

Virtual Public Meeting: DAQ Draft NSR Permit for Allegheny Wood Products, Inc. (2023-05-04 18:06 GMT-4) - Transcript

Attendees

+1 202-***-**26, +1 202-***-**60, +1 202-***-**77, +1 240-***-**63, +1 240-***-**68, +1 301-***-**03, +1 304-***-**00, +1 304-***-**10, +1 304-***-**19, +1 304-***-**24, +1 304-***-**26, +1 304-***-**27, +1 304-***-**32, +1 304-***-**35, +1 304-***-**40, +1 304-***-**43, +1 304-***-**44, +1 304-***-**47, +1 304-***-**55, +1 304-***-**66, +1 304-***-**70, +1 304-***-**74, +1 304-***-**78, +1 304-***-**82, +1 304-***-**83, +1 304-***-**97, +1 443-***-**33, +1 503-***-**59, +1 540-***-**53, +1 540-***-**70, +1 540-***-**77, +1 540-***-**90, +1 540-***-**97, +1 540-***-**99, +1 571-***-**93, +1 703-***-**24, +1 905-***-**28, Aaron Funkhouser, Abbie Chessler, Alan Kelly, Alex Williams, Allison Gurnitz, Allison Seabright, Amanda J Tusing, Amanda Thompson, Amy Head, Amy Lough, Angela Bradfield, Angie Rosser, Anne Kirk, Ashley Wilkins, Audrey Taucher, Barry Conaty, Bean Family, Bekah Mongold, Beverly D McKeone, Bill Haver, Bob Knisely, Brian S Tephabock, Bryan Ward, Carissa, Cathi Jones, Cherisse Gardner, Chris Schumacher, Christopher P Scanlan, Cynthia Dittmar, Dan Fitz, Dan Funkhouser, Daniel Noakes, David Doman, DeAnna McCasland, Deb, Deborah French, Derek Cole, Derek Howard, Diego Ribeiro, Donald McGovern, Donna Alexander, Donna Baker, Donna Joy, Doris Swanson, Dragana Pilavdzic, Edward F Maguire, Elizabeth Coleman, Elli Westmoreland, Enis Pilavdzic, Eric Hott, Farm House, Francielle Nascimento, G Martin, M.S., Greg Woodruff, Gwendolyn Supplee, Hardy County Schools, Havala Schumacher, Hilary C, Hinkles Home Improvement, ILMT llovelytoads, James Ecklund, James Freeman, Jane Hall-Williams, Jasmine Terrace, Jay Taylor, Jeffrey Neal, Jeremy Schmiedeknecht, Jesse D Adkins, Jesse Halpern, Jessica Baker, Jim Young, Jo Ellen Halterman, Joan Mathias, Jody Abrell, John Raby, John Rice, John Rosato, Jonathan Hamilton, Joseph A Kreger, Joshua Mathias, julia, Julie Fowler, Justin Webster, kate davis, Kayla Jackson, KB Newcome, Keeleigh Scarlett Utt, Kendra Kneeland, Kirsten Sarle, Kurt Gurka, Laura M Crowder, Leanne Malulani, Linlpeters, Lisa Kesecker, Lori Bean, MARAMA Office, Marc, Marc Douglas, Maria Russo, Mark Kneeland, Melanie Wilson, Melissa Delawder, Michael Grimm, Michelle Mack, Michelle Phillips, Mike Tony, Milda Marie Mullins, nancy lewis, Nicole D Ernest, Nicole D Ernest's Presentation, Olivia Miller, Pam Liverman, Pamela Drake, Pamela Simmonds, Patrick Hurston, Pauline Jackson, R Sing, Randee Weaver, Rayne Genel, Reggie & Chestina Smith, Regina and Brian Corry, Richard Rosenfeld, Ron Frost, Ryan Tipps, Sarah Silverman, Sarah Waldrop, Sean Broderick, Seth Wells, Sharon Page, Shefa Nola Benoit, Shenae Frazier, Sherry Homan, Stanley Hawse, Steve Kirk, Steven R Pursley, Susan, Susan Miller, Susan Ryan, Terry A Fletcher, Tina L, Tina Metzger, Todd Miller, Toni Harvey, Travis Park, Warren Frederick, WENDY BRANSON, Whitney Fore, William H Ewing, William Kavanagh, WV Hardy County Clerk

Transcript

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Terry A Fletcher: To the end of the comment period, including those that have already been submitted, will be entered into the public record for this permit and considered by DAQ staff, prior to the agency, making its final determination. This meeting is being recorded so that the questions and comments, you share can be made part of the public record for this draft air quality permit. The official comment period has been extended until 5 pm on Friday May 12th, 2023. Once the comment period closes.

Terry A Fletcher: The dhq staff will review all the comments that have been submitted respond to those comments and questions and issue its final determination. The response to comments document and final determination will be sent to those who submitted comments and also made available on the DEP website and the recording of tonight's meeting will also be made available on the DEP website. To ensure that we successfully achieved the purpose of this meeting. We ask that everyone be respectful and consider each other by refraining from using foul language and name calling and interrupting others while they are speaking. We also ask that you keep your microphone on mute, unless you've been called upon to ask a question or provide your comments. We also ask that you keep your comments or questions on the topic of this air quality permit so that our time together is used efficiently.

Terry A Fletcher: Before I start with the agenda for tonight's meeting, I'd like to ask that anyone who is attending, virtually that did not register through the the sign-in process that we that we have. I'm gonna ask that you include your name and email address in the meeting chat that way we have an accurate record of those who attended and participated this evening. If you are joining virtually, if you look at the right hand corner there should be a little text box icon and if you click that you can enter in your your contact information and name there please. Thank you. Um it's also our understanding that the Hardy County Commission has been kind enough to host folks and one of their facilities and they have provided a sign-in sheet there, I'm going to ask that for those in attendance there, we ask that you make your name and contact information available against so we have an accurate record of those that attended this meeting this evening.

Terry A Fletcher: So we're going to start with a brief presentation from Permit Engineer, Steve Pursley, he's going to go over the draft air, quality permit and the relevant information for the proposed facility. After Mr. Pursley's presentation, the Hardy County Planning Commission has agreed to provide information from their recent commission meeting on Tuesday. It's our understanding that new information relevant to the site for this proposed. Proposed facility has been made available and is likely of interest to those So, we appreciate the Hardy County planning commissions. Willingness to provide that information to everyone this evening. After that, we're going to open the floor for a question and answer segment and then we'll move on to official comments. Any questions that we not answer during the the Q&A portion, we'll address them in our Response to Comments document

Terry A Fletcher: And once we start taking official comments, we won't be able to answer any more questions At that point. The purpose is one of the purposes for this meeting is that we take official comments on the record. And at that point, we have to just listen to the comments that you have record them. And again, we'll respond to all those in our response to Comments document As many of you can see we have a very large number of people that have joined us this evening and majority of which have indicated they wish to ask a question or provide comments. So to make sure that we have a chance to hear from everyone and we get through this and able to hear everyone's comments and their questions, we'd like to start out just by limiting to one question per person.

Terry A Fletcher: And then once we move into comments, we'd like to limit testimony to three minutes per speaker. Again, this is just to ensure that we have an opportunity to hear from everyone. The as I

mentioned before, the comment period is open until May 12th until 5pm on May 12th. So you have plenty of time after this meeting to submit any comments. You have in writing and we're also available to answer questions that you may have as we lead up to the end of the comment. Period. So, appreciate you all bearing with me through all those instructions and opening remarks. At this point, I would now like to turn the floor over to permit engineer. Steve Pursley.

00:05:00

Nicole D Ernest: Good evening. My name is Steve Pursley. I'm an engineer with the West Virginia Division of Air Quality And we're here, this evening's talk about Allegheny Wood products.

Nicole D Ernest: so as far as what, you can expect to see in this presentation, first I was talking about the permitting process, kind of generally what happens when the division of air quality receives A permit application, what type of review? It undergoes etc. Then, I'll talk specifically about Allegheny wood products.

Nicole D Ernest: for anyone interested in this project where you can review those documents etc, That will talk about what will happen after this meeting. The process that is laid out that we will follow. For everything that happens after this meeting. And then finally there will be a slide with my contact information and sort of a summary of everything we've talked about during this presentation

Nicole D Ernest: In West Virginia. If you want to construct a stationary source, you must first obtain. A pre-construction permit from the division of air quality. The type of pre-construction permit, you have to receive depends mainly upon your level of emissions. For what we call, criteria pollutants, that level can be either a hundred tons per year or 250 tons per year. Depending upon what type of source you are? What we call, what type of source category you're in. For some of those source categories, it's 250 times per year. For some it's 100 times per year to be a major source. Future below those levels. It's a minor source. Criteria. Pollutants are Things you can sort of think of, as what typically would be like, products of combustion, oxides of nitrogen, sulfur dioxide, carbon monoxide, particular matter, things like that.

Nicole D Ernest: Allegheny Wood Products.

Nicole D Ernest: For HAP the threshold levels of being a major source or a minor source, perhaps we call minor sources area sources. but the threshold level for those is, 10 tons per year of any individual app. In other words, ten times per year of any one, half on that list of 188 substances, or 25 tons per year of all those 188 sentences combined again, since Allegheny Wood Products.

Nicole D Ernest: A major sources having post-construction operating permit in addition which is we call our Title 5 process regulated under 45 CSR 30. Again, as we'll discuss later. That would not apply to Allegheny wood products.

Nicole D Ernest: When I met less than 10 tons per year. of an Lab. They are defined as a minor source. Minor source permit in West Virginia is administered under West Virginia, Legislative Rule 45 csr13. now, what that permitting program does is first determines of course, the level of emissions from each facility and whether or not that level of emissions will meet state and federal applicable air quality rules regulations. He wants, we determine that. We develop a draft permit. That will ensure that the facility will continue throughout its operation to meet any of those applicable. State and Federal Rules. Additional things that 45 CSR and 13 does is it provides the framework of public, notice and participation.

00:10:00

Nicole D Ernest: Specifically, for a new construction permit. It requires that. The company. a place, a legal ad, a class, one legal notice in the newspaper, in general circulation in the area where The facility will be located.

Nicole D Ernest: Allegheny Wood Products. You published a legal ad in the More Foot Examiner on January 18th of this year.

Nicole D Ernest: second part of that public notification is After. The division of air quality has reviewed the application. And developed a draft permit and engineering evaluation. It requires the division of air quality. Published an additional legal ad in that same paper.

Nicole D Ernest: But essentially notifies the public that we've made a preliminary, determination to issue the permit. It has to specify what the level of emissions is and provide. Method for the public to. Comment and ask questions. About. The proposed approval. The division of our quality did that replace that legal ad on April 5th.

Nicole D Ernest: That's sort of what the the permitting process does. It's also important to understand what that particular process does not do. We have to base the approval or denial of any permit application upon the state and Federal air quality rules promulgated. So we cannot and do not take in to consideration. The whole myriad of things that can be important issues but they just are not under the purview division of air quality. Things like economic impacts of the facility the number of jobs traffic issues.

Nicole D Ernest: Zoning zoning is a spinner. I know an issue but many of the comments we've received are brought up. I think it's important to note. That zoning is a completely separate issue and it's always also important to note that regardless of Whether or not we issue a permit? That permit does not trump any local zoning. If a facility is going to want, there are company wants to place facility in an area. That's not zone for that type of facility. Regardless of permit, we issued that doesn't have any effect on the zoning. Certainly does not trump in his own. I'm another thing that I think a lot of people don't understand is whether or not there's public support for a particular facility. Can't be a basis for whether we issue or deny the permit.

Nicole D Ernest: I know a lot of people don't like that but it's we have to base our decisions upon whether or not the facility needs the state and federal rules, not whether or not it's particularly wanted in an area. My other thing we again, we can't. Can't do is require a facility to be placed in or away from certain areas.

Nicole D Ernest: We don't have the authority to do that. What we have to do is review. The application based upon the location that the applicant. Tells us is going to be. In other words, they give us coordinates. And we review the facility, as it sets there. We can't tell them to move it. Somewhere else.

Nicole D Ernest: We also can't we are the division of air quality. We can't base our decision upon Non-air Quality Environmental Impacts. for example, a lot of times these facilities people are concerning about

Nicole D Ernest: groundwater contamination. Things like that. Those Would have to be, you know, address those concerns would have to be addressed to the Division of Water Resources. The EP. The division of air quality does not have authority to regulate any of those issues.

Nicole D Ernest: So, to summarize the review process as it's occurred specific to Allegheny wood products

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Nicole D Ernest: And they submitted it as a minor source again sets. Emissions from the facility or less than 10 times per year. of an individual hazardous air, pollutant As part of that application, they were required to place a legal ad. Specifically, in this case in Moorefield Examiner, they did that on January 18th 2023. We reviewed the application. Made the preliminary, determination to improvement the permit. So therefore issued to draft permit, engineering evaluation, And we we did that on April 5th. We published that ad in the more field examiner. that had again, contained the level of emissions from the facility and contained the website, where citizens could access the draft permit engineering, evaluation, some other documents,

Nicole D Ernest: When we ran that at or April 5th, that began the required 30-day public comment period. Once that public comment period started, we obviously received substantial, public comment. A substantial number of public meeting requests. The director, I've heard discretion. Granted, those requests for the public meeting. That's why we're here today. Subsequently. She also extended the deadline for us to receive comments. I said It's typically a 30 day period which begins when our public notice runs, which in this case was April 5th. So typically Our public notice Creed would have ended. May 5th. But the director at her discretion extended that to the May 12th to give The public.

Nicole D Ernest: Ample time to. To comment and question specifically even after this public meeting.

Nicole D Ernest: So, that's a little bit about how the permitting process works in general and how it is specifically applied to Allegheny wood products. So now we can talk about more specifically exactly what Allegheny Wood products.

Nicole D Ernest: Before they can be exported to some of those countries, they're required to be fumigated. required regiminated to make sure that any pests that are either. native to the United States, or Problem in the United States. And those pests are killed before being exported, so they're not introduced into other countries.

Nicole D Ernest: The US Department of Agriculture. specifically regulates how that must be performed, they regulate the type of fuming it that's required after it's introduced to the Todd's they Prescribe exactly how long the FEMA get has to remain there before it can be aerated. Things like that. So what would happen is this facility as proposed by Allegheny Wood products?

Nicole D Ernest: To introduce the methyl bromide from bottles. In a prescribed amount per the Department of Agriculture. They then seal everything up. Seal the building and wave the required. Time depending upon the wood species is typically, I think 16 to 72 hours. That they have to wait for they can then Aaron. The aeration processes basically involved the Allegheny Wood products.

Nicole D Ernest: Would then enter the building. And protective. Equipment. And open, either. Open the Chipping door or shipping container doors or on TARP. The the logs and begin the aeration process. They're in the building would contain a fan which basically would draw Nothing bromide out of the building and would begin the Aaron's process. That's kind of generally.

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Nicole D Ernest: Quick version of how they do it. There's more detailed information in the permit application and the engineering evaluation that can be obtained in our website. again, at the end of the presentation, if you haven't already seen You'll see where exactly you can. Find those documents.

Nicole D Ernest: So this is a map from Google that shows exactly where the facility is proposed to be located. As you can see the orange. Marker there. Indicates exactly where the building will be. I think there was some confusion. at least among some people, they thought that these long white buildings that you see those are Former chicken houses, they're no longer in use. I think some people thought that the facility was going to be located in one of those. It's not it's on the other side of the road where you see the orange marker.

Nicole D Ernest: And this is just another map from Google showing proposed location. It's a zoomed out a bit so you can But I think better tell. where the facility will be in relation to Baker and more field.

Nicole D Ernest: So, we've received a lot of questions and comments asking about existing law of communication facilities in the area. Currently there's one law of communication facility in the area. It's also operated by Allegheny Wood Products.

Nicole D Ernest: Facility. Further to the northwest of the facility is Walmart in a movie theater. So, you can kind of see the location there. That facility. Is permitted in 2019?

Nicole D Ernest: briefly operated under a temporary permit before that, but Routinely been an operation since September of 2019.

Nicole D Ernest: Previously, Allegheny wood products.

Nicole D Ernest: The company ceased off. Operations at that facility. And then in February of this year, requested that permit be rescinded. it's our understanding that, that They had seized operations at that facility and requested that that permit be rescinded. Because they had actually sold that facility cannot continue operating on it.

Nicole D Ernest: so, I previously talked about how the permitting process in West Virginia, On this based upon any state or federal applicable air quality rules.

Nicole D Ernest: in the case of a minor source log fumigation facility really, the only rule that applies is West Virginia, Minor Source Permit Rule. It applies because Allegheny wood products.

Nicole D Ernest: Bromide. That's the only state rule that applies to this facility.

Nicole D Ernest: There are no federal air quality rules that apply this facility typically for facilities that have met apps. The US EPA can promulgate rules under either. 40, CFR Part 61 or 40, CFR Part 63. The regulates different source categories that amitabs.

Nicole D Ernest: They've, they promulgated rules for over a hundred different types of source. Categories. They've not promulgated any For fumigation facilities. Despite the fact that there are organizations that have asked them to do that, So far. I am not done that. The only potential. rule that apply to facility such as this is if they were a major source in other words, if they admitted more than 10 tons per year of methylpromide they would have to undergo. What is called case-by-case MAC review? Macked MACK stands for Maximum Achievable Control Technology. So if they were major source over 10

times when they submitted their application, they would have undergone case by Case Mac review, in which we would have determined Taking the consider. Host of factors.

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Nicole D Ernest: What would be the maximum achievable control technology that they would have to install in this facility? Since they are, they will admit less than 10 times per year. They're not a major source so that does not apply. In this case

Nicole D Ernest: So, as I mentioned, methyl bromide is the only pollutant emitted from this facility. So, I want to talk a little bit about what Methylbromide is. it's a pesticide that's been used in the US since 1932 It's currently still used to treat. Commodities coming into the countries, such as grapes and asparagus. in this particular case,

Nicole D Ernest: Allegheny wood products.

Nicole D Ernest: It. Because that high vapor pressure wants to expand and wants to fill every crack and crevice and wants to get in everywhere. And so that's what one of the reasons that makes it such a An effective pesticide. It also means that once it's released into the atmosphere concentrations of it, Decline Rapidly. The further you get from the source, the concentration goes down very quickly.

