

45CSR18
CONTROL OF AIR POLLUTION FROM COMBUSTION OF SOLID WASTE
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. 18 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. 18. 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. 18.

There were no changes made to 45 C.S.R. 18 as a result of the comments.

DEPARTMENT OF ENVIRONMENTAL PROTECTION PUBLIC HEARING

CONTROL OF AIR POLLUTION FROM COMBUSTION OF SOLID WASTE

07/28/2020


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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

45CSR18, Control of Air Pollution from
Combustion of Solid Waste

REALTIME REPORTERS, LLC
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1 45CSR18, Control of Air Pollution from
2 Combustion of Solid Waste

3 -- oOo --

4 MS. JENNINGS: Is Kristina ready?

5 COURT REPORTER: I am.

6 MS. JENNINGS: Okay. Thank you.

7 The public hearing for the proposed
8 legislative rule 45CSR18, Control of Air Pollution from
9 Combustion of Solid Waste, will now come to order on
10 this 28th day of July 2020, held virtually to prevent
11 the spread of COVID-19 in accordance with the Governor's
12 Safer at Home Order and the WVDEP COVID-19 Policy.

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

19 The purpose of this public hearing is to
20 accept comments on proposed revisions to rule 45CSR18,
21 Control of Air Pollution from Combustion of Solid Waste.

22 This rule adopts standards of performance, and
23 implements the federal emission guidelines and
24 compliance times pursuant to § 111(b), 111(d) and 129 of

1 the Federal Clean Air Act, as amended to control certain
2 designated pollutants from new and existing affected
3 large-small municipal waste combustors, small municipal
4 waste combustion units; hospital, medical, and
5 infectious waste incinerators; commercial and industrial
6 solid waste incineration units; other solid waste
7 incineration units; and sewage sludge incineration units
8 in West Virginia.

9 The rule is being revised to comport with the
10 final technical amendments to the 2016 new source
11 performance standards and emission guidelines for new
12 and existing Commercial and Industrial Solid Waste Units
13 or CISWI units, published April 16, 2019, following
14 requests received by the United States EPA to clarify
15 its June 2016, final action.

16 Upon authorization and promulgation, 45CSR18,
17 will be submitted to EPA for approval as a revision to
18 the Clear Act Action §111(d)/129 State Plan to fulfill
19 federal obligations.

20 Stephanie, has anyone pre-registered to
21 provide comments or testimony in regard to proposed rule
22 45CSR18? If so, please unmute their line & call on them
23 now and ask them to state clearly their name and any
24 affiliation.

1 As a reminder, please limit testimony to one
2 witness for each organization and limit testimony to
3 five minutes for each witness.

4 MS. HAMMONDS: Thanks you, Laura. We have no
5 commenters registered. If you did not register to
6 comment but would like to at this time, please use the
7 Raise Your Head feature or comment in the Chat and we
8 will recognize you to provide your comments.

9 To give you a few minutes, let me remind
10 everyone that cross examination of commenters is not
11 allowed. As Laura stated, DAQ will not be responding to
12 comments tonight.

13 MS. JENNINGS: Stephanie, seeing no hands
14 raise, and there being nothing further, this public
15 hearing for proposed rule 45CSR18 is concluded. The
16 public hearing for proposed rule 45CSR23 will begin
17 momentarily.

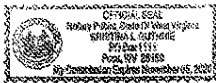
18 -- oOo --

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 4th day of August,
15 2020.



