

**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 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 57<sup>th</sup> 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. 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 45 C.S.R. 18.

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

*IN RE: RULE 45CSR18 (Control of Air Pollution from Combustion of Solid Waste)*

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*HEARING*

*07/06/2021*

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

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IN RE:

RULE 45CSR18 (Control of Air Pollution from  
Combustion of Solid Waste)

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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  
6:17 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.

REALTIME REPORTERS, LLC  
Bret M. Matics, C.C.R.  
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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 45CSR18 (Control  
4 of Air Pollution from Combustion of Solid Waste)  
5 will now come to order on this 6th day of July,  
6 2021, at the West Virginia Department of  
7 Environmental Protection Headquarters or by  
8 virtual participation.

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

16 The purpose of this public hearing  
17 is to accept comments on proposed revisions to  
18 Rule 45CSR18, Control of Air Pollution from  
19 Combustion of Solid Waste.

20 This rule adopts standards of  
21 performance, and implements the federal emission  
22 guidelines and compliance times pursuant to §§  
23 111(b), 111(d) and 129 of the federal Clean Air  
24 Act, as amended, to control certain designated

1 pollutants from new and existing affected large  
2 solid municipal waste combustors, small municipal  
3 waste combustion units; hospital, medical, and  
4 infectious waste incinerators; commercial and  
5 industrial solid waste incineration units; other  
6 solid waste incineration units; and sewage sludge  
7 incineration units in West Virginia.

8           The rule is being revised to comport  
9 with Test Methods and Performance Specifications  
10 for Air Emission Sources relating to the Standards  
11 of Performance for Commercial and Industrial Solid  
12 Waste Incineration Units (Subpart CCCC of Part 60)  
13 and the Emission Guidelines and Compliance Times  
14 for Commercial and Industrial Solid Waste  
15 Incineration Units (Subpart DDDD of Part 60)  
16 published in the federal register on October 7,  
17 2020.

18           Corrections and updates were made  
19 for source testing and did not impose any new  
20 substantive requirements on source owners or  
21 operators.

22           Upon authorization and promulgation,  
23 45CSR18 will be submitted to U.S. EPA for approval  
24 as a revision to the Clean Air Act §111(d)/129

1 State Plan to fulfill federal obligations.

2 The floor is now open for comments.

3 Please raise your hand if you would like to speak.

4 (No response.)

5 MS. JENNINGS: Stephanie, has anyone  
6 pre-registered to provide comments on proposed  
7 Rule 45CSR18?

8 MS. HAMMONDS: Laura, no one  
9 pre-registered to provide comments.

10 If you did not pre-register to speak  
11 but would like to do so now, please use the "Raise  
12 Your Hand" feature, and we'll call upon you.

13 (No response.)

14 MS. HAMMONDS: Laura, I see no one's  
15 raised their hand.

16 MS. JENNINGS: Okay. Thank you,  
17 Stephanie.

18 There being nothing further, this  
19 public hearing for proposed Rule 45CSR18 is  
20 concluded. The public hearing for proposed Rule  
21 45CSR34 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.