Nicole D Ernest: Most of the comments we've received thus far, made some mention of the fact that methylbromide is banned. So I want to talk a little bit about that.

Nicole D Ernest: Methyl bromide is banned for most uses. Under the Montreal Protocol, Montreal Protocol was an international agreement signed in 19. 87 and then generally implemented a few years later. um, it was aimed at protecting the ozone layer if those he old enough to remember, Um back in the 80s, you know, the hole and he was on layer was a big environmental issue.

Nicole D Ernest: so, we banned a Substances. Probably most notably CFCs or Coral, Fluorocarbons. these were chemicals that were used in old air conditioners and things like propellants and hairspray

Nicole D Ernest: that was the same agreement. and those substances, Also banned methyl bromide for most US. ES again because it is and ozone nuclear. Once those methylpromide molecules make their way to the ozone layer they will convert part of that, ozone to other substances. Basically contributing to a thinning of the ozone layer.

Nicole D Ernest: Now, due to the Montreal Protocol and 1992 US, EPA band the use of methyl bromide for most uses, but there are three, there were three notable exemptions one is emergency use. called emergency use short-term, critical uses, and what's known as quarantine pre-shipment Yes.

Nicole D Ernest: in case of the proposed law of communication, facility, it falls under that third exemption of quarantine presetment they're obviously, they're quarantining these logs with a fumigant and before they ship them overseas. So it falls under that exemption? Um, that exemption under the rule remains. Until the US Department of Agriculture. Crews and alternative method. To the use of methylbromide. So far in the US Department of Agriculture has not done that. I know it's a couple of comments, we've gotten have mentioned, you know, ask why, don't they use a safer method? I guess have been some studies done. So, there may be some alternatives. but, any company doing well, communication is not allowed to use those alternatives until the US Department of Agriculture, approves it and so far, they've not

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Nicole D Ernest: And I do think it's important to point out. That Methylbromide was banned under the Montreal protocol because of its ozone depleting effects, not that it was necessarily more toxic than other pesticides. Matter of fact, I mean, there are pesticides still used. The day perfectly legal that. Are you look at the values. That are much more toxic to humans or toxic at much lower levels. than methyl bromide is It's so it was banned because of its ozone. Depleting? Characteristics, not because of its toxicity. And I also think it's important to point out that Since the Montreal Protocol. Began to be implemented.

Nicole D Ernest: The health of the ozone layer has improved significantly and it continues to improve every year. The latest projections. I saw said that the whole over Antarctica. The whole one knows on layer over Antarctica. Will be completely gone by 240. And shortly thereafter.

Nicole D Ernest: The health of the ozone. Layer will be back to pre-industrial levels. So, it's We are making progress on that. And that front. So, I think, I think that is important to note.

Nicole D Ernest: I love the comments. We received also our referencing, the fact that The methyl bromide is quote unquote banned in neighboring states. And so, I want to correct some of that. we've, I know we've gotten comments and people have referred to, I guess some newspaper articles or some articles, on some websites where someone from Virginia Tech said that, Maryland had outright banned methyl bromide since 2016, that's just not accurate. I was on a work group of fumigation work group with colleagues in Maryland. As of 2019, and there was no outright ban. now, I will say Maryland, very strictly regulates Methyl bromide, use

Nicole D Ernest: Require best available control technology and you can look at that at the Code of Maryland. Regulations 26, 11, 1505. Dakota, Maryland, Regulations 26 11, 1506 It's strict ambient, air quality are levels for it and those requirements are so stringent. That the only. Methyl bromide, fumigation facility. That was in Maryland, decided that they could meet those limits. Shut down that facility to pull at the port of Baltimore, but there is no outright ban on it. From we also got comments about North Carolina. Someone said that North Carolina had banned it that.

Nicole D Ernest: North Carolina and someone else said, North Carolina requires a 90% of control technology on it. Again, that is just simply not true, 15A of the North Carolina rules. Section o2d1104. Does set ambient again since ambient levels. Those sillies have to meet the. In other words, they have to do computer modeling, they shows the concentration into the ambient air. From from that facility will not exceed a certain level. North Carolina has had that rule for quite a while for other pollutants and then a couple years ago, they added methyl bromide to that list so that You have to meet those ambient limits, but North Carolina has a law of fumigation facilities and operation. Currently that use methyl bromide?

Nicole D Ernest: Someone said Virginia is either has either banded or is moving towards banning it again. I don't know what anything anyone may be proposing currently. Anne IT, The the regulated. Frankly very similarly to the way West, Virginia regulates that they regulated through their permitting program. Typically and they have again, they do have existing facilities operating currently. typically those permits require things like 300-foot distance from the fumigation activity to the property boundary And the permits typically require one part per million concentration from a monitor at the fence line. This is similar to the way.

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Nicole D Ernest: We regulated in West Virginia, we regulated through our permitting program and specifically here. The draft permit contains requirements. That Allegheny Wood products.

Nicole D Ernest: they have to cease depending on what they're doing that to C's, either introducing the fumigant or cease aerating it Until? Those numbers drop below one part per million, that's actually more stringent than eight hour average at the fence line. Virginia uses.

Nicole D Ernest: So what are the important documents from the division of air quality that you should be aware of? And first of all, is the engineering About it contains the rationale. For that, we use to make our preliminary determination. and then secondly, use the draft permit the draft permit includes all the emission limits, the monitoring record, keeping all the restrictions that make sure the facility does not exceed its potential to admit. Potential permit is what we base, our Determination on. So It It's an important document that contains all those limitations to ensure everything. The company is told us will remain accurate during the operation of the facility.

Nicole D Ernest: And the last slide, the contact information. You'll see the website which Where you can access those documents.

Nicole D Ernest: so what type of information we find in the engineering evaluation, first of all, you'll find some administrative information, the name of the company, the permit number, Facility ID number, the DAQ, has assigned to administrative things like that. Secondly, you'll find descriptions of the facility and the emissions. So there's a process description that will tell you exactly how this process will work. There is a summary of the admissions calculations that will tell you. Method that we use to determine the emissions and what those emissions are. It will also discuss. Applicability and how the company will comply with any applicable state and federal air quality rules?

Nicole D Ernest: As far as what you find in the draft permit, the first. Three sections of that draft, permit are kind of boilerplate facility wide requirements, that apply to all or the vast majority of facilities in West Virginia. Again that's it's typically boilerplate type stuff. And then when you get to section 4 of the draft permit, you start to get into. The. Requirements that are applicable to this particular facility.

Nicole D Ernest: and you'll see things like, Production. Limits, operating requirements. Specifically, in the case of this draft permit. A big one is. The. Requirements for the methyl bromide usage, the limits although on the usage of the methylbromide. you also see monitoring requirements as you know, We discussed, they've got a Monitor. And record the amount of methylbromide they use when they use it, they've got to keep records of those ambient air monitors. Discussed. Effects. Is that things like that? You can you can find in the draft permit.

Nicole D Ernest: So what happens after the meeting tonight? First of all, I think it's Crucial to note that. The original deadline to comment. Was extended. Previously, the comment deadline was 5pm Friday May 5th. Which is tomorrow. The director at her, discretion has extended that one week to Friday. May 12th. Before we make any found determination, we'll evaluate and respond to all the air quality related comments. We've received by that deadline The director when she makes her found the termination. We'll do that. Pursuant to 45 CSR 13 Section 5.7

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Nicole D Ernest: That final termination will be available in our website at the same location. The engineering evaluation and draft permit have been that address will be one. The final slide in this

presentation. Also, if you email comments to us, we have your contact information and we will email you directly a copy of that final determination.

Nicole D Ernest: It's important to note that. No, final determination has been made. Preliminary determination. That's why we went to public notice. But no final determination has been.

Nicole D Ernest: Made the company cannot. Begin construction that cannot operate until they have a final permit in their hand. At this point, the director still has several options. issue the permit as is, changes to the permit, an issue or she could deny the permit this at this point that decision to not been made.

Nicole D Ernest: So just to quickly summarize everything we've talked about during this presentation. On April 5th. This year, the division of air quality. Published illegal AD. Let's say that we have preliminarily determined the Allegheny Wood Products.

Nicole D Ernest: And we will respond to all those comments that we received by that deadline. For any final determination is made once we make that final determination, whatever it is. That determination will be made available. Along with any related documents.

Nicole D Ernest: What you see on your screen now is my contact information address phone number email address if you'd like to make further comments or make comments for the first time after tonight's meeting. Best way to do that is through email. If you could put Allegheny wood products,

Nicole D Ernest: if you've already emailed me comments, you should have gotten a reply from me that already included the draft permit and engineering evaluation, but you can at that if you go to that website and click Popular Searches, you can also see the permit application, There's also instructions there and how to access our file management system. That's called Ax where you can find any related documents to this project.

Nicole D Ernest: so, that will conclude the presentation portion of The Mike's public meeting. So thank you for your attention.

WV Hardy County Clerk: Any improvement.

Terry A Fletcher: Okay, thank you, Steve. Appreciate the the Presentation. As I mentioned earlier we're now going to bring up the member from the Hardy County Planning Commission. I believe Melissa Scott is with us. Miss Scott has agreed to provide some information that was covered in their recent Planning Commission meeting on Tuesday.

WV Hardy County Clerk: S.

Terry A Fletcher: Which we felt was was relevant to the the folks here this evening. So if someone from the planning commission would be able to, to unmute and join and go ahead with your

00:45:00

Terry A Fletcher: comments or presentation, please.

WV Hardy County Clerk: Have Scott and Hardy County schools.

WV Hardy County Clerk: First Boss,...

John Rosato: Improvement.

WV Hardy County Clerk: wanted something that I've already said to some of you and that is we want to be very clear even shut the counties, you know, approvals.

John Rosato: Presentation, Echo. I think you might be logged on via multiple devices.

WV Hardy County Clerk: Get closer friendly.

WV Hardy County Clerk: Know. All right again I'm Melissa's got on the Hardy County planner. The main thing that we wanted to say to you today is that we will be very clear County is issue. No permits approval support for this project. We only learned about this project probably the same way you did through this public advertisement. And Mr. Pursley touched on their several different permits required from various agencies before developments. Like this can store operations that is if they are in compliance. Permits are often required to be issued from local state and federal agencies before they can. So, into business. Permits are.

WV Hardy County Clerk: Each entity is only legally bounds own set of regulations. That's something that's a person who's talking about like he can't use anything to do, so you can make his decision. That only that one little set of regulations that he is bound to. So we are bound to a different set of regulations that is our learning. In other words, there are many hurdles that developers have to jump through. Jump over to get permit in some states. The local permitting is the first hurdle. Unfortunately, in West Virginia, local permitting is the last turtle. The county's role in this process is pretty much to make sure all these other specialized permits from various local state and federal offices. Like DDP are being issued the projects before we will consider the application for the final zoning, permits and building. So this GED permit again, is the first hurdle for Allegheny Wood products.

WV Hardy County Clerk: And Hardy County permits will be their final hurdle. As a forward curler I've been I think you Colonel was probably pretty low no offensivity piece but as we said before the regulations are based on a very specific set of technical requirements and they do not necessarily include local opposition as the mandatory consideration through approval. However, we do thank you for doing the whole meeting since we know it was not required. The county on the other hand is probably going to be a much higher hurdle for Allegheny wood products.

00:50:00

Terry A Fletcher: She? Okay, thank you Melissa. We appreciate the the information you were able to share with us and I'm through all the those attending a pretty appreciate that as well. At this point, we're going to move to our question and answer portion. Again, as we stated earlier, we want to make sure we get to everyone and we hear everyone's questions and have a chance to answer. So we're just gonna, you know, if you can, please try to keep your question to one person and again, we just want to make sure that we have a chance to hear from everyone. So the first name that I have on my sheet, Is a Joseph Nitro and again I apologize in advance for any mispronunciation of any names. I have a Joseph Nitro that registered to ask a question.

Terry A Fletcher: Is there a Joseph Nitro? On the call.

WV Hardy County Clerk: I think he's coming. Yeah, it's loving.

Terry A Fletcher: Okay.

WV Hardy County Clerk: Ly. Hey Mike. Question concerns? The half-life. Of methodroma, I hear it's two years. So if you don't ten tons of this stuff is the air. The first year. Half of that is going to be around following flowing points. Now, we're talking about 15 tons of airborne toxins. Why is that not exceeding? This 10 tons threshold making this a major disaster? That of a minor. My question.

00:55:00

Steven R Pursley: Well, first of all, the way the rules are set up. It's, it's very specific. It's you have to admit 10 tons. Within a consecutive 12 month, period. It's not, it does not take into account half life of any material or anything like that. And it's, you know, that's the same way that those trigger levels are calculated in every state in the country. Um this is no different. It's it's very specific. It's the amount actually emitted within 12 consecutive months

WV Hardy County Clerk: See.

Terry A Fletcher: All right, thank you, Mr. Nieto for your question. Next, we have a Ken Bransky.

+1 304-***-**35: Dennis Chris.

WV Hardy County Clerk: he was, Well, this is available on some people are On their computer at home.

Terry A Fletcher: Is there a Ken Bransky with us?

Terry A Fletcher: Okay, we're gonna go ahead and move on and we can circle back if we need to next, we have Miles Park.

WV Hardy County Clerk: Some of, you know, me, I live person that lives 620 feet from this site. I've submitted 14 questions to Steve Pursley and I haven't got an answer on one of them. So Mr. Pursley, are you going to answer my questions? And I'd like to know also why the evaluation appears to be incorrect. And it's location. It actually places the property on land owned by the Department of Highways Orlando. That gentleman right there by the name of Rand Warren Golf. Is not only landed by Raymond Ron or by Robert Williams. That's where they want to put it. Robert Williams has been to my health himself. And said, he's not going to put it there. He told me that basically he's going to or he allowed them, to use the address to extend their permit. So does this void their permit?

WV Hardy County Clerk: There's the fact that the landowner is not allowing them to put there. Is that going to permit? That's my question.

Steven R Pursley: Well, first of all we did receive your questions and they will all be answered in the response to documents. Our response to public comment document that we issue when we make our final determination. Secondly, as far as location all we can go by is what was submitted in the application. The map I showed in the PowerPoint presentation is where the applicant has stated that it will be located. This permit would not be good, it would not be valid for any other location.

Terry A Fletcher: Okay, thank you, Mr. Park next, we have a Trevor southerly. Is Eric Trevor southerly available.

Terry A Fletcher: I believe you're muted Mr. Southerly. Okay, thank you.

WV Hardy County Clerk: I'm sorry, you. Really, the Department of Environmental Protection. You guys are not protect your environment. You're taking our way of life and already counting.

Steven R Pursley: Yes, we are the division of environmental protection.

Terry A Fletcher: Next, we have a Kate Davis. There are Kate Davis available.

01:00:00

Terry A Fletcher: I believe we've seen a Kate Davis on the call, but you may be muted.

kate davis: Hi. Um my question is why can't this happen closer to the closer to the point of export? It feels like this you It feels like you're you're planning on there. They are planning on on doing this work in an environment that's somewhat pristine. If it could happen closer to the point of exports say Baltimore we're industry has already been. It seems like a much more appropriate place to do this kind of work. And your emissions would not be so restricted in that environment as well. Probably,

kate davis: I think my answer off camera.

Steven R Pursley: Well, I mean it certainly could be done in other locations, but as I said during the presentation the division of air quality doesn't have the authority to require someone to locate a facility either in or away from certain areas, we have to evaluate everything. At the location that the applicant has proposed to us. We can't force them to move it somewhere else.

kate davis: But can they be rich? I can recommendation be made to them to consider other locations. Can your division do that?

Steven R Pursley: I mean we, you know, we'd be happy to discuss with them if they if they came to us and wanted to move to a different location, we certainly be happy to discuss that with them. But we can't require them to do that.

kate davis: And is there an avenue? By which we can pass that recommendation along through your office or what office can we?

Steven R Pursley: The recommendation that they move someplace else. I...

kate davis: Yes.

Steven R Pursley: you could I mean, you're always free to contact the company directly. Or yeah,...

Terry A Fletcher: Yeah.

Steven R Pursley: through the zoning board.

kate davis: But there's okay to this learning board, there's up that would be our public avenue. Cool. Thank you. Thank you.

Terry A Fletcher: Thank you. Next. We have Sarah Waldrop. You're a Sarah Waldrop with us.

Sarah Waldrop: Hi. Thank you. I'm on the computer. I was just wondering. I understand from the presentation that there's a number of different permitting hurdles that have to be crossed. And I'm

wondering if any of those particular points will consider any health impacts on the workers at the facility, or on the surrounding community. I understand Department of Environment of air quality, will look at air quality zoning looks at land usage. But is there any other point at, which, that health impact might be considered? And if so, is there public ability for public input, at that point?

Terry A Fletcher: So thank you, Sarah. And that's a question. We get fairly often as it relates to health impacts. That's not something that we

Terry A Fletcher: Have the authority over, you know, we're it's an environmental protection agency. So the rules and regulations that we have to abide by, you know, our design to be protective of human health and the environment. So again we we are somewhat limited in our in our jurisdiction as it relates to human health impacts and that's not something that as an agency, we specialize in, we have, you know, engineers and chemists and and things like that. We don't have medical health professionals that can can speculate or be able to determine, you know, the human health impacts of a certain facility. So in that regard, you know, we can't factor in, you know, potential human health impacts related to a certain pollutant, you know, other than what the regulations that have already been established by the, the state and federal rules and regulations.

Sarah Waldrop: Thank you.

Terry A Fletcher: Okay. Next, we have a Bob Dillard.

Farm House: Yes, quick question. How many permits do you issue in a year for this kind of fumigation plant? And can you tell us what county has perhaps and able to stop this from moving forward?

Steven R Pursley: And in West Virginia, this application is the third one that we've ever received this. All three have been in Hardy County as I mentioned during the presentation. One of the previous two is still in operation on the harness road facility.

01:05:00

+1 304-***-***35: You have.

