

# W-L Construction Virtual Public Meeting (2023-09-21 18:05 GMT-4) - Transcript

## Attendees

+1 304-\*\*\*-\*\*70, +1 408-\*\*\*-\*\*95, Amy Piedrahita, Beverly D McKeone, Brian S Tephabock, Christine Marshall, Christopher P Scanlan, Dennis O Stottlemeyer, Edward F Maguire, Joseph A Kreger, Laura M Crowder, Marie Uehling, Midge Flinn Yost, nicola bastian, Nicole D Ernest, Stone Sanders, Sydney L Johnson, Terry A Fletcher, Thornton E Martin, Thornton E Martin's Presentation, Tony Sanders

## Transcript

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**Terry A Fletcher:** Air Quality General Permit Registration Application G20 - C O 4 1. With me tonight is staff from the Division of Air Quality, including director, Laura, Crowder News Source, Review Program manager at Bev Mckeone, permit engineer, Lee Martin and Environmental Resource Specialist Nicole Earnest. The purpose for this public meeting is to provide information, answer, questions and primarily give you the opportunity to share your comments or information about the application with the DEP. This meeting is being recorded, so that the comments you share can be taken into consideration and entered into the public record for the application. Please note that a decision will not be made this evening. I'll comments received by the agency prior to the close of the comment period including those provided here tonight will be reviewed and considered by the staff and you'll receive notification. Once a decision is made through the Daq's Response to Comments document

**Terry A Fletcher:** The comment period for this application. Will close at 5 pm on Friday. September 22nd 2023. Please note, that comments can be submitted via email to Lee Martin at Dot Martin by regular mail to Lee Martin at the Dep's Division of Air Quality 601 57th Street, Southeast Charleston West, Virginia, 25 304. And I'll post that contact information in the meeting chat so that folks can Have that their To ensure that we have an accurate record of everyone attending this evening. We asked those participating to register for the meeting. If you do not pre-register, please add your name and contact information in the meeting chat, and that can be found at the little text icon bubble at the bottom, right of your screen.

**Terry A Fletcher:** We will open the meeting with a brief presentation by Mr. Martin, which we'll touch on the Daq's permitting process and requirements and technical details about the application. We will then move on to a question and answer session. And any questions that we cannot answer this evening will be answered in the agencies response to come and document for the application. When we move to the Q&A session, I'll start with those who indicated. They had a question when they signed up for the meeting and then we'll open the floor to anyone else. You may have a question. After we have answered all the questions we will take official comments. And please note that once we move to the official comment portion, we will no longer be able to answer Any questions that you ask? As part of your comments will be addressed in the Response to Comments document

**Terry A Fletcher:** Each commenter will be given five minutes to speak and I will call on those who indicated. They wish to provide comments on the registration form first, and then we'll open the floor. If there's time at the end, we can circle back to allow for additional testimony. To ensure that we successfully achieved the purpose of this meeting. We ask that everyone be respectful and considered 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 comments on the topic of this application so that our time together is used efficiently. I want to thank everyone for bearing with me through those opening remarks and instructions.

**Terry A Fletcher:** At this point, I'm going to turn the floor over to DAQ permanent engineer Lee Martin for a presentation and just a note to those in the audience this evening. If you want to go ahead and turn the volume up on your computer phone. But what have you so that you can hear the presentation? Okay, all right. Lee, you ready?

**nicola bastian:** The story. I'm getting the messages jumbled. I cannot hear and I do not have more volume.

**Terry A Fletcher:** Okay, sorry about that little technical difficulty. We're gonna try to get that ironed out. One second, please.

00:05:00

**Thornton E Martin:** Good evening, everyone. My name is Lee Martin, I'm a percent engineer with Division of Air Quality. We're here this evening to talk about the proposed installation of a hot, mix asphalt, plant and Millville, West Virginia

**Thornton E Martin:** Together a brief presentation, that outlines the format of tonight's discussion. Good place to start is the permitting process.

**nicola bastian:** for example, if you only audible half the time,

**Thornton E Martin:** we'll be a project overview to include the proposed equipment, to be installed equipment, to be removed. I was the The AQ documents. During the review process and specifically. General permit, g2c. What happens next? We'll discuss our process following.

**Thornton E Martin:** The same information will provide detail on where to Access the evaluation that draft channel. Finally, I've included my contact information. So that you may express any concerns or raise, any questions that you made out of been able to hear tonight.

**Thornton E Martin:** In West Virginia. If you want to construct the stationary sewer, she was first obtain a construction prevent There's very Type of pre-construction permit. You primarily on the level of Criteria, Pollutants. The level can be a hundred times per year or 250 tons per year. Depending on what type of source cat Some of those source categories is 250 per year. to be a major source for some, it's a hundred tons per Year, if you're below those levels.

**Thornton E Martin:** It's general permits fall under the

**Thornton E Martin:** Minor West Virginia, Legislative Rule, 45 csr13. Basically, defines the permitting process for minor sources. It allows the DAQ. To determine and enforce compliance with state and federal air quality rules and regulations. Determine and enforce compliance with facility air emissions.

And provides a framework for public notification and participation. It is not however, allow the DEQ to consider other important but not air quality related. Benefits or impacts like jobs. Property values traffic. Zoning or public support.

**Thornton E Martin:** The application process for a general. Permit is through the DEP Electronic submission system. A company provides notice of application by publishing a class, one legal Beginning, a 30-day comment, period. The Company is notified of any deficiencies. This is usually additional Corrections that are required. during this time, the application is also undergoing a technical review to determine What state rules and federal regulations may apply?

**Thornton E Martin:** Once it is determined the proposed facility can be the applicable requirements. The company is notified that the application. Has been technically complete. This begins, the statutory review, period of 45 days of general permits. To make a final permit to termination. After the close of the comment period, all comments received or And addressed by the AQ in a final decision is made Or documents for this particular application. You found under popular searches at the address listed.

