

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 45CSR16 on June 3, 2022. The public comment period concluded July 5, 2022, after satisfying the 30-day period. A public hearing was held virtually on July 5, 2022. The purpose of the public comment period and hearing was to accept oral and written comments on the proposed revisions to 45CSR16.

There were not any written comments received during the public comment period regarding proposed revisions to 45CSR16. One person provided oral comments during the public hearing. A summary of the comment along with the response is provided below. The public hearing transcript is provided as part of the formal rulemaking record. The hearing for 45CSR16 begins on page 5 of the transcript.

There were no changes made to 45CSR16 as a result of the comments.

Commenter: James Kotcon, Conservation Chair, WV Chapter of Sierra Club

COMMENT: We support any upgrades and support the rule as submitted and hope that it is adopted.

RESPONSE: Thank you for your comment, a response is not necessary.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR QUALITY

PUBLIC HEARING
PROPOSED 2023 LEGISLATIVE RULES

July 5, 2022 6:00 P.M.
Held Remotely via Google Meet

In Attendance:

Stephanie Hammonds
Laura Jennings
Terry Fletcher
Sandra Adkins

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PROCEEDINGS

MR. FLETCHER: Good evening, everyone. Thank you for participating in the public hearings this evening. My name is Terry Fletcher. I am the Chief Communications Officer with the West Virginia Department of Environmental Protection.

I want to welcome everyone to the public hearings for the Division of Air Quality's Five Proposed Rules for the upcoming 2023 West Virginia legislative session. There will be a separate public hearing for each of the five DAQ proposed rules.

The hearings will be held sequentially and will commence immediately following the conclusion of the hearing for the previous proposed rule.

With me this evening from the Division of Air Quality are Stephanie Hammonds, an Environmental Resource Specialist with the Compliance and Enforcement Section; and Laura Jennings, a Technical Analyst with the Planning Section. Court reporter Kristina Guthrie is also participating this evening.

The purpose of each of the public hearings is to receive public comments on the record regarding each of the proposed DAQ rules. Each public hearing is being recorded and a court reporter is in attendance to meet

1 Clean Air Act requirements and to consider comments in
2 the rulemaking process.

3 Because the purpose of the public hearing is
4 to listen to your comments, it is not a forum to engage
5 the DAQ in open discussion or debate about the proposed
6 rules. Unlike a public meeting, the DAQ will not be
7 responding to questions during the hearing. All
8 comments received will be addressed in a response to
9 comment document that will be part of the official rule
10 making record made available on the Secretary of State's
11 website.

12 All participants have been muted upon entry
13 into the meeting to ensure we are not interrupting
14 others or talking over one another. Participants were
15 asked to pre-register to speak and will be called upon
16 by Stephanie Hammonds when it is their turn to provide
17 their comments.

18 When called upon, you will be unmuted and told
19 to go ahead with your comments. Please clearly state
20 your name and indicate if you are representing any
21 groups or organizations and we ask that you limit your
22 comments to five minutes.

23 Please specify when your comment is finished
24 so we can re-mute you and if you did not pre-register as

1 a speaker but would like to speak, please use the raise
2 hand feature in Google Meets.

3 As a reminder, video demonstrations and screen
4 sharing by witnesses is not permitted. The chat feature
5 in Google Meets will be monitored during the public
6 hearing to assist with any technical issues.

7 We ask that everyone be respectful and
8 considerate of each other by refraining from using foul
9 language and from name calling, interrupting others
10 while they are speaking, and we ask that everyone keep
11 their comments on the topic of the proposed rules so
12 that our time together is used efficiently.

13 All that being said, I am now turning this
14 over to Laura Jennings with the Division of Air Quality.
15 Laura?

16 MS. JENNINGS: Thanks, Terry. Is the court
17 reporter ready?

18 COURT REPORTER: Yes, ma'am. Thank you.

19 45CSR16

20 Standards of Performance for New Stationary Sources

21 Also In Attendance: Joseph Unger, James Kotcon

22 MS. JENNINGS: Okay. Thank you. Okay. Our
23 first hearing this evening is for 45CSR16 (Standards of
24 Performance for New Stationary Sources). The virtual

1 public hearing for the proposed legislative Rule 45CSR16
2 - Standards of Performance for New Stationary Sources
3 will now come to order on this 5th day of July, 2022.

4 Oral comments and testimony will be accepted
5 until the close of this hearing and will be made part of
6 the rulemaking record. Any questions regarding
7 revisions to the rules should be included with your
8 comments, and any such question will be addressed as
9 part of the response to comments in the rulemaking
10 record.

