

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 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. 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 45 C.S.R. 34.

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

IN RE RULE 45CSR34 (Emission Standards for Hazardous Air Pollutants)

HEARING

07/06/2021



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Charleston, WV 25301

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

IN RE:

RULE 45CSR34 (Emission Standards for Hazardous Air
Pollutants)

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
6:22 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
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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 45CSR34
4 (Emission Standards for Hazardous Air Pollutants)
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 and testimony will be accepted until the
11 close of this hearing and will be made part of the
12 rulemaking record. Any question regarding
13 revision to the rules should be included with your
14 comments, and any such question will be addressed
15 as part of the response to comments in the
16 rulemaking record.

17 The purpose of this public hearing
18 is to accept comments on proposed revisions to
19 Rule 45CSR34, Emission Standards for Hazardous Air
20 Pollutants.

21 This rule incorporates and adopts
22 national emission standards for hazardous air
23 pollutants and other regulatory requirements
24 promulgated by the U.S. Environmental Protection

1 Agency pursuant to the federal Clean Air Act.

2 Promulgation of this rule is
3 necessary for the State to fulfill its
4 responsibilities under the Clean Air Act and will
5 enable the West Virginia Department of
6 Environmental Protection to continue to be the
7 primary enforcement authority for such national
8 emission standards promulgated by the U.S. EPA.

9 Revisions to the rule include the
10 annual incorporation by reference of the National
11 Emission Standards for Hazardous Air Pollutants
12 promulgated by the U.S. EPA under 40 CFR Parts 61
13 and 63 as of June 1st, 2021.

14 Upon authorization and promulgation
15 of 45CSR34, the rule will be submitted to the U.S.
16 EPA to fulfill delegation obligations in
17 accordance with the federal Clean Air Act.

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

20 (No response.)

21 MS. JENNINGS: Stephanie, has anyone
22 pre-registered to provide comments in regard to
23 proposed Rule 45CSR34?

24 MS. HAMMONDS: Laura, no one has

1 pre-registered to provide comments.

2 If anyone would like to provide
3 comments now, please use the "Raise Your Hand"
4 feature, and we'll call upon you.

5 (No response.)

6 MS. HAMMONDS: Laura, I don't see
7 any hands raised.

8 MS. JENNINGS: Thank you.

9 There being nothing further, this
10 public hearing for proposed Rule 45CSR34 is
11 concluded.

12 There are no further public hearings
13 this evening. Thank you very much for your
14 interest and participation in the public hearings
15 this evening. Have a good night and safe travels.

16 (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.

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.

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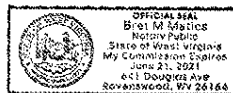
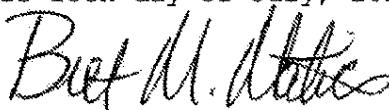
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T	
testimony 3:10	
travels 5:15	
U	
U.S. 3:24 4:8,12,15	
V	
Virginia 3:6 4:5	
virtual 3:8	
W	
West 3:6 4:5	

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			

Bulgover
0307

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	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