Steven R Pursley: The other one did receive a permit but the company Allegheny Wood products. That that facility. And so we rescinded the permit. So currently there's one other facility in West Virginia and it's also in Hardy County

Terry A Fletcher: Okay. Next week we have Amy head. Is there an Amy head?

Amy Head: Can you hear me?

Terry A Fletcher: Yes, we can hear you.

Amy Head: Okay, mine's just more of a statement, I guess. But my biggest concern is that this location is only about five miles from the school. And I have a big concern with. You know. The children being around. Almost 10 tons of neurotoxin being released into the air.

Amy Head: While they're at school.

Terry A Fletcher: Thank you for your for comment. We will add that to the record. For official comments.

Terry A Fletcher: Next, we have a gene Flanagan.

WV Hardy County Clerk: Trade to you.

WV Hardy County Clerk: I my question has to do with the rate of dissipation of the gas once it's released into the air. How long does it take it to dissipate and I've read that it's heavier than air so that it doesn't really dissipate it kind of falls to the ground. So could you clarify that for me, please, thank you.

Steven R Pursley: Yeah, that's that's actually a really good question. And I'll be honest with you, I tried to find a quantitative way to describe how fast that it dissipates and wasn't able to do that. But what you will find, when you look at the literature you'll find Qualitative statements on EPA's website on the Marama website on. Basically any of the websites that discuss muscle methyl bromide, they just give a qualitative statement that says it dissipates quickly. Um, which makes sense? It's, it is as I talked about In the presentation, it's kind of high vapor pressure, which means, it wants to expand it wants to dissipate those methyl bromide molecules don't have a strong attraction to each other. So, while it is heavier than air and if it's

Steven R Pursley: You know, in very certain instances, very close to the, to the Fumigation site. You can get some polling.

Steven R Pursley: You know, once it hits the ambient air, then it every source, every source you look at says, has it This quantic this qualitative statement that it dissipates quickly.

Terry A Fletcher: All right. Thank you next. We have a Mike Grimm.

Terry A Fletcher: Okay Mr. Grimmie, maybe maybe muted. If you could unmute and go ahead with your question, please.

Terry A Fletcher: Okay, and Mr. Grimm looks like we're having some technical issues hearing you so we can circle back to get to your question. Next, we have a Joe Pat, Flanagan.

William Kavanagh: oh, That's Flanigan.

William Kavanagh: Yes.

WV Hardy County Clerk: Usually improvements follow-up question to one earlier. is looking at some information on CDC that indications, well, that the Gas is three times heavier than there. It also gives some education that under short diverse conditions, the gas of collect and of low elevations and not be dispersed for length of time. That's a little scary in an area that is filled with hills and hollows and valleys for potential capture. The gas thank you.

01:10:00

Steven R Pursley: Yeah, I mean I understand when you read that it's heavier there, I understand you concern but it's just I mean all the literature indicates that it does disperse quickly. As you know, as far as as the procedure for for the fumigation, you know, that's all prescribed by the Department of Agriculture and, you know, all of those Concerns. You know, I've been, I've been taken into account under under those those guidelines that they, that they promulgate on exactly how to do this.

Terry A Fletcher: Okay, thank you. Next. We have Alex Williams. Is there an Alex Williams with us?

Terry A Fletcher: Is there anyone in the in-person venue? That is Alex Williams.

WV Hardy County Clerk: Not that we can find.

Terry A Fletcher: Thank you.

Terry A Fletcher: Sorry, Cherrisse Gardner.

kate davis: Thank you. I was concerned also about the the location in that the this seems to be an encroachment on agricultural land. That is not suited to carry this kind of industry, as others. Have noted, There are folks who are residing in valleys and hollers. And you know, this thing is on a mountaintop, There's extreme health risk. How does the agency intend to respond to when they do find unhealthy concentrations of this substance and not only on people's land but our water, the Lost River a Rock Creek Lake Rock. Cliff Lake the oldest state only freshwater source of water Is there any concern I know you guys are family you know officially focused on the air but what consideration has been made for our water health? Thank you.

Steven R Pursley: Well, first of all, I would point out that the draft permit requires ambient monitors near the fence line of the facility and if those monitors record anything greater than one part per million, then the permit, the draft permit would require the company to cease doing what they're doing. It would require them to see either the injecting the fumigant or aerating the fuming. It whichever one that happened to be doing at that time. It would require them to see that activity until the levels fall below, one part per million. And again, ask your questions related to water and that's, you know, as I said that's that's just not something that we have any authority over. I, You know, I hate to tell people that because I understand it can be frustrating, but it's, it's just not something that that we can do that. We have authority over

kate davis: And is there a state agency an office that does is there someone we can address.

Steven R Pursley: Yeah, sure. I mean we have within DEP we have the division of water resources I certainly not any expert on what if anything you know that they could do about this but, you know, I would direct you to to direct your questions to them.

kate davis: Thank you.

Terry A Fletcher: Thank you. Next, we have a John Rosato.

John Rosato: Hi, Yes. My question is regarding kind of the minor source versus major source issue that you were talking about Mr. Pursley in particular, given that you have to non-contiguous site being proposed and Hardy County, both emitting just under 10 tons of mental bromide per year. What is that? Something you consider? Because it seems like an easy way around. The, the maximum achievable control technology considerations if you can propose multiple non-contiguous sites, Within close proximity to each other.

01:15:00

Steven R Pursley: Yeah, again that's a good question and it is something that we've looked at because it's not uncommon. and there is

Steven R Pursley: decades worth of EPA guidance on how to evaluate. Circumstances like that. And, you know, there's there's kind of and it gets, it gets complicated, but there's essentially a threefold test. You

have to look at as to whether or not to facilities should be considered one for major source, minor source determinations. And the big one is, you know, they have to be contiguous. So, if So if if they're separated in this case, I think these two facilities are separated by, I don't know what 11, 14 miles or something like that. The that's they're clearly not contiguous and adjacent. So it's a high threshold to, you'd have to show that they are. And what EPA calls a support facility. and it's given that these are just really just

Steven R Pursley: Very similar facilities. Couldn't make that argument. So but I mean it's a good question because it's not an uncommon. It's not an uncommon occurrence. And so, but EPA is like I said, it's got decades of guidance on how to evaluate that.

Terry A Fletcher: Thank you.

Steven R Pursley: Thank you.

Terry A Fletcher: Next, we have a Julie Fowler

Terry A Fletcher: It's very Julie, Fowler with us.

Terry A Fletcher: I believe there's a Julie Fowler online. If you could unmute yourself, please.

Julie Fowler: Hi. Sorry for the delay. I couldn't find the button. My question is already been addressed.

Terry A Fletcher: Okay. Thank you.

Julie Fowler: Thank you.

Terry A Fletcher: Next, we have David Kirk.

Terry A Fletcher: Is there a David Kerr? The in-person venue.

WV Hardy County Clerk: Not that we can find.

Terry A Fletcher: Next, we have a Wayne Thompson.

Terry A Fletcher: Or Bernard Thompson.

WV Hardy County Clerk: Normal Resident Evil in.

WV Hardy County Clerk: What I've read on the Internet and everything. This in the long term.

WV Hardy County Clerk: Of this online stuff. It's gonna cause health problems to all of us. Your animals. We're here.

WV Hardy County Clerk: I don't know what you. To stop it.

WV Hardy County Clerk: We got to stop.

Steven R Pursley: I...

Terry A Fletcher: Form.

Steven R Pursley: I think I would refer to refer you to what I'm Terry said, previously.

Steven R Pursley: The type of health impacts. Are you know that science is used to inform the rules and regulations. And that's done. Before anything has ever presented us. Um, our job a dep is to implement the rules and regulations that that science has hopefully informed. So, you know, I would just kind of refer you back to Terry's statement, previously, that that's those health impacts are not what we have expertise in and that's it's not it's not our role in protecting the environment.

01:20:00

Terry A Fletcher: Okay, next we have a crystal roberson.

Terry A Fletcher: Is there a crystal roberson at the in-person venue?

WV Hardy County Clerk: I don't think so.

Terry A Fletcher: Okay, we'll move on to a Joe Lee.

WV Hardy County Clerk: How?

WV Hardy County Clerk: Okay. So like I shouldn't I was partially answered. In a phone conversation, I had with you. in the past week or so, you said, That's what Brian is not that bad. And that's why you approve the improvement for the site and That's why we're here. But what about mitigating factors?

WV Hardy County Clerk: We already have from Mount Storm. Cole emissions coming way down into our bowl into our valley. And that does have impact. Did you consider that? But we have American woodmark, which is a good size factory. That has phase and varnishes and all sorts of stuff that goes into the air. We have crop fields sprayed with a lot of different things. Mostly Roundup. It's still here. And of course we've got the Chicken Rendering plant. And which is not as bad as it used to be, but it's there and it's stealing at a whole bunch of smoke. And when you consider this whole business, about putting this site in and you look at the rest, Because that's part of our environment already.

WV Hardy County Clerk: And, you know, I come to find out tonight that there's another massive improvement. site here in Warren Fields up by the Walmart The Open Air Garden Walmart. I know where I'm not shopping. If you look,

Steven R Pursley: Excuse me. So what you're kind of talking about is a cumulative analysis. And that's that's not something that is done for minor sources. It's it's it is an analysis we do when we have facilities that undergo. What we call PSD analysis with in other words were major sources of criteria pollutants. We do that type of analysis, but that is that's not something under the rules that is done for minor sources.

Terry A Fletcher: Okay, next, we have a Celia Coleman.

Terry A Fletcher: Is there a Celia Coleman at the in-person venue?

WV Hardy County Clerk: No one here.

Terry A Fletcher: Thank you. Next, we have an Annabelle Park.

Terry A Fletcher: Is there an Annabelle park at the In-person? Thank you. Next, we have a Ron Frost.

Ron Frost: Can you hear me? Okay, thank you.

Terry A Fletcher: Yes, sir.

Ron Frost: First, let me make a brief comment that I've always felt at the role of government primary purpose. Is for the health safety and protection, and well-being of the citizens that they govern. Number one, And in saying that, we keep hearing a lot tonight of what your job isn't. It isn't to deal with the water, it isn't to do with our natural resources such as wildlife and things of that nature.

01:25:00

Ron Frost: And we it sounds like a narrow window that you all are responsible for. But yet are part a major part of the permitting process, why would not the people who are involved in the quality of the water that we drink every day and our natural resources such as wildlife, the DNR. Why when they participate in this call number one? Number two, If you look at the state of West Virginia, coal mining has been the backbone of the the state for generations. Many miners have lost their lives in Cole accidents. And many of those minds met, all the safety standards of EPA state regulations federal regulations. but things happen, even though all the regulations were met,

Ron Frost: my question is and you reference Cfrs and we hear all this bureaucracy conversation. We got the Csrs and we've got this code in that code. How old are these codes? And the Cfrs that you're quoting.

Terry A Fletcher: So Mr. Frost I can't speak to, you know, how old each code is, as you know, as it relevates, as it relates to each regulation, but I think just to your your overall Comments.

Ron Frost: Eric here.

Terry A Fletcher: You know, we do have a division of water and waste management water resources. That would that is responsible for you know, regulating impacts to waters of the state if this facility

Terry A Fletcher: You know, has any kind of operation that would impact water, you know, waters of the state. It's required to get, you know, permitting and, you know, certain approvals from that division again, as Mr. Pursley has mentioned You know, we do have a very narrow scope in this regard because it's an air quality permit. We have to factor in all the rules and regulations dealing with air quality and just to I guess your overall point about you know the code and having to follow those codes, you know.

Terry A Fletcher: Those rules and regulations are set by, you know, state legislature and, and are, you know, congressional members at the federal level. So if you are unhappy with, you know, the framework that we had to have to operate within there is a mechanism to do that. And that would be to, you know, reach out to your, your state and federal legislators and and you know, petition them to propose new rules and regulations that you feel are. You know, more in line with...

Ron Frost: Up Bill Online.

Terry A Fletcher: what you feel is needed. Again, we have to abide by, you know, the road and rules and Greg's that are in place. We don't get to choose what those rules and regulations are and we don't get to change them at our whim. And, and to be honest, I don't think that's something that, you know, citizens should want, you should want a regulatory framework. That is you know, in place and that has to go through certain checks, and balances before it can be altered, otherwise,

Terry A Fletcher: You know, it could be changed on a whim by whoever is you know put in place at the DEP or the DNR or whichever state agency, you know that we're talking about. So again, if you have, you

know, issues with the the rules and regulations in place that recommend you reach out to your state, legislators your federal legislators and petition them about seeing the changes that you'd like,

Terry A Fletcher: Okay, and next, we have a Hilary Collins. Is there a Hilary Collins online?

Terry A Fletcher: Hilary, I believe you're muted. If you could unmute and go ahead with your question, please.

Terry A Fletcher: Still still having some trouble hearing Hilary, we can come back. If maybe your question isn't answered by that time. Next, we have a Bonnie Martin.

01:30:00

Leanne Malulani: That's probably.

Terry A Fletcher: Not seeing the Bonnie Martin online. Is there a Bonnie Martin at the in-person venue?

Leanne Malulani: It's probably Bonnie Moton.

Terry A Fletcher: Okay, we're going to move on to a Shifa Benoit is there a chief of Benoit Online.

Shefa Nola Benoit: Hello. Are you there? Okay. Yes,...

Terry A Fletcher: Ddrum, but there you turn your volume up.

Shefa Nola Benoit: I actually entered we talked about how quickly it's the methylene bromide is dissipating. But did anybody address the radius from the location?

Steven R Pursley: Well, when we talk about a dissipating, what we're talking about is the concentration of the chemical, decreasing the further away that you get from it. And like I said, you know, I I tried to find a kind of a quantitative way to express that and there I couldn't find anything. Everything I find is just it's qualitative. It's just statements that it quickly dissipates. But what that means is is that the further away from the fumigation site you get Those concentrations drop quickly. And I mean there are there's their studies online. You can find support that, but it is, you know, it is difficult without doing, you know, some extensive computer modeling,...

Shefa Nola Benoit: All right.

Steven R Pursley: it's difficult to put numbers to

Shefa Nola Benoit: But it seems like that would be difficult to be able to make a decision on either because it's way too big. You don't really know as it sounds like you don't really know what you're approving or disproving because you don't have any quantitative information.

Steven R Pursley: What we do have, remember, as I mentioned earlier in the draft permit, we do have those monitors around the fence line. And those are, I mean those are important. If, you know, as I said If any instant those monitors exceed one part per million, the company has to cease, either, either, fumigating or aerating, depending what they're doing. They have to cease that activity until

Steven R Pursley: Until the levels, fall below, one part per million.

Steven R Pursley: Yeah, and Terry just brought a good point, too. In case people were wondering, those readings are continuously recorded. And you know, those those records are have to be available for inspection. By our compliance enforcement staff.

Terry A Fletcher: Okay. Next, we have a Mike Joy.

ILMT Ilovemytoads: Yes, thank you. I I had a fairly simple question but, you know, you all have Danced around the real answer to it, which is mostly bureaucracy. And the basic question is, why would you even consider? A permit for a substance that is recognized as toxic by the EPA and has been banned since 2005 and is also a deep leader of the ozone layer. and now, you all have You know, cited a bunch of regulations. That skirt that issue. But the basic issue is one of common sense. Really common sense. Thank you.

Steven R Pursley: I mean I you know, I know, I understand you're frustrated. I've explained I think as to the best of my ability. You know, we're we have to be guided by rules and regulations.

ILMT Ilovemytoads: I, I understand that.

Steven R Pursley: You know, and it's it's, I understand, it's frustrating and I understand there's, you know, it among the public, there's probably a misconception that, you know, a company wants to build something. So they submit an application to us. If you have us go into a conference room, look at it and decide whether or not, it's a good idea. Um, that's that's just not how the permitting process works. It's the legislature, the federal government EPA promulgates rules. Our job is to determine whether or not those rules are met.

01:35:00

Terry A Fletcher: Next, we have a Sheena Van Meter.

Hardy County Schools: Wow. This is Sheena Van Meter. I'm here with some of the Board of Education members and we're appreciative of the answers to our questions that we've received this evening. And we'll be working with the Planning Commission and Melissa to express our dissatisfaction, with the permits and our opposition. And we'll do that the formal way. We appreciate it. Thank you.

Terry A Fletcher: Thank you. Next, we have a Steven sketchum, I apologize. Cheap room.

WV Hardy County Clerk: Here. So I'm going to echo the words, right by Melissa Scott at the beginning of the presentation's. I voted formally for them for those words. And those are my worth as well.

Terry A Fletcher: Thank you. Next, we have a William Kavanagh.

William Kavanagh: Yes, I'd like to comment in addition to what Mike Joy just said a few minutes ago. We're asking a question. About introducing a new toxic substance into our environment. And we're making excuses about. Nine. Tons of it being different than tons of it into the atmosphere. This is absurd. It's a known toxic material that other states have rejected in terms of processes in their counties and for us to tolerate an introduction of that in our county is an assassination of our public. Thank you.

Terry A Fletcher: Thank you, sir. We will record that comment as part of the official record. Next, we have a Regina, Corey.

Terry A Fletcher: Is there a Regina? Courtney at the in-person venue?

WV Hardy County Clerk: No one here.

Terry A Fletcher: Thank you. We also have a Brian Corey.

+1 304-*-**35:** Hi, can you hear me? Okay. So I was saying,...

Terry A Fletcher: Yes.

+1 304-*-**35:** first, thank you very much for this meeting. It has been incredibly instructive. I think what I'm worried about though is, I'm hearing lots of grains, lots of siled approaches and basically, the bare minimum. So I think in Ron had asked that question. How do we bring the West Virginia EPA into the current century either that or Who in your procurement department? Can I contact? Because there is a huge commission out there for AI. I mean, really if that's all that's happening with our EPA, then, you know, either we have to change it or it really is just ai it out.

+1 304-*-**35:** And again, you guys have been great, I don't want to take your jobs away but We're not getting a heck of a lot right now and I understand that's your that you're being constrained, but we need to change that.

Steven R Pursley: Yeah, I mean I believe me a hundred percent understand your frustration.

Terry A Fletcher: Yeah.

Steven R Pursley: I would again just refer back to what You know, Terry said earlier.