11 The purpose of this public hearing is to
12 accept comments on proposed revisions to Rule 45CSR16 -
13 Standards of Performance for New Stationary Sources.
14 This rule establishes and adopts national standards of
15 performance for new stationary sources and other
16 regulatory requirements promulgated by the United States
17 Environmental Protection Agency pursuant to Section
18 111(b) of the Federal Clean Air Act.

19 This rule codifies general procedures and
20 criteria to implement standards of performance for new
21 stationary sources set forth in 40CFR Part 60. The rule
22 also adopts associated appendices, reference methods,
23 performance specifications and other test methods which
24 are appended to such standards.

1 Revisions to this rule are necessary to
2 maintain consistency with current federal regulations,
3 and for the State to fulfill its responsibilities under
4 the Clean Air Act and enable the West Virginia
5 Department of Environmental Protection to continue to be
6 the primary enforcement authority for such national
7 standards promulgated by the U.S. EPA.

8 Revisions to the rule include the annual
9 incorporation by reference of the Federal regulations as
10 of June 1, 2022. Upon authorization and promulgation of
11 45CSR16, the rule will be submitted to the U.S. EPA to
12 fulfill delegation obligations in accordance with the
13 Federal Clean Air Act.

14 The floor is now open for comments. As a
15 reminder, please keep your comments on topic and limit
16 them to five minutes.

17 Stephanie, has anyone pre-registered to
18 provide comments on proposed rule 45CSR16? If so,
19 please unmute their line & call on them now.

20 MS. HAMMONDS: Thanks, Laura and good evening,
21 everyone. We had one person who registered to provided
22 comments and that's Jim Kotcon. Mr. Kotcon, you can go
23 ahead with your comments, please.

24 MR. KOTCON: My name is Jim Kotcon. I serve

1 as the Conversation Chair for the West Virginia Chapter
2 of Sierra Club. I did in fact request an opportunity to
3 speak to each of the rules because while I normally
4 would be submitted written comments, I have not had a
5 chance to do that yet and that period has elapsed.

6 At this point, my only comments on Reg 16 is
7 that we certainly support any upgrades and approve the
8 rule or support the rule as submitted and hope that it
9 is adopted. Thank you.

10 MS. HAMMONDS: Thank you, Mr. Kotcon. Now, if
11 anyone did not pre-register to comment but would like to
12 do so now, please use the raise your hand feature.

13 Okay, Laura. I don't see any hands raised.

14 MS. JENNINGS: Okay, thanks, Stephanie.

15 MS. HAMMONDS: Thank you.

16 MS. JENNINGS: There being nothing further,
17 this public hearing for proposed rule 45CSR16 is
18 concluded. The public hearing for proposed rule 45CSR22
19 will begin momentarily.

20 Kristina, are you ready to proceed?

21 Okay.

22 COURT REPORTER: Yes, ma'am. Thank you.

23 MS. JENNINGS: Thank you. Okay.

24 45CSR22

1 Air Quality Management Fee Program

2 Also In Attendance: Joseph Unger, James Kotcon

3 MS. JENNINGS: The virtual public hearing for
4 proposed Legislative Rule 45CSR22 (Air Quality
5 Management Fee Program) will now come to order on this
6 5th day of July, 2022.

7 Oral comments and testimony will be accepted
8 until the close of this hearing and will be made part of
9 the rulemaking record. Any questions regarding
10 revisions to the rule should be included with your
11 comments, and any such question will be addressed as
12 part of the response to comments in the rulemaking
13 record.

14 The purpose of this public hearing is to
15 accept comments on proposed revisions to Rule 45CSR22 -
16 Air Quality Management Fee Program. This rule
17 establishes a program to collect fees for Certificates
18 to Operate (CTO) and for permits to construct, modify or
19 relocate sources of statutory air pollution in
20 accordance with 45CSR13, 14 and 19.

21 All sources subject to air emission rules
22 promulgated under Title 45, including air permit or
23 registration requirements, are subject to this rule.
24 The fees collected under this rule fund the Division of

1 Air Quality's non-Title V program budget to maintain an
2 effective air quality management program.

3 Revisions to the rule generally include
4 updating the rule and increasing the fees since the rule
5 was last revised over 30 years ago. Upon authorization
6 and promulgation, there is no further action required
7 for the state-only Rule 45CSR22.

8 The floor is now open for comments. As a
9 reminder, please keep your comments on topic and limit
10 them to five minutes.