**Thornton E Martin:** Cabrio Construction. And Maybe currently operates the Millville hop. Mix asphalt plant and a permit 13 1121a Plant was purchased from Jefferson Asphalt Products Company. And the Rule 13 permit, transfer to WL construction. Sir 2022. The application for a general permit to construct a new plant. Just received by the AQ on August 4th 2023. Proposed new plant will replace the current one, which will be removed. Two plants will not produce asphalt the same time. And as you can see, although much newer, the two drum mix plants are very similar.

00:10:00

**Thornton E Martin:** Source specific requirements in the general. There into the small heater. As there is no engine associated.

**Thornton E Martin:** Sources are shown here from comparison. Interestingly in 1996, approximately 500 million tons of Ass at 3,600 active basketball plants in the United States. Of those 3,600 plants 2300, batch plants. The remaining 1300 were drum mix plants. An average patch makes plan, this is about 100,000 tons annually. The drum mix plants produce about 200,000 tons. Natural gas fuel was used to. 70 to 90% of the asphalt. And the remainder was produced Oil propane, waste oil and other fuels.

**Thornton E Martin:** PMS associated with hot mix asphalt production. include criteria, pollutants, PM10 and PM 2.5, hazardous air, metals And organic compounds. gaseous emissions associated with hot mix asphalt T criteria will sulfur dioxide. So it's carbon monoxide in Organic compounds. As well as Happening in compound. S. These emissions are well below major source threshold. s, therefore no modeling determine the concentration impacts are required.

**Thornton E Martin:** The existing plan is on property, at least from local Laura Incorporated. There's been removed because the property owner wants to core stone in that area. New plant will also be located on property, at least from mobile. Just north of where the current plant resides.

**Thornton E Martin:** Just a few notes from the comments received. Jefferson County is entertainment for all criteria, Minor source, level emissions Terry. APOLLUTANTS, and HABS do not trigger the requirement for modeling to determine concentration of level increases. There's typical for an applicant to overestimate their emissions to reduce the chance of violation later on. This is the case. With stock politicians. For the facility. The footprint defined will allow for storage of an amount of far greater than

anticipated production. Place the the missions. The wind erosion equation is correct. This referenced by the applicant and our channel permits spreadsheet. Excited. After an equation was interesting to continue using the equation prior.

**Thornton E Martin:** As it was felt the newer equation, required more assumptions. And the resulting difference was very small. operating hours for the dryer and ear can be specified in general permanent G.

**Thornton E Martin:** 20, The following DAQ documents are generated during the review process. There is the engineering to evaluation in draft general movement as well as the Painting pertinent, communication documents generated throughout the review process.

**Thornton E Martin:** Fact, sheets have been standardized for general permits. This reduces the processing time by eliminating the research involved to determine rule and regulation of applicability. As well as reducing variability across the permitting staff.

**Thornton E Martin:** The general Incorporating restrictions. ing. Testing record, keeping And reporting requirements for each source as applicable.

**Thornton E Martin:** I've included the limitations in standard. S at worries here to give you a few of what they encompass. This is showing. The Limitation Successful. Plant cell. The monitoring record, keeping reporting and testing requirements.

**Thornton E Martin:** Are just small heaters and maximum design input must be less than 10 million btu per hour. Allowable fuels for the small heaters. In wheelers are natural, diesel fuel and other distillate Recycled or used oils are not allowable fuels for small. Needs visible mission checks from the combustion. Sort where?

**Thornton E Martin:** What happens Comment period for this application has been extended until 5pm September 22nd.

00:15:00

**Thornton E Martin:** Prior to a final determination. EQ will evaluate and respond atomic. Comics that are relevant to air quality issues. The AQ will make a fund termination pursuant to the requirements of 45 13. 5.7 The company is not. Permitted to construct and operate to a final decision. Has been made in a final permit issue.

**Thornton E Martin:** The application is available for public review. Using the Essence Public query. It's found on the EP website of the heading data.

**Thornton E Martin:** From here, you want to select Air Quality Office in either company name or permit number. County for insurance.

**Thornton E Martin:** And as you can see, from the information that I previously ever WL construction and PV comes up for selections. The application appears just as I would see it during my review. Although, without the functionality that I would have,

**Thornton E Martin:** DP provides an email notification service. If you're so inclined, you can Receive Notices by County or Statewide? Contact information. Should you have any questions or comments later

on? Thank you for your time and attention this evening. And we look forward to receiving any questions or comments you.

**Thornton E Martin:** Have.

**Terry A Fletcher:** Thank you, Appreciate that. And just for point of reference, we'll post the presentation that the lead just gave online on our web page. And if you have any trouble accessing that feel free to reach out to us, we'll be happy to help either provide that to you or Clarify how to find it via our Web page.

**Terry A Fletcher:** This point, we're gonna now. Start our question and answer portion. As I mentioned earlier, I'm going to call on the folks who indicated when they registered they had a question and then we'll open the floor once we get through that list. So the first person that I have on our list Is there a Kim Sanders online?

**Stone Sanders:** Yes, yes. Hi

**Terry A Fletcher:** Going with your question, please. Yeah.

**Stone Sanders:** Yes, I just had a couple questions you may have answered them in the presentation so I'm open to you just saying that but I'm just wondering I know your presentation mentioned the monitoring but how will that be monitored and then shared with residents? Is that something that then we Have to go online to look for those results. Or Will they be sent out?

**nicola bastian:** Excuse me, but I'm not hearing any answers. Yes.

**Thornton E Martin:** Can you hear me now? All right.

**Stone Sanders:** Yes.

**Thornton E Martin:** there's not a specific document that sent out to the residence in terms of the emissions from the facility. However whatever inspections are done at the facility. Generally there's Inspector will go in and enter that information And I believe you will have access to those documents using application extender. but they are after the fact,

**Stone Sanders:** Yes. We'll have to learn more about that. okay so also we were wondering

**Stone Sanders:** About the monitoring of any health changes for residents. Because as I searched about other places across the country, there to live near these plants, there seems to be a common trend that often people that live around these plants within a half mile of the plants may experience declines in health. And just wondering then who becomes responsible for sort of monitoring that data. To make sure again, there's not a concern for trend happening.