Steven R Pursley: All we can do is enforce the rules that we have. It's I mean then the analogy always like to make is you know if If the speed limit from your house is, 55 miles an hour and that's entirely too fast. You know, it's it's not up to the state trooper to change the speed limit. It's, you...

+1 304-*-**35:** Right? And when we need to know...

Steven R Pursley: someone in the division of highways does that, it's

+1 304-*-**35:** who that is even something, as simple as the fact that the only requirement is to post something in a newspaper with limited circulation. That should go to our legislature,...

01:40:00

Steven R Pursley: That that, I mean. That exactly.

+1 304-*-**35:** but if that's they, we need to to make a real change to help West Virginia. A lot of money.

Steven R Pursley: That I mean, that's exactly right. That that requirement goes, to our it comes from 45 CSR 13 and that is a legislative rule.

+1 304-*-**35:** Okay, then who can? So if, as an outcome, I know you can't answer it now. But how can we make changes? Who do we contact? And how do we make changes or work? Where do I make my AI commission?

Steven R Pursley: Okay. I mean that would be your local legislatures.

+1 304-*-**35:** Okay, thank you. And again, appreciate all the insight that you provided.

Terry A Fletcher: Thank you. Next, we have a Jonathan Hamilton.

Jonathan Hamilton: Yeah, thank you very much. Can you hear me? Can you tell us a little bit about Awp's compliance record with the two facilities in Moorefields?

Terry A Fletcher: Yes, sir.

Jonathan Hamilton: How often do you access the ambient readings? And how often have there been in factions. Thank you.

Steven R Pursley: I mean, just I can just tell you a little bit, I'm not in the compliance enforcement section, but I do know. That the harness road facility was inspected. Last July. And the inspectors there reviewed, all the records and everything was found to be in compliance.

Jonathan Hamilton: And how frequently are those inspections performed.

Steven R Pursley: you Adam, my understanding is at a minimum of every two years More often, if we get complaints or we have, you know, reason basically reason to to do it more often.

Jonathan Hamilton: Thank you. That's good information.

Terry A Fletcher: Thank you. Next, we have a Johnny Garza.

WV Hardy County Clerk: In the lawyer.

WV Hardy County Clerk: The presentation. Okay, I have a couple of quick questions. Me and a number of my friends hunt in the Atlanta. Jason for this property, the deer and turkey that we hunt. It's been a lot of time on that subject property. But when they come over onto our problem, We have those here and eat them, is that going to be safe. You know what? He

Steven R Pursley: He Yeah. I mean, it's I mean, to be honest. I mean, you're getting, I can't kind of outside my area of expertise but,

WV Hardy County Clerk: Said, so every two years,...

Steven R Pursley: Yeah, it's

WV Hardy County Clerk: when you check the air monitors, you let them know when you're coming.

Steven R Pursley: No, those are unannounced inspections.

WV Hardy County Clerk: I have 10 other questions of submitted to you, but I'll wait to see the answers to the

Steven R Pursley: Okay.

Terry A Fletcher: Thank you. Next, we have a Kurt Gurka.

Kurt Gurka: Hi. Yeah, can you hear me? Yeah, my question was specific to the What the permit does,...

Terry A Fletcher: Yes, sir. Good.

Kurt Gurka: the discharge permit which is does that trump local land use law so far as, you know, or as the permit just strictly related to if the activity is otherwise authorized then they can go ahead and do it.

Steven R Pursley: Yeah, it absolutely does not trump any other requirements for zoning like any other licenses? Anything like that. The only thing, the air permit does is says that they're in compliance with. That small sliver of rules that any business has to abide by it is absolutely not trump. Zoning any other licensing. Anything like that.

Kurt Gurka: Okay.

Terry A Fletcher: Okay, next we have Jody Abrell.

Jody Abrell: I can hear me. Yes, I think one of my questions was already answered about the agricultural zoning,...

Terry A Fletcher: Yes.

Jody Abrell: why you would be wanting to consider putting industry into an agricultural area? And the other thing is, is why two plants in the same county?

01:45:00

Steven R Pursley: And that's that's a business decision by Allegheny Wood Pro.

Steven R Pursley: EPA has laid out a threefold test and You know, number one, is it under common control? Well, yes it is. It's they're both awp number two. Are they doing the same thing? Yes, they are doing the same thing there. Fumigating logs. Substantively the same. But that that third, that third stool or that third leg on the stool is Are they contiguous in adjacent? And you know, there's No guidance anywhere. I can find that would Called to facilities that far. Apart contiguous and adjacent.

Terry A Fletcher: Next, we have a Brian Doak Duke. Do a K.

Terry A Fletcher: Is there a Brian Doke on?

WV Hardy County Clerk: No one here.

Terry A Fletcher: Thank you. Next, we have a Vicki Johnson.

Terry A Fletcher: I'm not saying a Vicky Johnson.

WV Hardy County Clerk: No one here, either.

Terry A Fletcher: Okay, thank you next is Nicole's Arbello.

Terry A Fletcher: Is there anyone at the in-person venue?

WV Hardy County Clerk: Sorry, no.

Terry A Fletcher: Thank you.

Terry A Fletcher: Next, we have a Patrice Sager.

WV Hardy County Clerk: No one here.

Terry A Fletcher: Okay, thank you. Next, we have a Etsy horned off Sayers.

WV Hardy County Clerk: Yes, she's here.

WV Hardy County Clerk: That's not you.

Terry A Fletcher: Okay, thank you. Next, we have a Michelle Mack.

Michelle Mack: Hi first. I'd like to thank Melissa Scott for her comments and hope that any public hearings regarding the zoning laws and Hardy County are readily available for us. I had read that. The metal bromide is going to be allowed until another method of fumigation can be found. I understand that Virginia Tech for example has been working on a process that involves a vacuum and steam and that has not yet been approved. What progress is being made on approving any other kind of methods?

Steven R Pursley: Yeah, I mean, that would be probably a question to address to the Department of Agriculture. Is you know until until they approve it, then it's it's not a method, the company could use if they wanted. So I would, I would direct those questions to the Department of Agriculture.

Terry A Fletcher: Next, we have a Brenda Orndorf.

01:50:00

Terry A Fletcher: Is there anyone that the in-person venue with that name?

WV Hardy County Clerk: No.

Terry A Fletcher: Next, we have a William Ewing.

William H Ewing: Hi. My questions were already basically addressed, so thank you.

Terry A Fletcher: Thank you. Next, we have a Barry. Conaty C. O N A T. Y.

Terry A Fletcher: Barry. Are you with us? I know you just asked a question in the chat there. just,

Terry A Fletcher: Type it in.

Terry A Fletcher: Feel free to type it in the chat. If you're having some Yes, sir.

Barry Conaty: Can you hear me now? I, Maybe this is. Kind of a fundamental question. Melissa, I thought earlier today or earlier in this meeting Quoted the landowner. Where this proposed, facility is supposed to be cited as saying. Log fumigation is not going to happen on that site. So I'm missing some fundamental fact, it is there. An application for log fumigation. On that site. That was the subject of the application.

Steven R Pursley: Yeah, all I can tell you as well was submitted to us. What was submitted to us? Was a permit application to build a log fumigation facility on the site. We're back in that presentation. I had the orange marker.

Barry Conaty: But it isn't that fundamental I mean this because the this is supposed to be a leasehold. On property owned by that landowner who was quoted. Two days ago is saying there's no log fumigation operation on the site. So, I'm missing something very fundamental

Steven R Pursley: Yeah, I mean if the landowner sends us something that says that he's not going to give the applicant. The authority to operate that facility on our on that particular. At that particular site then, yeah, I mean we would deny the application.

Barry Conaty: Okay, that seems to me to be sort of a critical path issue here.

Terry A Fletcher: Yet Mr. Connor D. I mean that's something that you know obviously has been made. We've been made aware of here in the last 48 hours or so that there was a appears to be some sort of dispute about the The lease and the in the land. So that's something we're going to look further into and as as Mr. Pursley mentioned, you know, if there is If the landowner has, you know, not reached any kind of agreement with the with the applicant then at that point we would deny the permit deny the application.

Terry A Fletcher: Okay, next we have a sandy Bailey.

Terry A Fletcher: Is there a sandy Bailey?

WV Hardy County Clerk: There's no one here.

Terry A Fletcher: Okay, next, we'll we have Sean Hartman. Is there a Sean Hartman?

Terry A Fletcher: Is there anyone at the in-person venue with Sean Hartman?

WV Hardy County Clerk: No.

Terry A Fletcher: Next, we have a Thomas Grimmer.

WV Hardy County Clerk: He is here.

Terry A Fletcher: Okay.

WV Hardy County Clerk: First off, I just wanted to thank you gentleman for giving us time to speak with you this evening and wish our concerns and more than anything. I just want to be sure that I'm understanding correctly. If the landowner is not going to give American or American Alexander with products permission to site here, that's the end of the permit. Secondly, I believe, I understood you to say that if the Hardy County Planning Commission, for whatever reason to move forward with the construction permit that, They still can't think they may have a permit in hand issued for you, but I need to understand. You said it would only if I remember correctly, it could only be applied for a site. A construction site there.

01:55:00

WV Hardy County Clerk: Is there any possibility that Allegheny Wood products?

WV Hardy County Clerk: Their commission meeting. He was, that was recorded. I have a transcript. I wasn't that meeting I was there so that is admissions. Not going there. You don't think you submitted it right? And I'm sure they don't want to see them writing. So, that's gonna be up to Mr. Williams, I just want to be sure that there isn't a path for Allegheny wood products.

Steven R Pursley: Okay. Yeah. What we issue permits. They are site specific. We issue this permit.

WV Hardy County Clerk: Okay.

Steven R Pursley: They cannot use that permit to build anywhere. Other than that site. So yeah.

WV Hardy County Clerk: Activation permit, a hundred feet.

Steven R Pursley: It could they move it a hundred feet?

WV Hardy County Clerk: Four hundred feet.

Steven R Pursley: Yeah, I mean there is, I guess there's there's a mark, a reasonable margin of error when you you plug in coordinates to, you know, to Google maps. But if now, I mean, if it was and if it was, if they were just going to move it across the road that, you know, that, We, we would not allow them to use that permit.

WV Hardy County Clerk: He?

Steven R Pursley: I'm just, you know, if you're talking about moving it 25 feet. I mean, I guess that's something. We, you know, we would have to talk to would have to evaluate that time but That doesn't seem to from what I'm hearing. It doesn't seem to be the case here.

WV Hardy County Clerk: That's real information. The county does have a accurate website with all those property, boundaries on it and aerial photos where you can get actual accurate flat law.

Terry A Fletcher: Thank you, next. We have Dennis Funk.

WV Hardy County Clerk: This is a scientific question so probably leaves EPF. But here it is a foreign for living in. The form is adjacent to this property. In my research, I've found that it kills rats. My Travis squirrels that is exposed to the minus the new exposure to this. It causes death. Answer and birth defense.

WV Hardy County Clerk: Now, exposing my cattle there and harvesting crops. And selling them in their type container and feeding Mactals. That food. Which cannot be oxidized where or put out into the atmosphere. It might not contaminating, all my family. Which consists of Branson Hampshire, Hardy County, and all is all brought together containing over a thousand head of cattle. and after they consume this, Am I not affecting? Every consumer who buys deep. Raising that has been risen for my foreign and you will, you see what should we see a hard copy of a questions along with several others? Thank you.

Steven R Pursley: Yeah, I mean you you are getting into the the science that informs the the Rulemaking and not the rules themselves. But I mean, I would point out, as I said, in the presentation methyl bromide is currently used to fumigate produce that comes into the country. so, I mean if you eat grapes or an asparagus, Brought in from another country. Here's a good chance. It was fumigated with methyl bromide.

02:00:00

WV Hardy County Clerk: He?

Steven R Pursley: Or or...

Terry A Fletcher: Or, or...

Steven R Pursley: something more toxic.

Terry A Fletcher: something wardrobe.

Steven R Pursley: So fear of Laura and...

Terry A Fletcher: So if you know those purposes

Steven R Pursley: Bosphine are also used Travis purposes,

WV Hardy County Clerk: Was just affect people with. Autism.

Terry A Fletcher: That's not. it's

WV Hardy County Clerk: That's a neurological disorder that there is no care for. And what is the effect? On these individuals with autism. That is obviously a neurotoxin. How is that going to worse than the quality of life for our members of the community that are on the autism speculative how much your son that lives 620. Yeah, as autism he works in your field, he lives at Park Farm Road. I want to know how this is going to affect all individuals in Hardy County with autism and any other neurological disorders. Answer me that

Steven R Pursley: Christopher. yeah,...

Terry A Fletcher: Yeah, that's obviously a medical question.

Steven R Pursley: I mean that's obviously a medical question and...

Terry A Fletcher: That's that's far.

Steven R Pursley: that's I mean that's far beyond my scope of expertise

Terry A Fletcher: Okay, next, we have a Robert McDonald.

WV Hardy County Clerk: So, you Outside. Or say I originally had a question about a trucks and running accessing quarters, which I'm driving instead of I can ask about the Contiguous and Adjacent requirement, We talked about a couple of times. How literally is this?

WV Hardy County Clerk: contiguous and adjacent requirement, because we have Had two facilities here in Moorefield that I believe will probably located within about four miles of each other.

Steven R Pursley: I mean,...

Terry A Fletcher: I mean it's literal,...

Steven R Pursley: it's it's literal it's contiguous in adjacent.

Terry A Fletcher: it's contiguous energy.

WV Hardy County Clerk: Okay.

Terry A Fletcher: Unless the,...

Steven R Pursley: Unless we, unless you improvement is...

Terry A Fletcher: unless you Improvement One is called the Guidance of Support facility.

Steven R Pursley: what is called in the guidance of support facility for the other. And these would not be support facilities...

Terry A Fletcher: And these would not be support facilities.

Steven R Pursley: because they're doing the exact same thing.

Terry A Fletcher: They're doing exactly in other words.

Steven R Pursley: In other words, if you had If you had a widget factory and...

Terry A Fletcher: If you're at, I

Steven R Pursley: they were, it took two steps to make that widget. And yeah,...

Terry A Fletcher: And one player that the step one.

Steven R Pursley: one plant that did step one. Across the street,...

Terry A Fletcher: Across the street. It's a hundred percent of the product from the first process of going to the second,...

Steven R Pursley: it's Step Two, a hundred percent of the product from the first process was going to the second,...

Terry A Fletcher: then you

Steven R Pursley: then you can make an argument that it was what EPA calls a support facility. And that's obviously not not the case here.

Terry A Fletcher: And that's obviously.

William Kavanagh: I'm a little concerned that we might be confusing, Two different aspects of this. One is a facility that actually fumigates versus the product that gets fumigated and the impact of people working in one place or the other thank you.

Terry A Fletcher: Okay, next we have Haley Singer.

WV Hardy County Clerk: There's no one here.

Terry A Fletcher: Okay. Next we have Linda Peters.

Linlpeters: Yes, thank you. I wanted to circle back. To the question about minor source and major source. UM, genres Rosato asset question, I had a similar question but in looking at the Department of Air Quality

Communications internally emails, going back and forth there was some discussion about The data being input into that formula to figure the total tons of emitted at that site.

02:05:00

Linlpeters: At one point of what, the email correspondent says was quote, Worst case scenario for all time would be 10.608 tons close quote. And I think this calculation is significant because It moves the needle over to requiring maximum, achievable. Control technology. And I was wondering why the Department of Air Quality did not use the history of Allegheny wood products.

Steven R Pursley: Because I'm I know the emails you're talking about. The. I mean, it's important to note that a lot of times in application reviews. Their mission numbers kind of go back and forth. What happened there was I think a Someone working for the companies.

Steven R Pursley: Consultant was unaware that if they did increase those emissions over 10 tons per year, that would trigger more stringent requirements. So he was basically asking what would happen if they wanted to increase their ALLOWABLES over 10. And when I told him, You know, well you could do that, you could, you could certainly submit that, but it would trigger case by case Mack review. he realized that that's obviously was not something the company was going to want to do so but I think the key point here is Twofold, the permit itself, the draft permit limits emissions to undertend it, limits them to 9.55 tons per year.

Steven R Pursley: And the method of indicating compliance with that requirement is very simple. In this case, it's the amount of methyl bromide that the company uses. And a lot of facilities, it gets more complicated that you have a mission factors, you base emissions and stack testing, things like that but here it's it's very simple. We're assuming we're assuming a worst case scenario that every single pound of methyl bromide, that the company sprays on these logs is admitted to the air. At. The Baker site. That's obviously not really true. There's going to be some residue left on the, on the, the logs, but we're assuming absolute worst case scenario, when we determine that 9.55 tons. If the company uses more than 9.55 tons, in a consecutive 12 month period, they're in violation of their permit.

Steven R Pursley: if they were to use more than 10 tons, In the rolling. 12 months period, they would not. They would be in violation of their permit, and they would be in violation of You know, several are of Federal Rules of 40, CFR 63. So that would be a significant violation.

Terry A Fletcher: Okay, thank you. Next we have Derek Howard.

Derek Howard: Oh yes. Good evening. I did not realize that the scope of review. Of the sea was so extremely narrow. My question related to land, use compatibility. Based on your presentation clarification that those are you know land use and sunny issues are not issues that your agency considers. I'm just going withdraw. The question Just want to say I appreciate the local planning commission and staff building in the gap. Um, what you know, relating back to your commenting, Mr. Frost, you know, would like to see a legislative fix to you know, what you guys and consider in the presentation because it just doesn't seem like much. So, you know, thank you for entertaining our questions this evening.

Terry A Fletcher: Thank you. Next, we have a Neal Gillies.

WV Hardy County Clerk: So I'm the guy that wrote the letter. That's the paper. Oh.

WV Hardy County Clerk: Thank you for question, is the engineering documents? Go to great length, to talk about the temperature, that must be maintained within the facility itself during operations that has to be above, I believe, 40 to 45 or 40 degrees Fahrenheit. It has nothing at all about the temperature in the external environment. 3045 degrees Fahrenheit enough of bromide, turns to liquid. and so, all of the issues about dispersal of this gas in the environment, on the disappeared, but the The bigger thing is. I understand the lanes that you guys are in. I spent nearly 20 years working with the on, on day issues. So, I understand you have to live with it, your rules. But we need to use this as Kate.