16
17 *Kristina Guthrie*
18

19
20 Kristina Guthrie, Professional
21 Reporter and Notary Public
22
23
24

<p>1</p> <p>111(b) 2:24 111(d) 2:24 129 2:24 16 3:13</p> <hr/> <p>2</p> <p>2016 3:10,15 2019 3:13 2020 2:10 28th 2:10</p> <hr/> <p>4</p> <p>45CSR18 2:1,8,20 3:16,22 4:15 45CSR23 4:16</p> <hr/> <p>A</p> <p>accept 2:20 accepted 2:13 accordance 2:11 Act 3:1,18 action 3:15,18 addressed 2:17 adopts 2:22 affected 3:2 affiliation 3:24 Air 2:1,8,21 3:1 allowed 4:11 amended 3:1 amendments 3:10 approval 3:17</p>	<p>April 3:13 authorization 3:16</p> <hr/> <p>B</p> <p>begin 4:16</p> <hr/> <p>C</p> <p>call 3:22 Chat 4:7 CISWI 3:13 clarify 3:14 Clean 3:1 Clear 3:18 close 2:14 combustion 2:1,9, 21 3:4 combustors 3:3 comment 4:6,7 commenters 4:5, 10 comments 2:13, 16,18,20 3:21 4:8, 12 commercial 3:5, 12 compliance 2:24 comport 3:9 concluded 4:15 control 2:1,8,21 3:1 COURT 2:5 COVID-19 2:11,12 cross 4:10</p>	<p>D</p> <p>DAQ 4:11 day 2:10 designated 3:2</p> <hr/> <p>E</p> <p>emission 2:23 3:11 EPA 3:14,17 examination 4:10 existing 3:2,12</p> <hr/> <p>F</p> <p>feature 4:7 federal 2:23 3:1,19 final 3:10,15 fulfill 3:18</p> <hr/> <p>G</p> <p>give 4:9 Governor's 2:11 guidelines 2:23 3:11</p> <hr/> <p>H</p> <p>HAMMONDS 4:4 hands 4:13 Head 4:7 hearing 2:7,14,19 4:15,16 held 2:10 Home 2:12 hospital 3:4</p>	<p>I</p> <p>Implements 2:23 Incineration 3:6,7 incinerators 3:5 included 2:16 Industrial 3:5,12 infectious 3:5</p> <hr/> <p>J</p> <p>JENNINGS 2:4,6 4:13 July 2:10 June 3:15</p> <hr/> <p>K</p> <p>Kristina 2:4</p> <hr/> <p>L</p> <p>large-small 3:3 Laura 4:4,11 legislative 2:8 limit 4:1,2</p> <hr/> <p>M</p> <p>made 2:14 medical 3:4 minutes 4:3,9 momentarily 4:17 municipal 3:3</p> <hr/> <p>O</p> <p>obligations 3:19</p>	<p>order 2:9,12 organization 4:2</p> <hr/> <p>P</p> <p>part 2:14,17 performance 2:22 3:11 Plan 3:18 Policy 2:12 pollutants 3:2 Pollution 2:1,8,21 pre-registered 3:20 prevent 2:10 promulgation 3:16 proposed 2:7,20 3:21 4:15,16 provide 3:21 4:8 public 2:7,19 4:14, 16 published 3:13 purpose 2:19 pursuant 2:24</p> <hr/> <p>Q</p> <p>question 2:15,17</p> <hr/> <p>R</p> <p>raise 4:7,14 ready 2:4 received 3:14 recognize 4:8 record 2:15,18 regard 3:21</p>
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<p>register 4:5</p> <p>registered 4:5</p> <p>remind 4:9</p> <p>reminder 4:1</p> <p>REPORTER 2:5</p> <p>requests 3:14</p> <p>responding 4:11</p> <p>response 2:17</p> <p>revised 3:9</p> <p>revision 3:17</p> <p>revisions 2:15,20</p> <p>rule 2:8,20,22 3:9, 21 4:15,16</p> <p>rule-making 2:15, 18</p> <p>rules 2:16</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Safer 2:12</p> <p>sewage 3:7</p> <p>sludge 3:7</p> <p>small 3:3</p> <p>solid 2:1,9,21 3:6, 12</p> <p>source 3:10</p> <p>spread 2:11</p> <p>standards 2:22 3:11</p> <p>state 3:18,23</p> <p>stated 4:11</p> <p>States 3:14</p> <p>Stephanie 3:20 4:13</p> <p>submitted 3:17</p>	<hr/> <p style="text-align: center;">T</p> <hr/> <p>technical 3:10</p> <p>testimony 2:13 3:21 4:1,2</p> <p>time 4:6</p> <p>times 2:24</p> <p>tonight 4:12</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>United 3:14</p> <p>units 3:4,6,7,12,13</p> <p>unmute 3:22</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Virginia 3:8</p> <p>virtually 2:10</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waste 2:1,9,21 3:3, 4,5,6,12</p> <p>West 3:8</p> <p>WVDEP 2:12</p> <hr/> <p style="text-align: center;">§</p> <hr/> <p>§111(d)/129 3:18</p>	
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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