**Terry A Fletcher:** And I'll take that one. If you don't mind you think that that is question.

00:20:00

**Stone Sanders:** Okay, thank you.

**Terry A Fletcher:** We get somewhat frequently. So as this relates to health impacts and human health and that issue. So the framework that we have to operate within it was designed to be protective of human health in the environment When the Clearing Air Act was established. It was the whole reason for it being

established was to set standards and limits for a wide range of pollutants. And so the idea behind that is these facilities if they're proposing to be built

**Terry A Fletcher:** They have to operate in a way that is in compliance with those standards with those limits. So that way, like we said, because they were established to protect human health, if they are in compliance with their standards, they're going to be protective. So that is where we come in, what our role and our responsibility is to ensure that facilities are permanent in a way and operating in a way they're in compliance with those standards as far as any kind of health testing and things like that. That's something that's not really within our scope or authority to do. And so that would be something that if you have questions about your personal health issues that you may be having, We would have to just really defer you to reach out to a health professional or, your primary care physician about your own personal health and what symptoms or issues you may be facing.

**Stone Sanders:** But I would assume again just if a community was seen similar health conditions that would have to be then brought to your all's attention as well.

**Terry A Fletcher:** again, so what we specialize in what we're designed to do is compliance with environmental laws and regulations, it doesn't really encompass. Health testing if you're, as far as county area or specific area, doing human health tests, that would be something either, the local county health department or perhaps dhhr the state health and human resources and department. That's what they are, set up and designed to do and we would encourage you to reach out to them and we'd be happy to help facilitate discussions put you in contact with folks over there, that would help walk you through what options may be available in that regard.

**Stone Sanders:** Okay, thank you. And again I'm not sure if this pertains to the permit process or not, but again, just knowing that that plant is on a road that's really already receives a lot of heavy traffic. Just wondering if there's been any consideration into the additional traffic that will be of such heavy equipment and vehicles. What's the plan to make sure that that road will hold up? Then for the rest those of us that have residents and property in this small community,

**Terry A Fletcher:** as far as mobile sources and roads, that's not something that is under our jurisdiction, we can't regulate Trucks and other vehicles that may be traveling to and from a particular facility.

**Stone Sanders:** So that's not part of the permit process, like A coordination with the Department of Highways or anything like that. Okay, thank you.

**Terry A Fletcher:** No.

**Terry A Fletcher:** Okay, next we have a Nicola Bastian.

**nicola bastian:** Yes, thank you Thornton for your presentation. As I said for me, there audibility was minor. So I could not hear half of your comments so you may have answered some questions. And as I wrote back today when I try to submit the questions, I was cut off after one line of putting in the question. So, I have more questions than I. Then I wrote in my question line. And the first one is given that

**nicola bastian:** The technicalities of registering. Are. Difficult for us older people and we do have a lot of older people in this community.

**nicola bastian:** to understand the previous registering when there is Only newspaper of posted, I couldn't get in. And finally Thornton was kind enough to send me the link this afternoon. And so I know a lot of people who have the same problem. So my first question is

00:25:00

**nicola bastian:** Can be The comment period so that people can review this. Can give you if they know how to get in to the recording and they can listen to the recording and then they can submit comments. But one day for that period is a bit short. So is there a possibility for extending the comment period?

**Terry A Fletcher:** Thank you. We Sure.

**nicola bastian:** This one question and then there'll be more.

**Terry A Fletcher:** I understand. Yes. So the director has heard that and heard your request and that will be considered. We'll let you know what the decision is on that.

**nicola bastian:** And when could we expect to be hearing from you on that?

**Terry A Fletcher:** Before the end of this meeting, we'll have a decision.

**nicola bastian:** okay. Before end of meeting.

**Beverly D McKeone:** This is Beverly Human. I'm a new source review program manager and I would like to address your comment or question about registering the public notice of the meeting. We are aware that not everybody has Internet knows how to do a registration online. We specifically also gave a phone number for Nicole or Ernest where if you don't do that you don't know how to register. You could have called and she could have walked you through or registered you and give you a phone number. So you could come into this meeting via phone.

**nicola bastian:** my posting in the paper, gave a Mister Boom. I think his name is, and when I called that given number I was told this number is not available. So that's where that ended. And probably, it may have happened. I try to several times and others got the same response. So that's where that goes, then.

**Terry A Fletcher:** Nicola. We lost you there. Can you?

**Terry A Fletcher:** Are you with us Nicola?

**Terry A Fletcher:** okay, we can wait For Nicola to maybe iron out her technical difficulties there. But we'll go ahead and move on to the next person with the question. And then we can Circle, back when she's able to rejoin us. And next, I have a Midge there, Nicola's back on. So let me get back to her first then we'll circle back to you. Hi Nicole. Are you with us?

**Terry A Fletcher:** Believe, you're on mute.

**Terry A Fletcher:** you're on mute.

**nicola bastian:** Okay, the other question was the timing six o'clock? We are in a Commuter of neighborhood six o'clock. People just may get home from work. So being a meeting at six o'clock is impossible for many people. That's another comment and question I really wonder whether we couldn't have one more of those meetings and have it at a later date for people to be able to attend. But that's

another question. So I don't know whether you want to answer it or whether you want to go to my substantive, chief questions, Christine Weimer because of that, six o'clock timing has not been able to attend. She's the one who's

**nicola bastian:** on September 8 resort Martin the Jefferson County Foundation expert commentary on the permit. And so I am because I learned that she can't attend. I have made the point to try to understand that summary and I have several questions on that were raised in that summary and I wonder whether I may ask those questions.