02:10:00

WV Hardy County Clerk: To improve improve the rules in the state of West Virginia. That require.

WV Hardy County Clerk: Local. Inputs. As these things begin.

WV Hardy County Clerk: Because of that, the town of Moorefield is not know. That the harness road facility. Was fumigating laws with bromide? Okay.

WV Hardy County Clerk: That's a problem. They're in their emergency management, people didn't know. They didn't there. Nobody knew. So this needs to be corrupted and I would love to see this to be a test case in the state. To fix that problem. And I know you would too.

WV Hardy County Clerk: So in terms of the, in terms of the temperature of the atmosphere, when the gas is exhausted through the 75 foot high staff Are there any are there any limitations on? What's happening outside of the containment? Bloody wind speed, you're putting wind speed.

Steven R Pursley: I would dance all answer that technical part and then I'll let Terry talk about, The what you mentioned about notifications.

Steven R Pursley: Two things that the temperature requirements in the draft permit come directly from the Department of Agriculture's what's called the Aphas document, which is, and I can't remember what the acronym stands for but it's what? Sets out the requirements that the company has to make are the company has to follow. So that requirement comes. Directly from there. And so currently, there is, as the draft permit exists. Today, there's there is no requirement for outside ambient temperature. but we have,...

WV Hardy County Clerk: And relationship.

Steven R Pursley: At the previous at the previous site. Yeah, there it is animal and plant health inspection service, thank you. You know, we

Steven R Pursley: Have completely lost my train of thought. Sorry. But anyway, the Teacher.

Richard Rosenfeld: You're about to say the previous site that you required a temperature. At the previous site of 45 degrees and you don't anymore, why?

Steven R Pursley: We initially did. Required that. And yeah, that was the train. I was where I was going and we had done a screen computer model, that indicated that The conscience, the maximum concentrations actually went down with lower temperatures.

Richard Rosenfeld: And was that computer model used for this site with this landscape mountains? Livers,

WV Hardy County Clerk: Improvement.

WV Hardy County Clerk: But if I could just make a comment about the harness of sight because the hardest site does not have an exhaust stack. The hardest side has logs treated on the ground under toddlers and they have logs traded within shipping containers. There is no dispersal process of high volume air going through the containment up to 75 feet in the in the atmosphere to dispersion. So they just they simply open the containers and the gas. Comes out and not very far away from the containers is Walmart downhill. So, this is a gasket that is heavier than Aaron it flows downhill. So I would think that issues in questions, about long term, improvement of low concentrations of this gas. But the staff that works. It Walmart would be presentation. Number two, thousands of people that patronize that store every year.

WV Hardy County Clerk: Very their potential distance far, lower than the people who work there. That's true or schools can be judiciary about that. I was worried up into obviously somebody not worrying that, I okay but These people have a lane that they are legislatively required to live in. We can change that. By talking to our elected representatives and users of the test case to show the harms that were done by this participate. I got a call from Miles. The day my letter, hit the paper. Yeah. Okay. He didn't know about this facility that was going to go in right next to his house. That shouldn't have.

02:15:00

WV Hardy County Clerk: Planning didn't know about it. The commissions didn't know about it. That should happen. We also did not know about the other facility at the industrial park. We never knew it existed. We never knew what they were doing. And I have the lack of communication between local entities and state entities is absolutely just non-existent. And the DEP guys can't fix that. We have to fix. It was email. This is not all They have their leg, they do have their land, we can fix it in the legislature.

Terry A Fletcher: And thank you for your question and comments there. And and just to build upon the the notification issue, you know, we issue as an agency thousands and thousands of public notices each year for, you know, new facilities that have requested permits for modifications renewals. So there's a a ton of information that we have to make available to the public and we do offer a mailing list that that folks can join and all the public notices that we issue are on the home page of our website. They're right there. You can you can click right there on our home page and it will take you to an archive of all the notices. We've issued it can sign you up to you so you can receive those notices. We're

Terry A Fletcher: You know, we've obviously, you know, we understand your concerns in that regard and we're exploring, you know, better ways that we can get that information out to the public that the challenge is obviously we don't want to over inundate media outlets or other avenues with the amount of notices and information that we have to put out each year. So again we're exploring different options on how we can improvement if you all have any Sense or suggestions about that. You're welcome to include those in your in your comments, and we will absolutely review those and take those into consideration. So, we're gonna go ahead and...

WV Hardy County Clerk: I just wanted to note that.

Terry A Fletcher: move on to the next. Question, we have Angie Rosser.

WV Hardy County Clerk: Are local government. We're not the public. So there's only 55 counties.

Terry A Fletcher: Thank you, Angie. Next, we have Dave Workman.

WV Hardy County Clerk: To you. All right. I can do that. Thank you for being here. Appreciate the opportunity to have this opportunity.

Terry A Fletcher: just,

WV Hardy County Clerk: We have, I believe over 60 people here at our location or have had it this evening. And that should be indicative of the concern which our community has for this. Also, I wish you would have brought this to us in person because I think that would have been a great benefit to our entire community. But that being said, I do concur with what Melissa's already shared

WV Hardy County Clerk: For the planning commission. And most of my questions have already been answered. I guess. The one thing that I would say Susan's responsibility is it to notify accounting when a hazardous chemical like that is being used in a PERMITTED location. And why haven't our firefighters first responders and public in advised of the health concerns associated with this? Because it's the health of our public and certainly the health of our first responders and others that I think should be paramount, you know, to all of those things. That obviously, another entity of government is permitting again, thank you. Like say we'll look forward to reading the documents and answer, all the questions that you've received later on.

02:20:00

Terry A Fletcher: It relates to just notification of the of the county. You know, we don't have any guidance that that especially outlines that the county level has to be or the county government has to be notified or that the application or that has to be sent to to the counties. Again, we We try to notify the public in the best ways that we can, and So that's that's where we're at with, in that regard.

Jasmine Terrace: Really.

Terry A Fletcher: As far as you know, any kind of emergency response. Is that something that's included when they're improvement? There's there's no requirement for any kind of emergency response plan in the In the application process for a facility like this, you know, other other facilities. Different facilities may have that requirement based on, you know, state or federal law. But as it relates to this facility, there's there's no emergency response requirement, that they have to submit in accordance with their application.

Terry A Fletcher: Next, we have bill hours.

WV Hardy County Clerk: Okay, so

WV Hardy County Clerk: I'm Doris from the Howard County Health Department. I have two comments. One, you were asking for suggestions on how to make communication better and I think that's what Melissa was trying to do. I think if you guys could get together and talk about potentially notifying someone in the county, whether to county commission, county, coordinator, county planner whenever a facility is wanting to be in the county. That would help to communication process. my second question is, Since. We are the only place in the state. It already has one of these in operation. Has there been any environmental impact studies done?

WV Hardy County Clerk: It would seem to me since there's only one and there's only one for a reason. That we would have some groundwater studies done.

WV Hardy County Clerk: Air quality studies done besides the monitors of one part per million. You know, live birth weight of our children, right? And these people are concerned and we're not putting all going on you guys. but if you live in this county, it seems like we have a higher cancer rate in some places that others and some people like to say that that's a water issue. From wells contamination. So and so forth. Don't think that's it. I think it's an air quality issue. And I'll keep that to myself, but that's why we as a county it are very concerned. but,

WV Hardy County Clerk: One. Facility in the state. Number one, I don't know why. It's only Inspector once every two years. That's only have one. But number two, I would request that an environmental study. Be done on this one location. So old samples, taking Um, some air quality testing done. Whether by you or the company, I really don't care who does it, but any help would be appreciated. You need to report to you, too. Thank you. They don't they don't have a presentation. Need Bill. Okay. I do live in my stepson that 620 feet in this proposed locations, bean mandated, they provide testing for us. I cannot I actually have nothing to do with the permit process on this. The only potential. Thing that I would have anything to do with was if they were putting a building up and wanted to set the assistant man or drill will.

WV Hardy County Clerk: That would be. I got one more question for this parkview process. Through the tarps have to be underneath the logs on the bottom. Or they just covered on the side.

02:25:00

WV Hardy County Clerk: Thing. They put. Well, the job said that some residue stays on the law. So what after these laws come out of the containers already been treated and we get a rain storm. Entertainer open. I'm very concerned about the water quality in this area. So in the closing down the road, what's Vinny's electron loans going down quarter, right? And they do but exactly that, but I just want you guys that I found out about the same time. You guys found out about it and that's messed up. Well, nobody concerned. I live Four mile. Then when I've got peripheral neuropathy. I've got Parkinson's disease and all that came from Vietnam the same kind of situation, same kind of substances right over there so that I just can't.

WV Hardy County Clerk: See him even thinking quantity in grand challenge, you guys. Thank you. I know, but where they see me because they think they really hot. I will support you. My health departmental support you. I'm working with the county commission with Melissa. Anything they need out of us to health department, we will do gas. We'll just

Richard Rosenfeld: Mr. Pursley, are you going to answer whether the logs can be directly on the ground during Tarp fumigation?

Steven R Pursley: like, yeah, it's that process is laid out in from the Department of Agriculture and the APHIS document we would not We would not.

Steven R Pursley: Contradict what's in the the document one way or another?

Richard Rosenfeld: But your engineering report does, it says, it'll be directly on the concrete and the APHA Stock Ascent, Treatment Manual requires it to be on pallets and off ground.

Steven R Pursley: If the aphasis treatment document specifies that it has to be on pouts and off ground that has bean on palettes and off the ground.

Richard Rosenfeld: It does. So why doesn't the permit read that way or your engineering report?

Steven R Pursley: Well, the engineering report is just an information or document it. Doesn't. nothing in there is Is. For schools prescriptive only...

Richard Rosenfeld: So, we shouldn't rely on the information in the report.

Steven R Pursley: what is in the draft permit?

Richard Rosenfeld: So, we shouldn't rely on the information in the engineering report.

Steven R Pursley: And the permit. The draft permit says that they have to abide by allison's requirements.

Steven R Pursley: so if the Avis document says, it has to be on a pallet and it has to be on a pallet

+1 240-*-**63:** but what's the regulatory body that monitors that

Steven R Pursley: the Department of Agriculture and they have to have a what they call an Athis officer. One site anytime that they are doing

+1 240-*-**63:** How, how often, how often? And when? Did that gentleman's point?

Steven R Pursley: the APHIS officer has to be there. The entire, the, my understanding is the entire time that they are fumigating.

+1 240-*-**63:** Okay. So who is that individual or individuals? And again, what is the process for that? I feel like this is,...

Steven R Pursley: I mean.

+1 240-*-**63:** I feel like this is something that has not been addressed. You talk about standards...

Steven R Pursley: It's not.

+1 240-*-**63:** but there's a horrible lack of them based off of what you have told us tonight.

Terry A Fletcher: Sir, I'm not sure. As Steven mentioned. The the APHASIS officer will have to be on site every time there's there's fumigation. The, the details for that process is, is laid out and established by the US Department of Agriculture. That's not something that we have the jurisdiction to enforce. I mean, that's a regulation that is, you know, in in their rules and Reggie's, and they have to be the ones that responsible to enforce that.

Richard Rosenfeld: Or Terry,...

Terry A Fletcher: So, again, if you need further clarification about...

Richard Rosenfeld: you have enforced that in previous permits.

Terry A Fletcher: how the USDA rules work and apply to this facility, we would recommend that you reach out to the US Department of Agriculture for more. Clarification on that, on that issue.

Richard Rosenfeld: Terry, you have enforced that in previous permits, you take out 18, separate controls that we detail in our comment letter. From the previous permit to this permit. One of which Steven just

said, was taken out because of a, of a computer model that was done on a different facility and that none was done for this facility. Why would you take those controls out of your permits?

02:30:00

Steven R Pursley: When we didn't remove anything, we It's not it's either you can't compare him.

Richard Rosenfeld: But you can just compare Section 4.

Steven R Pursley: It's two different facilities. This we treated as a brand new facility, this is not Under our rules and regulations. This is not like a relocation permit, where we just up and took one permit and moved it to a different location. Like I said, previously, we don't do that. We treated this as a brand new facility, And I would point out that we've not issued a permit at this point. What we have is a draft permit and as I said in the in the presentation, the director can sign the permit as is, she can make changes to it or she can deny it. So at this point, we've not issued a permit.

Richard Rosenfeld: But the draft permit doesn't include the the section 4.1.20 that was in the previous permit. No more than three shipping containers per hour. Doesn't include temperature, controls of over, 45 degrees. That's 4.1.6 I go on and on all of those are stripped out of this permit. Why?

Steven R Pursley: And you can you free to make that comment and we will address it in the and...

Richard Rosenfeld: I have.

Steven R Pursley: we will address it in the response to documents. Comment our response to Comment document

Richard Rosenfeld: Those are the safeguards to the community and they're stripped. You're gonna address that.

Steven R Pursley: Again the permit has not been issued and...

Richard Rosenfeld: Okay.

Steven R Pursley: we will address every comment, every question that was that was received on air quality matter. By the five o'clock, May 12th.

Bean Family: But are there any you can address now?

+1 240-***-**63: Okay. And

Bean Family: Because you have all these people on the line who are listening and are, everybody's not going to be able to Go back and read the 300 pages of responses. These are air quality questions, they have to do with the release into the air because of the number quantity and timing. Of the fumigation. That's being done. It's pretty stark when you look at the two next to each other and you see how many things are not there anymore. and if you don't know that answer, Okay, then we'll have to wait. But but now is the time everyone's here and everyone's listening.

Steven R Pursley: And again, I mean, like I said, there's not been a permit issued yet. so I would I would just ask to hold off on any

Steven R Pursley: You know,...

Richard Rosenfeld: What are we supposed to compare?

Steven R Pursley: before you make a decision about that until you see what's in the final permit. If there is a final permit,

Richard Rosenfeld: But we can only comment on the draft permit.

Bean Family: Will we have a chance? Exactly. Will we have a chance to

Richard Rosenfeld: The final permit is final.

Steven R Pursley: And we have those comments and we'll respond to them.

+1 240-*-**63:** Okay. So I I would,...

Terry A Fletcher: okay, we need to move on to

+1 240-*-**63:** I would really hope that at least something along the lines of safety audit and or some kind of emergency action plan is actually within that draft permitting document.

Terry A Fletcher: I don't know.

+1 240-*-**63:** So that everyone can understand. What it is, that's happening. They can. clearly read in understand what is going into the environment possibly themselves when I say, possibly, But all of that needs to be outlined in prescribed down to a T.

Terry A Fletcher: but,

+1 240-*-**63:** So that the amount of information that goes out people understand and that's a huge lack that we have right now.

Terry A Fletcher: Thank you for that comment. We're going to move on to a Donald Evans. Mr. Edwards, if you have a question,

WV Hardy County Clerk: I've got a couple comments first, you know the question. I was aware of the plant behind Walmart. My brothers been working there for several years.

WV Hardy County Clerk: And it's also disturbed to find out that this process who goes so far. Without the public knowing.

WV Hardy County Clerk: And I understand you don't have to know the class, but thank you for this. Thompson's. I looked at your aerial map. And the proposed side of the plant.

WV Hardy County Clerk: Seems to be almost straight across from Upper Skaggs Run Road. My wife and I lived on old 55. A few hundred feet from Upper Skagged Run Road. And weekly. We travel Upper Skaggs Run Road, many times over to the corridor. If this plant would go in, it would be almost directly across the road.

02:35:00

WV Hardy County Clerk: and my wife had concerns that As we? Travel with our grandkids, that there might be a health issue. But then, I understand from this meeting, you have nothing to do with the health issue. I mean, is put in and 500 people fall over did. It's not your fault?

WV Hardy County Clerk: One of my big questions. Is quite frequently on Skag's run. Old 55. We see voting wolves. Flying all the time. So I have seen as many as 10 bald eagles. Together. Roosting. some of these poultry farmers probably have seen 15 or 20 around their poultry farms,

WV Hardy County Clerk: And this is toxic. It's going to go up into the air. And I may be mistaken with bald eagles. Have no respect for property boundaries. Bald eagles. Don't know when they're within 300 feet of toxic gas. and I would say that if one bald eagle dies, Because of this you're really going to hear about anyway. My concern, David mainly was the bald eagles. And I would think for that issue, alone, this plant should never go there. They're actually still protected. Not on the endangered, let me there is an Act, all people and gold. Are you literally international. And they're both on that farm because I see him almost every time I'm home. See them all the time. But this plant goes in.

WV Hardy County Clerk: It might be the last time. Thank

Steven R Pursley: I mean, I would I would again just reiterate all we can do is enforce rules and regulations that are developed in the code.

Terry A Fletcher: Okay, next we have a Teresa Noakes.

Daniel Noakes: Good evening. I believe that the question that I had was to be EPA related. So if we get to that point, I will come to another meeting and address that question again. Thank you.

Terry A Fletcher: Thank you. Next, we have a Sharon page.

WV Hardy County Clerk: She wants to. There's no one here.

Terry A Fletcher: Is there a Sharon Page online? I feel like I've seen that name.

Terry A Fletcher: So, we're gonna go ahead and move on. Next, we have an Allison Seabright.

Terry A Fletcher: Allison, I think you may be muted.

Terry A Fletcher: Okay, Allison. If you'd like to just type your question out real quick. Will you be happy to? Answer that.

Terry A Fletcher: if you want to type it like where you're typing these these in the chat there,

Terry A Fletcher: Okay. Okay, well we'll go ahead and move on then. Next, we have a Joshua Mathias.

Terry A Fletcher: Okay, there's a Aaron Funkhouser.

WV Hardy County Clerk: Okay.

Aaron Funkhouser: Question already addressed. Thank you.

Terry A Fletcher: Thank you. Next, we have a Richard Rosenfeld.

02:40:00

Richard Rosenfeld: Yes, thank you. Mr. Pursley, you just said that all you can do is enforce the rules and regulations of the code, but you also draft the permit. And that's the document that you can enforce upon.