11 Stephanie, has anyone pre-registered to
12 provide comments on proposed rule 45CSR22? If so,
13 please unmute their line and call on them now.

14 MS. HAMMONDS: Thanks, Laura. We had one
15 person register to comment, Mr. Kotcon. You can go
16 ahead with your comments, please.

17 MR. KOTCON: Thank you. I do have a few
18 comments on 45CSR22. With respect to Section 1.1, one
19 of the amendments that's being proposed is to add the
20 word "statutory" to air pollution. The definition of
21 statutory in Section 2.17 refers to Reg 13 where it has
22 a very broad and inclusive definition. I think this is
23 an important addition and very much support adding that
24 to this section.

1 Second, you define in Section 1.5 the Sunset
2 Provision and state that it does not apply. While that
3 may seem to me at least as a little bit redundant, it is
4 clear that that Sunset Provision should not apply to
5 this rule. So long ago I was given the advice if given
6 the choice between confusion and redundancy, pick
7 redundancy. This seems a little redundant but it's fine
8 with me.

9 On a broader topic, Section 3.3 identifies fee
10 increases, especially those in Table 45CSR22(a) and
11 22(b). We would certainly support those fee increases
12 with the proviso that fees on these permits should fully
13 reimburse the agency for the actual cost of reviewing
14 those permit applications.

15 In particular, it is not clear that the
16 proposed fee for the 111(b) requirements would be
17 adequate to meet and fully reimburse the agency for the
18 cost of those and I would encourage you to review that
19 and be able to fully justify that.

20 Finally, with respect to Section 4.3(e), this
21 establishes a Consumer Price Index riser. I think that
22 that riser is a reasonable and prudent approach. It is
23 certainly a useful and necessary business practice for
24 any other business that I've run across and it would

1 help DEP avoid the need to revise these permit fees to
2 meet up with the cost of inflation.

3 As I think everyone is well aware, inflation
4 has been rising dramatically for the last year or two
5 and that has left the agency in a difficult position and
6 so we would fully support both that fee increase and the
7 Consumer Price Index riser.

8 My only recommendation is that as that riser
9 adjusts the fees on an annual basis, it might be helpful
10 if DEP were to publish annually on their web page or
11 elsewhere a table listing the current fees with that
12 consumer price index riser.

13 Having the actual number would avoid any
14 confusion on the part of the regulated community as to
15 what the fee should be and it wouldn't necessarily have
16 to be a rule modification each year but it would be very
17 helpful to the regulated community.

18 So with that and those minor modifications, I
19 certainly would support the rule. Thank you.

20 MS. HAMMONDS: Thank you, Mr. Kotcon.

21 If anyone did not pre-register to comment but
22 would like to do so now, please use the raise hand
23 feature.

24 Okay, Laura, I don't see anyone.

1 MS. JENNINGS: Okay. Thank you, Stephanie.
2 There being nothing further, this public hearing for
3 proposed Rule 45CSR22 is concluded. The public hearing
4 for proposed Rule 45CSR30 will begin momentarily.

5 Is the court reporter ready to proceed to the
6 next hearing?

7 COURT REPORTER: I am. Thank you.

8 45CSR30

9 Requirements for Operating Permits

10 Also In Attendance: James Kotcon, Joseph Unger, Robert
11 Keatly

12 MS. JENNINGS: Okay. Thank you. The virtual
13 public hearing for the proposed legislative Rule 45CSR30
14 (Requirements for Operating Permits) will now come to
15 order on this 5th day of July, 2022.

16 Oral comments and testimony will be accepted
17 until the close of this hearing and will be made part of
18 the rulemaking record. Any questions regarding
19 revisions to the rules should be included with your
20 comments, and any such question will be addressed as
21 part of the response to comments in the rulemaking
22 record.

23 The purpose of this public hearing is to
24 accept comments on proposed revisions to Rule 45CSR30 -
Requirements for Operating Permits. This rule provides

1 for the establishment of a comprehensive air quality
2 permitting system consistent with the requirements of
3 Title V of the Clean Air Act and the state operating
4 permit program requirements of 40CFR Part 70.

5 The rule establishes: The obligation for a
6 source to obtain a Title V operating permit;
7 applicability for other sources, including exemptions
8 and deferred sources; permit application, content,
9 issuance, renewal, reopening, revision, review,
10 suspension, modification, revocation and reissuance
11 requirements; and Title V fee requirements.