00:30:00

**Terry A Fletcher:** Yes, go ahead.

**nicola bastian:** Okay, the question of the rat or recycled as felt and the emissions of their is unclear. The.

**nicola bastian:** Okay, let me go back to my notes. Mmm.

**nicola bastian:** The. expressions, that Don't emissions, are estimated for other pollutants. And that includes people who told me today that when they drive behind one of hot asphalt containing trucks. the smell is intense. Also I've been told so that emission from the transportation does not seem to be included in the pyramid application and There are other.

**nicola bastian:** hazardous, something particles that are not included in the application. And there is no reason given as to why they were left out. one report, for example, today I received from a neighbor is the trucks in the winter that carry the hot asphalt. Sprayed with kerosene, or Diesel fuel in order for the asphalt not to stick to the trucks. So I didn't see anything about kerosene emission or

**nicola bastian:** The diesel emission also, and

**nicola bastian:** I did not see any emission measuring of these. Come from the additional. Belief 13,000. Trucks per year, that will be traveling. Those roads because of the change of the location Of the also, while I think of the plant closure and I try to hear it again in the answer given today and what I heard,

**nicola bastian:** And what I heard was that while this new plant is in operation, the old one won't be but that doesn't really tell us exactly. And I think it needs to be noted exactly in the application that Will definitely be closed. I have not been able to find such a statement. I found simple references to only one plant will be operating that is not clear enough in my view.

**nicola bastian:** The wind speed at the site or the weather conditions, doesn't seem to be taken into consideration at all. People have reported and that when they get up in the morning, they asphalt smell things in their air also myself. I know that these Few will smell is in Some mornings from all the trucks and the school buses. And now we add another 13,000 diesel engines. So, all that needs to be very specifically accounted for

**nicola bastian:** There is a real old oil that seems to be used in one of the production modes and the sulfur content of that used or waste oil is not listed. The.

00:35:00

**nicola bastian:** Silt Contents of distort materials seems to be ignored as well. The bathhouse data I'm missing any kind of reference as how often these bags need to be replaced. In order to ensure for the



neighborhood, a safer operation. And given the record of this company, they seem to be only changing those bags when we complaint and inspector has to come and then they have to be reminded to change those bags. Then the source. this is the experts. And I understand very little of that because I haven't been able to locate this document

**nicola bastian:** The use of ap42 to estimate the maximum or potential emissions from single source, fertility facilities. is apparently not reliable and the EPA itself. In November 2000 in the enforcement alert gave a reminder that ap42 as an estimate is not secure.

**nicola bastian:** Based on this, the statement goes for IT is our opinion that the admission calculation provided in support of this permit application technically deficient and cannot be relied upon. So,

**nicola bastian:** See how they will, be recorded and trapped because given for the plant of 5,760 hours. For the asphalt heater and 2,800 hours for the agema plant operation. So we need that specified, how that is keep keeping track of so that it is clearly visible and clearly attractable.

**nicola bastian:**

**nicola bastian:** So it concludes with A plants produce numerous pollutants. as a Kim, was alluding to it. Having found in her research research, many of them highly toxic. This is especially true for plants that use our AP, which is the recycled asphalt, which they have a pretty high percentage of using The emissions can and will cause adverse health impact on surrounding exposed populations. And so, all these questions.

**nicola bastian:** I need to have answered and given that this is going to make research on our part to understand your answers and to digest them and to answer to them that in one day doesn't seem possible or very nice to the people on the ground how polluted we already are. And you see that, This is the first time when I've been organizing something in, Millville, that you actually have a couple of neighbors. It is the point that we say enough is enough and the neighbors for the first time are speaking up and saying Enough is enough.

**nicola bastian:** And then I have comments later on, but if you can, I don't know whether you have that Jefferson County Foundation, comment in front of you so that you can answer some of these questions. It was sent to you, September 8 2023.

00:40:00

**nicola bastian:** Thank you. That's it for now.

**Terry A Fletcher:** Then it submitted by the Jefferson County Foundation. we have those in our attention is to take a look at those comments and evaluate them and will include responses to Those issues raised in our response to Comments document, I believe a lot of what you covered has already been submitted to us.

**nicola bastian:** H. H.

**Terry A Fletcher:** and just a point of maybe clarification,...

**nicola bastian:** H.

**Terry A Fletcher:** a lot of what the applicant is proposing is because those are the terms and conditions set by the general permit, which is the same conditions that Every source that applies for that has to abide by. So it's not something that we can really alter for one specific source or another again. Those are the same

**Terry A Fletcher:** calculations and things that all these sources have to have to use and have to abide by And that's the whole purpose. For the general permit is to ensure that all these similar sources are permitted the same

**Terry A Fletcher:** And then as far as the diesel emissions go and the odors and things like that from the trucks. Again as we mentioned, there's more mobile sources aren't something that are under our jurisdiction or our ability to regulate Again, in something we've touched on Nicola in our last meeting with you on Tuesday. if you are experiencing and in this goes for anyone in attendance, if you're experiencing some issues that you think are related to air emissions from that facility, please reach out to us. and notify our inspectors. We'll have folks come out and take a look about what's going on and look to address anything that's under our jurisdiction. Our authority that may be at a compliance going wrong. So again, feel free to reach out to us anytime we'll be happy to send someone out to take a look.

**nicola bastian:** If that is concludes your answers, there's still some open ones. We need to have included that. The other plant will be dismantled and gone for good and not Why the other one is not in operation?

