

west virginia



department of environmental protection

Public Notice

West Virginia Department of Environmental Protection Division of Air Quality

Comment Period Opens: June 2, 2023

Comment Period Closes: July 6, 2023

Publication: Charleston Newspapers and West Virginia State Register

Publication Date: June 2, 2023

Type of Notice: Public Comment Period and Public Hearing

Location: Statewide

Proposed Activity: DAQ 2024 Legislative Rules

Project Description: The DAQ proposed 2024 legislative rules include:

- 45CSR1 (Alternative Emission Limitations During Startup and Shutdown Operations)
- 45CSR2 (Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers)
- 45CSR3 (Control of Air Pollution from the Operation of Hot Mix Asphalt Plants)
- 45CSR5 (Control of Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas)
- 45CSR6 (Control of Air Pollution from Combustion of Refuse)
- 45CSR7 (Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations)
- 45CSR8 (Ambient Air Quality Standards)
- 45CSR10 (Control of Air Pollution from the Emission of Sulfur Oxides)
- 45CSR16 (Standards of Performance for New Stationary Sources)
- 45CSR21 (Control of Air Pollution from The Emission of Volatile Organic Compounds)
- 45CSR34 (Emission Standards for Hazardous Air Pollutants)
- 45CSR44 (Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units)

DAQ is limiting public comments to the proposed revisions to the rules and will not accept comments not related to the proposed revisions.

Upon authorization and promulgation of the final rules 45CSR16 and 45CSR34 will be submitted to the United States Environmental Protection Agency (EPA) to fulfill federal obligations under the Clean Air Act (CAA), including delegations and authorizations. Upon authorization and promulgation, 45CSR1, 45CSR2, 45CSR3, 45CSR5, 45CSR6, 45CSR7, 45CSR8, 45CSR10, and 45CSR21 will be submitted to EPA for approval as a revision to the State Implementation Plan (SIP) pursuant to the federal CAA. Upon authorization and promulgation, 45CSR44 will be repealed, with no further action as a state only rule.

The proposed rules are available at:

- the Secretary of State's website at <http://apps.sos.wv.gov/adlaw/csr/>,
- the DEP website at <http://www.dep.wv.gov/pio/Pages/Rules.aspx>, or
- the DAQ website at <https://dep.wv.gov/daq/publicnoticeandcomment/Pages/default.aspx>.
- If you do not have internet capability, please contact DAQ for alternatives.

Point of Contact: Laura Jennings (laura.m.jennings@wv.gov or 304-926-0475)

The DEP is holding the public hearing virtually. Instructions for participating and providing verbal comments are provided below. Both verbal and written comments will be made part of the official rulemaking record. Written comments may be submitted at any time during the public comment period as instructed below. Written comments must be received by 5:00 pm on July 6. Written comments received after 5:00 pm on July 6 will not be accepted.

Written Comments:

- E-mail written comments to Laura.M.Jennings@wv.gov with "Proposed DAQ 2024 Rule Comments" in the subject line, or
- Mail hard copy comments to the attention of Laura Jennings at the WV Department of Environmental Protection, Division of Air Quality, 601 57th Street SE, Charleston, WV 25304.

Public Hearing: July 6, 2023 at 6:00 p.m.

The purpose of the public hearing is to receive comments concerning the proposed DAQ 2024 legislative rules identified above. A Response to Comments document will be prepared as part of the rulemaking process. A separate hearing will be held for each of the proposed rules. The hearings will be held sequentially and will commence immediately following the conclusion of the hearing for the previous proposed rule.

To participate online or by telephone, registration is required by 5:00 p.m. on Tuesday, July 6, 2023. To register, please complete the participant registration form at <https://forms.gle/bAs4FtJxZ5G4xacN9>. To register to speak, please indicate "yes" you want to provide verbal comments on the record when you register with the previously provided link. A confirmation e-mail will be sent with your responses when you register and information on how to join the public hearing will be sent after registration closes on July 6, 2023. If you do not have internet access and want to register, please contact Sandie Adkins or Nicole Ernest at (304) 926-0475. Registration for the online hearing is required to fulfill the state's obligation under federal air quality regulations to document the list of participants.

If you wish to speak at the public hearing, verbal testimony is limited to 5 minutes for each witness. If participating virtually, video demonstrations and screen sharing by witnesses is not permitted.