12 All fees collected pursuant to this rule shall
13 be expended solely to cover all reasonable direct and
14 indirect costs required to administer the Title V
15 operating permit program and accounted for in accordance
16 with this rule.

17 There are three main purposes for revising the
18 rule. First, the fee structure is being revised as
19 recommended by the U.S. EPA. Federal regulations
20 require that fees from Title V sources are sufficient to
21 sustainably cover the Title V program costs.

22 Currently, the fee structure is based solely
23 on the amount of pollutants emitted by a source. The
24 proposed fee is being re-structured for diversification

1 and sustainability. The proposed fee will continue to
2 include an emissions component; however, it will also
3 include a base fee component and a complexity fee
4 component.

5 Second, the rule is being revised to comport
6 with federal counterpart regulations.

7 Lastly, obsolete transitional language is
8 being removed and clarifications are being made.

9 Upon authorization and promulgation of
10 45CSR30, the rule will be submitted to the U.S. EPA to
11 fulfill obligations under the Federal Clean Air Act.

12 The floor is now open for comments. As a
13 reminder, please keep your comments on topic and limit
14 them to five minutes. Stephanie, has anyone
15 pre-registered to provide comments on proposed Rule
16 45CSR30? If so, please unmute their line and call on
17 them now.

18 MS. HAMMONDS: Thanks, Laura. We had one
19 person register, Mr. Kotcon. If you would like to go
20 ahead with your comments now.

21 MR. KOTCON: Thank you. Let me start off by
22 saying that my comments on this rule are quite extensive
23 and then I'll be very brief on the remaining rules. I
24 do hope there will be a little bit of flexibility in

1 that time limit.

2 With regard to Section 2.24, the definition
3 for a "hazardous air pollutant" was redefined to match
4 that of the Federal rule and resulting in the deletion
5 of Table 45CSR38. I very much support that change.

6 Having separate lists of what is a hazardous
7 air pollutant leads to confusion, duplication, and it's
8 difficult to keep up with both of those. It will be
9 simpler for the public and for the agency if we simply
10 refer to that list as you have done here, so I support
11 that change.

12 In Section 2.26(a), under Section 2.26(a)(1),
13 there is certainly no need for the sentence striking the
14 reference to Table 4530(a) if that table is deleted. I
15 would also recommend striking the next sentence,
16 Emissions from any oil or gas exploration or a
17 production well and associated equipment and emissions
18 from any pipeline compressor or pump stations shall not
19 be aggregated with the emissions from other similar
20 units, whether or not such units are in a contiguous
21 area under common control, et cetera.

22 That particular new pool allows pipelines and
23 their associated compressor stations to functionally be
24 equivalent to a major source but not have to do the

1 major source reviews. That provides a real benefit to
2 those oil and gas pipeline facilities in avoiding that
3 kind of review but it leaves the public at risk of very
4 significant air pollutants.

5 I reviewed a number of gas pipeline
6 applications where every single compressor station is
7 just below the limit for a major source. You know,
8 instead of 100 percent of a major source, it's 95
9 percent or 98 percent or 97 percent, and there's one
10 after another of these along a major pipeline.

11 It is clear that the industry is designing
12 their compressors and their associated facilities to
13 circumvent the requirement for a major source review,
14 and there are several rule changes that are needed but
15 certainly this is one of those and I recommend striking
16 that last sentence that any stationary source or group
17 of stationary sources located within a contiguous area
18 and under common control should be considered a major
19 source.

20 The second change then is in 2.26 (b) under
21 Subsection 22 where they list petroleum storage and
22 transfer units with a total storage capacity exceeding
23 300,000 barrels would be considered major sources and
24 should consider fugitive remissions.

1 I think a similar exemption or definition
2 using that general capacity would be appropriate such
3 that fugitive remissions from gas facilities would also
4 need to be considered. So I would recommend adding that
5 provision, a new subsection there.

6 With regard to Section 6.(a) 3.(a), 4 and 5,
7 there are a number of deletions there that deal with the
8 public comment. I don't believe that the provision that
9 was added, it gives the secretary a little bit too much
10 discretion to define what is generally accepted methods
11 for who is included and not included in a public mailing
12 list.

13 And it gives the secretary a little bit too
14 much discretion to delete the name of people who failed
15 to respond in an adequate period of time. While I do
16 recognize the need to update the mailing list, I would
17 strongly encourage that there be explicit definitions
18 that would assure the public that they would get this
19 public notice and that this would not be required.