**Beverly D McKeone:** Yes, that's common practice. The current permit has a Rule 13 permit as Lee said, in his presentation What happens when they make a change or in this case they're going to The general permit registration will actually have a phrase in it that says that this general permit registration supersedes and replaces the previous permit. Therefore, that means that they can then build and operate the new one and can't operate the old one. And again the G20 general permit is written This source is registering to be a part of it there and they are going to build a new plant. So it is very clear that the old plant will be shut down. what they'll do with that? I don't know, but they will not have the ability to operate that

**Terry A Fletcher:** I believe you're on mute Nicole. If you could unmute and repeat your comment or what you

**nicola bastian:** Okay, I don't understand why it cannot be included in a clear language rather than in supersedes and replaces, which is which, I don't know how legal such such a statement. Is Why can it not be included? Clearly, the other plant will be shut down for good because who knows? I don't know. The nature of the super seeds and we places well enough. Why can't it be just a clear statement? The other plant will definitely be shut down for good.

**Beverly D McKeone:** Again our legal counsel has advised us, this is a very common phrase that goes into our permits, Our legal counsel has said, that is the way to make it legal and set it forth that we set this supersedes and replaces. the previous permit that means they cannot operate because they won't have a permit for that part old plant that is the legal way that we do it. That's this. I mean, I'm not a lawyer but they like to use it that kind of language. And again, the G20 general permit is written I can't put a condition in there, only in this source who is registering to be part of that.

**nicola bastian:** If okay, and I understand you correctly the vehicle emissions. That are solely serving this plan. Are not to be introduced in an application.

00:45:00

**Beverly D McKeone:** That is correct. We do not have the authority or the ability to regulate mobile sources. EPA has maintained that at the national level, they said emission standards for all vehicles, just when you see about buying new cars and why they want to go electric and what the mile per gallon is those are all emission standards set by EPA, we have no authority to regulate or control actual mobile source vehicle emissions

**nicola bastian:** there's the other point of the Change of these bags that supposed to keep us protected somewhat. and as I said, these company had to be reminded by your inspector twice already. To change the bags because the emissions were bad.

**Beverly D McKeone:** And I can't get into the specific answer.

**nicola bastian:** So, can you?

**Beverly D McKeone:** You're speaking to, but I can tell you that, they are required to maintain the bags and bag houses and replace them as per manufacturers instructions. That's a requirement of the permit. I can also tell you that every now and then, the bag doesn't last as long as it's supposed to or they have a scheduled plan shut down but that in and maybe a bag burst and you're going to have a little bit of an emission and yes they are then need to address that and shut down and replace those bags but I can't put in a specific requirement. That says you will replace Every three months because maybe a bag needs to be replaced sooner than that. Maybe not. It all depends on how many hours they operate. but there are requirements about maintaining the bag houses doing checks doing maintenance and replacing the bags in the permit.

**nicola bastian:** Do they report to you on the continual basis? When they replace those bags? Because I'm not talking about a couple a day or...

**Beverly D McKeone:** No, they keep records on site.

**nicola bastian:** two, I'm talking about an extended period until I finally took a picture. And made a complaint.

**Beverly D McKeone:** And we appreciate that. if they are not responding, that's what we depend on citizens, like yourself to call us up. And so we can send our inspectors out.

**nicola bastian:** Excepted may not always be visible. So do they have to make a report to when they exchange those bags? Is that part of their requirement?

**Beverly D McKeone:** As I said, they are not required to report to us call us or send in something in writing, they are required to maintain records of when they change their bags.

**nicola bastian:** Okay, so those records get sent to you or not, can you see those and can I call you? And say, Hey, When did they replace the bag?

**Beverly D McKeone:** As I said, they are required to keep those records on site, they do not send them in.

**nicola bastian:** Okay.

**Beverly D McKeone:** So, unless I ask for them and ask for them, they are not submitted to us on any regular basis. They are required as sources are to keep those records on site and make them available upon request.

**nicola bastian:** But can you request this by phoning them and they will send them? Or do you have to have an inspector on site? to look at those records.

**Beverly D McKeone:** Yes we can call and ask for them but typically the inspector would want to go and visit and maybe they might want to ask for other records. They might want to do other reports or other reviews of the source so just to call up and...

**nicola bastian:** Right. But how many areas does...

**Beverly D McKeone:** ask for records doesn't really help anything.

**nicola bastian:** How many areas this is poor Inspector have to inspect? I don't think he can come here very regularly unless we ask him to and that seems to be the case because otherwise, he wouldn't have had to have respond. To two are different occasions Of extra pollution.

**nicola bastian:** You know what I mean? I mean, is there a rhythm for this inspector to have to come and visit this plant?

**Terry A Fletcher:** So, most sources have a General Inspection Schedule. I'm not familiar with this specific facility.

00:50:00

**nicola bastian:** What?

**Terry A Fletcher:** What they're inspection schedule is but there are

**Terry A Fletcher:** okay, I believe we do have some of our inspection staff joining online that might be able to chime in On the inspection schedule for this facility. But again, I've noted earlier and Bev mentioned, if you see something that may you think maybe an issue please call us, we'll send an inspector out there. Regardless of when the last time they were there, for their regular inspection or routine inspection will respond to complaints that are submitted to the agency.

**nicola bastian:** I do understand that, but for example, if it's not visible, which is not always is, unless it happens to have a lot of water vapor in it, the other particles may not be visible so if somebody complains in the morning and says there's a smell in the air and by the time the inspector gets there and I had that comment on Tuesday as well. And the smell is gone.

**Terry A Fletcher:** And that kind of goes back to what Bev mentioned about the record-keeping. Again, it's not just for the bags that there's other aspects that they have to do required record keeping on and reports so that if there is a complaint on a Tuesday and we're not able to get there till Wednesday, we can go back and look at the reports of the time of when you called the complaint in or whoever called the complaint in. And we can check to see if there's anything that's out of line or out of compliance to Make with may have caused the issue that you experience, and it may be possible that what your experiencing may not be really related to that particular facility at all. It may be another source. It may be maybe some,...

**nicola bastian:** No, no. It's it actually

**Terry A Fletcher:** it's but I mean I'm not saying that's what's happened in the past, I'm just saying that is a possibility.