Richard Rosenfeld: So you keep citing 40 CFR 63.2, which is the E, which is the EPA Clean, Air Act code. That makes something a major or a minor source. If I understand you correctly, your entire basis. For being a minor source is that they told you they would admit no more than 9.55 tons. Is that correct? You're muted, Mr. Pursley

Steven R Pursley: Yeah, the permit application and the draft permit limit their annual emissions to 9.55 tons per year.

Richard Rosenfeld: But the draft permit has in it that they can emit 408 pounds an hour. If you do simple math,...

Steven R Pursley: That's correct.

Richard Rosenfeld: 408 times 52, you're gonna get 21,000 you divide that by 2000. You're gonna end up with 10.66 pounds, 10.66 tons per year. So why isn't that over 10 tons?

Steven R Pursley: Because the permit limits tend to less than 10 if they emit. 406 In a week they obviously they could not do that.

Richard Rosenfeld: Coordinate. But okay. So, why draft of the previous permit was 367.2 in the math,...

Steven R Pursley: Every week in a year.

Richard Rosenfeld: works out perfectly to fight 9.55, tons, y, increase that to 408.

Steven R Pursley: The 48 reflects the possibility of them fumigating, 100% Oak logs. The dosage rate prescribed by AFIS is higher. that previous number,...

Richard Rosenfeld: Yep.

Steven R Pursley: I'd assumed 80% oak and 20% nonoke

Richard Rosenfeld: Understood what about topping off? Do you consider that at all? Even though it's required under the APHIS treatment manual.

Steven R Pursley: The I mean the the method of compliance for the determining compliance with the annual emission limit is simple, it's the amount they use, it doesn't matter if it's used in the initial charge or...

Richard Rosenfeld: Where's that coming from? Because the EPA Clean Air Act says it's the it's the potential to emit more than 10.

Steven R Pursley: in the

Richard Rosenfeld: Not the amount they use.

Steven R Pursley: Limited. No,...

Richard Rosenfeld: Where are you getting that rule from

Steven R Pursley: The potential to admit is defined in the code as being limited by a permit.

Terry A Fletcher: Home as being limited by a permit. If you can physically,...

Richard Rosenfeld: Yeah. But that's circular.

Steven R Pursley: if the...

Steven R Pursley: if if you can physically, if you can physically admit a hundred tons of year,...

Terry A Fletcher: if you can physically admit 100, tons of year,...

Steven R Pursley: but your permits as you can,...

Terry A Fletcher: but your permits as you can,...

Steven R Pursley: only find your potential to admit is nine,

Terry A Fletcher: even nine, your potential permit is mine.

Richard Rosenfeld: But your permit allows 408 pounds an hour.

Terry A Fletcher: And 9.5 times per year.

Steven R Pursley: And 9.5 left turns per year.

Richard Rosenfeld: So what limits them to 9.55 or stopping? Why would they stop for four weeks?

Steven R Pursley: because the permit requires them to,...

Terry A Fletcher: Because the permit requires them, if they admit that annual rate are they hourly rate the entire time they would exceed their annual women,...

Steven R Pursley: if they admit at that annual rate are the hourly rate the entire time they would exceed their annual limit,...

Terry A Fletcher: they can't.

Steven R Pursley: they can't exceed their annual limit,

Terry A Fletcher: It's either a woman

Richard Rosenfeld: Did you go back and look whether or not they exceeded their annual limit last year in the previous facility?

Terry A Fletcher: Yes, the compliance and...

Steven R Pursley: The, That's the compliance enforcement section.

Terry A Fletcher: question sector the V8 with the response.

Steven R Pursley: The VA you is responsible,

Richard Rosenfeld: Do you know if they did?

Steven R Pursley: as I mentioned earlier,...

Terry A Fletcher: as I mentioned earlier on,...

Steven R Pursley: There was inspection as of last July and...

Terry A Fletcher: There was inspection as of last July and facilities.

Steven R Pursley: the facility was found to be compliance.

Terry A Fletcher: Thank you.

Steven R Pursley: Thank you.

Terry A Fletcher: Next, we have Ernie Falcon.

Terry A Fletcher: Is there any falcon? Okay, okay. Next, we have a Marcos Lindsey.

Steven R Pursley: Okay.

Steven R Pursley: that's, All right.

Terry A Fletcher: Let's see. Not saying a Marcos Lindsey. Next, we have a James Ecklund.

Steven R Pursley: Sir, James.

02:45:00

Terry A Fletcher: Okay, next,...

Steven R Pursley: Next. Mary.

Terry A Fletcher: we have a Gary Hot.

Steven R Pursley: Yes.

Terry A Fletcher: Yes.

+1 540-*-**70:** Okay. Sorry I was a double muted. First a statement. I am a local landowner in close proximity to where this factory is going to go. I've got three small children. And we, Harvest several animals and crops off of our land. So my question is is How can we block this permit? How can we stop? It is it Can we do like a permission? A petition and get a signatures. Do we have to go to local representative? Congressman. That's my question.

Steven R Pursley: Yeah I mean under the Rule 13 permitting process. There's you know there's there's no section that says, You know, if you get so many signatures on a permit or on a petition, then you can issue the permit, you know, as you know as Terry mentioned earlier.

Steven R Pursley: The I think the proper recourse is for something like this is to talk to your your congressional, delegation, your state legislators and let them know. How you feel?

Steven R Pursley: work and this and I will say, in this particular case, your county officials Hardy County is, I think fortunate that they even have a robust zoning system. Most most Counties in West, Virginia. Do not and it's it's well been in these meetings before. You know, people were, you know, obviously very upset that there was no zoning. Um, so I think, I think in this case, you're you're very fortunate.

Terry A Fletcher: Next, we have a Kevin and Karen Duncan.

Terry A Fletcher: Not seeing anyone. Okay? Is there a Phyllis retzler?

Terry A Fletcher: Is there a Sarah Barb?

Terry A Fletcher: Jay is there a Sharon music?

Terry A Fletcher: Okay. Is there a? We are cover sir. A Bobby Hanks.

WV Hardy County Clerk: Jump to element. I think you.

WV Hardy County Clerk: Answered my questions. Good.

Terry A Fletcher: Okay, thank you. Next, we have a Susan Miller.

Terry A Fletcher: It okay. Okay, Susan, I believe you. You're muted You could unmute force.

Terry A Fletcher: Okay, we're going to move on to a Deborah Cornish.

Terry A Fletcher: Okay, next, we have a Joe Gorman.

02:50:00

Terry A Fletcher: Okay, is there a David Doman? Okay.

David Doman: Yes. You mentioned that the permit allowed up to 408 pounds of methyl bromide to be released in an hour. The volume of air that would be required to be mixed with that quantity of gas diluted to a five-part per million concentration, which is the exposure limit for the people operating the facility. It's over a billion cubic feet. So to put that in perspective that is equivalent to the volume of air containing the cube that's just over a thousand feet in length on each side and the face of that cube would be about 25 acres. That's a pretty large, volume of air. The mixing of that high concentration, methyl bromide, being emitted from that 75 foot stack and that large volume of Aaron doesn't happen instantaneously. And it's possible for the public to encounter high concentrations of that gas outside of the property, boundaries of the log yard,

David Doman: Now the four air monitors you mentioned are on the ground near the facility and the 75 foot stack completely bypasses. Those monitors. So my question is why aren't monitors required off-site downstream of the plume from the stack.

Steven R Pursley: I'm sorry. Could you repeat that last part? I lost you there for just a second.

David Doman: Yeah. The question the there's you mentioned there's four air monitors that are on the ground near the facility and I said the 75 foot stack will bypass because that high concentration gas to bypass those monitors. So the question was, why aren't the monitors required to be off-site downstream of the plume from the stack?

Steven R Pursley: Yeah. Well, I mean, we We can only. Place the monitors where we think. That there are where they're going to be protective of the public. You know that without doing computer modeling, there's there's no way to determine where that maximum concentration would be.

Steven R Pursley: So it's, it's and it's, you know, been standard with another states. That you place those monitors near the fence the property line because you know that inside property there's there's not general public access. So you're you're safe. So what you do is you get them as far away as possible. Still in that plant boundary. And like I said that's I mean that's standard procedure from from other states.

David Doman: Yeah, that doesn't. That just doesn't seem like a very good way of monitoring public safety. I think that is adequate for protecting the people working at the facility, like, under, OSHA rules or whatnot, but the highest concentration of methyl bromides coming out the stack and It like, say it takes a while to diffuse, right? That that mixing doesn't happen instantly, but that's if that's the rules, that's the rules. But it doesn't seem like a very logical way of doing it. And also, I really don't understand why the Department of Air Quality doesn't do computational modeling of plumes. And when they're considering, The air quality outside the facility.

Steven R Pursley: We do for for, we do for major sources. That's not something we typically do for minor sources.

Terry A Fletcher: Next, we have a William, Hinkle.

Terry A Fletcher: Okay. Next we have a burn. Eichelberger.

Terry A Fletcher: Okay. Apologize for for this name in enis.

Terry A Fletcher: Palavitch.

Enis Pilavdzic: Plus. Yes, that's me. Thank you. I I did register to make a three minute comment, so if you if you don't mind, I'd like to do that first and then I'll end with a question if I if I may. I'd like to say that you know as the age-old quote goes,...

Terry A Fletcher: Okay, sure.

02:55:00

Enis Pilavdzic: the only thing necessary for the triumph of evil is for good men to do nothing. Today, we heard here that regulations don't require notification of local governments, like departments even within your own organization like the Water or or the West Virginia DNR, things like that. But I think what we should ask ourselves is morally, is it the right thing to do? If we know that we're constrained in our own lane and only have certain, you know, industry lobbyists created rules within, which were allowed to deny permits Are there other things that we can do? What authorities do we have? What areas do you have discretion to deny permits?

Enis Pilavdzic: Um, I know these are all rhetorical questions, but if regulations allow you to delay a permit, um, do you look for If the paperwork has typos, for example, I noticed in what the that the company submitted they, they misspelled the location of some of the previous previous cities, things of this nature. So I think there are many things that we can do. I think we really need to ask ourselves, what what should we do?

Enis Pilavdzic: I know you mentioned that you don't to have privy to all of the technical details, like, you know, how far away, you know, you need to be for this thing to be hazardous and so on and so forth. But are you allowed to commission those types of studies? And if you're not, are there things that you can do to within the constraints of the regulatory framework that you work work within to ensure that we're protecting our environment because that is the name of your organization. The West Virginia Department of Environmental Protection. UM, but in the earlier presentation, I heard things about

Enis Pilavdzic: How industries had to shut down in other states because of stricter regulation. How, you know, it's not the most dangerous pesticide out there, a lot of other sort of factors which then, you know, you say you're not really allowed to consider. so, how can? We get to a point where we can use the laws as they are right now. The best benefit the public. And how can we regulate the air quality in a way that is going to be the least harmful.

Enis Pilavdzic: Um, I know you don't have any discretion about the location of this permit, but there seems to be something suspicious going on there and you you guys are the experts, you know, if a company is applying for a permit in a place where it looks pretty unlikely that they're gonna get zoned to be allowed to be there. It seems like they must have some other agenda. I don't know what that is. Exactly, maybe you guys do.

Enis Pilavdzic: So all I'm really imploring you all to do is to to really think carefully about what feels right and what you can do within the power that you have been given in your in your role. So thank you. Thank you so much. And the main question, I mean, I would have would just be, you know, what are the things you see are within your purview discretionary purview? So do you have any discretion and where are those areas? So that we could know and, and potentially help you out? You know, in those areas Thank you.

Steven R Pursley: Yeah, the Rule 13 does give the director discretion to put. Quote unquote, reasonable conditions in the permit. and so that, that is one place where there is where there is some discretion and like I said, that's That's something we're looking at.

Terry A Fletcher: next, we have a Marc, Douglas

Marc Douglas: Hi. There. Can folks hear me, okay? Let me see. I first of all,...

Terry A Fletcher: Yes.

Marc Douglas: wanted to house others have done. Thank both of you. Thank everyone for putting on this, this conversation. This event to hear us. And building on the prior, comment and analysis. And the request, really the imploring to please consider what you can do and to factor into this. What do you think is right to follow the mission of an environmental protection institution?

03:00:00

Marc Douglas: In West Virginia where you know many of us of course have our homes, get our food, get our drink get meat milk livestock while you enjoy the wildlife and all of this is under threat and recognizing

that your mandate is to protect these through the air in the in the context of air. How can we, as a community as a public? Support. Your side. What can we do? That would be helpful to you. If getting a thousand or whatever the number signatures, isn't the right notes to hit. Then what what is what are the right notes. We would like to be supportive. We would like to see this ended before it begins, so it obviates the need to use legal. Sure, of course, getting better legislation fighting corporate polluter,

Marc Douglas: Influence on the Reggie's. On the laws, we can fight that fight, but how can we end it before? It even begins the best way to win a fight is not even begin at. And we seek to protect the environment. We seek to protect the air quality and as recognizing that the air quality impacts, the water quality, the soil quality, the wildlife quality, the human health, the health of workers the help of health of residents. We would like to see the right thing done and work with you on this. How can we work with you best?

Terry A Fletcher: Thank you Mark. Appreciate your your questions there as we stated earlier I think I speak for the for the agency. When we say that you know the best way that you can support the DEP is to reach out to your state, legislators are rulemakers and voice your your thoughts and opinions on what changes can be made at Dep that you feel are necessary. You know, things of that nature that because they ultimately they control, you know, the budgets and how much you know, money we have for staffing and resources. They control a lot of of the rules and regulations that we have to follow. And again, those are also done at the federal level as well. So we recommend reaching out to your congressional delegation. That's where the biggest support that we can use can happen and what we would employ you to do. That's what you if you'd like to support.

Terry A Fletcher: That would be the best method to do that.

Terry A Fletcher: Next, we have a Sierra Miller.

Terry A Fletcher: Okay. Next, we have a Debbie Beck.

Terry A Fletcher: Okay. Next, we have a Stephen Kirk.

Terry A Fletcher: You know, it's Steven. Are you with us? I believe you may be muted. But he's coming.

Steve Kirk: yeah, so one it seemed to be kind of circling around the discretion issue and kind of wondering. You say that their final decision hasn't been made that there's sort of an ultimate discretion at the signature but What discretion did you have in the provisional recommendation and then technical question? You mentioned in your presentation, a temporary permit. Is there any situation where the temporary permit would apply to this situation? Whereby the signature could. Yield something that sort of permanently and limbo. That's it.

Steven R Pursley: Well, I mean for the first question is my recommendation.

Terry A Fletcher: The first question Tomorrow, presentation. but to the right,...

Steven R Pursley: To the director of the engineering evaluation,...

Steven R Pursley: that's simply acknowledgment that it appears me that the facility as a meets the state and...

Terry A Fletcher: That's simply acknowledgment that appears,...

Terry A Fletcher: they, that the facility. as of meets the state federal that's, All.

03:05:00

Steven R Pursley: federal air quality rules. That's all it is.

Steve Kirk: Okay. So, just to clarify that because the people have brought up this idea that there were certain elements missing in the analysis.

Terry A Fletcher: so,

Steve Kirk: So was there discretion in the analytical elements that you use to come up with your decision?

Steven R Pursley: I'm not sure, I understand your question.

Steve Kirk: you're so people have brought up the fact that there's been different modeling used at different locations For instance, is that a discretionary decision or is that driven by some strict regulatory language?

Steven R Pursley: no, I mean,...

Terry A Fletcher: Know, there is a discretion of the improvement.

Steven R Pursley: there is, there is discretion with where the director can Can have some modeling done for example,...

Terry A Fletcher: And how? Tomorrow for them.

Steven R Pursley: that that is another area of discretion.

Terry A Fletcher: So that is another area of discretion.

Steve Kirk: So why wasn't that specifically? Why wasn't that done here? I guess that's that's seems to be the thing we're missing.

Steven R Pursley: It's, it's very rarely done for minor sources.

Terry A Fletcher: It's it's very rarely done reminders. I'm not I can't say it's it's extremely rare.

Steven R Pursley: I'm not you. I can't say it's never done because it is, it's, it's extremely rare to do it for minor force.

Terry A Fletcher: To do it for miners.

Steve Kirk: Even though there's this not contiguous, but as you said, two of the three criteria are met. So is there any special consideration given to the fact that it's not directly contiguous? But it is sort of raising this question. You did have to evaluate that Question. Am I correct?

Steven R Pursley: I mean,...

Terry A Fletcher: it depends on...

Steven R Pursley: I guess it depends on how you define evaluate.

Terry A Fletcher: how you define evaluate, it's Something that you've done this.

Steven R Pursley: It's Something that when you've done this for long as I have it's it just become obviously face that...

Terry A Fletcher: As long as I have, It's just kind of becomes obvious on the face but because of the distance between us,...

Steven R Pursley: because of the distance between them, it's not going to meet the definition of contiguous.

Terry A Fletcher: it's not going to be the definition of continue Jason.

Terry A Fletcher: But it is I mean...

Steven R Pursley: But it is.

Steven R Pursley: I mean because it needs two of the three.

Terry A Fletcher: because it's two of the three it's I mean it's it's a thought process your mind we've done it.

Steven R Pursley: It I mean it's it's a thought that crosses your mind but we've done it as long as I have.

Terry A Fletcher: I had it's Come to me,...

Steven R Pursley: it's Becomes immediately clear that it's that EPA would consider this one source.

Terry A Fletcher: clear that EPA would not considers once.

Steve Kirk: Okay, and the temporary permit.

Terry A Fletcher: The temporary event.

Steven R Pursley: A temporary permit. This as proposed areas,...

Terry A Fletcher: This as proposed here is not this permit draft.

Steven R Pursley: not a temporary. This permit. The draft permit would allow them to operate as long as they didn't make and...

Terry A Fletcher: To operate. As long as.

Steven R Pursley: modifications through the facility.

Terry A Fletcher: Okay. Next we have a William Russell.

Steven R Pursley: Okay.

Steven R Pursley: Okay, Ernest.

Terry A Fletcher: Okay, next, we have a Michael Otis.

Steven R Pursley: Believe. Okay.

Terry A Fletcher: Okay, next, we have a Whitney Ford.

Terry A Fletcher: Okay, next we have a John, Gillette.

