

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD

The West Virginia Department of Environmental Protection (DEP) is announcing an opportunity for public comment on the proposed *West Virginia NO_x SIP Call Non-EGU Budget Demonstration*.

45CSR40, *Control of Ozone Season Nitrogen Oxides Emissions*, establishes a NO_x emissions budget of 2,184 tons for subject units that have a maximum design heat input greater than 250 mmBtu/hr, excluding any unit subject to the federal Cross-State Air Pollution Rule (CSAPR) NO_x Ozone Season Trading Program, or an equivalent approved trading program. The rule requires the DEP to demonstrate to the U.S. Environmental Protection Agency (EPA) that through the imposition of ozone season NO_x limitations, and assumption of maximum operating capacity or use of a limitation on operating time during the ozone season, NO_x emissions will not exceed the budget. West Virginia clearly demonstrates that the budget cannot be exceeded, considering the legally enforceable NO_x emissions limits of the permitted subject units. The legally enforceable maximum potential ozone season NO_x emissions total of 941 tons is less than 50% of the total budget.

Upon finalization of the *NO_x SIP Call Non-EGU Budget Demonstration*, the DEP will submit the demonstration to the EPA as a supplement to the West Virginia's State Implementation Plan (SIP) revision for 45CSR40, *Control of Ozone Season Nitrogen Oxides Emissions*, which was received by the EPA on July 15, 2016.

Copies of the *NO_x SIP Call Non-EGU Budget Demonstration* and supporting documentation may be viewed between 8:30 a.m. and 4:30 p.m. beginning September 1, 2017, at the DEP Division of Air Quality, located at 601 57th Street, SE, Charleston, WV 25304, or they may be viewed electronically on the Division of Air Quality website under the public notice and comment section: www.dep.wv.gov/daq/.

The agency is accepting public comment only on the draft *NO_x SIP Call Non-EGU Budget Demonstration*. A public comment period and public hearing have already concluded for the associated rule 45 C.S.R. 40. Send written comments to be included in the formal record to W. Fred Durham, Director, Division of Air Quality at the address above. Please identify the commenter's name, address, and telephone number. Written comments will also be accepted for inclusion in the formal record by email (Tammy.L.Mowrer@wv.gov), or other delivery to the Division of Air Quality if postmarked or transmitted by 5:00 p.m. on October 2, 2017.

This proposed revision is considered noncontroversial in nature. Therefore, a public hearing will be held only if requested in writing, and the written request is received by October 2, 2017. Any person who requests a public hearing should identify any substantive issue they intend to raise in a hearing. If properly requested, the hearing will be held on October 17, 2017 at 6:00 p.m. at the address above and the public comment period will be extended until the close of the hearing. A public notice announcing whether a hearing will be held will be posted in the West Virginia State Register on October 6, 2017.