**nicola bastian:** I actually have neighbors who know exactly the smell of us asphalt, I don't, but they do and they know it smells of asphalt in the morning. So that one is pretty safe to say that they know. I'm talking about, as I said people on the ground rather than people like me. So, if you have an inspector online, He tell me how often this plant will be inspected.

**Terry A Fletcher:** And Brian's online business supervisors Brian. Are you with this Brian's Xbox?

**Brian S Tephabock:** Yeah, I'm right here with that.

**Terry A Fletcher:** Thanks Brian.

**Brian S Tephabock:** Typically we're going to go as a requirement as what we're required to do every three years. however With that. We are there a whole lot more than that. Be it just in surveillance around that area. Even without complaints, we're in the area that facility. We do understand that there have been some concerns, so we've routinely gone through there. That's part of his normal room team travels. we even just went there yesterday, as a matter of fact,

**Brian S Tephabock:** That because again, we do understand, that there has been some concerns me. We don't just always, wait for a complaint. We do try and go in the area. Just understanding what people are describing to us.

**nicola bastian:** And then, can we access the information that you find in terms of their record? Keeping

**Brian S Tephabock:** Yeah, anything that's a part of our reports. And that's what we said, even in the meaning, the other night. Anything that's in a part of our inspection, reports is available in our application, extender online, the public documents,

**Terry A Fletcher:** Or available by request. If you have trouble navigating any of our databases, your will more than welcome to call us up or send us an email and we'd be able to provide whatever documents are public record.

**nicola bastian:** car.

**nicola bastian:** I'm kind of exhausted myself. And, as I said, this is a last-minute response because I didn't realize Dr. Weimer, who sent me this report wasn't going to be in the meeting tonight. So, I apologize if it comes somewhat discombobulated because I only basically understand half of the things that she Out in there. But us saying that we get answers To this expert report from Before the closing of the common period. Correct.

00:55:00

**Beverly D McKeone:** No, that is not correct. We're saying that she has submitted those questions and...

**nicola bastian:**

**Beverly D McKeone:** comments and those will be responded to all our questions or comments prior to any final decision. And anybody who has registered for this meeting or submitted comments to us, where we have your contact information, you will get a copy of that response.

**nicola bastian:** But not before the closing of the comment period so we can then no longer take issue.

**Beverly D McKeone:** But we can't answer all questions and comments prior to the closing of a comment period. The whole purpose of the comment period is to take your questions and comments. Then we will respond and let you know what research, we found what answers we have. That's the way the comment process works.

**nicola bastian:** Mmm.

**nicola bastian:** It's unless you extend the period. and sent this answers before with,

**Beverly D McKeone:** No, even if we sit at the period that would just give you more time to submit more questions or more comments. But any response to comments document or review that we do would be after

**nicola bastian:** I suppose that exhausts my questioning and I thank you and I do. Also because of Mr. Thornton or because the inspector that the trucks finally, they come out of their query are hosing, down their dusty trucks, and the road is somewhat less dusty now than before. So thank you for that. So sometimes something seems to be happening. Thank you.

**Terry A Fletcher:** Thank you. Next, we have

**Terry A Fletcher:** Midge Yost.

**Midge Flinn Yost:** Yes, thank you so much. I have the one question I submitted earlier, but because of the presentation didn't answer a couple of other questions, that'll be very brief. Could I also ask those Okay great.

**Terry A Fletcher:** Sure, go ahead.

**Midge Flinn Yost:** So my submitted question was Arsenic is known to be a toxic heavy metal from aldehyde is an acute irritant to humans. Benzene is a substance known to cause cancer and humans. So will this plant release arsenic benzene and formaldehyde into the air of our community.

**Terry A Fletcher:** Should be most those groups are present in any init.

**Midge Flinn Yost:** Okay, thank you very much. I can thank you.

**Thornton E Martin:** I'm sorry. Can you hear me now?

**Midge Flinn Yost:** You said that the pollutants.

**Thornton E Martin:** Those pollutants are present in the emissions from hot mix asphalt.

**Midge Flinn Yost:** Okay.

**Midge Flinn Yost:** Thank you.

**nicola bastian:** Can you repeat that? Please.

**Midge Flinn Yost:** The question or the answer Nicola.

**nicola bastian:** The answer.

**Thornton E Martin:** I'm sorry, say that I was answering the question in regards to benzene. From out of HUD and arsenic being present in the emissions, from hot mix asphalt.

**Thornton E Martin:** There are mentions.

**nicola bastian:** yeah, what

**Thornton E Martin:** Happy missions from hot mix asphalt.

**nicola bastian:** I still couldn't understand. There are not those emissions.

**Thornton E Martin:** There are emissions.

**nicola bastian:** You said

**nicola bastian:** all three of them.

**Thornton E Martin:** Yes.

**nicola bastian:** Okay. Thank you.

**Midge Flinn Yost:** Thank you. One of the things you noted in your presentation, was the ESS link. I looked on there. I was trying to access the pdfs of the plot plan or the site location specifically. I was looking for the footprint because I see that there was one form that was filled out by the applicant that said, they didn't need to provide signed waivers from what my understanding of it adjacent property owners because the plan wouldn't be within 300 feet of those residences or parks again. This is just my understanding of some of the language also that there was a latitude and longitude provided. So I plotted that on maps programs and my question is, can you confirm the size and location of the plot plan and that no waivers are required from adjacent property? Owners?

**01:00:00**

**Thornton E Martin:** yes, in terms of the waivers, those are Usually homes or businesses that are within 300 feet of the proposed site. A lot of times if A company is applying for a general permit. And they have a neighbor that's within that 300 Distance, they're required to tain. A waiver from that individual that they can continue on with the permitting application process. There was requirement In that case.

**Midge Flinn Yost:** okay, I wanted to

**Beverly D McKeone:** and just let me clarified just to be clear...

**Thornton E Martin:** just to be clear...

**Beverly D McKeone:** if the source does have a residence for example,...

**Thornton E Martin:** if the source does have a presentation within 300 feet and...

**Beverly D McKeone:** located within a 300 feet and that person does not want to provide a waiver That all let me just and...