+1 240-*-**63:** Hey, so good. Good evening everybody. Really appreciate everybody's time. First off. I'd like to thank everybody. That's made comments and things like that. You guys are truly awesome. This is what we should do for governing body. I'd also like to say, You know, if, if this proceeds forward, I hope you have the same fire that you have tonight to do this later on. It's if necessary the, the I think I've said a couple of comments tonight. In fact, I know I have I just really hope that we have the proper

+1 240-*-**63:** Safety and mitigation in place, If any kind of accident is to happen. I hope that that is also and what I assume in the draft permit, um, very important so that if anything is to happen, we can take care of each other. And then, finally, I, I would just like to say for the record. I hope that in the future that we have additional Subject matter experts that are on the panel to address some of the questions that are outside of the air realm. But beyond that, that's all I have. Thank you.

03:10:00

Terry A Fletcher: Thank...

Steven R Pursley: Thank you. Nick. Isn't.

Terry A Fletcher: next, we have a Julia, Pheasant I f i s u n.

julia: Yes. Hi. Thank you. primarily I wanted to talk about health concerns, I noticed that many people talked about that, but questions have not been really answered I think it would be very useful to have a representative on the panel who could answer those questions because Environment and health are really directly related. So, Would be helpful to have those. And search for people. So, what I found with a quick search online is that exposure to methyl, bromide can cause the studies proving, and that it can cause a variety of house concerns, depending on the level of duration and get exposure.

julia: Short-term exposure to health to high levels of methyl, bromide can cause respiratory respiratory problems. Such as coughing. Chest pain difficulty breathing, It can also cause irritation skin, rashes and headaches. And long-term exposure to low levels of methyl bromide can lead to more serious health problems, including your logical damage. Reproductive effect in cancer. The chemical has been classified as a. Probable human carcinogen, by the International Agency for Research and Cancer.

julia: You also mentioned that the This can bring jobs to the area, but

julia: Studies found that for people who work in the in the plants. Like, in the long term effect has been that. Workers who work in in those areas in. Our.

julia: Linked to have. Cancer, like prostate cancer reproductive issues.

julia: Neurological issues and and things like that. So, It's just a little bit of information with a little bit of

julia: research.

julia: And yeah, I think it would have been very useful to have that those questions addressed. Right now, when people are raising them, specially people who live right next for people who they write right next to. To where it's Going to be or you're planning to

julia: have the, I mean it doesn't seem logical to have it in the residential area and also In the first place, I think there should be alternative methods of Treating lumber? At the baseline.

julia: Thank you.

Terry A Fletcher: Thank you. Next, we have a Travis Park.

Travis Park: Hello. Um if you don't mind I'll like to make a statement to my kids are wanting to get to bed. Like my question mainly is I could tell from Your picture that the marker that you have as Melissa is not correct. I'm No. Because I live at 152 Park Farm Drive. It's right up the hill from it. Are you guys going to look in actually get the actual point go with Allegheny.

Travis Park: Um are we just getting off of that point that's actually in the middle of a stream? Also, I know you said you really don't do much with health. As a paramedic, I can say that this stuff is scaring the crap out of me.

Travis Park: We don't have. The emergency response for this are closest hazmat unit is in fountain, which is over an hour away or EMS agencies are equipped to handle this outcome, that's going to happen. When we start getting more cancer, patients more, Shortness of breath calls, stuff like that, we're already text. I mean at the end of the day, This. This is just gonna hurt us more. Thank you.

03:15:00

Steven R Pursley: I mean, I would just reiterate as far as the location. The location that you saw that orange marker. That's where the applicant told us the facility was going to be if the facility is not there. If it's somewhere else, the permit is not valid.

Terry A Fletcher: Next, we have a Tina Metzger.

Tina Metzger: Hi. Thank you. The majority of my questions have been asked have been answered today. I just want to clarification.

Tina Metzger: And I understand thank you all very much for having this meeting. I truly appreciate it. I know it's been a long evening. You're answering lots of questions. If everything. if it is passed, if you, if you you permit that and the county government is really the only way that we have to really stop that. Correct right now because do they do not have to get Allegheny wood products

Tina Metzger: For them to go forward.

Terry A Fletcher: So, there could be other permits maybe within DEP, or possibly from other other state, or federal agencies, depending on the, the rules and regulations that they have to abide by. I'm not aware of any other permit applications of submitted to other divisions within DEP. It is the only air quality permit that we have for this facility Obviously. So again, it's possible that they could need other permits or other approvals or, you know, licenses, you know, from maybe the county government from another state agency from a federal agency, it just depends, likely, you know, on their on their operations and that will you know, speak to

Terry A Fletcher: other divisions within DEP. I mean, if there's a discharge for for water or processed water or anything like that, that would have to be PERMITTED through our division of water and waste management, which again, they would be required to get a separate permit. You know, go through the, the public review, public, comment, process and all that. Like, we're doing this evening. So, again, just depends on the on the what the nature of their operations are as relates to other rules and regulations from other divisions and agencies.

Tina Metzger: Yeah. Okay. Thank you.

Terry A Fletcher: Okay. Next we have a Lori Bean.

Bean Family: Hi, yes. Thanks. You have answered most of my questions and I was very interested in David Doman's. Comments about the computer modeling. So I guess my question for you is could you guys really consider that I think one thing that's been a theme and certainly that's been a concern of ours that is Within your domain is. What's going to happen in the air? And I know that this is an ozone depleting molecule, but we've also heard a lot about how it sinks I happen to have a property very close by that sits in. One of those hollows and

Bean Family: If the modeling shows that, That's where it's likely to accumulate.

Bean Family: That's important. And if it, if you can't measure With what you currently use, at the edge of the property. I'm sure myself and the other local property owners would be happy to let you expand that. And put some of those measuring devices, a little further out, but certainly, if David's, right? And I've known him about 53 years now, and I've not known him to be wrong on things like this. If those are useless, I would impure you to figure out a way to make them useful because right now you've said very clearly several times. That they can't operate until they're down to one PPM. But you've also said, That you're re-looking at the permit conditions, but a lot of them you've taken out. So, if they just went bananas and

Bean Family: Fumigated way more than anybody thought they would that there's not a restriction in it. The next step is to open the louvers on the top of the building and release all that methyl bromide at the same time because they don't have All of those interim restrictions. It's done and it's out there and it's in the air. And so they can't do it again. I hear you and I see that in the permit until they get back down to one, but I don't see anything stopping them from doing that. From that big dispersal and that big dispersal. Gets to my property and and the property of all of those. People who have talked tonight so I got that that's a bit of a statement and I guess the question is if you'll really think hard about doing some of that modeling and and Looking at the actual site. And thinking about where it actually goes in the air in your area of expertise, right? You guys are the air experts and we're counting on you to

03:20:00

Bean Family: figure that out. Not just take a box and not rely on something that's gonna fly by and we'll do whatever we can again open up our properties to you to, to test. If, if that's what the computer modeling says to do.

Steven R Pursley: The computer modeling is something that the director has the discretion to order. Or have we have in house in House Modeler? Yeah, I mean so that is something she does have the discretion to do and You know, we'll take your your comment under advisement.

Bean Family: Thank you.

Terry A Fletcher: Okay, next we have a Paul Graham.

Terry A Fletcher: Okay, next we have a Todd Miller.

Terry A Fletcher: Okay. And Todd, we're having trouble here. Looks like you're off mute but we're not hearing anything.

Terry A Fletcher: Donna, are you with us?

Terry A Fletcher: Okay, Todd's gonna type his question real quick.

Terry A Fletcher: The next page. Yeah. Well, John type your question and we'll circle back after this next person. Next, we have an Audrey Taucher.

Audrey Taucher: Thank you very much. And I echo everyone else's appreciation of you guys. Being here and sticking it out. I, Since you had mentioned that the best way we don't like the laws is to change them. I'm going to throw out a couple names for anyone. Who's interested a Hardy County representative in the state legislature? Is. Brian Ward. And in the Senate it's David's, is it side fault and Randy Smith? And then at the federal congressional level, it's Alexander Mooney. And if you just go on house.gov, you'll get the list of all their names and how to contact them. And then a quick question is, is there a protocol for how the contaminated debris is disposed of?

Audrey Taucher: I know they have to sweep afterwards. Or is there any kind of system for that? Thanks.

Steven R Pursley: As as far as your, your second question. There there again and I apologize. I know it's get frustrating, but When it's not directly related to air emissions, it's outside of our scope. So no.

Audrey Taucher: But but could I ask, I mean if you're if you're cleaning or for people in the county, they're familiar with the turkey and the chicken houses. There's a lot of airing missions when you agitate the area. So that wouldn't that be an air issue?

Steven R Pursley: Well, if but again remember the limits and the permits are are the the annual emissions in the permit are based on the amount they use. So whether and we kind of assume a worst case where all of the all of the methyl bromide they used is released at once. That may not be the case that probably isn't exactly the case but that's the worst case. So that's that's kind of what we build the permit around. If, you know if There's two pounds of methyl bromide left on the floor when they sweep up. You know, it's that's still accounted for Because their annual emissions are based on the amount they use. It's just we're making a worst case assumption that it's all emitted. At the same time,

03:25:00

Derek Howard: I just

Audrey Taucher: Thank you.

Terry A Fletcher: Okay, next we have a Susan Evans.

Terry A Fletcher: Okay. I apologize, we need to circle back to a Todd Miller.

Steven R Pursley: Through this question is,...

Terry A Fletcher: So, you

Steven R Pursley: Where does the one part per million limit come from? Is it tied to health or other effects?

Steven R Pursley: It is.

Terry A Fletcher: It is. You look at the some of us.

Steven R Pursley: When you look that the Some of the levels. And some of the literature, there's a five-part per million limit. Before essentially, the APHIS document will allow workers. To. to enter the area without personal protective equipment. So it's the one part per million. I believe, just comes from a an additional safety factor on top of that, five part per million

Terry A Fletcher: Okay. Next we have a Leanne.

Steven R Pursley: Okay.

Terry A Fletcher: Malulani. Again, I apologize for mispronouncing names.

Leanne Malulani: Hi. There. You were pretty close. It's Malulani. Thank you. And I would like to thank you all for having this hearing and also, To thank Melissa, Scott for her input at the beginning and for delegate, Brian for Brian Ward, for being in attendance, and given hour, if I could, go ahead and give my comments as well. I would really appreciate that.

Leanne Malulani: And thank you.

Terry A Fletcher: Sure good.

Leanne Malulani: Like so many people here you know my my life is invested in this area. My family have ancestors here back into the Mid-1700 and and yet I've recently just bought a farm here and invested everything I have. So I am adamantly opposed to approval of this permit. I'm glad the EPA discontinued you some methylbromide but I don't believe that an exception by way. This permit should be granted for the location and I'm not going to reiterate all of the concerns that have been expressed about Methyl-methylbromide. And I know this hearing is related to air, but we know that what goes into the air is gonna end up in the soil and the water and our people here are on well water. We all know that it's going to end up in our creeks are wells, the bay our air. And we, we

Leanne Malulani: Really need our environment. We need every insect fission animal to be free of poison. We need to be free from poison and we depend on our domesticated farm animals. We love them and our pets, and we just literally depend on our air water and soil, and we, we value our environment. And our way of life. And, you know, I think the fact that Allegheny have for for us and our environment, many people in our area, including myself have had cancer long issues, such as asthma and other health concerns. We don't deserve the additional toll on our physical health, and mental health. In terms of the anxiety wondering, if our families are exposed to a toxin without taste odor or smell. But with many negative effects creates, a lot of anxiety, this facility would be in with

Leanne Malulani: Minutes from our children in their school complex but over an hour from emergency resources, that could be needed if there were a spill or contamination. and the way that it appears to have come about really puts a lot of of doubt in people's minds in terms of how much Allegheny

03:30:00

Leanne Malulani: And I just, you know, I don't want this not for myself for my family, my neighbors, my community. You know, I don't think that people in Hardy County want somebody to profit from destroying our health and environment, we don't deserve it. And it's, you know, whether you call it a minor source or a major source, it's major to us and we don't want it. So I'm, you know, really emporing you to consider denying this permit because I don't believe that it does meet the required exemptions. I, you know, do appreciate that we have rules and regulations but if I understand the process correctly, there are three possible critical use exemptions, that could be the basis for approval of this permit.

Leanne Malulani: And my question is on which of the three possible exemptions with this permit be approved. Since it's not an emergency, it's not critical and it's not it's used for quarantine Pre-shipment is unnecessary for a non-existing facility which Mr. Williams said has no plans now or in the future for fumigation to occur. So what what would be the basis? For approving this exemption.

Steven R Pursley: Well it the basis is the quarantine pre-shipment. That's you know and all I can tell you is what what's been told us? And that is that. That is the type of the type of facility, that will be located on, on the land where, you know, the where I had the dot on the the presentation. And that's, that's what the application reflects, and that's what the engineering evaluation, and draft permit, reflects, anything that that varies from, that would Would invalidate the permit.

Terry A Fletcher: Thank you. Next, we have an Angela Bradfield.

Terry A Fletcher: Okay. Next, we have a mark retzler.

Terry A Fletcher: Okay, next, we have a Sue Ryan.

Susan Ryan: Yeah. Hi, I'm thanks to you guys for all the information and to the planning committee. My questions have been answered, but I just have, I just want to make a quick little statement going back to the notifications. If the local EMS and not made aware that a facility storing methylbromide and they respond to an incident or accident at that location. If anyone is injured or harmed, that's beyond negligent to me, that's criminal. And I don't see how that doesn't apply. Also to any residents who are unaware of the presence of methyl bromide, You guys are the ones that issue the permits, you know, where the location is. I absolutely implore you to do something to notify local authorities. Thank you.

Terry A Fletcher: Okay, thank you for that. Next, we have a G Martin.

Terry A Fletcher: I believe Dean Martin is with us, but is not working. If you have a question you're welcome to to type it out real quick and we can circle back after we move on to the next. Person.

Terry A Fletcher: next, we have a dragana beloved

03:35:00

Enis Pilavdzic: She's here.

Enis Pilavdzic: Push the, you're on.

Terry A Fletcher: Is there a microphone icon?

Enis Pilavdzic: You call in by phone.

Enis Pilavdzic: Do you want to circle back to her two after she calls in?

Terry A Fletcher: Yeah, we can do that. Okay.

Terry A Fletcher: Next, we have a Carissa.

Terry A Fletcher: Okay? And the last person we have on our registration is a barb slick.

Terry A Fletcher: Is there anyone online sent me?

Terry A Fletcher: Looks like G Martin has ended their question to the chat.

Steven R Pursley: His question was,...

Terry A Fletcher: Of course.

Steven R Pursley: Is there any consideration given for real property to value the evaluation? And why did I not visit the proposed site location? For the first part of the question is, as I said, in the presentation, that's not something that we can consider. When determining, whether or not the issue a permit, our focus is on air quality issues. so, It's property. Devaluation is just not something we can consider as to why I didn't visit the location. I mean, it's every engineer here has kind of their own. options on doing things like that for me, personally,

Steven R Pursley: We I typically only do site inspections for permits when there is an existing source and there's something about the process that I don't understand. So if a company submits an application and I look at and just there's you know something there, I just don't really get. I may need to go there and kind of take a look at it for a facility. That's not just, you know, not even been built yet.

Steven R Pursley: Typically I I don't do those. We do have Inspectors in the Eastern Panhandle, who can who wants the facility is billed? We'll do periodic inspections.

Steven R Pursley: And there and our familiar with, with the area.

Terry A Fletcher: Okay, thank you that we'd like to circle back to Dragana.

+1 905-*-**28:** Yes. Hi you.

Terry A Fletcher: go ahead, we can

+1 905-*-**28:** Okay. Just probably I'll just disconnect here...

Enis Pilavdzic: There's a bit of an echo,...

Terry A Fletcher: Hear.

Enis Pilavdzic: could you please?

+1 905-***-**28: because it's dab, like Echo.

+1 905-***-**28: Okay, so firstly, I want to thank you very much for this meeting. It was very, very informative from the introduction, and also to allow people to bring their thoughts and issues. And secondly, I am very grateful that director allowed a little bit more time for additional suggestions. And a little bit more to sleep over this issue, which is really big issue. Now, I absolutely appreciate the challenge that you have, because Everybody is aware that this is not a good thing. Now, the question is, how do you justify it within the constraints and limits that you have?

+1 905-***-**28: Seeing how you conduct this meeting and how much thought and effort you put in it. I am very optimistic that you will find a way to actually, unfortunately, deny this because the devil is in details. You know, we have to yes, you are doing air quality only but, you know that at the end of the road is not about air quality, it's about humans animals and our environment. So when you talk about dissipate or disperse that doesn't mean disappear, the half-life of

03:40:00

+1 905-***-**28: the half-life is six to seven months, and half-life basically means that just half of this metal bromide is Sort of result, the actually doesn't exist. In six to seven months and those times people talk about some safety levels, one, one permit, one part per million or what not that also depends on who it is, some people will react on very small amounts. Some people can tolerate big amounts as we know from as the sources industry men worked in the factory. What he is fine, and the woman who was just cleaning clothes, got me to telloma. So

+1 905-***-**28: I actually really counting you to reconsider and use all these very good points such as computer modeling or something to look into this further. And absolutely try to justify that. Unfortunately, they can move this and and do business as usual elsewhere. Yes, we do need this into three. We cannot stop that. But realistically, Bringing in something into the only or the rare pristine nature. As we have invest, Virginia is something that no matter what restrictions say, you have to live with it, you who approved it. And you know many times

+1 905-***-**28: People think what they've done in the life and that's what could have done better. So that was my comment. And I actually seeing how you conducted I trust, you will make right decision, thank you.

+1 905-***-**28: Hello.

Terry A Fletcher: And thank you. Yes man,...

+1 905-***-**28: Oh, did you hear me?

Terry A Fletcher: we heard your comments. Thank you.

+1 905-***-**28: Okay, thank you so much.

Terry A Fletcher: So want to give just a quick call out to anyone who maybe didn't register that would like to ask a quick question. You know, it's getting on going on, on four hours here. So, like to move things along with can delegate ward, I see you have your hand raised.

Terry A Fletcher: You can only force.

Bryan Ward: Okay, I know others have had problems that am I coming across? Okay, great.

