



**REGION 3**

PHILADELPHIA, PA 19103

October 28, 2024

VIA ELECTRONIC MAIL  
RETURN RECEIPT REQUESTED

Ms. Laura Crowder  
Director  
West Virginia, Division of Air Quality  
601 57th Street SE  
Charleston, WV 25304

Dear Ms. Crowder:

We received your letter dated October 23<sup>rd</sup>, 2024 regarding West Virginia Division of Air Quality's previous request for a regulatory interpretation of Empire Green Generation LLC (Empire) proposal to modify their existing permit to replace the use of medical waste with plastic as a feedstock in a pyrolytic conversion process at their facility located in Follansbee, WV.

As noted in your letter, Region 3 has been working to obtain sufficient information to develop an adequate and accurate response. Region 3 has sent Empire an Information Request Letter on August 1, 2024 and met with EPA's Office of Enforcement and Compliance Assurance (OECA) and Office of Air Quality Planning and Standards (OAQPS) several times to discuss the proposal.

While we acknowledge West Virginia DAQ is eager to complete the modification application, Region 3 believes that more information is needed for a complete response. Additionally, during the July 26, 2024 meeting between WVDAQ and Region 3, WVDAQ indicated that the permit application was incomplete and that the regulatory clock had not started yet and WVDAQ did not provide a deadline during the meeting or initial request for regulatory interpretation sent to Region 3's Air and Radiation Division on March 6, 2023.

Steve Ott of my staff will be following up with a meeting invitation to further discuss the status of EPA's regulatory interpretation.

Sincerely,

Karen Melvin, Director  
Enforcement and Compliance Assurance Division

cc:

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