Protection Agency to fulfill
21 delegation obligations in accordance with the
22 Federal Clean Air Act.

23 Stephanie, has anyone pre-registered to
24 provide comment or testimony in regard to proposed

1 Rule 45CSR34? If so, please unmute their line &
2 call on them now. Please ask them to state clearly
3 their name and any affiliation.

4 As a reminder, please limit testimony to
5 one witness for each organization and limit
6 testimony to five minutes for each witness.

7 MS. HAMMONDS: Thank you, Laura. Cross
8 examination of commenters is not allowed. As Laura
9 stated, DAQ will not be responding to comments
10 tonight.

11 We have one commenter that registered,
12 Ms. Alieen Curfman. Please unmute your; line and
13 state your comments, please.

14 MS. CURFMAN: My name is Alieen Curfman
15 and I withdraw my request to comment on Rule
16 45CSR34. Thank you.

17 MS. HAMMOND: Thank you Ms. Curfman.

18 If you did not register to comment on
19 the record tonight but would like to do so now,
20 please use the Raise Your Hand feature or comment
21 in the Chat and we will recognize you to provide
22 your comments.

23 MS. JENNINGS: Seeing no raised hands or
24 requests to comment in the Chat feature, this public

1 hearing for proposed rule 45CSR34 is concluded.

2 The public hearing for proposed rule 45CSR44
3 will begin momentarily.

4 --- oOo ---

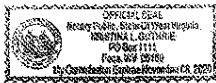
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 STATE OF WEST VIRGINIA
2 COUNTY OF KANAWHA, to wit:

3 I, Kristina Guthrie, Professional Reporter and
4 Notary Public within and for the County and State
5 aforesaid, duly commissioned and qualified, do hereby
6 certify that the foregoing proceedings were duly
7 transcribed by me from stenographic notes taken in the
8 foregoing proceedings to the best of my skill and
9 ability.

10 I do further certify that the said proceedings
11 were correctly taken by me in shorthand notes, and that
12 the same were accurately written out in full and reduced
13 to typewriting by means of computer-aided transcription.

14 Given under my hand this 5th day of August,
15 2020.



A handwritten signature in cursive script that reads "Kristina Guthrie". The signature is written in black ink on a white background.

16
17
18
19
20 Kristina Guthrie, Professional
Reporter and Notary Public

21
22
23

24

| | | |
|---|--|---|
| <p style="text-align: center;">4</p> <hr/> <p>45CSR34 4:1,16 5:1</p> <p>45CSR44 5:2</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>affiliation 4:3</p> <p>Alien 4:12,14</p> <p>allowed 4:8</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>begin 5:3</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>call 4:2</p> <p>Chat 4:21,24</p> <p>comment 4:15,18, 20,24</p> <p>commenter 4:11</p> <p>commenters 4:8</p> <p>comments 4:9,13, 22</p> <p>concluded 5:1</p> <p>Cross 4:7</p> <p>Curfman 4:12,14, 17</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>DAQ 4:9</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>examination 4:8</p> | <p style="text-align: center;">F</p> <hr/> <p>feature 4:20,24</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>HAMMOND 4:17</p> <p>HAMMONDS 4:7</p> <p>Hand 4:20</p> <p>hands 4:23</p> <p>hearing 5:1,2</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>JENNINGS 4:23</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>Laura 4:7,8</p> <p>limit 4:4,5</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>minutes 4:6</p> <p>momentarily 5:3</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>organization 4:5</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>proposed 5:1,2</p> <p>provide 4:21</p> <p>public 4:24 5:2</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>Raise 4:20</p> <p>raised 4:23</p> | <p>recognize 4:21</p> <p>record 4:19</p> <p>register 4:18</p> <p>registered 4:11</p> <p>reminder 4:4</p> <p>request 4:15</p> <p>requests 4:24</p> <p>responding 4:9</p> <p>rule 4:1,15 5:1,2</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>state 4:2,13</p> <p>stated 4:9</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>testimony 4:4,6</p> <p>tonight 4:10,19</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>unmute 4:1,12</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>withdraw 4:15</p> |
|---|--|---|

