

45CSR8
AMBIENT AIR QUALITY STANDARDS

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. 8 on June 4, 2021. The public comment period concluded July 6, 2021, after satisfying the 30-day period. A public hearing was held July 6, 2021, at the DEP headquarters located at 601 57th Street S.E., Charleston, WV 25304 with an option to participate virtually. The purpose of the public comment period and hearing was to accept oral and written comments on the proposed revisions to legislative rule 45 C.S.R. 8. 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 concerning the proposed revisions to 45 C.S.R. 8.

There were no changes made to 45 C.S.R. 8 as a result of the comments.

IN RE: RULE 45CSR8 (Ambient Air Quality Standards)

HEARING

07/06/2021



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DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR QUALITY
PUBLIC HEARING
PROPOSED 2022 LEGISLATIVE RULES

IN RE:

RULE 45CSR8 (Ambient Air Quality Standards)

Hearing in the above-referenced matter,
taken pursuant to notice, before Bret M. Matics, a
Certified Court Reporter and Notary Public within
and for the State of West Virginia, commencing at
6:05 p.m., on the 6th day of July, 2021, at the
West Virginia Department of Environmental
Protection, 601 57th Street, S.E., Charleston,
West Virginia.

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APPEARANCES:

Laura Jennings,
Technical Analyst, Planning Section

Stephanie Hammonds,
Environmental Resource Specialist,
Compliance and Enforcement Section

1 P R O C E E D I N G S

2 MS. JENNINGS: The public hearing
3 for proposed legislative Rule 45CSR8 (Ambient Air
4 Quality Standards) will now come to order on this
5 6th day of July, 2021, at the West Virginia
6 Department of Environmental Protection
7 Headquarters or by virtual participation.

8 Consistent with the public notice,
9 comments and testimony will be accepted until the
10 close of this hearing and will be made part of the
11 rulemaking record. Any question regarding
12 revisions to the rules should be included with
13 your comments, and any such question will be
14 addressed as part of the response to comments in
15 the rulemaking record on the West Virginia
16 Secretary of State's website.

17 The purpose of this public hearing
18 is to accept comments on proposed revisions to
19 Rule 45CSR8, Ambient Air Quality Standards.

20 This rule establishes and adopts
21 ambient air quality standards for carbon monoxide,
22 lead, nitrogen dioxide, ozone, particulate matter,
23 and sulfur oxides, equivalent to those primary and
24 secondary National Ambient Air Quality Standards

1 established under the Clean Air Act and
2 promulgated by the United States Environmental
3 Protection Agency under 40 CFR Part 50.

4 National primary ambient air quality
5 standards define levels of air quality which the
6 administrator judges are necessary, with an
7 adequate margin of safety, to protect the public
8 health.

9 National secondary ambient air
10 quality standards define levels of air quality
11 which the administrator judges necessary to
12 protect the public welfare from any known or
13 anticipated adverse effects of a pollutant.

14 This rule also establishes and
15 adopts ambient air monitoring reference methods
16 and equivalency methods promulgated by the U.S.
17 EPA under 40 CFR Part 53. The secretary adopts
18 these standards and methods by reference,
19 including the appendices to these standards and
20 methods.

21 Revisions to the rule include
22 amendments promulgated by U.S. EPA under 40 CFR
23 Parts 50 and 53 as of June 1st, 2021. Under
24 authorization and promulgation of 45CSR8, the rule

1 will be submitted to the U.S. EPA as a revision to
2 the State Implementation Plan, or SIP, pursuant to
3 the federal Clean Air Act.

4 The floor is now open for comments.
5 Please raise your hand if you would like to speak.

6 (No response.)

7 MS. JENNINGS: Stephanie, has anyone
8 pre-registered to provide comments on proposed
9 Rule 45CSR8?

10 MS. HAMMONDS: No one has
11 pre-registered.

12 If anyone online would like to speak
13 or comment on this rule, please raise your hand,
14 and we will call on you.

15 (No response.)