Terry A Fletcher: Yes.

Bryan Ward: I really appreciate you know this opportunity to to learn some more and between you and Mr. Pursley I understand that some of the questions were you weren't able to answer? And I you know we work in policy at the legislature and we always try to perfect the best policy

Bryan Ward: To respond to any given circumstance, I know that. I'm not sure if it was last session or the session before there was a great concern that we had so many different county policies that a bill came before the legislature that made it so that we had consistent policies with regards to any type of pollutants and and we deferred to the DEP generally not just air quality but water quality and and so forth every policy or every bill that goes out sometimes has unintended consequences and I wanted to say for the sake of our county officials that they buy this latest legislation. You know they've been somewhat hamstrung. The bill was designed so that

Bryan Ward: County or municipality could do anything over and above what the state experts like yourself, what they see. So, you know, if a company were to want to come into West Virginia, they didn't have to search counties which permitted, certain toxins or pollutants that we would have one policy for the entire state. What Hardy County does have is an outstanding team of folks that that deal with zoning and planning issues. And I only learn this when I, you know, became a legislator or a couple of years ago that we are one of the oddballs that planning and in zoning elsewhere, in the state is highly unpopular. And, you know, there's been a trend and I'm just blessed to live in a county where, you know,

03:45:00

Bryan Ward: Are people and our government. You know, we have all, we've been able to work well, as a team, even at the state level. But because of this perception elsewhere in the state that these zoning and planning committees are are not doing good work, that there may be off on an agenda or something. That's what prompted that legislation. So I said all of that just to say that the state the legislature has hamstrung the county in this endeavor.

Bryan Ward: I came here neutral. I'm like, I believe it was one of the Miles, boys. It was a paramedic, I'm a retired paramedic. And and the biggest concern that I have is when bill hours, I spoke, you know, about, you know, the the not knowing I was a career firefighter, paramedic, one of my other full-time jobs in Cumberland. Maryland because we were a career company. Each day, we would go out and visit all of the industries, all of the Southern states, any, any place to head and MSDS sheet or an inventory. So, when we got a call for a fire at this particular address, if it was an industry, we knew beforehand, exactly what we may encounter and and discussions with Mr. Workman earlier we had

Bryan Ward: Were in the way that he had read something was that, you know, it required a level, two hazmat suit and and our responders are not equipped and trained and I believe, Mr. Mr. Park said it was, you know, Fountain was the closest, you know, emergency responders, but not knowing part, it is, it's frustrating. I learned of this at the same time that the county commissioners learned about this that director Bill Hours, learned about this, you know, and it was as a matter of Daily commerce or or you know, people starting businesses or conducting industry.

Bryan Ward: Anytime that there is a proposal, there is a protocol chiseled in stone at the state level. That says, you have to advertise it to consecutive weeks, and that's a long-standing protocol. Those are things

that that do have legislative fixes. And I hope I'm thinking, I'm going to lose power here in a minute, but I I hope to draft a, a bill that that we can sell in the legislator and that's going to require.

Bryan Ward: Several follow-up visits with with your division Mr. Fletcher. And and water quality, those should all anytime that there's a pollutant or a contaminant or anything like that, you know that that potentially threatens, you know, air water soil, livestock, you know, some of these things, if it means a certain criteria, it should be the exception to the legislative rule, which, you know. Yeah. Just by the, very nature of some of these ugly substances. It should require a more concerted effort from those who regulate environmental concerns. So I I turn into a pumpkin usually about eight o'clock. So I appreciate everybody tuning in tonight. We've got a great team here and Hardy County and

Bryan Ward: and I would, I would suggest that had we had an in-person forum tonight. That it would have been a lot less.

03:50:00

Terry A Fletcher: I think we may have lost Elliott Ward.

Terry A Fletcher: So are you still with us?

Terry A Fletcher: Yeah, probably. So, okay. Well, thank you Taylor. Give we appreciate your your comments at this point. I would like to go ahead and move on to the official comment portion. We've been here for about four hours now. So, I think we, we got it. Move ahead, move ahead, and wrap things up. I'm going to call out names as they Are appeared on our registration list. And again, we're going to give everyone three minutes. I'd like to reiterate those, that comments can be submitted in writing up until Friday, May 12th at 5 o'clock. So in those comments, count, just as much as any comment, that's been given here this evening or any comment that's been submitted prior to tonight. So, all comment, all comments are are counted the same. So that being said, I'm gonna call out our first commenter and that would be Melissa Scott with the planning commission.

WV Hardy County Clerk: Okay, thank you with all the talk about the legislative issues. And that, I just wanted to say that, you know, they were saying this permit does not trump local land, use law, but I want to make everyone aware that there are other state laws that might trump our land use laws. If anyone is interested, please look into Senate Bill 242. That was passed and 2022, which limits, local zoning for agricultural operations. And that some forest related activities can be back culture. So, we hope that if this permit moves forward that we will be able to regulate this use with our dining ordinance, but there may be some limitations due to those new laws. Thank you.

Terry A Fletcher: Thank you. Next. We have Joseph Nietro.

Terry A Fletcher: I believe he was in person.

WV Hardy County Clerk: so,

Terry A Fletcher: And understand.

Terry A Fletcher: Okay, we can circle back and unless he's left her evening. Next we have Ken Bransky.

Terry A Fletcher: Okay. Next, we have Miles Park.

WV Hardy County Clerk: Okay, so I've grown up an issue about the location of the GPS point and Mr. Pursley said that if the permit perfect, the location is moving has to be. They still let GPS point. Well, Mr. Pursley doesn't know it. I live right there. I've a little walk that half a hundred thousand times. That land where that GPS coordinate is based on Google Earth is owned by Randall Farm Golf and his brother Raymond, and his mother Margaret. Randall is right here. Randall would you like to go on the record to say that you may have not, you have not given Allegheny wood products

03:55:00

WV Hardy County Clerk: I don't believe the West Virginia Department of Highway gave Allegheny wood products. Where the neighboring property is Randall's. Themselves and Mr. Robert Williams. So, the address is wrong. If you're going by Google Earth as you said Mr. Pursley. The permit has to be voided because the landowner right now just said that he is on the record saying that he did not get out. It would trust a permit.

Terry A Fletcher: Thank you. Next, we have Trevor southerly.

Terry A Fletcher: Sarah Trevor southerly with us.

Terry A Fletcher: Okay, next we have Kate Davis.

Terry A Fletcher: Okay, next, we have a Sarah Waldrop.

Terry A Fletcher: Next, we have a Bob Dillard.

Terry A Fletcher: Okay, next, we have an Amy head.

WV Hardy County Clerk: Immigrate me piston Fletcher. We don't have anyone who is attending in person, any more people who want to give comment, I don't know. There could possibly be people who are joining virtually. You do we do have one sorry, excuse me. We do have one more person that will be when you get to Michelle Revis.

Terry A Fletcher: Okay, we can go ahead with Michelle Revis's comments,...

WV Hardy County Clerk: Don't they?

Terry A Fletcher: if you'd like to go ahead and give them now.

WV Hardy County Clerk: Only you. Sorry, I start over. Where do I just start over? Just look this way like that. Yeah, you're going camera this way. and I said, This started out as a question that it's more important statement, and I understand from listening to everything tonight that you have the authorities issue from this that no responsibility to assure the accuracy as a commitment. You receive And you have no accountability for the damage. That's permitting causes because it belongs to a different page and and when I say you, I don't mean the two of you, personally, I'm talking about the agency,

WV Hardy County Clerk: Possibly to promote a healthy environment which is the deputations. Your first step toward an example, toward accountability, might be to address the procedures that limit the way you communicate with communities. That address the issue of qualitative measures so that when you see something that is qualitative and doesn't give you specific information, you research, what that is and to

consider how to mitigate impact if your decisions on the environment. That you're supposed to be protecting. That's it.

Terry A Fletcher: Thank you. Next, we have a gene Flanagan.

WV Hardy County Clerk: She's gone.

Terry A Fletcher: Okay, next time with that included. Joe Pat Flanagan as well. Okay. Next,...

WV Hardy County Clerk: Yeah.

Terry A Fletcher: we have an Alex Williams.

Terry A Fletcher: Okay, next, we have a cherisse Gardner.

Cherisse Gardner: Yes, I would simply like to thank the private citizens, who did an extraordinary job of making this notification aware to the public. And my case, particularly I would like to thank Robert Singleton who posted this and shared it. Widely. I wish they had. The notice have been more made more widely available by the Agency. I I don't know by what means, but the newspaper, but I observed, it was a very small and in a very obscure place. So, again, I want to thank the public advocates who meet all of us aware and, and made it possible for all of us to be here as well as thank the representative, some of the West Virginia DP, and your time this is four hours. Plus I appreciate your patience with us and answering our questions. Thank you all very much.

04:00:00

Terry A Fletcher: Thank you. Next, we have a John Rosato.

Terry A Fletcher: Next, we have a David Kirk.

Terry A Fletcher: Next, we have a Wayne Thompson.

Terry A Fletcher: Mr. Thompson you with us?

WV Hardy County Clerk: He's gone.

Terry A Fletcher: Okay, thank you next. We have a crystal roberson.

WV Hardy County Clerk: Online. Tomorrow.

Terry A Fletcher: Okay. Next, we have a Joe Lee.

WV Hardy County Clerk: Mr. Fletcher. Would it be appropriate for you?

Terry A Fletcher: Yes.

WV Hardy County Clerk: Just to ask if anyone online if there are any remaining people online? Who would like to make comments, if it's not that's fine with the people who are attending in person are just suggesting that might be something we would want to do, but if you have a certain way you need to proceed, that's fine as well.

Terry A Fletcher: No, I considered that but I didn't want to perhaps miss anybody, but we can we can move to that and...

WV Hardy County Clerk: Right.

Terry A Fletcher: then circle back if we happen to miss anyone. So if anyone that's joining virtually and would like to make comments, please raise your hand and we can call on you as you appear on my screen and and work down through the list.

Terry A Fletcher: Okay.

Terry A Fletcher: First, we have a Richard Rosenfeld.

Richard Rosenfeld: Yes, thank you very much for tonight. I first like to start with public comments. It seems like there's an incorrect reference when you sent out information on where to find the public comments, if you guys could look into that, it's nearly impossible to actually view the public comments which is allowing me the public to view review and share the thoughts of everyone in the public. For example, we personally made a 17 page legal analysis of the permit that we'd love everyone to take a look at. We know Another individual who spoke tonight is an engineer with a PhD who submitted a five page engineering analysis of the failures and violations and the permit, and the proposed site. And so, the public being able to see that would be something that's important to them.

Richard Rosenfeld: Next, I'd like to just suggest that I think you're reading the Clean Air Act incorrectly under the Clean Air Act. The potential to emit is just is defined as the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. I see you rolling your eyes, Mr. Pursley, but that's literally from 40 CFR 63.2, That's the law under the CAA. It gives you the ability to determine whether or not under the operational design. Not just a number. They gave you. They would be emitting more than 10 tons a year. seems like obvious from the numbers that are in the draft permit and that's something you could deny the permit for Finally, I'd like to urge you to Reinclude in this petition.

Richard Rosenfeld: I'm reinstate things that you seem to base your analysis on. For example, it seems clear that you based your analysis on a weekly emission on a single weekly admission. There used to be a prohibition of no more than one fumigation per week included in the permit. They're no longer is. There's no way to determine whether they'll do just one a week or more than one and your analysis is based on that. It seems a very easy thing to put back into the permit and something that's certainly in your purview to do under section 13. As you explain to us earlier, there are a variety of other limitations and protections for the community that could easily be built into the permit. You've done it previously in permits, there's absolutely no reason not to do it in this one. Particularly one zoned for agricultural and residential use and not an industrial poison. This is very simple for you to do. You've done it before. There's no reason not to include it here.

04:05:00

Richard Rosenfeld: Thank you.

Terry A Fletcher: Next, we have Angie Rosser.

Angie Rosser: There we go. Hello. Good evening for four hours and 12 minutes. And I've been here the whole time. You guys are troopers. I'm Angie Rosser with West Virginia, River, Schools Coalition, but in a lot of public hearings. And this is a dedicated one on behalf of the DEP staff. So thank you for making

sure everyone had a chance to be heard and ask questions tonight. That means a lot. You know, there were two things that stood out and one maybe more of a policy question but it you know the The minor sources and the distinction between minor and major keep coming up. And we know this facility as with many others I've noticed across the state sort of fit right below the threshold and

Angie Rosser: Seems to me from a policy standpoint to give the agency more discretion about looking at, when they're right on the bubble and when you there are other sites in the area and looking at cumulative, impact is a really important thing from a public health standpoint. and I guess the other thing is,

Angie Rosser: you know, just looking at Hardy County. So, I live closer to Charleston where statewide organization that works on statewide policy, and we see a lot of these kind of proposed. Facilities that are going to increase pollution and communities across the state and just how we can hear from each other more. This conversation has been so informative for me tonight and to hear my fellow West Virginia's raising really good questions that I think. you know, the agency is grappled with and to be able to dialogue about it is really important and to open that up toward more philosophical and political questions of how we want our state to

Angie Rosser: to be like, further for future generations living here. So, I just think everybody for their participation and for the DEP staff or hanging in there, and making sure that all voices were heard tonight. I think it, it means a lot and This can be replicated in many ways for the betterment of West Virginia. And again, the state we want to live in and what we know and and love about the state and good night everybody.

Terry A Fletcher: Thank you, Angie. Next, we have Amy Low.

Amy Lough: Yes. Thank you. And thank you, Terry. And is it? Steven's? Yeah. And I appreciate you guys spending so much time, hopefully hopefully you get caught time or something for your work, but I just want to go on public record of saying that I am opposed to the permit. And honestly, I would love to see the current permits rescinded, because I do live in the town of Moorefield, I love being outdoors. I spend so much time in the parks here and I'm Kind of upset that the past four or five years unknowingly. I was breathing in probably methyl bronchi because I live right in the center of town and there were facilities on either end of town.

Amy Lough: So I don't want to keep anybody any later. I think all the important concerns have been brought up, so I just want to go on record as Making a statement that I as a resident of Hardee County, I oppose this permit.

Terry A Fletcher: Thank you. Is there anyone else that would like to make a comment? I set you raise your hand. If you're joining us by phone,...

+1 240-***-**63: Hi, yes.

Terry A Fletcher: feel free to unmute yourself and we can start your comments.

+1 240-***-**63: So John Gillette again. Um, as part of the information Dissemination I I would implore the panel everybody to go ahead and the email distribution that we've utilized to notify of this meeting to allow us to come into this meeting. Any of the associated material that anybody has brought up ie. I believe Mr. Rosenfeld, um, or others, make that public, send it out, we've all come to this, wanting more

information, please, please, share that. As part of that email distribution that you have for us to register. Thank you.

04:10:00

Terry A Fletcher: Okay, thank you. Next, we have a dragana belovich.

+1 905-*-**28:** Hi. sorry, I have to use my phone because I don't know how to unmute I

+1 905-*-**28:** Just want to say that for the end. Do not think that we have that the issue here is air pollution, this is the issue is human health and environment and you guys are in a right spot to find the ways to actually stop the end product which is danger to our health and environment. And that is really what should be concluded. It's not about air. Thank you.

Terry A Fletcher: Thank you. Next, we have Hilary c.

Hilary C: Hi. This is Hilary Collins. I'm part of Ashton Woods. So we represent about 350 homes or properties. Steve, you and I talk a few weeks ago. Thank you for your time and Terry's, and I'm just grateful that y'all are letting us do this this evening, even, even though it's going late, our concern, or my concern is just, it's probably been raised. I just want to raise it as a public comment is the totality of all these permits are they being? They're being approved. If they're approve singularly is there to tell total impact being looked at for the county. So that's it. And thank you again gentlemen for this evening.

Terry A Fletcher: Thank you. Is there anyone else that would like to make a comment?

WV Hardy County Clerk: Yes, we have one more here in person.

Terry A Fletcher: Okay, just have them state their name and they can begin.

WV Hardy County Clerk: Yeah, this is a this is Neal Gillies again. I think it's it's useful to note. There's not a single person who came here to voice their their support for this project. I don't think I've ever seen that before, so,

WV Hardy County Clerk: This is not a popular thing for this. The community here in Hardy County.

WV Hardy County Clerk: That should matter.

Terry A Fletcher: Papers. Okay, thank you.

Terry A Fletcher: Did you have an additional comments or

WV Hardy County Clerk: Anyone else? No, you want to do the closing team? Whatever.

WV Hardy County Clerk: Usually, Yeah. Well we don't have any additional comments.

Terry A Fletcher: Okay, thank you. Anyone else online that would like to make an additional comment or make a comment?

Terry A Fletcher: Okay, enis. Beloved

Enis Pilavdzic: Thank you. Yeah, I just wanted to say for all those of us that remain and are thinking about next steps that, you know, thanks to the Hardy County permit. Folks, as they mentioned that there are other permits necessary and there are other processes and that are other laws and...

Terry A Fletcher: DS. But you

Enis Pilavdzic: we can continue to use our our rights and our duties as citizens to continue to to protest in various ways. I know it's been expressed here in this meeting that you know certain things can't be considered like popular opinion but let's face it. Popular opinion. Is always going to be considered if we if we protest enough, our politicians will consider it and make it happen. So let's not give up everyone. And just wanted to say thank you too to the folks in the Department of Environmental Protection. Have a great night.

Terry A Fletcher: Thank you. Anyone else that would like to make a comment?

Terry A Fletcher: Going once. Going twice.

04:15:00

Terry A Fletcher: Okay, if there are no other commenters, then we will go ahead and close the meeting again. I want to reiterate that the comment period will be open until 5 pm on May 12th. So you can submit written comments up until that point. And again, we will be reviewing all those comments submitted as well as all the comments given here this evening or previously submitted. So you want to thank everyone for your interest and for participating have a good evening.

WV Hardy County Clerk: Fast. Thank you all for coming. Yes, thank you.

Leanne Malulani: Thank you. God bless.

Cherisse Gardner: Thank you.

+1 905-***-**28: Thank you.

Cherisse Gardner: Awesome.

Meeting ended after 04:15:49 🙌