

45CSR16
STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES
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. 16 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 45 C.S.R. 16. 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 45 C.S.R. 16.

There were no changes made to 45 C.S.R. 16 as a result of the comments.

IN RE: RULE 45CSR16 (Standards of Performance for New Stationary Sources)

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 45CSR16 (Standards of Performance for New
Stationary Sources)

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
6:12 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 the proposed legislative Rule 45CSR16 will now
4 come to order on this 6th day of July, 2021, at
5 the West Virginia Department of Environmental
6 Protection Headquarters or by virtual
7 participation.

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

15 The purpose of this public hearing
16 is to accept comments on proposed revisions to
17 Rule 45CSR16, Standards of Performance for New
18 Stationary Sources.

19 This rule establishes and adopts
20 national standards of performance for new
21 stationary sources and other regulatory
22 requirements promulgated by the United States
23 Environmental Protection Agency pursuant to
24 Section 111(b) of the federal Clean Air Act.

1 This rule codifies general
2 procedures and criteria to implement standards of
3 performance for new stationary sources set forth
4 in 40 CFR Part 60. The rule also adopts
5 associated appendices, reference methods,
6 performance specifications and other test methods
7 which are appended to such standards.

8 Revisions to this rule are necessary
9 to maintain consistency with current federal
10 regulations, and for the State to fulfill its
11 responsibilities under the Clean Air Act and
12 enable the West Virginia Department of
13 Environmental Protection to continue to be the
14 primary enforcement authority for such national
15 standards promulgated by the U.S. EPA.

16 Revisions to the rule include the
17 annual incorporation by reference of the federal
18 regulations as of June 1st, 2021. Upon
19 authorization and promulgation of 45CSR16, the
20 rule will be submitted to the U.S. EPA to fulfill
21 delegation obligations in accordance with the
22 federal Clean Air Act.

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

1 (No response.)

2 MS. JENNINGS: Stephanie, has anyone
3 pre-registered to provide comments on proposed
4 Rule 45CSR16?

5 MS. HAMMONDS: Laura, no one
6 pre-registered to provide comments.

7 If you did not pre-register to speak
8 but would like to do so now, please use the "Raise
9 Your Hand" option, and we'll call on you.

10 (No response.)

11 MS. HAMMONDS: Laura, I see no hands
12 raised.

13 MS. JENNINGS: Thank you.

14 There being nothing further, this
15 public hearing for proposed Rule 45CSR16 is
16 concluded. The public hearing for proposed Rule
17 45CSR18 will begin momentarily.

18 (The hearing concluded.)

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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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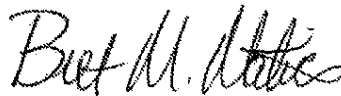
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24



-	authority 4:14	establishes 3:19	legislative 3:3	4:13
--ooo-- 5:20	authorization 4:19	F	M	provide 5:3,6
1	B	federal 3:24 4:9, 17,22	made 3:10	public 3:2,8,15 5:15,16
111(b) 3:24	begin 5:17	floor 4:23	maintain 4:9	purpose 3:15
1st 4:18	C	fulfill 4:10,20	methods 4:5,6	pursuant 3:23
2	call 5:9	G	momentarily 5:17	Q
2021 3:4 4:18	CFR 4:4	general 4:1	N	question 3:11,13
4	Clean 3:24 4:11,22	H	national 3:20 4:14	R
40 4:4	close 3:9	HAMMONDS 5:5, 11	notice 3:8	raise 4:24 5:8
45CSR16 3:3,17 4:19 5:4,15	codifies 4:1	hand 4:24 5:9	O	raised 5:12
45CSR18 5:17	comments 3:9,12, 14,16 4:23 5:3,6	hands 5:11	obligations 4:21	record 3:11,14
6	concluded 5:16, 18	Headquarters 3:6	open 4:23	reference 4:5,17
60 4:4	consistency 4:9	hearing 3:2,10,15 5:15,16,18	option 5:9	regulations 4:10, 18
6th 3:4	Consistent 3:8	I	order 3:4	regulatory 3:21
A	continue 4:13	implement 4:2	P	requirements 3:22
accept 3:16	criteria 4:2	include 4:16	part 3:10,13 4:4	response 3:14 5:1, 10
accepted 3:9	current 4:9	included 3:12	participation 3:7	responsibilities 4:11
accordance 4:21	D	incorporation 4:17	performance 3:17,20 4:3,6	revisions 3:11,16 4:8,16
Act 3:24 4:11,22	day 3:4	J	pre-register 5:7	rule 3:3,17,19 4:1, 4:8,16,20 5:4,15,16
addressed 3:13	delegation 4:21	JENNINGS 3:2 5:2,13	pre-registered 5:3,6	rulemaking 3:10, 14
adopts 3:19 4:4	Department 3:5 4:12	July 3:4	primary 4:14	rules 3:12
Agency 3:23	E	June 4:18	procedures 4:2	S
Air 3:24 4:11,22	enable 4:12	L	promulgated 3:22 4:15	Section 3:24
annual 4:17	enforcement 4:14	Laura 5:5,11	promulgation 4:19	set 4:3
appended 4:7	Environmental 3:5,23 4:13		proposed 3:3,16 5:3,15,16	sources 3:18,21 4:3
appendices 4:5	EPA 4:15,20		Protection 3:6,23	

speak 4:24 5:7
specifications 4:6
standards 3:17,20
4:2,7,15
State 4:10
States 3:22
stationary 3:18,21
4:3
Stephanie 5:2
submitted 4:20

T

test 4:6

U

U.S. 4:15,20

United 3:22

V

Virginia 3:5 4:12

virtual 3:6

W

West 3:5 4:12

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			

Bulger
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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