20 Three other suggestions, in Section 7.3, there
21 is a 7.3(b), the final sentence says that a CPA must
22 provide a permit applicant a copy of the objection. I
23 recommend that that sentence be deleted. I don't think
24 a state agency can mandate a requirement of a federal

1 agency.

2 Likewise, in Section 7.4(a), I would like to
3 define what are the unusual circumstances that would
4 preclude or allow the EPA to modify a permit or the
5 secretary to issue that permit. I think that some of
6 those provisions, especially the last section or
7 sentence in 7.4(a) seems to be contradictory and that
8 last sentence, the permittee will not be in violation of
9 any requirements to submit a final and complete
10 application, that could be deleted from that section.

11 I appreciate the change to give these comments
12 and I will be happy to address anything that is unclear
13 in these comments if you have any questions. Thank you.

14 (Following comments were added at the end but
15 placed under the appropriate section 45CSR30
16 by reporter.)

17 MR. FLETCHER: Mr. Kotcon, did you have
18 another comment to add?

19 MR. KOTCON: Yes, thank you. I apologize. I
20 missed a couple of comments on my review of 45CSR30 and
21 I will just mention those.

22 In Section 6.8(a) 4(a) 5, the requirement is
23 added to have contact info for the applicant. It does
24 not, however, assure that that applicant or information,

1 person with information would respond, and I've had some
2 issues with that in the past, specifically with a permit
3 earlier this year from Marion Energy Partners. When we
4 attempted to contact the applicant, you know, that
5 information went into a black hole and I never did get
6 anything back from that company.

7 In Section 6.8(a) 4(a) 3, there is a mandate
8 for a description of the business to be operated. In
9 that case, with Marion Energy Partners, their business
10 description is really overly vague and did not
11 communicate to the public what they were involved with,
12 and so if there is a way to beef up those two sections,
13 I would very much appreciate it because it's led to a
14 lot of controversy up here in Northern county.

15 That's all I have and again, I apologize for
16 not getting the item in the right place.

17 MS. HAMMONDS: Thank you, Mr. Kotcon. So we
18 are at the end of the registered commenters list. If
19 you did not pre-register to provide comment but would
20 like to do so, please use the raise hand option.

21 Okay, Laura, I do not see any hands raised.

22 MS. JENNINGS: Okay. Thank you, Stephanie.
23 There being nothing further, this public hearing for
24 proposed Rule 45CSR30 is concluded. The public hearing

1 for proposed Rule 45CSR34 will begin momentarily.

2 Is the court reporter ready to proceed to the
3 next hearing?

4 COURT REPORTER: Yes, ma'am. Thank you.

5 45CSR34

6 Emission Standards for Hazardous Air Pollutants

7 Also In attendance: James Kotcon, Joseph Unger, Robert
8 Keatly

9 MS. JENNINGS: Okay. Thank you. The virtual
10 public hearing for the proposed legislative Rule 45CSR34
11 (Emission Standards for Hazardous Air Pollutants) will
12 now come to order on this 5th day of July, 2022.

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

20 The purpose of this public hearing is to
21 accept comments on proposed revisions to Rule 45CSR34 -
22 Emission Standards for Hazardous Air Pollutants. This
23 rule incorporates and adopts national emission standards
24 for hazardous air pollutants and other regulatory

1 requirements promulgated by the United States
2 Environmental Protection Agency pursuant to the Federal
3 Clean Air Act.

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

10 Revisions to the rule include the annual
11 incorporation by reference of National Emission
12 Standards for Hazardous Air Pollutants promulgated by
13 the U.S. EPA under 40CFR Parts 61 and 63 as of June 1,
14 2022.

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

19 The floor is now open for comments. As a
20 reminder, please keep your comments on topic and limit
21 them to five minutes. Stephanie, has anyone
22 pre-registered to provide comments on proposed Rule
23 45CSR34? If so, please unmute their line & call on them
24 now.

1 MS. HAMMONDS: Thank you, Laura. We have one
2 person who registered, Mr. Kotcon.

3 MR. KOTCON: Thank you. I confess that I have
4 not reviewed every last line of the Federal counterpart
5 updates but subject to any advice I might later get from
6 National Sierra Club, we would support the ongoing
7 updates. We think it's a good routine to follow. Thank
8 you.

9 MS. HAMMONDS: Thank you, Mr. Kotcon. Is
10 there anyone who did not register to speak but would
11 like to do so now? Please use the raise hand feature.