**Thornton E Martin:** to provide,

**Beverly D McKeone:** they would not be eligible for the G20 general permit.

**Beverly D McKeone:** Sorry, I think we're getting feedback. I apologize. Let me repeat it. let's say somebody is going to be located somebody wants to put in a hot mix asphalt plant and there will be a business owner that would be within 300 feet of the proposed location. And that owner of that house that business does not want to provide a waiver. They don't have to what that means to us. Is that the source would not be eligible for the general permit and what have to go through these Rule, 13, permitting process, which is what the hot mix asphalt plant has right now. they were old enough that they had gotten a permit before we had a general permit. So their current permit is I think 1100 something under our thirteen

**Beverly D McKeone:** So just to make it clear about how those waivers work that, you...

**Midge Flinn Yost:** Okay.

**Beverly D McKeone:** people can deny them and we've had that happen. And that just means that the company has to go through the Rule 13, standard construction, process and not eligible for the general permit.

**Midge Flinn Yost:** thank you for the clarification and the confirmation. I couldn't confirm it myself. when I clicked on the link for the plot plan, a little lock symbol came up and I couldn't see the actual footprint or measure the number of feet to adjacent properties myself. My last question is one of the adjacent properties appears to be Very We all love National Harpers, very National Historical Park here. I've been over 20 year, resident of Jefferson County. It's really just a beautiful and special place to all of us. And there are also a number of National Park units that run through Harpers Ferry. So it's the Harpers very National Historical Park which is our public land. It's got an ecosystem that's home to a number of threatened and endangered species. In addition to our children,

**Midge Flinn Yost:** We've got the Chesapeake and Ohio National Historical Park in Harpers Ferry. We have the Appalachian National Scenic Trail in Harpers Ferry. We have the Potomac Heritage National Scenic Trail in Harpers Ferry. We have the Lewis and Clark National Historic Trail, in Harpers Ferry and we also have some fantastic heritage and byways. We have the art of the Civil War Heritage Area in Harpers Ferry. We have the Washington Heritage Trail, National Scenic BYWAY, in Harpers Ferry and we have the journey through hologram National Heritage Area in Harpers Ferry and all of them are concerned about pollution and monitoring air pollution. So, has Harper's, very National Historical Park or any of the parking units within the National Capital Region of the National Park. Service of the Department of the Interior been contacted in regarding this permit.

**Beverly D McKeone:** Yeah. Okay no they have not. They are in...

**Midge Flinn Yost:** Thank you.

**Beverly D McKeone:** how air quality permitting goes. They are not of special consideration. They are not necessarily any different than you or your neighbors in terms of being contacted or being reviewed only if



it was a class one area which are special pristine areas such as in West Virginia Dolly Sods Otter Creek. If they be located within 10 kilometers of those locations, they would have had to undergo a special review and have tighter controls

**Midge Flinn Yost:** Thank you.

**Terry A Fletcher:** And Did you have any additional questions? Thank you.

01:05:00

**Terry A Fletcher:** next, we have a John, it's not apologize for, if I mispronounce this ganana,

**Terry A Fletcher:** not seeing his name on the call.

**Terry A Fletcher:** Okay, we can circle back if he happens to join us later on. That is the last person that we had registered, who indicated, they wanted to ask a question. So at this point, I'd like to open the floor to anyone else. You may have a question, you can use the raise hand function. It's a little hand at the bottom of your screen or that one. Okay, Christine Marshall, go ahead, please.

**Christine Marshall:** I am I just wanted to confirm What Lee said earlier that it was just Jefferson asphalt transferred, the property or the business to WL Construction and Paving in 9 Of 2022. Was that correct?

**Thornton E Martin:** Yes, that's correct.

**Christine Marshall:** Okay, so the business owner is that WL construction. And paving, is that what's registered with the West Virginia Secretary of State?

**Thornton E Martin:** Yes, that's the name on the business certificate.

**Christine Marshall:** All that was it I just wanted to clarify that. Thank you.

**Terry A Fletcher:** Thank Is there anyone else that would like to ask a question? As I mentioned, you can use the raise hand function, or maybe just unmute your line and go ahead with your question.

**Terry A Fletcher:** If you're joining by phone, you can use Star 6 to unmute your line.

**Terry A Fletcher:** I want. Okay and again, apologize for if I mispronounce this Amy Piedrahita,

**Terry A Fletcher:** aim there, you

**Amy Piedrahita:** I'm sorry. Can you hear me? Okay. My question is more general in nature.

**Terry A Fletcher:** Yes, go ahead.

**Amy Piedrahita:** And since you're here and knowledgeable, and can address this, How is the accumulative effect of polluting industries? Tracked as an aggregate. you may issue a permit to this one and another year of apartment to another one. And then another one at some point. Collectively you have exceeded goals. How is that tracked and monitored or overseen?

**Terry A Fletcher:** So, thanks As of right now, there is no real guidance. Usually, either from EPA, or on how states should, implement assess cumulative impacts. So right now there's really no clear-cut approved

way for states to do that. And as it relates to our program, as it stands right now. The authority to permit or take enforcement action based on the cumulative impacts of sources in a given area, we have to take enforcement action based on how an individual source complies with the established rules and regs. And that's as far as we can go. As far as including other sources in permitting, in our enforcement,

**Amy Piedrahita:** Thank you.

**Terry A Fletcher:** All Does anyone else have any other questions?

**Terry A Fletcher:** Just a quick reminder that once we move to the official comment portion, we won't be responding any more questions at this time. We'll just be taking official comments.

**nicola bastian:** Except you will give us the extended comment period. If possible. Yes. That question remains. Thank you.

**Terry A Fletcher:** All So, the director has decided that we'll extend the comment period until Monday at 5 pm. So that would give folks, The weekend to review. All the information in the presentation again. And that's where thing and give you until 5 o'clock on this coming Monday until the end of the comment, period.