10

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

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

17

*Bret M. Matics*

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-	<b>amended</b> 3:24	<b>E</b>	<b>included</b> 3:13	<b>P</b>
--ooo-- 5:24	<b>approval</b> 4:23	<b>emission</b> 3:21 4:10,13	<b>industrial</b> 4:5,11, 14	<b>part</b> 3:11,14 4:12, 15
<b>1</b>	<b>authorization</b> 4:22	<b>Environmental</b> 3:7	<b>Infectious</b> 4:4	<b>participation</b> 3:8
<b>111(b)</b> 3:23	<b>B</b>	<b>EPA</b> 4:23	<b>J</b>	<b>performance</b> 3:21 4:9,11
<b>111(d)</b> 3:23	<b>begin</b> 5:21	<b>existing</b> 4:1	<b>JENNINGS</b> 3:2 5:5,16	<b>Plan</b> 5:1
<b>129</b> 3:23	<b>C</b>	<b>F</b>	<b>July</b> 3:5	<b>pollutants</b> 4:1
<b>2</b>	<b>call</b> 5:12	<b>feature</b> 5:12	<b>L</b>	<b>Pollution</b> 3:4,18
<b>2020</b> 4:17	<b>CCCC</b> 4:12	<b>federal</b> 3:21,23 4:16 5:1	<b>large</b> 4:1	<b>pre-register</b> 5:10
<b>2021</b> 3:6	<b>Clean</b> 3:23 4:24	<b>floor</b> 5:2	<b>Laura</b> 5:8,14	<b>pre-registered</b> 5:6,9
<b>4</b>	<b>close</b> 3:10	<b>fulfill</b> 5:1	<b>legislative</b> 3:3	<b>promulgation</b> 4:22
<b>45CSR18</b> 3:3,18 4:23 5:7,19	<b>combustion</b> 3:4, 19 4:3	<b>G</b>	<b>M</b>	<b>proposed</b> 3:3,17 5:6,19,20
<b>45CSR34</b> 5:21	<b>combustors</b> 4:2	<b>guidelines</b> 3:22 4:13	<b>made</b> 3:11 4:18	<b>Protection</b> 3:7
<b>6</b>	<b>comments</b> 3:10, 13,15,17 5:2,6,9	<b>H</b>	<b>medical</b> 4:3	<b>provide</b> 5:6,9
<b>60</b> 4:12,15	<b>commercial</b> 4:4, 11,14	<b>HAMMONDS</b> 5:8, 14	<b>Methods</b> 4:9	<b>public</b> 3:2,9,16 5:19,20
<b>6th</b> 3:5	<b>compliance</b> 3:22 4:13	<b>hand</b> 5:3,12,15	<b>momentarily</b> 5:21	<b>published</b> 4:16
<b>7</b>	<b>comport</b> 4:8	<b>Headquarters</b> 3:7	<b>municipal</b> 4:2	<b>purpose</b> 3:16
<b>7</b> 4:16	<b>concluded</b> 5:20, 22	<b>hearing</b> 3:2,11,16 5:19,20,22	<b>N</b>	<b>pursuant</b> 3:22
<b>A</b>	<b>Consistent</b> 3:9	<b>hospital</b> 4:3	<b>notice</b> 3:9	<b>Q</b>
<b>accept</b> 3:17	<b>control</b> 3:3,18,24	<b>I</b>	<b>O</b>	<b>question</b> 3:12,14
<b>accepted</b> 3:10	<b>Corrections</b> 4:18	<b>implements</b> 3:21	<b>obligations</b> 5:1	<b>R</b>
<b>Act</b> 3:24 4:24	<b>D</b>	<b>impose</b> 4:19	<b>October</b> 4:16	<b>raise</b> 5:3,11
<b>addressed</b> 3:14	<b>day</b> 3:5	<b>incineration</b> 4:5,6, 7,12,15	<b>one's</b> 5:14	<b>raised</b> 5:15
<b>adopts</b> 3:20	<b>DDDD</b> 4:15	<b>incinerators</b> 4:4	<b>open</b> 5:2	<b>record</b> 3:12,15
<b>affected</b> 4:1	<b>Department</b> 3:6		<b>operators</b> 4:21	<b>register</b> 4:16
<b>Air</b> 3:4,18,23 4:10, 24	<b>designated</b> 3:24		<b>order</b> 3:5	<b>relating</b> 4:10
			<b>owners</b> 4:20	<b>requirements</b> 4:20

<p><b>response</b> 3:15 5:4, 13</p>	<hr/> <p style="text-align: center;"><b>U</b></p> <hr/>	
<p><b>revised</b> 4:8</p>	<p><b>U.S.</b> 4:23</p>	
<p><b>revision</b> 4:24</p>	<p><b>units</b> 4:3,5,6,7,12, 15</p>	
<p><b>revisions</b> 3:12,17</p>	<p><b>updates</b> 4:18</p>	
<p><b>rule</b> 3:3,18,20 4:8 5:7,19,20</p>	<hr/> <p style="text-align: center;"><b>V</b></p> <hr/>	
<p><b>rulemaking</b> 3:11, 15</p>	<p><b>Virginia</b> 3:6 4:7</p>	
<p><b>rules</b> 3:13</p>	<p><b>virtual</b> 3:8</p>	
<hr/> <p style="text-align: center;"><b>S</b></p> <hr/>	<hr/> <p style="text-align: center;"><b>W</b></p> <hr/>	
<p><b>sewage</b> 4:6</p>	<p><b>waste</b> 3:4,19 4:2,3, 4,5,6,12,14</p>	
<p><b>sludge</b> 4:6</p>	<p><b>West</b> 3:6 4:7</p>	
<p><b>small</b> 4:2</p>	<hr/> <p style="text-align: center;"><b>§</b></p> <hr/>	
<p><b>solid</b> 3:4,19 4:2,5, 6,11,14</p>	<p><b>§111(d)/129</b> 4:24</p>	
<p><b>source</b> 4:19,20</p>		
<p><b>Sources</b> 4:10</p>		
<p><b>speak</b> 5:3,10</p>		
<p><b>Specifications</b> 4:9</p>		
<p><b>standards</b> 3:20 4:10</p>		
<p><b>State</b> 5:1</p>		
<p><b>Stephanie</b> 5:5,17</p>		
<p><b>submitted</b> 4:23</p>		
<p><b>subpart</b> 4:12,15</p>		
<p><b>substantive</b> 4:20</p>		
<hr/> <p style="text-align: center;"><b>T</b></p> <hr/>		
<p><b>Test</b> 4:9</p>		
<p><b>testing</b> 4:19</p>		
<p><b>times</b> 3:22 4:13</p>		

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 57<sup>th</sup> 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 <sup>th</sup> 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

<b>First name</b>	<b>Last name</b>	<b>Email</b>	<b>Duration</b>	<b>Time joined</b>	<b>Time exited</b>
Terry	Fletcher	tfl*****@***.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	slj*****@***.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