DAQ Public Hearing - Proposed 2021 Legislative Rules
Registration to Virtually Attend - July 28, 2020

| ID | Start time | Completion time | First Name | Last name | Email Address | Organization (if not affiliated with a group, type "Self") | Street Address | City, State and Zip Code |
|----|----------------------------|-----------------|------------|------------|-----------------------------------|--|---------------------------------|--------------------------|
| 1 | 6/15/2020 12:56 | 6/15/2020 12:56 | Stephanie | Hammonds | Stephanie.E.Hammonds@wv.gov | WVDEP-DAQ | 601 57th Street, SE | Charleston, WV 25304 |
| 2 | 6/22/2020 17:52 | 6/22/2020 17:54 | Edward | Andrews | edward.s.andrews@wv.gov | WVDEP/Division of Air Quality | 601 57th Street, SE | Charleston, WV 25304 |
| 3 | 6/29/2020 11:52 | 6/29/2020 12:04 | Kaitlin | Meszaros | meszaros@pinyon-env.com | Pinyon Environmental, INC. | 3222 S. Vance Street, Suite 200 | Lakewood, CO 80227 |
| 4 | 7/7/2020 10:44 | 7/7/2020 10:46 | Todd | Shrewsbury | todd.h.shrewsbury@wv.gov | West Virginia Division of Air Quality | 601 57th Street SE | Charleston, WV 25304 |
| 5 | 7/7/2020 10:51 | 7/7/2020 10:53 | Laura | Crowder | Laura.M.Crowder@wv.gov | WVDEP DAQ | 601 57th Street, SE | Charleston, WV 25304 |
| 6 | 7/7/2020 13:53 | 7/7/2020 13:54 | Laura | Jennings | laura.m.jennings@wv.gov | WV DAQ | 601 57th Street, SE | Charleston, WV 25304 |
| 7 | 7/9/2020 16:56 | 7/9/2020 16:58 | Trevor | Galley | trevor_galley@tcenergy.com | TC Energy | 1700 MacCorkle Ave SE | Charleston, WV 25314 |
| 8 | 7/13/2020 14:52 | 7/13/2020 14:54 | David | Flannery | dave.flannery@steptoe-johnson.com | Steptoe & Johnson PLLC | Chase Plaza 17th Floor | 25302 |
| 9 | 7/20/2020 8:43 | 7/20/2020 8:45 | David | Fewell | david.r.fewell@wv.gov | WVDAQ | 601 57th Street, SE | Charleston, WV 25304 |
| 10 | 7/20/2020 16:58 | 7/20/2020 16:59 | Aileen | Curfman | acurfman@gmail.com | West Virginia Sierra Club | 1067 Comstock Dr. | Shepherdstown, WV 25443 |
| 11 | 7/27/2020 14:15 | 7/27/2020 14:16 | Aileen | Curfman | acurfman@gmail.com | West Virginia Sierra Club | 1067 Comstock Dr. | Shepherdstown, WV 25443 |
| 12 | 7/27/2020 16:34 | 7/27/2020 16:35 | Jason | Wandling | jason.e.wandling@wv.gov | WVDEP | 601 57th St. SE | Charleston, WV 25301 |
| 13 | 7/27/2020 17:58 | 7/27/2020 17:58 | Kaitlin | Meszaros | meszaros@pinyon-env.com | Pinyon Environmental, Inc. | 3222 S. Vance Street Suite 200 | Lakewood, CO 80227 |
| 14 | 7/28/2020 11:08 | 7/28/2020 11:09 | Bev | McKeone | beverly.d.mckeone@wv.gov | WVDEP, DAQ | 601 57th Street SE | Charleston WV 25304 |
| 15 | 7/28/2020 11:51 | 7/28/2020 11:52 | David | White | envattorney2013@gmail.com | Appalachian and Atlantic Defense Council | 179 Church Street | Chillicothe, Ohio 45601 |
| 16 | 7/28/2020 12:12 | 7/28/2020 12:13 | James | Kotcon | jkotcon@gmail.com | West Virginia Chapter of Sierra Club | PO Box 4142 | Morgantown, WV 26504 |
| 17 | 7/28/2020 13:38 | 7/28/2020 13:40 | Sandra | Adkins | sandra.k.adkins@wv.gov | WVDEP | 601 57th Street, SE | Charleston, WV 25304 |
| 18 | 7/28/2020 14:23 | 7/28/2020 14:28 | Fred | Tipane | frederick.tipan@wv.gov | WV DEP/DAQ | 601 57th ST SE | Charleston, WV 25304 |
| 19 | 7/28/2020 15:35 | 7/28/2020 15:36 | Terry | Fletcher | terry.a.fletcher@wv.gov | WVDEP | 123 Swarthmore Ave. | Charleston, WV 25302 |
| 20 | n/a - Added by LMJ 7/29/20 | | Angie | Rosser | | West Virginia Rivers Coalition | 3501 MacCorkle Ave SE #129 | Charleston, WV 25304 |