16 MS. HAMMONDS: I don't see anyone.

17 MS. JENNINGS: Thank you.

18 There being nothing further, this
19 public hearing for proposed Rule 45CSR8 is
20 concluded. The public hearing for proposed Rule
21 45CSR16 will begin momentarily.

22 (The hearing concluded.)

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24 ---oOo---

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

3

4 I, Bret M. Matics, C.C.R., a Notary
5 Public within and for the County and State
6 aforesaid, duly commissioned and qualified, do
7 hereby certify that the foregoing hearing was duly
8 taken by me and before me at the time and place
9 and for the purpose specified in the caption
10 hereof.

11 I do further certify that the said
12 hearing was correctly taken by me in voice
13 writing, and that the same were accurately written
14 out in full and reduced to typewriting.

15

16 I further certify that I am neither
17 attorney or counsel for, nor related to or
18 employed by, any of the parties to the action in
19 which this hearing is taken, and further that I am
20 not a relative or employee of any attorney or
21 counsel employed by the parties or financially
22 interested in the action and that the attached
23 transcript meets the requirements set forth within
24 article twenty-seven, chapter forty-seven of the
West Virginia Code.

My commission expires June 21, 2026.
Given under my hand this 15th day of July, 2021.

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18

Bret M. Matics

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WV DEP, Division of Air Quality
Public Hearing Participation for 2022 Proposed Legislative Rules

In-Person Sign-in Registration



west virginia department of environmental protection

Public Hearing: July 6, 2021, at 6:00 PM,
DEP Building 601 57th Street SE, Charleston, WV – Cooper’s Rock Conference Room
There is an additional sign-in sheet for virtual participants
Proposed Division of Air Quality 2022 Legislative Rules
45CSR8, 45CSR16, 45CSR18, and 45CSR34.

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
Laura Jennings	601 57 th Street	DAQ	(304) 926-0499	laura.jennings@wv.gov	Y/N
Bret Maties		Realtime			
Pam Kendrick		DAQ			
Stephanie Hammonds		DAQ			
TERRY FLETCHER		PIO			
Sandra Adkins		DAQ			
TOM SWEENEY		DAQ			
Laura Crowder		DAQ			

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WV DEP, Division of Air Quality
Public Hearing Participation for 2022 Proposed Legislative Rules

Virtual Registration

Case Number	Case Date	Case Name	Case Email	Case Address	Case City	Case State	Case Zip	Case Status
1	7/1/21 14:17:25	7/1/21 14:18:06 Rachel Coffman	rachelcoffman@tsgsolution.com	Self	1210 Kanawha Blvd. E	Charleston, WV	25312	No
2	7/6/21 8:53:32	7/6/21 8:54:21 Angie Rosser	arosser@wvrivers.org	West Virginia Rivers Coalition	3501 MacCorkle Ave. SE #129	Charleston, WV	25304	No
3	7/6/21 14:36:43	7/6/21 14:37:48 Sydney Johnson	sydney.l.johnson@wv.gov	DEP	32 Stillwater Lane	Glasgow WV,	25086	No

WV DEP, Division of Air Quality
Public Hearing Participation for 2022 Proposed Legislative Rules

Virtual Participants

First name	Last name	Email	Duration	Time joined	Time exited
Terry	Fletcher	tfle*****@***.com	33 min	5:51 PM	6:25 PM
Stephanie E	Hammonds	stephanie.e.hammonds@wv.gov	52 min	5:32 PM	6:25 PM
Sydney	Johnson	sljo*****@***.com	27 min	5:58 PM	6:25 PM
Christina L	Richmond	christina.l.richmond@wv.gov	34 min	5:51 PM	6:25 PM
Laura Jennings			54 min	5:34 PM	6:28 PM
+1 304-***-**91			22 min	6:02 PM	6:25 PM