01:10:00

**nicola bastian:** Thank you.

**Terry A Fletcher:** Thank you. The chemical.

**Terry A Fletcher:** Okay, at this point, we're going to open the floor for comments. I'll start with the list that we had of folks that indicated on their registration that they'd like to ask or provide comments. And then we'll open the floor up to everyone. So first we have a Tony's, excuse me. Hey, Christine Marshall if you want to go with your comments, please?

**Terry A Fletcher:** Thank All right, next we have Nicola Bastian.

**nicola bastian:** I thank you very much. My comments, I submitted most of them. Via.

**nicola bastian:** Emails. Some time ago. So I don't know whether you can pull them up or not. They had to do with similar to what Amy is referring to. Is the accumulative effect that you say, You said no fear. that one is an interesting statement for me. What about an unclear guidance that we could clarify?

**Terry A Fletcher:** That there is no guidance from EPA on how stage should assess or implement cumulative impacts as it relates to a given area.

**nicola bastian:** So you really telling us that you all are comfortable with the fact that you can add, as many industries in a small community that lies in the valley. Without any concerned for the residents.

**Terry A Fletcher:** But we absolutely have concern for residents. this is why our folks work for the depts. Because they want to help ensure that businesses when they come here, that they are complying with the rules and regulations that are in place. We do not have the authority to change the rules or regulations by ourselves. That would take an act, either by the state legislature or perhaps at the federal level to implement changes to the Clean Air Act. The DEP by itself, does not have the authority to alter state code

or change federal regulations or essentially take the law into our own hands. We have to abide by the framework. That's been established.

**nicola bastian:** I appreciate your answer because I know I'm not supposed to get any more Answered to my comments. So thank you very much. And I think that sort of concludes my

**nicola bastian:** my questioning and Of trial to understand all of this. And I thank you very much.

**Terry A Fletcher:** Thank you.

**Terry A Fletcher:** we have a Marie uehling and again, I apologize for any Mispronunciations

**Terry A Fletcher:** Is there a Marie uehling on the line?

**nicola bastian:** She was earlier. So I don't know what.

**Terry A Fletcher:** if you're trying to speak your music right now, maybe you want to unmute your

**Marie Uehling:** I was hoping.

**Terry A Fletcher:** Large.

**Terry A Fletcher:** We had your second Marie. Are you still there? Can you Unmute?

**Terry A Fletcher:** If you're having issues, you may want to try typing into the meeting chat. We could read your comments there. Perhaps.

01:15:00

**Terry A Fletcher:** Okay, we can circle back to Marie if she's able to get that. Cleared up at this point. We can now open the floor to anyone else, who may have a comment? If so, please raise your hand and you can have the floor.

**nicola bastian:** I would like to follow up with another question as there's nobody speaking up. Maybe I can get an answer to that now,

**Terry A Fletcher:** I mean, We've opened the floor up the numbers times for questions and...

**Marie Uehling:** just,

**Terry A Fletcher:** Okay, Marie did you have a comment?

**Marie Uehling:** Sorry, I was having trouble. Coming off on Mike. I apologize.

**Terry A Fletcher:** Numbers.

**Marie Uehling:** Can you hear me? Okay, I just want to thank everyone who's involved and...

**Terry A Fletcher:** Yes, ma'am.

**Marie Uehling:** creating These hearings are very important with public input. I'm a 30-year resident of Jefferson County and currently president of Jefferson County Vision. which has a mission of

**Marie Uehling:** really working to keep our ear and Clean keeping out heavy industry and making sure our government. Entities are transparent. So what you're all are doing is exactly in line with what is absolutely needed here. So thank you. I have not any detailed comments except to say. I have read several expert opinions.

**Marie Uehling:** Yeah, which lead me to believe that some of the information provided by this company are

**Marie Uehling:** Their estimates are unsupported and there are omissions. And that is from people who have much more expertise in air permitting them than I do. So, I hope you will give it a very close look. And make sure That. Is Clear to you and clear to all of us. The other comment I will make, is that Jefferson County is primarily funded by tourism. Small business. the natural beauty that we have here, including people who come

**Marie Uehling:** through Millville, along the river to enjoy the beauty there. They are not looking for heavy industry factories. They are going to notice a polluting factory and dirty air. it is working against what makes this county strong, which again is tourism agriculture and small business based. And I would say that Jefferson County vision and many other groups. it would stand against. This kind of industry and that particular place. Along the river and it's so close to a residential area.

**Marie Uehling:** But that's it.

**Terry A Fletcher:** Thank you, Appreciate that. Is there anyone else that would like to make official comments for the record?

**Terry A Fletcher:** Okay, going Doing twice. If there are no more comments, then we will close the meeting. And again, we want to remind everyone that the comment period has been extended until Monday September 25th 2023 at 5:00 pm and if you need any assistance finding documents or any of the materials that we shared here tonight online, give us a call. Send us an email, whatever you need to do. We'll be happy to get in touch with you and walk. You through how to Find that information. And again, Mr. Martin's contact information was available in his presentation and I will add it quickly here in the meeting chat. So that folks can have that.

01:20:00

**Terry A Fletcher:** Can be one second here, apologize.

**Terry A Fletcher:** so his contact information is there, if you want to copy that down really quick, And again, we have until Monday at 5pm to submit your comments. Thanks everyone for your interest and for attending this evening. Have a good evening.

**nicola bastian:** And it's,...

**Terry A Fletcher:** Thank you.

**nicola bastian:** excuse me. When will the presentation be available?

**Terry A Fletcher:** It'll be available tomorrow.

**nicola bastian:** In 9 am.

**Terry A Fletcher:** Not that probably around noon tomorrow afternoon.

**nicola bastian:** Okay.

**Terry A Fletcher:** All right, thank you, everyone.

Meeting ended after 01:22:18 🙌