

## NOTICE OF PUBLIC COMMENT AND HEARING

### **West Virginia Department of Environmental Protection Second Maintenance Plan for the 1997 Ozone Nonattainment Areas Wheeling, WV (Comprising Marshall and Ohio Counties)**

The West Virginia Department of Environmental Protection (DEP), Division of Air Quality (DAQ) is soliciting comment and will hold a public hearing on the proposed *West Virginia Department of Environmental Protection Second Maintenance Plan for the Wheeling, WV 1997 Ozone NAAQS Maintenance Area (Comprising Marshall and Ohio Counties)*.

The first Maintenance Plan for the Wheeling area was approved by the United States Environmental Protection Agency (U.S. EPA) concurrent with the Wheeling area redesignation to attainment with the 1997 Ozone National Ambient Air Quality Standard (NAAQS) effective June 14, 2007. Under Clean Air Act (CAA) section 175A(b), states must submit a revision to the first Maintenance Plan eight years after redesignation to attainment to provide for maintenance of the NAAQS for an additional ten years following the end of the first 10-year period. The second Maintenance Plan was delayed because the U.S. EPA's final implementation rule for the 2008 ozone NAAQS revoked the 1997 ozone NAAQS and removed the requirement for a second Maintenance Plan for areas that had been redesignated to attainment with the 1997 ozone NAAQS and were designated attainment with the 2008 ozone NAAQS. The D.C. Circuit (2018) in *South Coast Air Quality Management District v. EPA* vacated U.S. EPA's previous interpretation therefore, states must now submit Maintenance Plans for the second maintenance period.

Air quality monitoring data collected in this area continues to demonstrate attainment of the NAAQS. Historical and projected emissions show that existing state and federal requirements are sufficient to maintain the NAAQS in the Wheeling area. The area has been designated attainment with both the 2008 and 2015 ozone NAAQS, which are more stringent than the 1997 ozone NAAQS.

The State of West Virginia is requesting that U.S. EPA approve a second 10-year Maintenance Plan for the Wheeling area with respect to the 1997 8-hour ozone NAAQS. Once finalized the *Second Maintenance Plan for the Wheeling, WV 1997 Ozone NAAQS Maintenance Area (Comprising Marshall and Ohio Counties)* will be submitted to U.S. EPA for approval and incorporation as a revision to the State Implementation Plan (SIP).

A public hearing will be held at 6 PM, November 6<sup>th</sup>, 2019 at the following location:

West Virginia DEP Wheeling Satellite Office  
131A Peninsula St.  
Wheeling, WV 26003

Written and oral comments will be accepted until the close of the hearing on November 6<sup>th</sup>, 2019 and will be made part of the formal record. Written comments will also be accepted for inclusion in the formal record by mail, facsimile, email or other delivery to the Division of Air Quality if postmarked or transmitted by 5:00 PM on November 6<sup>th</sup>, 2019. Please identify the document to which the comments apply, the commenter's name, address and telephone number. Send written comments to Laura M. Crowder, Director of the Division of Air Quality at the following address:

E-mail: [Sandra.K.Adkins@wv.gov](mailto:Sandra.K.Adkins@wv.gov)  
Mailing address: West Virginia Department of Environmental Protection  
Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Fax: (304) 926-0479

Copies of the proposed Maintenance Plan and documentation may be viewed on weekdays between 8:30 a.m. and 4:30 p.m. at the DEP Charleston office located at the above address, and may be viewed on the DAQ website under the Public Notice and Comment section: <https://dep.wv.gov/daq/publicnoticeandcomment/Pages/default.aspx>