12 Laura, I do not see any hands raised.

13 MS. JENNINGS: Okay. Thank you, Stephanie.
14 There being nothing further, this public hearing for
15 proposed Rule 45CSR34 is concluded. The public hearing
16 for proposed Rule 45CSR40 will begin momentarily.

17 Is the court reporter ready to proceed to the
18 next hearing?

19 COURT REPORTER: Yes, ma'am.

20 45CSR40

21 Control of Ozone Season Nitrogen Oxides Emissions

22 Also in attendance: James Kotcon, Joseph Unger, Robert
23 Keatly

24 MS. JENNINGS: Okay, thank you. The virtual

1 public hearing for the proposed legislative Rule 45CSR40
2 (Control of Ozone Season Nitrogen Oxides Emissions) will
3 now come to order on this 5th day of July, 2022.

4 Oral comments and testimony will be accepted
5 until the close of this hearing and will be made part of
6 the rulemaking record. Any question regarding revisions
7 to the rules should be included with your comments, and
8 any such question will be addressed as part of the
9 response to comments in the rulemaking record.

10 The purpose of this public hearing is to
11 accept comments on proposed revisions to Rule 45CSR40 -
12 Control of Ozone Season Nitrogen Oxides Emissions.

13 This rule establishes nitrogen oxides (or NOX)
14 ozone season emission limitation, monitoring,
15 recordkeeping, reporting, excess emissions, and NOX
16 budget demonstration requirements for large industrial
17 boilers and combustion turbines that have a maximum
18 design heat input greater than 250 mmBTU/hr, in
19 accordance with 40CFR 51.121; NOX ozone season emission
20 reduction, compliance plan, monitoring, recordkeeping
21 and reporting requirements for affected stationary
22 internal combustion engines; and NOX ozone season
23 control standards, compliance plan, monitoring,
24 recordkeeping, and reporting requirements for applicable

1 cement manufacturing kilns.

2 The rule is being revised to update the
3 characterization of units that are not subject to this
4 rule because they are subject to a Federal NOX ozone
5 season trading program. Upon authorization and
6 promulgation of 45CSR40, the rule will be submitted to
7 the U.S. EPA to fulfill federal obligations in
8 accordance with the Clean Air Act.

9 The floor is now open for comments. As a
10 reminder, please keep your comments on topic and limit
11 them to five minutes. Stephanie, has anyone
12 pre-registered to provide comments on proposed Rule
13 45CSR40? If so, please unmute their line & call on them
14 now.

15 MS. HAMMONDS: Thank you, Laura. Mr. Kotcon
16 has registered to provide oral comments and Mr. Kotcon,
17 if you'd like to go ahead, please.

18 MR. KOTCON: Thank you. The -- again, I will
19 apologize at not having reviewed the updates on all of
20 those Federal requirements and so subject to any
21 contradiction from National Sierra Club, we would
22 certainly support the routine update.

23 I would also add that having followed ozone
24 levels in West Virginia for many years, air quality is

1 improving fairly significantly and I urge DEP to keep up
2 the good work and, obviously, we can do more but we are
3 definitely heading in the right direction. Thank you.

4 MS. HAMMONDS: Thank you, Mr. Kotcon. If you
5 did not pre-register to provide oral comments but would
6 like to do so now, please use the raise your hand
7 feature.

8 Laura, I do not see any hands raised.

9 MS. JENNINGS: Okay. Thank you, Stephanie.
10 There being nothing further, this public hearing for
11 proposed Rule 45CSR40 is concluded. There are no
12 further public hearings this evening.

13 I would like to thank everyone in attendance
14 for your interest and your participation in the public
15 hearings and public comment process this evening and I
16 wish you all a good evening. Thank you.

17 MR. FLETCHER: Okay. All right. Well, if
18 that is it, then we will go ahead and close the
19 proceedings. All right. Thanks, everyone, for
20 attending.

21 COURT REPORTER: Thank you. Have a great
22 night.

23 MS. JENNINGS: Thanks.

24 (Proceeding was concluded at 6:49 p.m.)

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 [] day of [], 2021.

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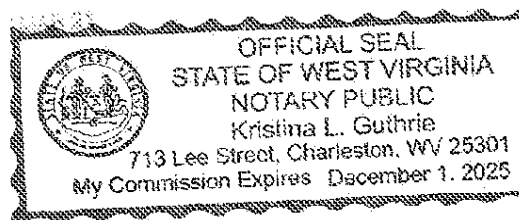
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Kristina Guthrie

Kristina Guthrie, Professional
Reporter and Notary Public



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